

## פרשת משפטים ושקלים

The transition from Parshas Yisro, the magnificent and unmatched act of *Mattan Torah*, to our seemingly mundane Parshas Mishpotim with its particular and specific foci is already a given from the beginning of our Parsha.

The first verse of our Parsha (Sh'mos Perek 21/Posuk 1) reads:

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשִּׂים לִפְנֵיהֶם:

These are the laws that you are to put before them.

Rashi writes:

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 the Torah writes *ei'leh*-these without the connective *and*-letter *vov*, it means to exclude that which was written before. **V'eileh** – *and*, the connective *vov* adds onto the previous section. [Here the intent is to teach] Just like the previous section was said at Sinai so were these [laws in our Parsha] said at Sinai.

That is one should not assume that only general principles were given at Sinai to Moshe Rabbenu but, in fact, all of the specifics were given to him as well<sup>1</sup>.

This connection between *Mattan Torah* and our Parsha, as well as to the entirety of Torah, includes the laws themselves and the way that those laws are administered. Of course, the way that those laws are administered is part and parcel of the Torah and its Mitzvos.

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<sup>1</sup> See Rashi at the beginning of Parshas Behar (Vayikro Perek 25/Posuk 1):  
מה שמיטה נאמרו כללותיה ופרטותיה ודקדוקיה מסיני, אף כולן נאמרו כללותיה ודקדוקיה מסיני,  
כך שנויה בתורת כהנים.

Just like Shmitta was received from Sinai, its general principles, its specifics and its fine points, so all the Mitzvos were received from Sinai – their principles, their specifics and their fine points were from Sinai. That is how it is learned in Midrash Toras Kohanim.

See also, for example *Sefer HaIkkarim* Maamar I/Perek 8 for the uniqueness of Divine Law over well-intentioned human legislative law.

Thus, just like there are Massechtos Bava Kamma, Bava Metzia and Bava Basra all dealing with the many subjects that are covered in Parshas Mishpotim, there is also Masseches Sanhedrin that deals with the way the laws are to be interpreted and executed.

Just like Shulchan Aruch's fourth volume, Choshen Mishpot, deals with so many of the above topics, so does it contain *Hilchos Dayanim* that teach us of the requirements of the *Beis Din* and rules for its governing<sup>2</sup>.

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<sup>2</sup> As an interesting side point, Shulchan Aruch Choshen Mishpot *begins* with Hilchos Dayanim, the laws dealing with judges and courts. On the other hand, Rambam's Hilchos Sanhedrin comes at almost the very end of Mishnah Torah.

It could be that these different placements are related to the placement in *Shas* of Masseches Sanhedrin. In all of our Shas'im, *Seder Nezikin* begins with the three volumes of Bava Kamma, Bava Metzia and Bava Basra and are then followed by Masseches Sanhedrin.

One reason for that order could be technical. Originally the three *Bavas* were one long and huge Masseches Nezikin with thirty *Perakim*. Over time, for ease, they were divided semi-thematically into three groups, each known as a *Bava* – a gate. 'Kamma' means 'first', 'Metzia' means 'middle' and 'Basra' means 'final'. [The huge and most challenging Masseches Keilim which consists of Mishnayos only also has thirty Perakim which are divided into three *Bavas* as well, with the very same names: *Kamma*, *Metzia* and *Basra*.]

Another reason for this particular order is substantive. Rambam explains that after learning the basic laws of monetary obligations, Rabi Yehuda HaNosi then taught the mechanism by which those laws would be adjudicated. Thus, *Masseches Nezikin* with its three parts begins *Seder Nezikin* and is followed by Masseches Sanhedrin.

Meiri, however, disagrees with Rambam and holds that the order of *Shas* is first Masseches Sanhedrin, in order that the framework already be in place so when the laws are learned, in the three *Bavas* that follow Masseches Sanhedrin, they can be immediately activated.

It thus follows why Rambam puts *Hilchos Sanhedrin* at the very end of Mishneh Torah; he is being most consistent.

It would be interesting to know if the order of the *Tur Shulchan Aruch*, followed by the *Shulchan Aruch* of *Maran Yosef Caro*, which lists *Hilchos Dayanim* at the very beginning of Choshen Mishpot is a sign that they support the view of the Meiri.

It is thus interesting to compare some of the aspects that *Yisro* established as being vital for a Beis Din with those aspects regarding Beis Din which find themselves in Parshas Mishpotim.

Perhaps the most obvious comparison that comes to mind is between two verses, one in Parshas Yisro and one in our Parshas Mishpotim.

In Parshas Yisro, Moshe is told (Sh'mos Perek 18/Posuk 21):

וְאַתָּה תִּחַזֵּה מִכָּל הָעָם אַנְשֵׁי חַיִּל יִרְאֵי אֱלֹהִים לִיקִים אַנְשֵׁי אֱמֶת שֹׂנְאֵי כָּצַע וְשֹׂמְרֵי עֲלֵהֶם  
שָׂרֵי אֲלָפִים שָׂרֵי מֵאוֹת שָׂרֵי חֲמִשִּׁים וְשָׂרֵי עֶשְׂרֵת:

You, Moshe, should see from all of the people men of valor, fearers of G-d, men of truth, haters of money; place them as officers of thousands, officers of hundreds, officers of fiftys and officers of tens.

The third of the profiles that Yisro says to seek are שֹׂנְאֵי כָּצַע, haters of money.

The word כָּצַע means 'money'. We remember the infamous words of Yehuda at the sale of Yosef. The former said (B'reishis Perek 37/Posuk 26):

וַיֹּאמֶר יְהוּדָה אֶל אָחָיו מֶה כָּצַע כִּי נִהְרַג אֶת אָחִינוּ וְכִסִּינוּ אֶת דָּמוֹ:

Yehuda said to his brothers, 'What money is there when we will kill our brother and cover his blood?'

Rashi explains there:

מה בצע - מה ממון, כתר גומו:

*What be'tza* – What money –this is how Onkelos rendered it.

The people you should seek, Yisro said to Moshe, are those who are haters of money.

What does it mean to be haters of money? Rashi explains in Parshas Yisro:

שֹׂנְאֵי כָּצַע - שֹׂשׂוֹנְאֵי אֶת מִמּוֹנָם בְּדִין כִּהְיָא דַּמְרִינָן כֹּל דִּינָא דַּמְפְּקִין מִמּוֹנָא מִינֵיהּ  
בְּדִינָא לֹא דִּינָא הוּא:

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In any case, in all editions of *Shas* with which I am familiar, Seder Nezikin begins with Bova Kamma, Bova Metzia and Bova Basra with Masseches Sanhedrin following them.

*Haters of money* – They hate money that comes about in court. This is like that which Chazal say, ‘Any judge from whom money is taken out in a court case – he should not be a judge’.

That is, according to Rashi, the judge who should be disqualified is one who has a monetary dispute, the case goes to court and the court rules against the judge. That judge should be disqualified because the fact that he lost his court case indicates that he was in the wrong from the very beginning and he should have acknowledged his error and not have needed for the case to be adjudicated. The fact that only when the case was adjudicated and he was forced to give up his money – only then did he do so - tells us that he is not this ‘hater of money’ to whom Yisro referred.

*Onkelos*, however, has a far stricter interpretation of this ‘money-hater’. He renders *בצע שונאי*-haters of money as:

דסנן לקבלא ממון

They hate to accept money.

Since this may be a more literal translation, *perhaps* the rendition of *Targum Yonosan* may explain *Targum Onkelos*. We read in the former:

דסנן לקבלא ממון שיקרא

They hate to accept false money.

That is, money that there may be a doubt about its ownership or to whom it should be awarded, not only don’t they want that money, they *hate* the thought of it coming to them.

How is all this connected to our Parshas Mishpotim? Rashbam provides us with the entrée. He writes:

שנאי בצע - שוחד וגזל קרוי בצע בכל מקום. (חבוקק ב/ט<sup>3</sup>) הוי בוצע בצע רע לביתו,  
מה בצע כי נהרוג, מה שכר. (איוב כז/ח<sup>4</sup>) כי יבצע, כי ישל א...ל'ק נפשו:

*Haters of money* – Bribery and thievery are called *be'tza* in general.  
[Examples of this are:] 'O one who take money illegally causes bad to befall  
on his house.' [Another example], 'What money is there = what recompense  
[is there] if we kill?' [Another example] 'One who takes money illegally, G-d  
will cast away his soul.'

Rashbam has now distanced us from the commentaries of the Targumim and of  
Rashi. We are no longer talking about someone with high standards who is  
particularly careful regarding the source of his funds. The implication of Rashbam's  
commentary is that Yisro is warning Moshe not to take dishonest judges! Do we  
think that Moshe Rabbenu needed Yisro to tell him not to take cheats as *Dayanim*?

The prohibition against bribery is found in our Parshas Mishpotim. Among a few  
verses directed to judges, we read (Sh'mos Perek 23/Posuk 8):

וְשֹׁחַד לֹא תִקַּח כִּי הַשֹּׁחַד יְעִיר פְּקֻחִים וַיְסַלֵּף דְבַר יְצַדִּיקִים:

Do not take bribes because bribery blinds the intelligent and falsifies the  
words of the righteous<sup>5</sup>.

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<sup>3</sup> The entire verse reads:

הוי בצע בצע רע לביתו לשום במרום קנו להנצל מכף רע:  
O, one who takes money illegally is bad for his home; he wishes to place his  
nest upon high to be saved from the hand of evil.

Rashi writes:

הוי בוצע בצע רע לביתו - אונס ממון שהוא רע לו ולביתו לבנות לו בית:  
*O the person who takes money illegally* – One who takes money forcefully from  
others causes bad for himself and for his home if he wishes to build a house  
[with that money].

<sup>4</sup> The entire verse reads:

כי מה תקוות חנף כי יבצע כי ישל א...ל'וק נפשו:  
What hope is there for the flatterer when he takes money illegally; G-d will  
throw away his life.

<sup>5</sup> 'Words of the righteous' is a most accurate translation of דברי צדיקים. Nonetheless,  
Rashi teaches:

Let us see the impact of this Torah prohibition.

Rashi writes:

ושחד לא תקח - אפילו לשפוט אמת, וכל שכן כדי להטות הדין, שהרי כדי להטות את הדין נאמר כבר לעיל (פסוק ז<sup>6</sup>) לא תטה משפט:

*Do not take bribery* – Even to judge truthfully and certainly not to turn the judgment from truth. That is because we learned above not to turn judgment from truth.

We are well-aware that there have been dishonest judges, not only non-Jewish ones. Therefore it would seem to be difficult to understand what is wrong with a sincere person, one who is interested in an honest outcome, one who hates taking money that is not his, what is wrong with this person making an effort to counteract any bribe given the judge from the opposing litigant. If it is a court with many judges, the honest judge may be willing, or interested, in accepting the *shochad* with equivalent sincerity to assure the integrity of the decision that will be entered.

With true and obvious sincerity, the one paying the judge says to him:, ‘I want to be judged fairly. If I am wrong and will lose, I accept that 100% as long as I am judged fairly. What is wrong with that?

Rashi continues and tells us that the answer to this question is given in our verse. He writes:

יעור פקחים - אפילו חכם בתורה ונוטל שוחד, סוף שתטרף דעתו עליו, וישתכח תלמודו, ויכהה מאור עיניו:

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דברי צדיקים - דברים המצודקים, משפטי אמת, וכן תרגומו...:

*Divrei Tzaddikim* – Righteous words. True judgment. Onkelos translated it this way as well.

See the commentators who discuss Rashi’s non-literal translation.

<sup>6</sup> The entire verse reads:

לא תטה משפט אביון בריבו:  
Do not turn the judgment of your impoverished person in his dispute.

*Will blind the intelligent* – Even if he is learned in Torah, if he takes a bribe at the end his mind will become confused. He will forget his learning and the light of his eyes will be dimmed.

A judge has to see straight. He has to view the case and understand what it means and its implications before arriving at his conclusion. He has to interpret the events as best as possible. When the light of his eyes dim, then he is no longer able to 'see' and his judgment may be permanently impaired.

As Rashi wrote, the effects of bribery upon the judge are not an acute event and when the particular court case is decided, for better or for worse, then all of the conditions return to their status as it was prior to the case. The acute transgression leaves a chronic mark!

Bribery leaves scars on the very tools that a judge must use, his intellect and his sight, or better yet, his *insight*.

Bribery has an insidious nature. It wounds the one who accepted the bribe and its effect is, evidently, indelible.

What makes *Shochad*-bribery so powerful?

Rav Shimshon Rafael Hirsch has told us that the etymology of the word שוחד already indicates its meaning. He writes:

ושחד. דומה ש"שחד" קרוב ל"שחט" ו"שחת"...השוחד ממית את כוחו הרוחני והמוסרי של מקבלו. הכוח הרוחני, המכשיר אדם להיות שופט, נקרא "פקח", דהיינו בהירות המחשבה ופתיחותה לתפיסה נכונה של העובדות ושל סעיפי החוק החלים עליהן. הכוח המוסרי נקרא "צדק", דהיינו תכונת אדם שאינו רוצה להכיר ולהביע אלא את דבר האמת והצדק:

*And bribery* – It appears that the word *shochad* is related to שחט, slaughter and שחת, destruction and corruption<sup>7</sup>. Bribery kills the spiritual and ethical strength of the one who accepts it,

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<sup>7</sup> See the Torah's description of *Dor HaMabul* (B'reishis Perek 6/P'sukim 11-12):  
וַתִּשְׁחַת הָאָרֶץ לְפָנַי הָאֵל...לְקִים וַתִּמְלֵא הָאָרֶץ חָמָס: וַיֵּרָא אֶל...לְקִים אֶת הָאָרֶץ וַהֲבִיחָהּ כִּי הִשְׁחִית כָּל בָּשָׂר אֶת דַּרְכּוֹ עַל הָאָרֶץ:

The land was corrupt before G-d and the world was full with violence. G-d saw the land and behold it was corrupted because all flesh corrupted its way on the land.

The spiritual strength is that which prepares an individual to be a judge who is called a פקח, one who is intelligent. That is, he has clarity of thought and an openness to a correct grasp of the events as well as to the particular parts of the law that are relevant to the event.

The ethical strength is called צדק, righteousness. That is the personality trait of one who only wishes to know and to express that which is truthful and righteous.

Rav Hirsch teaches us that within the very word itself we are exposed to the dangers of *Shochad*, bribery. Its name suggests destruction and the Mitzvah of the Torah teaches us of the need to distance oneself from danger.

A very similar approach, although with less elaboration, is espoused by the *Midrash Aggada* (Mishpotim Perek 23/8):

We read there:

ושחד לא תקח. ולמה נקרא שמו שחד שהוא כמו סכין חד

*And do not take shochad* – why is bribery called שוחד? Because it is like a sharp, חד, knife.

Implicit in its name is that שוחד, cuts away at the person; its harm is irreparable.

But there is a third way to look at the word שוחד, a way that I think that explains its destructive nature in the most impactful way.

We read in Masseches Kesuvos (105 b):

אמר רבא: מאי טעמא דשוחדא? כיון דקביל ליה שוחדא מיניה, איקרבא ליה דעתיה לגביה והוי כגופיה, ואין אדם רואה חובה לעצמו. מאי שוחד? שהוא חד.

Rovo said, ‘What is the reason why *shochad* is prohibited? Once someone receives a bribe from a litigant, his mind becomes close to him and it is like himself and people do not see themselves at fault.

What does the word שוחד mean? It means שהוא חד – ‘he is as one with the other’<sup>8</sup>.

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<sup>8</sup> Rashi writes:

Bribery causes the recipient to lose his independent identity. Bribery causes such a blurring of boundaries to such an extent the judge who accepts this type of payment can no longer distinguish between himself and the one who has paid him.

And, evidently, this blurring of boundaries does not end when the particular corrupted case comes to its end. Rather, once one's boundaries become blurred in such an instance, one's independent identity is lost forever!

And now, we must ponder the question: Was Yisro's advice to Moshe regarding choosing a *Dayan* who is a *שונא בצע*, a hater of money, identical with the Torah's prohibition that we have just read forbidding bribery and warning of its dire, ongoing consequences?

In order to answer that question, let us first look at a selection of *Halachos* from Mishneh Torah LaRambam, Hilchos Sanhedrin (Perek 23):

לא תקח שוחד אין צריך לומר לעות את הדין אלא אפילו לזכות את הזכאי ולחייב את החייב:

[The Torah writes] 'Do not take a bribe'. We do not need to be told this prohibition if the intention is to falsify the judgment, rather this prohibition is even when the bribe is given to find the innocent, innocent and the guilty, guilty.

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אין אדם רואה חובה לעצמו - אין דעתו מתקרר לצד החובה לחייב את עצמו ואפילו מתכוין לדין אמת.

*The person does not see himself at fault* – a person's mind will not approach the possibility that he is at fault even if he is sincerely seeking to judge truthfully.

שהוא חד - הנותן והמקבל נעשים לב אחד.

*He is as one* - the one who gives the bribe and the one who receives are as if with one heart.

<sup>9</sup> This verse is found in Parshas Shoftim (D'vorim Perek 16/Posuk 19) and reads:  
לא תטה משפט לא תכיר פנים ולא תקח שחד כי השחד יעור עיני חכמים ויסלף דברי צדיקים:  
Do not turn judgment and do not show favoritism and do not take bribes because bribery blinds the eyes of the wise and falsifies the words of the righteous.

This Halachah in the Rambam does not raise any particular questions; it is consonant with what we have learned previously.

However, in some of the subsequent Halachos in this Perek, Rambam seemingly expands the prohibition against bribery to circumstances that are not ones of that prohibition.

We read (Halachah 3):

כל דיין שיושב ומגדל מעלתו כדי להרבות שכר לחזניו ולסופריו הרי הוא בכלל הנוטים אחרי הבצע, וכן עשו בני שמואל ולכך נאמר להם ויטו אחרי הבצע ויקחו שחד.

Any *Dayan* who sits in judgment and raises his prestige in order to increase the wages of his aides and scribes is among those who seeks illicit money – *betza*. This is what the sons of Sh'muel HaNovi did and thus the verse says that they went after illicit money – *betza* and took bribes.

Rambam here is referring to what we learned in Sefer Sh'muel (I Perek 8/Posuk 3):

וְלֹא הָלְכוּ בְנָיו בְּדַרְכֵי וַיִּטּוּ אַחֲרֵי הַבְּצָע וַיִּקְחוּ שְׁחָד וַיִּטּוּ מִשְׁפָּט:

The sons of Sh'muel did not follow his paths and they turned after illicit money and they took bribes and they turned the judgment.

Rashi writes:

ורבותינו אמרו לא חטאו בני שמואל אלא לא הלכו בדרכי אביהן שהיה מחזר בכל מקומות ישראל ושופטן בעריהן והם לא עשו כן כדי להרבות שכר לחזניהם ולסופריהם:

Our Rabbis said that the sons of Sh'muel did not sin. Rather they did not follow in the ways of their father. Their father Sh'muel would travel to the places where the Israelites were living and judge them in their cities.

The sons did not do the same. [Rather they established sitting courts where they lived so that the people would come to them] in order to increase the wages of their aides and their scribes.

Radak expands upon this idea and will help us clarify our understanding:

ויטו אחרי הבצע - הם נטו אחרי הבצע כלומר שהיה לבבם נוטה לממון והיו נבהלים<sup>10</sup> להון ואין טוב להיות שופטים אנשים כאלה אלא שונאי בצע כמו שכתוב בתורה והם האנשים המסתפקים בחלקם הנמנעים מן העולם הזה ואינם רודפים אחר הממון וזהו פירוש שונאי בצע ואין לפרש שונאי גזלה וחמס ושוחד כי כבר אמר יראי א... קים אנשי אמת...

*They turned after illicit money* – ‘they turned after illicit money’ meaning that their hearts turned towards money and that they were excited about amassing a fortune.

It is not good that judges should be like those people. Judges should be those who hate illicit money as it is written in the Torah. [Who are those people?] They are those who make do with their portion, who refrain [from the pleasures of] this world and do not pursue money. That is the meaning of ‘haters of illicit money’. It cannot refer to thievery, violence and bribery because Yisro already wrote that the judges must be ‘fearers of G-d and men of truth’.

Thus Radak is teaching us a distinction between the path that Yisro set before Moshe Rabbenu and the prohibitions that the Torah writes for judges, in our case –the prohibition of bribery.

There is the prohibition of bribery – giving money, or something else, to a judge who is judging your case. And there are events in which the Torah prohibition of bribery was not violated but, nonetheless, indicate personal standards that are less than ideal in regards to monetary matters.

That distinction is clarified by Radak in the continuation of his commentary when he brings a number of vignettes from Chazal. We read some of those vignettes here, with Radak’s introduction:

ולא שחד ממון בלבד אלא אפילו שחד דברים, ומעשה בדיין אחד שהיה עולה בדוגית קטנה לעבור בנהר ופשט אחד ידו וסייעו בעלייתו והיה לו דין ואמר לו הדיין הריני פסול לך לדין...ומעשה באחד שהביא מתנה אחת ממתנות כהונה לדיין כהן ואמר לו פסול אני לך לדין...

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<sup>10</sup> See Rambam Hilchos Sanhedrin Perek 2/Halachah 7. Radak, a younger contemporary of Rambam seems to have adopted terminology used in Hilchos Sanhedrin.

Not only monetary bribery is forbidden but even verbal bribery. Chazal tell us of a *Dayan* who was getting into a small fishing boat and a person offered him his hand to help him come up and that person was going to come to this *Dayan's* court and the *Dayan* said, 'I am disqualified from judging you.'

And another event when a person brought Teruma to a *Dayan* who was a Kohen and the *Dayan* said, 'I am disqualified from judging you.'

Continuing this theme, Rav Hirsch writes more:

והנה הרחיבה תורת ישראל את מושג השוחד הרחק מעבר למשמעו המצומצם. דייני ישראל אמרו "פסילנא לך לדינא" - פסול אני לשבת בדין עליך - לא רק במקרה של שוחד שלמונים, אלא בכל טובת הנאה, ולוא הקטנה והטפלה ביותר... (עין כתובות קה ב). על הדיין בישראל לחוש בעצמו שהוא נקי מכל פנייה, אחרת לא יישב בדין (עייין חושן משפט סימן ט').

*Toras Yisroel*<sup>11</sup> expanded the concept of 'bribery' far beyond its limited meaning. Judges of Israel told people, 'I am disqualified from judging you' – I cannot sit in judgment about you – not only in cases of monetary bribes but even when they received some benefit from an individual – even if that benefit was most small and insignificant.

A *Dayan* of the Jewish people must be personally sensitive to assure himself that he is innocent from any type of bias. If he cannot do that, he should not serve as a judge.

The fact is that Yisro established the highest of standards for the ideal *Dayan* in Parshas Yisro and the Halachos in Parshas Mishpotim and elsewhere are to establish the basic level<sup>12</sup> of *Dayanim*, even if not the ideal one.

How do we know that there is an ideal level and one that, even though not idea, establishes the basic level of *Dayanim*?

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<sup>11</sup> Rav Hirsch is referring to Torah She'b'al Peh by this phrase.

<sup>12</sup> *Our* terminology of 'ideal' and 'basic' is not meant to imply that the 'basic' is *b'di eved*, only valid after the fact or in unique extenuating circumstances. That is not so. The 'basic' level is *l'chatchila*. Perhaps we may term the ideal level as *mehadrin*.

The ideal level is the one that Yisro suggested, as we saw above. However, when we come to actual choices that Moshe Rabbenu made, the picture seems different.

The Posuk (Sh'mos Perek 18/Posuk 25) reads:

וַיִּבְחַר מֹשֶׁה אַנְשֵׁי חַיִּל מִכָּל יִשְׂרָאֵל וַיִּתֵּן אֹתָם רִאשִׁים עַל הָעָם שְׂרֵי אֲלָפִים שְׂרֵי מֵאוֹת  
שְׂרֵי חֲמִשִּׁים וְשְׂרֵי עֶשְׂרֹת:

Moshe chose men of valor from all of Israel and he placed them as heads over the people, officers of thousands, officers of hundreds, officers of fiftys and officers of tens.

Yisro listed many qualifications and, yet, when it comes to the choices that Moshe Rabbenu made, the Torah lists only one.

Netziv explains that 'men of valor' was indicative that those who were chosen indeed possessed all that Yisro instructed and thus there was no discrepancy between the prescription that Yisro prepared and the result that Moshe Rabbenu delivered. He writes:

אנשי חיל מכל ישראל. באשר ידע משה שיש הרבה תלמידי חכמים בישראל שאפשר לסמוך עליהם בדברי תורה, על כן בחר רק מישראל שהמה תלמידי חכמים, ושוב לא נצרך לבדוק אחריהם אם הם יראי א...ל'קים אנשי אמת שנאי בצע, שאחר שהוא תלמיד חכם מתלמידיו של משה, הרי התורה מדרכתנו להיות צדיק חסיד ישר ונאמן, אבל מכל מקום נצרך לבדוק שיהיו אנשי חיל, דעתן ויכול להנהיג שררה על הצבור:

*Men of valor* – Moshe knew that there were many *Talmidei Chachamim* among Israel that made it possible to rely upon them [regarding the accuracy of their] *Divrei Torah*. Therefore he chose from Israel only those who were *Talmidei Chachamim*. Moshe didn't need to check if they were G-d fearing, truthful, and hateful of illicit money. Since one is a *Talmid Chacham*, a student of Moshe, Torah guides him to be a *Tzaddik*, pious, straight and trustworthy. Moshe did need to check that they would be men of valor, that is, in their thinking they would be able to be a leader and officer over the public.

Seforno, who presented a different understanding of the choices made by Moshe, sees the lack of specificity as being indicative of the lack in those chosen by Moshe. He explains:

ויבחר משה אנשי חיל. אחר שבקש ולא מצא אנשים שיהיו בהם כל המעלות שהזכיר יתרו בחר באנשי חיל בקיאים וחרוצים לברר וללבן אמתות דבר ולהביאו אל תכלית.

*Moshe chose men of valor* – Moshe sought, but did not find, people who would have all of the attributes that Yisro mentioned. He therefore chose men of valor, those who were expert and diligent to clarify and illuminate the truths of the matter and bring them to their proper goal.

Understanding Seforno carefully will allow us to understand the non-repetitive nature that exists between Yisro's instructions and the Mitzvos that we find in our Parshas Mishpotim and elsewhere in the Torah.

If Moshe chose judges who did not meet the criteria of Yisro, it was not because they were Halachically unqualified. If they were Halachically unqualified, undoubtedly Moshe would not have chosen them. He would have continued judging the people alone.

The fact that they were chosen, and there were thousands of judges to man the many judicial positions that had to be filled, that means that they met the basic requirements.

Meeting the basic requirements, though, does not mean that they would be the best choice. If two *Dayanim* are candidates for a position and one has two attributes and the other has three, then, with all other things being equal, the one with the three attributes will be chosen.

But the lack of all of the attributes is not a disqualification if those attributes are not codified as Mitzvos.

Thus we saw the gradation and extension of the prohibition of *Shochad* from its Mitzvah status – the prohibition of bribery which is a disqualification, to the sensitivity of not being beholden whatsoever to any individual, which may or may not be a disqualification, depending on the particular circumstance.

The sense of the Dayan refusing to be beholden to a litigant was quite refined in some individuals as we saw in the vignettes cited here and the many more that the Gemara brings in Masseches Kesuvos (105 b) and elsewhere.

That extraordinary sensitivity sets the highest of bars, but eligibility is determined by the Halachah.

Of course, when we study these Halachos and contemplate these standards we are not focusing solely on those who hold lofty positions of *Dayanim*, sitting in court and being the emissaries of HaKodosh Boruch Hu to promulgate His Torah.

We remember that we, too, are *Dayanim*. We, too, make judgments countless times daily and those judgments, too, are to represent G-d's Will because we are His emissaries as well.

This Shabbos Mevorchim Chodesh Adar Ha'Bo O'leinu l'Tova is also Parshas Shekalim when we are reminded that all of Israel must be partners in the daily offerings of *Korbonos*.

And we are struck by the way in which the Torah tells us of the amount we are to give.

The Maftir of Parshas Shekalim is taken from the opening verses of Parshas Ki Siso and we read there (Sh'mos Perek 30/Posuk 13):

זֶה יִתְּנוּ כָּל הָעֹבֵר עַל הַפְּקֻדִים מִחֻצֵי הַשֶּׁקֶל בְּשֶׁקֶל הַקֹּדֶשׁ עֶשְׂרִים גֵּרָה הַשֶּׁקֶל מִחֻצֵי  
הַשֶּׁקֶל תְּרוּמָה לַה':

This is what they should give: anyone who was counted in the census [should give] a half-shekel based on the weight of the shekel used in the Mishkan; a Shekel is valued at 20 *Gera*, [give] one-half shekel as a raised gift for Hashem.

Isn't it strange? Once the Torah found it necessary to teach us the value of the Shekel, which is 20 *Gera*, why didn't the Torah just write, 'give 10 *Gera*', the value of *Machatzis HaShekel*? Why was it necessary to translate the amount of a whole shekel into its *Gera* equivalency and then say 'give one-half shekel'?

Of course many answers are given and all are Torah, but I think we can suggest an additional answer in light of what we have learned.

A person isn't required to have a complete shekel to be valued, to contribute, and to be part of Klal Yisroel. That is why the Torah writes two P'sukim later (Posuk 16):

הָעֲשִׂיר לֹא יִרְבֶּה וְהַדֵּל לֹא יִמְעִיט מִמִּחֻצֵי הַשֶּׁקֶל לְתַת אֶת תְּרוּמַת ה' לְכַפֵּר עַל  
נַפְשֵׁיכֶם:

The wealthy person cannot increase and the poor person cannot lessen from the half-shekel to give a raised gift to Hashem to atone for your souls.

If the poor would give less, then their value would be lessened because someone else had to provide for their share. The rich were not allowed to give more because then that equivalency and equality with those of lesser means would be lost.

But the equivalency, and the appointment of all of Israel to be part of the national goal of *Korbonos*, of atonement, was done with a half coin.

A person's value is not by having a coin that is full and complete. A person's value is by the contribution that he makes.

There are contributions that are made by the highest level of those who reject any monies that are tainted for whatever reason and there are those who make sure that they fulfill the basic level – their money is honest.

All can then take their places as *Dayanim*, living up to their mission as an emissary of G-d.

By requiring the gift of a 'half' the Torah is guiding us in our judgment of ourselves and of others.

Rashi writes at the beginning of Parshas Mishpotim:

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

Why is Parshas Mishpotim that deals with laws of monetary matters placed next to the laws of the altar that the Torah writes at the end of Parshas Yisro? It is to tell you that the office of the Sanhedrin should be in close proximity to the altar of the Mishkan.

There is an inherent inner connection between the Sanhedrin, judges who were to be above reproach, and the altar. The altar that brings atonement will succeed when the Sanhedrin which is to judge righteously succeeds in its task.

When the Sanhedrin succeeds in its task, it itself serves as an atonement for Israel.

When, in our own personal lives, we succeed in judging our own selves with integrity, then we too bring atonement.

And when as a nation and as individuals, we succeed at our tasks, we can read the Midrash Tehillim (Perek 17) and anticipate its fulfillment.

The Midrash reads:

ומנין שהקדוש ברוך הוא לוקח שוחד, שנאמר ושוחד מחיק רשע יקח [להטות אַרְחוֹת מְשֻׁפֵּט] (משלי יז/כג), ומה השוחד שנוטל מן הרשעים בעולם הזה, תשובה ותפלה וצדקה...אמר הקדוש ברוך הוא בניי עד ששערי תפלה פתוחין עשו תשובה, שאני לוקח שוחד בעולם הזה...

From where do we know that Hashem takes bribes? Because it says, 'He Hashem takes bribes from the bosom of the wicked to turn the ways of justice.'

What is the bribe that Hashem takes from the wicked in this world? It is repentance, prayer and Tzedakah.

Hashem says [to us], 'My children – as long as the Gates of Prayer remain open, repent for I will be bribed in this world.'

Let us place our personal *Sanhedrin* most near to our personal altar. Let us seize the opportunity because the Gates are open now and HaKodosh Boruch Hu is awaiting us.

Let us make ourselves *chad*-one with the Ribbono Shel Olom and we will then certainly understand His truth and His kindness.

Shabbat Shalom

Chodesh Tov

Rabbi Pollock