

# Pardes Yehuda

Weekly Torah insights translated and revised by Dovid Pinchas Rose, based on the Yiddish יהודה פארשן by Yehuda Zvulun Klitnick

פרשת משפטים  
תשע"ז  
Parshas  
Mishpatim 5777

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לעילוי נשמת אביו מרדכי בן ראובן ואמו שרה לאה בת אביגדור ע"ה

## Moshe's voice and Hashem's voice kaviyochol were one and the same

ויבא משה וינספר לעם את כל־דברי ה' ואת כל־משפטים וינעו כל־העם קול אחד ויאמרו כל־הדברים אשר־דבר ה' נעשה: (כד ג)

So Moses came and told the people all the words of the Lord and all the ordinances, and all the people answered in unison [lit. "ONE VOICE"] and said, "All the words that the Lord has spoken we will do (24:3)

The Yismach Moshe wonders why the Yidden were so quick to pledge fulfillment of THE TOTALITY OF the mitzvos after hearing them from Moshe Rabbeinu. Skeptics among them -- [and not even malicious ones [DPR]] -- could have challenged the authenticity of Moshe's delivery. The Yidden had just heard the first two Dibros directly from the Oibershter -- impossible to gainsay. But how could one be sure that Moshe's pronouncements were not of his own contrivance? The Yismach Moshe explains that when Moshe addressed Klal Yisroel, his flesh-and-blood mouth was a vehicle for the Holy Shechina to sound forth. משה דבר והאלהים. משה דיבר והאלהים. *Moses would speak and Elokim would answer him with a voice.* Rashi explains: *הקב"ה מסייע לתת בו כח להיות*: *Hakodosh Baruch Hu miraculously amplified Moshe's voice so that it could be clearly heard by all at a great distance* (400 parasas, according to Gemara Masechet Yuma). It was crystal clear to all the listeners, who were fresh from hearing the first two Dibros directly from Hashem, that Moshe's voice and that of Hashem's direct Revelation were identical. Hence, they realized -- if there had been any doubt -- that Moshe was a direct and unvarnished emissary, a mouthpiece of the Creator. There could be no room for skepticism as to the authenticity of his entire message, down to every *kutzo shel yud*/ message-bearing scribal detail of the smallest letter. Against this background, we can parse our posuk: *וינעו כל־העם* Each and every Yid acknowledged קול אחד -- Moshe's voice is identical to Hashem's voice *kaviyochol*, which we heard -- and *ויאמרו כל־הדברים* -- every utterance of Moshe is -- *אשר־דבר ה'* -- stems directly from the Creator's mouth, so to speak. So, boldly proclaiming *נעשה* was the inescapable conclusion of that conviction.

(קול יהודה - ר' יהודה ארי קליין, וספר תשבי"י ר' פייש פאלאק אב"ד ווייטצען)

## Don't descend to the canine level!

ואנשי קדש תהיו לי ובושר בשדה תרפה לא תאכלו לכלב תשליכו אתו: (כב ל)  
*And you shall be holy people to Me, and flesh torn in the field you shall not eat; you shall throw it to the dog[s].(22:30)* Dogs get their due as reward for keeping silent for the Jews during Makas Bechorim in Egypt. Let's learn something about dogs from Medrash Rabbah (31:9): *מה הכלבים אהד נובה וכולם מתקבצים ונובחים על חנים אבל אתם לא תהיי כן מפני שאנשי קדש תהיו* "If one dog barks, all the others gather and bark also for no purpose, but you must not do so, because you are holy: "You shall be holy men to me." If a person witnesses an assault on another, he is obliged to intercede to defend the victim, but his motivation must be purely for the sake of rescue. But someone prone to dispute/machlokes interferes in someone else's struggle, not from a positive motive, but rather to fan the flames of machlokes. By so doing, he emulates the dogs, who, when one barks, copy and amplify the senseless barking for no reason other than they like to bark. The Torah enjoins us: *שאנשי קדש תהיו לי*: when you witness a crime, get involved as a member of a Holy Nation. If your aim is to exacerbate a dispute, you are no better than a barking dog.

(כתב סופר)

## Message to the Judge: Uphold the integrity of justice

מדבר שקר תרחק ונקי וצדיק אל תהרג כי לא אצדיק רשע (כג ז)  
*Distance yourself from a false matter; and do not kill a truly innocent person or one who has been declared innocent, for I will not vindicate a guilty person. (23:7)*

It is not immediately obvious why the Torah connects shunning falsehood with wrongly executing an innocent soul. A basic feature of the criminal Beis Din is laid out by Rambam (Sanhedrin, 9:1), pursuant to the Gemara (Sanhedrin 17a): In a capital case, if all judges vote to acquit, the acquittal stands. If they are divided, the majority prevails. If all vote to convict, the verdict is aborted. An overnight delay of the proceedings is required to provide the judges a chance to find a basis on which to acquit (Artscroll Sanhedrin 17a4). In the case of a unanimous verdict to convict, the requisite overnight reconsideration of the case, possibly leading to exoneration, would not occur, and hence, a guilty verdict under these circumstances is vacated. We cannot uphold a death sentence where there is no possibility of acquittal, even after giving the judges time to "sleep on it." [We may *speculate* that a modern-day analogue is the case of a holdout from a twelve-member jury who feels group pressure to change his vote. In our Bais Din, a sole dissenter might have faced irresistible pressure NOT to change his vote. [DPR]] The Ohr HaChaim HaKodosh outlines an intriguing scenario. Imagine a judge of great integrity, a holdout against his fellows, who believes in his heart that the defendant is innocent, in the face of his colleagues' surety that he is guilty. If he proclaims "innocent", that would trigger a "majority rules" scenario, and the defendant would be doomed. So perhaps he will cunningly vote "guilty", just to trigger a unanimous verdict which would in turn be overturned to "innocent" -- in keeping with his actual opinion, as a way to free the defendant! But no; the Torah warns this judge against falsifying his true opinion: *לא תהיג אחר־רבים לרעת* *You shall not follow the majority for evil* (23:2). This combines with *מדבר שקר תרחק*: It perverts justice to falsely vote "guilty" hoping thereby to save the accused's life. The judge dare not fear, (based on *ונקי וצדיק אל־תהרג* "do not kill an innocent person" from our posuk,) that by his voting "innocent" the accused will thereby be wrongly condemned by the majority's vote. Rather, the holdout judge must remember that *לא־אצדיק רשע* -- ultimately, Hashem will deliver the appropriate punishment for the accused even if a human court errs in its conclusion. [Conversely, Hashem will ultimately vindicate an improperly convicted man. [DPR]] Our judge is enjoined to speak and hold fast to his honest opinion. For him, that is the "truth." Tehilim 82:1 applies: *אלהים נצב בעדת אל בקרב אלהים ישפט* *Elokim stands in the congregation of G-d; in the midst of the judges He will judge.* Hashem is the ultimate judge of all the earth. The connection of falsehood to capital punishment should be clear. There can be no room for false judgment -- even on the part of a well-meaning judge -- in imposing a death sentence.

(פני מבין - ר' נתנאל פריד)

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## The taint of corruption

ואלה המשפטים אשר תשים לפניהם: (כא א)

And these are the ordinances that you shall set before them. (21:1)

The parsha bears the name *Mishpatim*/judgments. A basic principle relating to the judicial process is learned from the Mishna in Avos (1:8): יהיו בעיניך כרשעים *WHEN THE LITIGANTS STAND BEFORE YOU, CONSIDER THEM BOTH GUILTY.* Why this counterintuitive exhortation? Should one not at least maintain neutrality? Look at the word-final letters of אשר תשים in our posuk. They form the word מרה "deception." In the interests of justice, the judges must suspect that either side standing before them could be tainted by a degree of deception -- and then act accordingly.

(תרחס ציון ר' שלום הכהן אביד גירבא)  
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**A** fine, charitable and wealthy gentleman once lived in a town where he constantly sought opportunities to extend *chesed*/kindness to his brother Jews. Since he had many business interests, including a large field, he was able to loan funds and stocks to the smaller shopkeepers at the beginning of a week, allowing them to earn some profit and repay him before each Shabbos. He was in effect a silent partner in many businesses, and thanks to his chasodim, grew even wealthier as more and more people flocked to take advantage of his generosity. One night, the man sat going over his books, but with a lot of cash on the table. His house was locked up securely, and there was even a security guard at the door. But, to his bewilderment, a man of imposing presence somehow appeared before him. This was the great Rebbe Rav Leib Sarah's (commonly known by his personal name and matronymic), who stated that he had a pressing need to borrow 500 gold coins, to be repaid in a few days. At first, the magnate declined, since a loan of that magnitude was beyond his usual scope. "Out of the question. Everyone knows I loan small sums to many tradesmen to allow them to conduct business. What you are asking for is way beyond that." The visitor repeated his need, this time emphatically, more as a demand than a request. The benefactor said: "I will make an exception for you, because you seem very spiritual." In truth, he was somewhat afraid of refusing the request, in light of the visitor's ability to penetrate his private, locked chamber. A few days later, the rich man was sitting at his accounts table again when the same imposing visitor reappeared, holding the 500 coins in his hand as repayment for the loan. The lender breathed a quiet sigh of relief, but then took almost gagged when Reb Leib Sarah's blurted out: "So far so good. But now my need is to borrow a thousand gold coins and I'm not prepared to accept less!" This was a colossal sum to loan, but the lender sensed that the man standing before him was no ordinary personage, so he relented. He withdrew

another 500 from his safe and handed it over to Reb Leib Sarah's who vanished as mysteriously as he had appeared. Deep in the night, several days later, the scene repeated itself, but without warning, the stakes were raised much higher. Voice surging with compulsion and a tinge of threat, Reb Leib Sarah's told the man: "Here are the thousand coins I borrowed. You see I'm a man of my word. But now I need to borrow more. Open your safe and loan me all the cash you find there. I will repay you to the last kopek." By this point, the merchant was on the verge of a nervous collapse, but he relied on his belief that "honesty is the best policy", and revealed to the visitor that just that day

he had consummated a major business deal and was flush with cash in his safe. This was their dialogue: "Loan it all to me now. You won't regret it, I promise you." "Look. All that money is earmarked for loans to the dozens of small tradesmen who depend on me for business loans on which their livelihood depends. I can't very well loan the same coins to both you and them at the same time, now can I?" "I say this: tell our good brothers that this has to be an "off" week for the loans, but that they shouldn't worry. You'll resume the following week with even larger amounts. You'll be doing yourself a favour if you loan me what I asked for." The man was fearful of denying the visitor's pointed directions, so he complied: he emptied his safe and gave the contents to the visitor in return for a promissory note, repayment date a week hence. The *ba'al chesed* recovered from his brush with destiny. The very next day, a catastrophic conflagration broke out in the town which took a heavy toll. Many homes were destroyed, including the rich man's. Overnight, he was reduced to poverty. The town leaders arranged temporary lodgings for all those affected by the blaze, but the psychological blow it took on our philanthropist was bitter beyond words. A day or so later, when he was at his deepest despondency, he encountered Reb Leib Sarah's -- and his plight changed from darkness to light. "Don't you remember our little loan?" asked the Rav. *"I'm returning the whole fortune you loaned me. You can tear up the IOU note. There was a decree in shomayim that this town should suffer a grievous fire, and your house was not exempt. But your wonderful acts of kindness towards your fellow Jews made a strong impression before the Heavenly Court and I was sent as an emissary at the very least to rescue your fortune. Boruch Hashem you had the seichel/intelligence to cooperate with my scheme. Now rebuild your house with this money and help your townspeople rebuild theirs. The Oibershter will enable you to continue your good deeds and Ahavas Yisroel for many years to come."*

### STORY OF THE WEEK:

### Reb Leib Sarah's rescues the fortune of a true Ba'al Chesed

### Parshas Mishpatim 5777, #294

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