HONOR DUE TO A THIEF

by Rabbi Yissocher Frand

> *These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 271, Experimental Medical Treatment.*
> *Good Shabbos!*

Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov - In memory of Mrs. Adele Frand

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The Honor Due a Thief

Parshas Mishpatim discusses a large portion of the mitzvos that are categorized as "Bein Adam L'Chaveiro" [between man and his fellow man]. We are taught the obligations of Shomrim [paid or unpaid watchmen] and the halachos [laws] of Nezikin [various types of damage]. We are taught the laws of lending and borrowing, of honesty in business transactions, and of how to treat widows and orphans. All of these halachos are taught in this week's parsha.

We might ask ourselves: if we were to write the Torah, and we wanted to set the tone for the body of laws presented in Parshas Mishpatim -- which law would we introduce first? Obviously 100 different people will have 100 opinions on this matter. But I dare say that few people, if any, would choose the law of the Eved Ivri [Hebrew slave, or indentured servant] as the first law, as the introduction to this section.

Nevertheless, the Torah does begin with that Eved Ivri. The greeting, so to speak, of the laws governing interpersonal business dealings and relationships is the law that if someone steals and can not afford to pay back, he is sold into slavery. Parshas Mishpatim begins with the laws governing treatment of such an individual. This seems to be a strange choice of where to begin.

Rav Samson Raphael Hirsch (1808-1888) explains why this choice is most appropriate indeed. All of the laws that will be introduced in this week's parsha - how we must be careful with our fellow man's money and his property - are all based on the concept of Kavod HaBriyos [respect for humanity]. They are all based on implanting within us the idea that my friend is, in fact, created in the Image of G-d. He is a G-dly person. Once that idea is implanted in my consciousness, I have the philosophical underpinning upon which everything else is based.

The Torah is telling us how one must treat another human being. Which human being does the Torah choose to illustrate this point? The thief! The mere word conjures up the image of a despicable character. This person, who in other societies is thrown into jail to rot away, is not to be so treated in a Jewish society. He, too, is a human being whose respect we must maintain. Our Sages tell us that when one acquires an indentured servant, it is like he has acquired a master for himself (based on the restrictions and obligations imposed on the owner).

The Talmud [Kiddushin 20a] says that if a person only has one pillow, he must give the pillow to his servant rather than take it for himself. If the Torah goes so far in the treatment of a thief to preserve his dignity and self-image, then how must we treat someone who is not a thief but rather is our peer, our equal, our next door neighbor?

The tone for the very infrastructure of the laws governing our inter-societal behavior is set with the laws of the indentured servant. If we can learn to appreciate that even the thief was created in the Image of G-d, then we can quickly understand why we must not cheat or insult or cause pain to or take advantage of anyone in society.

Do Not Be Taken In By The Briberies of Life's Experience

"You should not take a bribe, because the bribe will blind those who can see and will pervert the words of the righteous" [Shemos 23:8]. Once a person accepts a bribe, his perspective becomes tainted to the extent that he can no longer judge a situation fairly.

Immediately following the warning against bribes, the Torah commands: "And the convert you should not oppress; for you know what it means to be a stranger, for you were strangers in the land of Egypt" [Shemos 23:9].

What is the connection between the earlier law directed at judges and the later law dealing with how to treat converts? The Shemen HaTov explains the connection by introducing the concept of "the briberies of the trials of life". Sometimes a person can be bribed - his perspective can be affected - not by a payoff, but by what he has experienced in life.

It is not uncommon that someone loses a father. This image of an orphan automatically will conjure up emotions of compassion. But there may be a person who reacts to this situation with absolutely no compassion. Why? When this person was a child, he also lost his father. He made it through life. It was tough, but he made it. Such a person may have difficulty showing compassion for the orphan.

Such a person may be thinking, "Why is everyone getting all excited about this kid?" Sometimes it is the very people who themselves have suffered a similar tragedy who have the least compassion for someone in the same circumstances. It hardens rather than softens their reaction.

Such a concept exists in life. Common experience can harden a person rather than allow him to empathize. The Torah is telling us not to take bribes. The warning is not merely against taking monetary bribes. The Shemen HaTov explains that the Torah is telling us not to let our life experience - including that of having ourselves been foreigners in a foreign society - harden our attitude towards converts to Judaism.

Just because someone has "made it" does not give him a license to say "I made it on my own -- He can also make it on his own!" Do not let the briberies of life turn you away from that which should be your natural reaction -- to show compassion to someone less fortunate than yourself.

Transcribed by David Twersky; Seattle, Washington.
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This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. The complete list of halachic topics covered in this series for Parshas Mishpatim are provided below:

- Tape # 043 - Malpractice
- Tape # 086 - Withholding Medical Treatment
- Tape # 134 - Hashovas Aveida: Returning Lost Objects
- Tape # 181 - Medicine, Shabbos, and the Non-Jew
- Tape # 227 - Taking Medicine on Shabbos
- Tape # 271 - Experimental Medical Treatment
- Tape # 317 - Wrecking a Borrowed Car
- Tape # 361 - Bankruptcy
- Tape # 405 - Litigating in Secular Courts
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