

## פרשת משפטים ופרשת שקלים

It is a question that we raise annually when we come to the section of the Torah that was chosen to immediately follow Parshas Yisro.

The question is: What would we have chosen to be the content of the section that immediately follows *Mattan Torah*? If we would have chosen Parshas Mishpotim, then we are blessed with the requisite understanding.

However, if we would have chosen other sections, such as *Korbonos* or *Yomim Tovim* or forbidden marriages because of their overriding importance, then we are obligated to try and understand why Parshas Mishpotim is the fitting follow-up to the Giving of the Torah.

In its first sections, Parshas Mishpotim deals with many Halachos of interpersonal relationships, *Bein Odom L'chaveiro*.

One answer to our question as to why Parshas Mishpotim was chosen to follow *Mattan Torah* could certainly be that since the second half of the *Luchos*<sup>1</sup>, the Ten Commandments, focuses on that aspect of how we relate to one another, so the Torah then follows that general category with many specifics that govern our relationships with others.

Rashi, however, focusses on the juxtaposition of the very specific Mitzvah that concludes Parshas Yisro with our Parsha's beginning.

We read at the conclusion of Parshas Yisro (Sh'mos Perek 20/P'sukim 21-22):

מִזְבַּח אֲדָמָה תַעֲשֶׂה לִּי וְזָבַחְתָּ עָלָיו אֶת-עֹלֹתֶיךָ וְאֶת-שְׁלֵמֶיךָ אֶת צֹאנֶךָ וְאֶת-  
בְּקָרֶיךָ בְּכָל הַמָּקוֹם אֲשֶׁר אֲזַכִּיר אֶת-שְׁמִי אָבֹא אֵלֶיךָ וּבִירְכֹתֶיךָ: וְאִם מִזְבַּח  
אֲבָנִים תַעֲשֶׂה לִּי לֹא-תִבְנֶה אֹתָהּן גִּזִּית כִּי חֲרָבָה הִנֵּפֶת עָלֶיהָ וְתִחַלְלָהּ:

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<sup>1</sup> We read there (Sh'mos Perek 20/P'sukim 13-14):

לֹא תִרְצַח לֹא תִנָּאֵף לֹא תִגְדֹּב לֹא-תַעֲנֶה בְרַעַךְ עַד שִׁקְרָ: לֹא תַחֲמַד בֵּית רַעֲךָ לֹא-תַחֲמַד אִשְׁתְּ  
רַעֲךָ וְעַבְדּוֹ וְאִמָּתּוֹ וְשׂוֹרְוֹ וְחֹמְרוֹ וְכָל אֲשֶׁר לְרַעֲךָ:

Do not murder, do not commit adultery, do not kidnap, do not testify as a false witness against your friend. Do not covet the house of your friend, do not covet the wife of your friend or his male-servant or his female-servant or his ox or his donkey or anything that your friend has.

You shall make for Me an earthen altar and you shall offer upon it your burnt-offerings and your *Sh'lomim* offerings and your sheep and your cattle; wherever I will mention My Name, I will come to you and I will bless you. When you make an altar of stone, do not build it with hewn stone because your sword you lifted up upon it and you profaned it.

And we read at our Parsha's beginning (Perek 21/Posuk 1):

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשִּׂים לִפְנֵיהֶם:

And these are the laws that you are to place before Israel.

What is the connection between that Mitzvah and our Parsha?

Rashi writes:

ולמה נסמכה פרשת דינין לפרשת מזבח, לומר לך שתשים סנהדרין אצל המזבח:

Why was the section of laws placed next to the section of the altar? It is to say to you that you should place the Sanhedrin close to the altar<sup>2</sup>.

Why did the Torah specifically order the mention of the altar at the end of Parshas Yisro so that it could be placed close to the section of laws indicating that the geographical placement of the Sanhedrin should be proximate to the geographical placement of the altar? As one of the articles of the Mishkan and the Beis HaMikdosh, the Torah teaches us about this *Mizbeach* in Parshas Terumah. Why do we need a 'preview'?

What do the proximities of the altar and the Sanhedrin tell us about both of them?

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<sup>2</sup> We read in Rambam Hilchos Beis HaBechira (Perek 5/Halacha 17):

שמונה לשכות היו בעזרת ישראל, שלש בצפון... שבצפון לשכת הגזית... שבה סנהדרין גדולה יושבת, וחציה היה קדש וחציה היה חול, ולה שני פתחים אחד לקדש ואחד לחול ובחצי של חול היו הסנהדרין יושבין.

There were eight chambers within the Beis HaMikdosh in the perimeters of the *Ezras Yisroel*. Three were in the north. In the north was the *Lishkas HaGozis* where the Sanhedrin sat. Half of the chamber was in the sanctified area of the Beis HaMikdosh and half was in the non-sanctified area. That chamber had two openings, one to the sanctified area and one to the non-sanctified area. The Sanhedrin sat in the non-sanctified area.

Additionally, this discussion of the juxtaposition of the *mizbeach* and the Sanhedrin seems to be a subcategory of another note in Rashi that deals with the interrelationships between the Parsha of 'specific laws' and the Parsha of the Ten Commandments.

Rashi writes there:

ואלה המשפטים - כל מקום שנאמר אלה פסל את הראשונים, ואלה מוסיף על הראשונים, מה הראשונים מסיני, אף אלו מסיני.

*And these are the laws* – whenever we read אלה – these, that which follows is distinct from that which preceded it. Wherever we read **ואלה, and** these – that which follows adds on to that which preceded it.

[It says **ואלה** here to teach] that just like that which preceded Parshas Mishpotim came from Mt. Sinai, so does that which follows, in Parshas Mishpotim and beyond, came from Mt. Sinai.

If we remember well-known passages, this particular teaching seems to be unnecessary because a more encompassing lesson was taught in Parshas Behar. We read there at its beginning (Vayikro Perek 25/P'sukim 1-4):

וידבר ה' אל-מֹשֶׁה בְּהַר סִינִי לֵאמֹר: דַּבֵּר אֶל-בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תָבֹאוּ אֶל הָאָרֶץ אֲשֶׁר אָנֹכִי נֹתֵן לָכֶם וְשָׁבַתָּה הָאָרֶץ שִׁבְתָּ לָהּ: שֵׁשׁ שָׁנִים תִּזְרַע שָׂדֶךְ וְשֵׁשׁ שָׁנִים תִּזְמַר כְּרִמְךָ וְאִסַּפְתָּ אֶת תְּבוּאתָהּ: וּבַשְּׁנָה הַשְּׁבִיעִית שָׁבַת שָׁבַתוֹן יִהְיֶה לְאָרֶץ שִׁבְתָּ לָהּ שָׂדֶךְ לֹא תִזְרַע וְכְרִמְךָ לֹא תִזְמַר:

Hashem spoke to Moshe on Mt. Sinai saying. Speak to B'nei Yisroel and you shall say to them, 'When you come to the land that I Hashem am giving you, the land should have a resting *Shabbos* for Hashem. Six years you shall seed your field and six years you shall prune your vineyard and you shall gather-in your grain. And in the seventh year it shall be a Sabbath of Sabbaths for the land a *Shabbos* for Hashem; you shall not sow your field and you shall not prune your vineyard.

The Torah continues there to teach the Halachos of Shmitta and Yovel.

Rashi writes:

בהר סיני - מה ענין שמיטה אצל הר סיני, והלא כל המצות נאמרו מסיני, אלא מה שמיטה נאמרו כללותיה ופרטותיה ודקדוקיה מסיני, אף כולן

נאמרו כללותיהן ודקדוקיהן מסיני, כך שנויה בתורת כהנים. ונראה לי שכך פירושה לפי שלא מצינו שמיטת קרקעות שנשנית בערבות מואב במשנה תורה, למדנו שכללותיה ופרטותיה כולן נאמרו מסיני, ובא הכתוב ולמד כאן על כל דבור שנדבר למשה שמסיני היו כולם כללותיהן ודקדוקיהן, וחזרו ונשנו בערבות מואב:

*At Mt. Sinai* – Why is Shemitta mentioned in connection with Mt. Sinai? Were not all of the Mitzvos said at Sinai [and Mt. Sinai is not mentioned when they are commanded]? Rather, just like Shemitta was mentioned with its general rules and its specifics and its details from Sinai, so all of the Mitzvos, their general rules and their specifics are from Sinai. This is what the Midrash writes.

I think that this is the explanation. Since we do not find the laws of Shemitta regarding leaving the land fallow repeated at the Plains of Moav in Sefer D'vorim, we learn that their general rules and specifics were all said at Sinai. And this Posuk that mentions Mt. Sinai comes to teach here that every word that was spoken to Moshe at Sinai had the general rules and their details said at Sinai, [even] if they were repeated at the Plains of Moav [in Sefer D'vorim].

We see that Rashi in Parshas Behar teaches us that the entirety of Torah was given in its completed form on Mt. Sinai. It thus follows that the *Dinim* of Parshas Mishpotim were given there as well. Therefore, why do we need a special *drasha* at the beginning of Parshas Mishpotim<sup>3</sup>?

Since, though, there is a special *drasha* at the beginning of our Parsha, there must be a unique message that is not contained in the other *drashos* that we have noted.

Let us start with the teaching that the meeting place of the Sanhedrin is to be adjacent to the sanctified parts of the Beis HaMikdosh.

Why is it necessary for the Sanhedrin to sit in proximity to the Holy of Holies, to the place where HaKodosh Boruch Hu commands (Sh'mos Perek 25/Posuk 8):

וְעָשׂוּ לִי מִקְדָּשׁ וְשֹׁכְנֵי בְּתוֹכָם:

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<sup>3</sup> See Sifsei Chachamim and others here who raise this question.

They shall make a sanctuary for Me and I Hashem will dwell in their midst.

In fact, the areas of the Beis HaMikdosh and Har HaBayis are not readily accessible to all. Any place that has *Kedusha*-sanctity is, by definition, set aside<sup>4</sup> and empowered by limitations and/or special privileges that apply only there.

We read in Masseches Keilim (Perek 1/Mishnayos 6-9):

עשר קדושות הן ארץ ישראל מקודשת מכל הארצות ומה היא קדושתה  
שמביאים ממנה העומר והבכורים ושתי הלחם מה שאין מביאים כן מכל  
הארצות:

There are ten ever-increasing levels of sanctity in Eretz Yisroel. All of Eretz Yisroel is sanctified in regard to all of the other lands. What is its sanctity? That we can bring barley for the *Omer* offering on Pesach and bring first-fruits and the *Two loaves* on Shavuos; these are not brought from any of the other lands.

עיירות המוקפות חומה מקודשות ממנה שמשלחים מתוכן את המצורעים...

Cities that are enclosed by walls (which includes Yerushalayim) have a greater sanctity than the rest of Eretz Yisroel because we send out the *metzoraim*-Halachic lepers from them

לפנים מן החומה מקודש מהם שאוכלים שם קדשים קלים ומעשר שני הר  
הבית מקודש ממנו שאין זבים וזבות נדות ויולדות נכנסים לשם החיל  
מקודש ממנו שאין עובדי כוכבים וטמא מת נכנסים לשם עזרת נשים  
מקודשת ממנו שאין טבול יום נכנס לשם ואין חייבין עליה חטאת עזרת  
ישראל מקודשת ממנה שאין מחוסר כפורים נכנס לשם וחייבין עליה חטאת  
עזרת הכהנים מקודשת ממנה שאין ישראל נכנסים לשם אלא בשעת  
צרכיהם לסמיכה לשחיטה לתנופה:

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<sup>4</sup> Rashi writes in Sefer D'vorim (Perek 22/Posuk9):

כל דבר הנתעב על האדם, בין לשבח כגון הקדש, בין לגנאי כגון איסור, נופל בו לשון קדש...  
All that which is 'abominable' (i.e. set aside) from a person, whether because of its specialness, such as *hekdesh*-sanctified objects or because it is rejected, for example that which is forbidden – the expression of *kodesh* is applicable.

Within the walls of Yerushalayim there is greater sanctity because Korbonos that are *Kodshim Kalim*<sup>5</sup> and Maaser Sheni can be eaten there.

Har HaBayis is more sanctified because those with *tum'a* that exudes from their bodies cannot enter there.

The *cheil*, pathway, has greater sanctity because non-Jews and those who have *tum'a* contracted from a dead body cannot enter there.

The *Ezras Noshim*, women's section, has greater sanctity because a person who has immersed in a Mikveh, but has to wait until nightfall to eat *teruma* or to deal with other sanctified objects, cannot enter there. If they do enter there, they are not obligated to bring a Korban Chattos for atonement<sup>6</sup>.

The *Ezras Yisroel* has greater sanctity in that one who is *tahor*, but has not yet brought his obligatory atonement Korban does not enter there and if he does, he must bring an additional offering for atonement.

*Ezras Kohanim* has a higher sanctity because one who is a *Yisroel* can enter there only if he has a purpose connected with an offering: to 'lean on it'<sup>7</sup> or to slaughter it or for a *tenufa* -to raise the animal upwards and in all four directions.

בין האולם ולמזבח מקודש ממנה שאין בעלי מומין ופרועי ראש נכנסים  
לשם ההיכל מקודש ממנו שאין נכנס לשם שלא רחוך ידים ורגלים קדש  
הקדשים מקודש מהם שאין נכנס לשם אלא כהן גדול ביום הכפורים בשעת  
העבודה...

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<sup>5</sup> Korbonos *Sh'lolim* and Todah are in this category.

<sup>6</sup> However, one who was impure and had not immersed in a Mikveh and entered that area unintentionally, would be obligated to bring such a Korban as part of his repentance.

<sup>7</sup> We read in Parshas Vayikro (Perek 1/Posuk 4):

וְסָמָה יָדוֹ עַל רֹאשׁ הָעֹלָה וְנִרְצָה לוֹ לְכַפֵּר עָלָיו:

He shall lean his hand on the head of the *Korban Oloh* and it shall be accepted to atone upon him.

The area past the *Ezras Kohanim* and until the outside altar is more sanctified because even Kohanim who have a *mum*-defect or who have not cut their hair in the last thirty days cannot enter there.

The *Heichal* [where the Golden Mizbeach, Shulchan and Menorah are] is more sanctified. Even a Kohen who has not washed his hands and feet cannot enter there.

*Kodesh Kodoshim* is more sanctified because only the Kohen Godol, and only on Yom HaKippurim, can enter there.

It is true that Hashem 'dwells' in the Beis HaMikdosh but where is the truth in 'He dwells among *them*'?

The Beis HaMikdosh is a most restricted area. If the focus of the Shechinah is in the *Kodesh HaKodoshim*<sup>8</sup>, then except for brief moments once a year, the Shechinah is 'secluded'!

How, then, is 'I will dwell among them' accomplished?

In Parshas Vayikro we read regarding the Korbonos that are brought by various individuals, commoners and distinguished citizens, who commit certain types of transgressions unintentionally.

The Torah writes there (Perek 4/Posuk 13):

וְאִם כָּל־עַדְתֵּי יִשְׂרָאֵל יִשְׁגּוּ וְנַעֲלָם דְבַר מֵעֵינֵי הַקְּהָל וְעָשׂוּ אֶחָת מִכָּל־מִצְוֹת  
הָאֲשֶׁר לֹא־תַעֲשִׂינָהּ וְאָשְׁמוּ:

If the entire congregation of Israel errs and the matter [of the sin] is hidden from the eyes of the congregation and they will do one from all of the Mitzvos of Hashem that they should not do and they are guilty.

Rashi writes:

עדת ישראל - אלו סנהדרין:

*The congregation of Israel* – This is the Sanhedrin.

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<sup>8</sup> We read in Parshas Teruma (Sh'mos Perek 25/Posuk 22):

וְנִוְעַדְתִּי לָךְ שָׁם וְדַבַּרְתִּי אִתְּךָ מֵעַל הַכַּפֹּרֶת מִבֵּין שְׁנֵי הַכְּרֹבִים אֲשֶׁר עַל־אֲרוֹן הָעֵדוּת אֶת  
כָּל־אֲשֶׁר אֶצְוֶה אוֹתְךָ אֶל־בְּנֵי יִשְׂרָאֵל:

I Hashem will meet with you there and I will speak with you from above the *Kapores*-covering that is on the Ark of Testimony – all that I will command you for B'nei Yisroel.

Midrash Halachah *Toras Kohanim* there teaches the mechanism by which Chazal were able to interpret this verse as referring to the Sanhedrin.

We see from here that the Sanhedrin is considered to be an equivalent, or at least a representative, of the entirety of Israel.

It thus follows that by placing the Sanhedrin in near proximity to the sanctified parts of the Beis HaMikdosh, to the Kodosh Kodoshim, Hashem was dwelling in their midst because the Sanhedrin was representative of *Klal Yisroel*.

By means of the location of the Sanhedrin, Israel as a whole was able to enjoy being suffused with the Shechinah.

But there is more to investigate.

What was the need for *davka* the Sanhedrin to be seated there? If the entire purpose of placing the *Lishkas HaGozis* within the perimeter of *Har HaBayis* and the Beis HaMikdosh was for all of Israel to be represented there, then there was a valid alternative.

Rashi writes in Parshas Chukkas (B'midbar Perek 21/Posuk 21):

שמשה הוא ישראל וישראל הם משה, לומר לך שנשיא הדור הוא ככל הדור, כי הנשיא הוא הכל:

Moshe is Israel and Israel are Moshe. This teaches you that the Head of the generation is equivalent to the entire generation. That is because the Head of the generation is everything.

The *Nosi* is referring to the king. That is what the Torah writes in Parshas Vayikro (Ibid. Posuk 22):

אֲשֶׁר נָשִׂיא יִחַטָּא וְעָשָׂה אֶחָת מִכָּל-מִצְוֹת ה' אֱלֹהֵי... לִקְיוֹ אֲשֶׁר לֹא-תַעֲשֶׂינָהּ בְּשִׁגְגָה וְאָשָׁם:

When the *Nosi* sins and unintentionally does one of all of the Mitzvos of Hashem his G-d that should not be done, and he is guilty.

In Masseches Horiyos (11 a) Chazal learn that the *Nosi* of that verse is the King of Israel.

Moshe Rabbeinu was the King of Israel as we read in Parshas V'zos HaBracha (D'vorim Perek 33/Posuk 5):

וַיְהִי בִישְׂרָאֵן מֶלֶךְ בְּהִתְאַסֵּף רָאשֵׁי עַם יְחַד שִׁבְטֵי יִשְׂרָאֵל:



There was a King in Yeshurun, when the heads of the people were gathered; altogether the Tribes of Israel.

And we read in our Parshas Mishpotim (Sh'mos Perek 22/Posuk 27):

א...ל"קים לא תקלל ונשיא בעמך לא תאָר:

Do not curse G-d<sup>9</sup> and the *Nosi* of your people do not curse.

Rabbenu Bachye explains:

ונשיא בעמך. הוא המלך שהוא הנשיא על העם

*The Nosi of your people* – that is the King because he is the one raised<sup>10</sup> above the people.

The King was the unifying factor within Israel and thus if the point of having the Sanhedrin sitting near the Kodesh Kodoshim was to fulfill **ושכנתי בתוכם**, Hashem will dwell among Israel, that goal could have been accomplished by having the King's throne room there instead of the *Lishkas HaGozis*<sup>11</sup>.

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<sup>9</sup> We wrote the word as א...ל"קים in accordance with the interpretation of Chazal that says that this prohibition refers to blasphemy. That is what Ramban writes here.

On the other hand, Rashi says that the term is not *Kodesh* and it refers to the judges who are called **אלהים** throughout Parshas Mishpotim. According to Rashi, the word does not have sanctity.

<sup>10</sup> The *shoresh* of the term **נשיא** is **נשא** which means to 'raise up'. The king is raised above the nation.

<sup>11</sup> In fact, an argument could be made that having the King sit within the perimeter of the Beis HaMikdosh would be a superior solution to connecting the Shechinah with Israel, a far better one than the Sanhedrin sitting in the *Lishkas HaGozis*.

The Sanhedrin had no alternative other than to sit in the non-sanctified area of the Beis HaMikdosh and Har HaBayis. Besides the practical reasons of people becoming impure and having to involve witnesses and various other logistical issues, the King had an advantage over every other person in Israel when it came to the Beis HaMikdosh. The King had a superiority even over the Kohen Godol.

We learn in Masseches Yoma (25 a):

אין ישיבה בעזרה אלא למלכי בית דוד בלבד

Since the place within the perimeter of the Beis HaMikdosh was given to the Sanhedrin and not to the King, our investigation has to probe deeper.

Undoubtedly, the Beis HaMikdosh is the epicenter of sanctity for Am Yisroel. There we find the concentration of the limitations that *Kedusha* imposes as well as the opportunities that can be had when there is *Kedusha*.

However, the Beis HaMikdosh did not last forever. Upon which body did the responsibility of maintaining the unique character of the Jewish People fall? Which group was charged with guarding the exceptionality and the distinctiveness of Israel? It was the Sanhedrin.

In recent weeks we quoted the Rambam in Hilchos Mamrim (Perek 2/Halacha 4) who teaches that the Sanhedrin and its lower courts could sometimes administer punishment *שלא מן הדין*, extra-judicially. The Ran in his *D'rashos* (Perek 11) teaches that although the King had the right to act extra-judicially, with fairness, when there were no longer kings in Israel, the Sanhedrin assumed that responsibility.

The Sanhedrin, thus, was the guarantor of the Jewish People's continuity.

By what mechanism did the Sanhedrin provide that continuity? The Sanhedrin had unique powers to interpret the Torah, and thus decide that which the Torah demands, that which the Torah allows and that which the Torah forbids.

The Sanhedrin had unique powers to make *Takanos*, enactments for the betterment of the people<sup>12</sup>, and *Gezeiros*, preventative decrees to protect violations of Torah laws.

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The King from the House of Dovid HaMelech alone was allowed to sit in the *Ezras Yisroel*.

Thus, if the whole reason for the Sanhedrin to sit within the area of the Beis HaMikdosh and Har HaBayis was to represent Israel, the King's sitting, even within the sanctified portions, would have been a superior solution.

But since the King didn't sit there and the Sanhedrin did, there must have been a special reason, besides representing Israel for their presence there.

<sup>12</sup> Among the most well-known of the *Takanos* that Chazal instituted we find the *Pruzbal* which allows debts to be collected after the *Shemitta* year

All of this authority is contained in the verses of Parshas Shoftim (D'vorim Perek 17/P'sukim 9-11)

וּבֹאתְךָ אֶל-הַכֹּהֲנִים הַלְוִיִּים וְאֶל-הַשֹּׁפֵט אֲשֶׁר יִהְיֶה בַיָּמִים הֵהָם וְדִרְשָׁתָּ וְהִגִּידוּ לְךָ אֶת דְּבַר הַמִּשְׁפָּט: וְעָשִׂיתָ עַל-פִּי הַדָּבָר אֲשֶׁר יִגִּידוּ לְךָ מִן-הַמָּקוֹם הַהוּא אֲשֶׁר יִבְחַר ה' וְשִׁמְרָתָּ לַעֲשׂוֹת כְּכֹל אֲשֶׁר יֹרֶךְ: עַל-פִּי הַתּוֹרָה אֲשֶׁר יֹרֶךְ וְעַל-הַמִּשְׁפָּט אֲשֶׁר-יֹאמְרוּ לְךָ תַעֲשֶׂה לֹא תִסּוֹר מִן-הַדָּבָר אֲשֶׁר-יִגִּידוּ לְךָ יָמִין וּשְׂמָאל:

You shall come to the Kohanim of the Levi'im and to the judge who will be in those days and you will seek and they will tell you the word of the judgment. You shall do according to the word that they shall tell you from that place that Hashem will choose; you will guard to do according to all that they will teach you. According to the Torah that they will teach you and according to the judgment that they will say to you, so shall you do; do not turn from the word that they will teach you, not right and not left.

'They' are the Sanhedrin. *They* are in 'the place that Hashem will choose' – in the Beis HaMikdosh.

*They* are empowered to teach you and that which they teach you is 'the Torah'.

That is Hashem's guarantee to us – that is the Shechinah that is in our midst, by means of the Sanhedrin that sits in such closeness to the Shechinah, will we be able to sense the Presence of the Shechinah.

How does the Shechinah radiate to all of Israel?

First, certainly, through the adherence to and the reverence for the word of the Sanhedrin, authorized by the Ribbono Shel Olom, is the Shechinah sensed. The Torah teaches that the Sanhedrin's word is the Torah's word, its influence and sanctity are passed on from the Kodesh Kodoshim to the Sanhedrin to *Klal Yisroel*.

But there is an additional aspect of that transmission of the Shechinah's Presence that requires that Parshas Mishpotim be proximate in place,

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and the enactment that allows judges without the *Semichah* transmitted generation after generation from Moshe Rabbenu to adjudicate common monetary cases.

thought and distance in P'sukim, to the Aseres HaDibros and the Mizbeach.

What are we able to learn from that aspect?

The Sanhedrin bears responsibility for its actions. Earlier we brought the verse from Parshas Vayikro that said that 'the congregation' referred to the Sanhedrin. The context of that verse and the ones that follow it are when the Sanhedrin decides the Halachah incorrectly and the people follow the *p'sak* and violate specific Mitzvos. Under specific circumstances the Sanhedrin brings a bullock that is called:

### פר העלם דבר של צבור

The bullock that is brought when a matter is hidden from the public.

In this case, 'the matter that is hidden from the public' is due to the mistaken Halachic decision rendered by the Sanhedrin. The public committed the violations but it is the Sanhedrin that must bring the Korban for atonement.

The act of bringing the animal is termed by the Mishnah in Masseches Sanhedrin (Perek 1/Mishnah 3) as:

### סמיכת זקנים

A delegation of the Sanhedrin 'leans' on this Korbon as a sign that it is their personal atonement for their wrongful teaching.

The Sanhedrin takes its responsibility with awe, trepidation and utmost seriousness. When they need to reach a decision if to find the accused liable for capital punishment we learn (ibid. Perek 5/Mishnah 5):

אם מצאו לו זכות פטרוהו ואם לאו מעבירין דינו למחר היו מזדווגין זוגות  
זוגות וממעטין במאכל ולא היו שותין יין כל היום ונושאים ונותנים כל הלילה  
ולמחרת משכימין ובאין לבית דין:

If the court found him innocent, they release him. If not, they would postpone the verdict until the next day and that night they would gather in pairs and eat little and not drink wine and discuss the case for the entire night and the next morning they would arise early to the court.

We cannot minimize the responsibility that the members of the Sanhedrin carried nor the emphasis that the Halacha places upon them.

After we learn the first Posuk of our Parsha and see that Parshas Mishpotim is a continuation of the Aseres HaDibros that were said at Sinai and that the Sanhedrin, the final arbiter of the Halacha, is seated near the *Mizbeach*, the Torah teaches us about the Halachos of slave-ownership.

In our Parsha, and in Parshas R'eh, we learn about the Halachos of the עבד עברי, the Jewish slave<sup>13</sup>.

The 'master' who owns the Jewish slave is, in fact, acting as a 'mini-Sanhedrin'. True, he does not decide laws; he doesn't enact *takanos* or *gezeiros*, but he is the master of his slaves.

No one requires this individual to acquire slaves; there is no Mitzvah involved in their acquisition. However, in their administration, once he has acquired them, there are many Mitzvos as we read in our Parsha and elsewhere.

Is this 'master' imbued with the spirit of the Sanhedrin? Does he 'rule' over his slaves justly? Does he apply the Halachos fairly? Does he take responsibility for his actions?

In fact, it is not only the instance of the Jewish slave-owner that represents this 'mini-Sanhedrin'. We are all examples of a 'mini-Sanhedrin' in the many facets of our lives.

Do we strive to make just decisions? Do we bear in mind the welfare of others, as the Sanhedrin did when enacting *takanos*? Are we careful to avoid violations of Halacha, as the Sanhedrin did when decreeing *gezeiros*?

And, if we err, do we take responsibility for our errors? The Sanhedrin did and they are the ones who connect us with the altar and with the entirety of the Ten Commandments.

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<sup>13</sup> Parshas Behar teaches most of the Halachos regarding non-Jews held as slaves by Jewish owners. Our Parshas Mishpotim (Perek 21/P'sukim 26-27) teaches one specific Halachah: if the master blinds his non-Jewish slave or knocks out one of his teeth, the non-Jewish slave is immediately freed after the court verifies the event.

What is the purpose of being specifically connected to the *Mizbeach*?

Let us review what the Torah writes in Parshas Yisro in this regard. We read above:

מִזְבֵּחַ אֲדָמָה תַעֲשֶׂה-לִי וְזָבַחַתְּ עָלָיו אֶת-עֹלֹתֶיךָ וְאֶת-שְׁלָמֶיךָ אֶת-צֹאֲנֶךָ  
וְאֶת-בְּקָרְךָ בְּכָל-הַמָּקוֹם אֲשֶׁר אֶזְכֵּיר אֶת-שְׁמִי אָבוֹא אֵלֶיךָ וּבֵרַכְתִּיךָ: וְאִם-  
מִזְבֵּחַ אֲבָנִים תַעֲשֶׂה-לִי לֹא-תִבְנֶנּוּ אֹתוֹן גָּזִית כִּי חֲרָבָה הַנִּפְתָּ עָלֶיהָ  
וַתִּחַלְלֶהָ:

You shall make for Me an earthen altar and you shall offer upon it your burnt-offerings and your *Sh'lomim* offerings and your sheep and your cattle; wherever I will mention My Name, I will come to you and I will bless you. When you make an altar of stone, do not build it with hewn stone because your sword you lifted up upon it and you profaned it.

Rashi writes:

ותחללה - הא למדת, שאם הנפת עליה ברזל חללת, שהמזבח נברא להאריך ימיו של אדם, והברזל נברא לקצר ימיו של אדם, אין זה בדין, שיונף המקצר על המאריך. ועוד, שהמזבח מטיל שלום בין ישראל לאביהם שבשמים, לפיכך לא יבא עליו כורת ומחבל.

*You profaned it* – You learn from this that if you do raise metal upon the altar, you have profaned. This is because the altar was created to lengthen man's life and the iron was created to shorten the days of man. It is not proper that that which lessens should be placed above that which lengthens.

Furthermore, the altar makes peace between Israel and their Father in Heaven, therefore that which excises and destroys should not come upon it.

The second part of Rashi, discussing the role of the altar in bringing peace and unity is related to what he writes regarding the *Shlomim* offering in Parshas Vayikro. We read there (Perek 3/Posuk 1):

וְאִם זָבַח שְׁלָמִים קָרְבָּנוֹ אִם מִן הַבָּקָר הוּא מִקְרִיב אִם זָכָר אִם נִקְבָּה תָּמִים  
יִקְרִיבֶנּוּ לִפְנֵי ה':

If a *Shlomim*-offering is his Korban, if from the cattle he offers it, whether it is male or female, he shall offer it unblemished before Hashem.

Rashi writes there:

שלמים - שמטילים שלום בעולם. דבר אחר שלמים שיש בהם שלום  
למזבח ולכהנים ולבעלים:

*Shlomim* – they place peace in the world. Another explanation:  
*Shlomim* because there is peace for the altar, for the Kohanim and  
for the one who brought the offering.<sup>14</sup>

Thus, we see the particular power of the Altar and note that the *Shlomim*  
offering seems particularly appropriate for this *Mizbeach*.

But, Rashi there, to Parshas Yisro, has a continuation and he takes the  
conversation from the Altar and applies it to us. He writes there:

והרי דברים קל וחומר ומה אבנים שאינם רואות ולא שומעות ולא מדברות  
על ידי שמטילות שלום אמרה תורה לא תניף עליהם ברזל, המטיל שלום  
בין איש לאשתו, בין משפחה למשפחה, בין אדם לחבירו, על אחת כמה  
וכמה שלא תבואהו פורענות:

And now we have a *Kal Vachomer* – if by stones that do not see and  
do not hear and do not speak, since they make peace the Torah says  
that iron should not be brandished upon them, one who makes  
peace between a man and his wife, between families and between  
people, all the more so, punishments should not come to him.

By just adjudication of the cases that come before it, the Sanhedrin adds  
peace to the world because justice is done.

When the slave-owner treats his slaves the way the Torah decrees, then  
his indentured individual can have gratitude and appreciation towards his  
master and peace comes to the world.

In fact, in that regard we find an extreme statement in Masseches  
Kiddushin (20 a).

The Gemara is commenting on a verse in Parshas R'eh (D'vorim Perek  
15/Posuk 16) that reads:

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<sup>14</sup> Unlike the *Korban Oloh* -the burnt offering which is totally consumed on  
the altar and unlike the *Korban Chattos* which is partially eaten by the  
Kohanim and the rest of the animal is consumed on the *Mizbeach*, the  
*Shlomim* has parts given to the ones who brought it and parts to the  
Kohanim and parts that are consumed on the altar.

וְהָיָה כִּי־יֹאמַר אֵלֶיךָ לֹא אֶצְאָ מֵעִמָּךְ כִּי אֶהְבֶּךָ וְאֶת־בֵּיתְךָ כִּי־טוֹב לִּי עִמָּךְ:

It will be when the slave will say to you, 'I do not want to go out from you; I love you and your household' because it is good for him being with you.

The Gemara there writes:

תניא: כי טוב לו עמך - עמך במאכל ועמך במשתה, שלא תהא אתה אוכל פת נקיה והוא אוכל פת קיבר, אתה שותה יין ישן והוא שותה יין חדש, אתה ישן על גבי מוכים והוא ישן על גבי התבן, מכאן אמרו: כל הקונה עבד עברי, כקונה אדון לעצמו:

The Braisa taught: 'Because it is good for him with you.' He should be with you with food and with you with drink. You should not be eating refined bread and him eating unrefined bread. You should not be drinking aged, superior, wine and him drinking new, inferior, wine. You should not be sleeping upon cotton, with comfort, and him sleeping on straw, with discomfort. From here the Chachamim said, 'Whoever acquires a Hebrew slave has acquired a master for himself.

Tosfos there (d.h. *kol hakoneh*) writes:

כל הקונה עבד עברי כקונה אדון לעצמו - וקשה מאי אדון די לו להיות כאדונו ויש לומר כדאיתא בירושלמי דפעמים אין לו אלא כר אחת אם שוכב עליו בעצמו אינו מקיים כי טוב לו עמך ואם אינו שוכב עליו וגם אינו מוסרו לעבדו זו מדת סדום נמצא שעל כרחך צריך למסור לעבדו והיינו אדון לעצמו.

*Whoever acquires a Hebrew slave is as if he has acquired a master for himself* – This is difficult. Why do we say that the slave is like the master vis a vis the owner? It is sufficient for him to be equal to his master, not greater.

The answer is like we learned in the Yerushalmi that sometimes the master may have only one pillow. If the owner sleeps on it himself, he is not fulfilling 'because it is good for the slave with you'. If he doesn't sleep on it and doesn't give it to the slave to sleep upon it,



then this *Middos Sedom*<sup>15</sup>. The result therefore is that he must give the pillow to his slave and that is how the slave becomes a master over him [because the slave has an enjoyment that is not available to his master].

That is the model that the Sanhedrin is to present to Israel. That is the sense of the Shechinah that is in the Kodesh Kodoshim and radiates to the Sanhedrin who will, in turn, radiate those values upon Israel.

Thus, the Torah teaches us the Ten Commandments, the *Mizbeach* and the Sanhedrin aligned one with the other to demonstrate the chain that will influence the slave owner to aspire to the Torah's lofty values of peace and tranquility.

The model of the slave owner is to serve as a beacon of light for all of our activities because we are to be the masters of ourselves.

And this presents us with a new understanding of Parshas Shekalim which is read from the second Sefer Torah this Shabbos.

We learn in Shulchan Aruch Orach Chaim (Siman 685/s'if 5):

חל ראש חדש אדר הסמוך לניסן תוך ימי השבוע, ואפילו בערב שבת,  
מקדימין לקרות פרשת שקלים בשבת שלפניו:

When Rosh Chodesh of Adar that is before Nissan<sup>16</sup> occurs on a weekday, even on a Friday, we precede it with Parshas Shekalim on the Shabbos before.

In s'ifim ketanim 1-2 to that Siman, Mishnah Brurah writes:

ראש חודש אדר וכו' - אבאר בקיצור ענין ארבע פרשיות. חז"ל תקנו לקרות ארבע פרשיות בשנה מראש חודש אדר עד ראש חודש ניסן לזכרון ארבעה דברים והם אלו. הראשונה היא פרשת שקלים לזכרון מצות מחצית השקל שיתבאר בסמוך שהיו מחוייבים ליתן ללשכה לקרבן התמיד בכל שנה.

*Rosh Chodesh Adar etc.* – I will briefly explain the subject of the Four Parshos. That is, Chazal instituted reading four special Parshos

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<sup>15</sup> In the second Perek of Masseches Bava Kamma (20 a) there is a lengthy *sugya* regarding a person who does not allow the other to take benefit of something when the owner has nothing to lose at all.

<sup>16</sup> In a Leap Year, when there are two months of *Adar*, then it is the Rosh Chodesh of the second month of Adar which is proximate to Nissan.

during the year from Rosh Chodesh Adar until Rosh Chodesh Nissan to commemorate four things.

The first is *Parshas Shekolim* to commemorate the Mitzvah of one-half Shekel that I will explain immediately. There was an annual obligation to give the one-half Shekel in the special office in the Beis HaMikdosh area to be used for the *Korban Tomid* – the daily sacrifices, morning and afternoon.

קורין פרשת שקלים - דאמר קרא(במדבר כח/יא<sup>17</sup>) זאת עולת חודש בחדשו לחדשי השנה והאי לחדשי יתירא הוא אלא אמרה תורה יש לך חודש שאתה צריך לחדשו בהבאת עולות תמידין ומוספין מתרומה חדשה וזהו ניסן דגמרינן בגמרא בגזירה שווה שחודש זה הוא חודש ניסן וכיון דבניסן בעי לאקרובי מתרומה חדשה לכך מקדמינן (מסכת שקלים א/א<sup>18</sup>) ומשמיעין על השקלים באדר הסמוך לו שיביאו שקליהם בראש חודש ניסן ואנו (הושע יד/ג<sup>19</sup>) משלמין פרים שפתינו בקריאת הפרשה של (שמות ל/יא-טז) כי תשא דכתיב בה ענין השקלים.

*They read Parshas Shekolim* – the verse says ‘this is the burnt-offering of the month on its newness for the months of the year. The phrase ‘for the months’ is superfluous and thus the Torah wrote it to teach that there is a month that you must renew by bringing the various communal offerings from new donations. That month is Nissan. Chazal learn the identity of the month as Nissan by means of a *Gezeira Shavah*.

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<sup>17</sup> The entire verse reads:

וּנְסִיחָם חֲצִי הַהֵינִי יְהִי לְפָרָה וְשְׁלִישֵׁת הַהֵינִי לְאֵיל וְרִבִיעֵת הַהֵינִי לְכֶבֶשׂ יֵין זֹאת עֹלַת חֹדֶשׁ בְּחֹדְשׁוֹ לְחֹדְשֵׁי הַשָּׁנָה:

And their wine libations, one-half *hin* measurement for the bullock, one-third *hin* for the ram and one-quarter *hin* for the sheep; this is the burnt-offering of the new month on its newness for the months of the year.

<sup>18</sup> The Mishnah reads there:

באחד באדר משמיעין על השקלים

On the first day of Adar they inform regarding the Shekolim.

<sup>19</sup> The verse reads:

קְחוּ עִמְכֶם דְּבָרִים וְשׁוּבוּ אֶל־ה' אִמְרוּ אֵלָיו כָּל־תְּשָׂא עֹן וְקַח־טוֹב וְנִשְׁלַמְהָ פְּרִים שְׁפָתֵינוּ:

Take for yourselves words and return to G-d; say to Him, ‘If you will raise our sin and take good, we will pay our bullocks with our lips.

Since in Nissan it is necessary to offer the *Korbonos* from new funds, therefore we start before and inform about the *Shekolim* in the month of Adar, which is next to Nissan. We inform people to bring their *Shekolim* for Rosh Chodesh Nissan. By reading Parshas *Shekolim* which is found in Parshas *Ki Siso*, where it deals with the *Machatzis HaShekel*, we fulfill the verse, 'Our lips shall pay the bullocks'.

Parshas *Shekalim* wishes to provide the funds for the Altar that brings peace to the world. Parshas *Shekalim* enlists all of Israel to join together to assure that Israel's *Kappara* and atonement are prepared for the coming year, allowing the *Mizbeach* that extends and lengthens life to continue to function successfully.

We note that the offerings that are brought from these communal donations are the *Korbonos Oloh*, burnt-offerings and *Korbonos Chattos*, sin offerings. *Korban Shlomim* is not part of the agenda.

However, even though those who sponsor the various offerings do not partake of them, the goal of bringing peace to all three components is realized by the people themselves who sponsor these offerings, an expansion of the *Kal VaChomer* that Rashi taught.

The *Korban Shlomim* had parts for all, the Kohen, the ones who made the offering and the altar.

The new offerings have parts for the altar, from both the *Oloh* and the *Chattos* and parts for the Kohen, from the *Chattos*.

The catalyst for all of this is *Am Yisroel* who communally participate and receive the atonement and Divine favor for their actions.

And, additionally, there is a unique *Shalom* for *Am Yisroel* as they bring their donations.

The Torah commands (Sh'mos Perek 30/P'sukim 13,15):

זֶהוּ יִתְּנוּ כָּל־הָעֵבֶר עַל הַפְּקָדִים מִחֲצִית הַשֶּׁקֶל בַּשֶּׁקֶל הַקֹּדֶשׁ עֶשְׂרִים גֵּרָה  
הַשֶּׁקֶל מִחֲצִית הַשֶּׁקֶל תְּרוּמָה לָהּ:  
הָעֹשִׂיר לֹא־יִרְבֶּה וְהַדֹּל לֹא יִמְעִיט מִמִּחֲצִית הַשֶּׁקֶל לְתֵת אֶת תְּרוּמַת ה' לְכַפֵּר  
עַל נַפְשֵׁיכֶם:

This is what they shall give, anyone who is counted in the census, one-half Shekel with the *Kodesh weight*, 20 Gera is a Shekel, a gift to Hashem.

The rich shall not give more and the poor shall not give less – from a half-shekel, to give the gift of Hashem to atone for your souls.

It is through the gift of the *Machatzis HaShekel* that we see an all-Israel realization of the effect of the Shechinah via the Sanhedrin on all of Israel. Everyone gives only a portion, not a full amount. Everyone, without exception, gives one-half, relying on his neighbor to complete the donation that comes from combined effort – a true example of *shleimus*.

The *half-Shekolim* has an effect for the *Altar*, the Torah-designated ‘neighbor’ of the Sanhedrin. It is an effect that expresses *ואלה המשפטים*, the continuation of the Revelation on Mt. Sinai and encompassing the homes and lives of all of Israel.

It has an effect that will herald the *Geula Shleima* if we live up to the mandate that the Torah commands us this week.

Shabbat Shalom

Chodesh Tov

Rabbi Pollock