

## INSIGHTS from the SEDRA

*Insights from the Sedra is a project of the Scholar's Kollel of Great Neck. It aims to provide several questions and answers about the Sedra, culled from various commentaries, including the following: Baal Haturim, Darash Moshe, Vedibarta Bam by Rabbi Moshe Bogomilsky, Torah Treasures by Dov Furer, Wellsprings of Torah by Alexander Friedman, and Kol Dodi by Rabbi Dovid Feinstein, Great Torah Lights by Rabbi Yitzchak Meir Goodman, Something To Say by Rabbi Dovid Goldwasser, The Vilna Gaon, Growth Through Torah by Zelig Pliskin and The Call of the Torah.*

**לא תטה משפט לא תכיר פנים ולא תקח שחד כי השחד יעור עיני חכמים ויסלף דברי צדיקים**  
“You shall not pervert judgment, you shall not respect someone’s presence, and you shall not accept a bribe, for the bribe will blind the eyes of the wise and make just words crooked.” (16:19)

In *Parshat Mishpatim*, it states: “And you shall take no gift, for the gift blinds the astute and here it is written, “for a gift blinds the wise. The *Vilna Gaon* maintains that a judge must have two good qualities while sitting in judgment of others: he must be wise, excelling in all the laws of the Torah; and he must be astute, shrewd and perceptive in the ways of the world. The Torah emphasizes that bribery blinds the eyes of the astute and the wise. A judge who fails in this command is transgressing against Hashem and man. (*Torah Treasures*)

**ולא תחוס עינך נפש בנפש עין בעין שן בשן יד ביד רגל ברגל**  
“Your eye shall not pity life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.” (19:21)

Earlier the Torah (*Shemot* 21:24, *Vayikra* 24:20) states the same punishment mentioned here – “an eye for an eye, etc.,” but the wording is slightly different. There it states עין תחת עין, whereas here it is written עין בעין – what is the reason for this change?

From a careful reading of other places in the Torah, one can detect a pattern. The word תחת is used when the first item no longer exists and the second one comes to replace it (see *Breishit* 4:25, 36:36, *Tehillim* 45:17). The letter ב is used when the first item still exists (see *Vayikra* 27:10).

The *Gemara* (*Makkot* 5b) states the laws of *eidim zomemim* – false witnesses – only apply if the punishment was never carried out. Thus, the verses are very consistent. The earlier verses discuss cases where a person was actually maimed, and is missing an eye, etc. Therefore, the punishment is coming to compensate for something missing. Thus, the word תחת is written. But here, with regard to *eidim zomemim*, an eye was never removed! The witnesses intended that it be taken out, but it never reached fruition. Therefore, the letter ב is employed, since the eye still exists. (*Sha’ar bas Rabim, in the name of R’ Bentzion Tzizling*)

**כי ימצא חלל באדמה...ויצאו זקניך ושפטיך...ידינו לא שפכה את הדם הזה**

**“If a corpse will be found on the land...your elders and judges shall go out...our hands have not spilled this blood.” (21:1-7)**

QUESTION: Prior to this, the Torah discusses the laws of war. Immediately following this, in the next *parsha*, the Torah again discusses war. Why is the law of the *eglah arufah* – the calf whose neck is broken – discussed in the middle of the subject of war?

ANSWER: During war there is much bloodshed and inevitably many lose their lives. Often soldiers become callous to human life, and another fatality ceases to impress them. The Torah is teaching that even if it is in between wars and many are losing their lives, the death of an innocent person must be accounted for and may not be taken with complacency. (*Vedibarta Bam*)

In this passage as part of the elders’ recital, they say, “*our hands did not spill this blood.*” The Hebrew for the word spill is written in singular form – שפכה, but it is read as a plural – שפכו. Wherever there is a tradition to read a word differently than its spelling, commentators try to find a hidden message. In this case, an interesting explanation is given in a volume called *B’eirot Yitzchak*, quoted by *Rabbi Yaakov Reinitz of Yerushalayim*.

The simple reading of this law involves a murder victim. However, *Rashi* quotes a *midrash* that it may involve one who may have died of hunger. The elders then state that they did not see him in town and let him leave without providing him with food and proper accompaniment out of the town. Thus, there are two situations here. For murder, each elder says, in effect, “*I am not a murderer.*” But for not properly providing him provisions, which any one of them could have provided, the responsibility and guilt is a collective one, suggesting that nobody took care of him.

This explains the written form versus the oral reading. The singular text indicates that no individual killed him. The plural reading declares that the elders as a group state that we did not cause his death by our collective neglect of his needs. They imply that he did not pass through their town although they happened to be closest to the site where he was discovered. (*B’eirot Yitzchak*)

A lesson to be learned from the *eglah arufah* is that a Jew who is alien and detached from Judaism cannot simply be written off as a product of the times and part of a statistic. It is incumbent upon all to make sure that he is spiritually “alive” as a Jew, so that we will be able to claim without any hesitancy, “*yadeinu lo shafcha et hadam hazeh*” – “*we have not caused this spiritual shedding of blood.*”

When *Yaakov* parted from *Yosef*, the last *halacha* he taught him was about *eglah arufah* (see *Breishit* 45:27, *Rashi*). Possibly, *Yaakov* meant to impart to *Yosef* the teaching that even though he might become leader of a mighty nation, he was always to remember that every person is important and that every person must be accounted for by the highest authorities of the land.

(*Likutei Sichot*)

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