

SHABBAT PARSHAT MISHPATIM · 24 SHVAT 5774 - JAN. 25, 2014 · VOL. 21 NO. 18

PARSHA INSIGHTS

THE WISDOM OF PRECISION

*And these are the laws... (21:1)*

At first glance, Judaism seems like an ocean of ‘do’s’ and ‘don’ts’ — an ocean that’s easy to drown in. The ‘New’ Testament canard of the “nit-picking legalistic Old Testament” is a familiar anti-Semitic slur down through the centuries.

But why does Judaism seem to be “nit-picking?”

I’m writing this but a short time after the first *yartzeit* of our beloved Rosh Hayeshiva, Rav Mendel Weinbach zt”l. A few years ago, a member of the Ohr Somayach staff could not get his daughter into one of the ‘Ivy League’ seminaries in Jerusalem because he had no family or contacts to vouch for them. Despite numerous phone calls and the passing of months, the young lady still had no school. In a state of near-desperation, the father went in to see Rav Mendel. He said, “It’s a pity you didn’t come to me six months ago. I have a certain influence at that school, but now it will be very difficult.”

The beginning of the semester came and went. A week into the semester, the young lady was still sitting at home and sinking not-too-slowly into depression. On the morning of the third day Rav Mendel appeared at the family’s home and said to her, “Come, we’re going to school.” Together they climbed into a taxi and arrived at the school that had rejected her. They walked into the First Year classroom. As they entered, fifty heads turned in unison. Rav Mendel said, “Sit down.” And then he proceeded to sit down in the chair next to her.

He would not leave until the school agreed to take her.

In last week’s Torah Weekly I recounted the story of one of the great Rabbis of the Mussar (Ethics) Movement whose glove slipped under his departing train and he threw the other glove under the carriage so the person who found the first glove would have a pair.

And who can forget the wonderful story of Rabbi Moshe Feinstein who traveled quietly for several miles with his hand trapped in a car door so the driver wouldn’t be embarrassed by having slammed the door on the Rabbi’s hand?

From where does that great sensitivity come?

From all that “nit-picking”.

Torah is the wisdom of precision. Every movement, every feeling, every thought must be weighed and evaluated and checked to see whether it is perfect or not.

The power of Torah lies precisely in its laser-like attention to differences of a hair’s breadth. When a person trains himself to be recognize hair’s breadth differences in the physical world, the fine line between a *glatt kosher shechita* and one that was *‘glatt treif’*, he creates in himself the sensitivity to recognize the subtle flaws in his character — flaws which the rest of the world would trumpet as virtues.

However these virtues don’t come cheap. They only appear in someone who accepts the Torah as a yoke, who views his Torah observance as obligatory. When life’s trials confront us, as they must inevitably do, all our refinement will vanish unless we have been through ‘boot camp’ — the rigorous regimen of precise mitzvah observance. If our attitude to the Torah is that it’s going to give me a better life, better relationships, a faithful spouse, nice festivals, and children who are unlikely to be drug addicts, or if I’m looking for a mystical high, we will not become loftier and more sensitive individuals.

When life’s ‘ups’ inevitably turn into ‘downs’, our values will also plummet.

Worse, we will minimize our shortcomings with excuses like “You can’t judge someone when they’re under pressure.” And to excuse our failings we will bring as proofs the dicta of the Sages. Inexorably, we will become less and less sensitive until we descend into anger, rage, trickery and the whole lexicon of bad character. And all because we failed to accept the Torah as a yoke.

The sensitivity and character refinement of our great Torah Sages which has no parallel amongst the cultural glitterati of the nations comes from our holy Torah, and can only come from the wisdom of precision.

• Sources: based on Rabbi Shlomo Wolbe zt”l;  
thanks to Rabbi Heshy Grossman

The Jewish People receive a series of laws concerning social justice. Topics include: Proper treatment of Jewish servants; a husband's obligations to his wife; penalties for hitting people and for cursing parents, judges and leaders; financial responsibilities for damaging people or their property, either by oneself or by one's animate or inanimate property, or by pitfalls that one created; payments for theft; not returning an object that one accepted responsibility to guard; the right to self-defense of a person being robbed.

Other topics include: Prohibitions against seduction; witchcraft, bestiality and sacrifices to idols. The Torah warns us to treat the convert, widow and orphan with dignity, and to avoid lying. Usury is forbidden and the rights over collateral are limited. Payment of obligations to the Temple should

not be delayed, and the Jewish People must be holy, even concerning food. The Torah teaches the proper conduct for judges in court proceedings. The commandments of Shabbat and the Sabbatical year are outlined. Three times a year — Pesach, Shavuot and Succot — we are to come to the Temple. The Torah concludes this listing of laws with a law of kashrut — not to mix milk and meat.

G-d promises that He will lead the Jewish People to the Land of Israel, helping them conquer its inhabitants, and tells them that by fulfilling His commandments they will bring blessings to their nation. The people promise to do and listen to everything that G-d says. Moshe writes the Book of the Covenant, and reads it to the people. Moshe ascends the mountain to remain there for 40 days in order to receive the two Tablets of the Covenant.

# Abarbanel

## ON PARSHAT MISHPATIM

By Rabbi Pinchas Kasnett

In this Parsha the Torah's way of dealing with the crime of murder raises a number of issues. The exact words of the Torah are as follows: "One who strikes a man, so that he dies, shall surely be put to death. But for one who had not lain in ambush, and G-d had caused it to come to his hand, I shall provide you a place to which he shall flee. If a man shall act intentionally against his fellow to kill him with guile, from my Altar shall you take him to die." (Shemot 21:12-14)

Abarbanel asks the following questions: 1) Why does the Torah use the specific expression, 'one who strikes'? Why not say, more generally, 'one who kills'? 2) The ability of the murderer to flee to a place of refuge seems to require two conditions: that he had not lain in ambush and that G-d caused it to come to his hand. However, there is no clear indication of what the murderer's fate would be if he had not lain in ambush and G-d had *not* caused it to come to his hand. 3) What is meant by the expression 'with guile'? Does this indicate a heinous form of intentional murder whereby the victim was lulled into a false sense of security, such that the murderer could even be dragged away from the Altar of the Holy Temple in order to stand trial; but short of this, the Temple could offer protection?

Abarbanel answers that the specific example of 'striking' comes to teach us that the murderer will be guilty even if the death is not immediate. The only requirement is that the

death be the direct result of the murderer's action. In reference to the second question, he answers that there is no such concept in Judaism as G-d *not* causing it to come to his hand. Whether the murderer acted intentionally or unintentionally, in some sense G-d played a role. Thus the Torah in this verse is only referring to two possibilities: capital punishment for the intentional murderer and exile for the accidental murderer. This is a fundamental principle of Jewish belief which the Talmud expresses in the following manner: "No one on earth even lifts a finger unless the act has been decreed from Above." In essence, nothing happens 'coincidentally' or 'by chance'.

In answer to the third question, the Torah is telling us that the expression 'with guile' does not indicate a more severe level of intent. Rather, even if the murderer does not strike the victim directly but still intentionally causes his death, he will still be held responsible. Additionally, the Torah is teaching us that the Altar of the Holy Temple never offers sanctuary to the intentional murderer. Abarbanel points out that in many non-Jewish societies the exact opposite was the case. A murderer could find sanctuary in places of worship for an indefinite period of time. Finally, in reference to the unintentional murderer, the Torah demonstrates its compassion in granting such an individual a place of refuge.

## PARSHA Q&A ?

1. In what context is a *mezuzah* mentioned in this week's parsha?
2. What special mitzvah does the Torah give to the master of a Hebrew maidservant?
3. What is the penalty for wounding one's father or mother?
4. A intentionally hits B. As a result, B is close to death. Besides any monetary payments, what happens to A?
5. What is the penalty for someone who tries to murder a particular person, but accidentally kills another person instead? Give two opinions.
6. A slave goes free if his master knocks out one of the slave's teeth. What teeth do not qualify for this rule and why?
7. An ox gores another ox. What is the maximum the owner of the damaging ox must pay, provided his animal had gored no more than twice previously?
8. From where in this week's parsha can the importance of work be demonstrated?
9. What is meant by the words "If the sun shone on him"?
10. A person is given an object for safe-keeping. Later, he swears it was stolen. Witnesses come and say that in fact he is the one who stole it. How much must he pay?
11. A person borrows his employee's car. The car is struck by lightning. How much must he pay?
12. Why is lending money at interest called "biting"?
13. Non-kosher meat, "*treifa*," is preferentially fed to dogs. Why?
14. Which verse forbids listening to slander?
15. What constitutes a majority-ruling in a capital case?
16. How is Shavuot referred to in this week's parsha?
17. How many prohibitions are transgressed when cooking meat and milk together?
18. What was written in the *Sefer Habrit* which Moshe wrote prior to the giving of the Torah?
19. What was the *livnat hasapir* a reminder of?
20. Who was Efrat? Who was her husband? Who was her son?

## PARSHA Q&A!

### Answers to This Week's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 21:6 - If a Hebrew slave desires to remain enslaved, his owner brings him "to the doorpost *mezuzah*" to pierce his ear.
2. 21:8,9 - To marry her
3. 21:15 - Death by strangulation.
4. 21:19 - He is put in jail until B recovers or dies.
5. 21:23 - 1)The murderer deserves the death penalty.  
2)The murderer is exempt from death but must compensate the heirs of his victim.
6. 21:26 - Baby teeth, which grow back.
7. 21:35 - The full value of his own animal.
8. 21:37 - From the "five-times" penalty for stealing an ox and slaughtering it. This fine is seen as punishment for preventing the owner from plowing with his ox.
9. 22:2 - If it's as clear as the sun that the thief has no intent to kill.
10. 22:8 - Double value of the object.
11. 22:14 - Nothing.
12. 22:24 - Interest is like a snake bite. Just as the poison is not noticed at first but soon overwhelms the person, so too interest is barely noticeable until it accumulates to an overwhelming sum.
13. 22:30 - As "reward" for their silence during the plague of the first-born.
14. 23:1 - Targum Onkelos translates "Don't bear a false report" as "Don't receive a false report".
15. 23:2 - A simple majority is needed for an acquittal. A majority of two is needed for a ruling of guilty.
16. 23:16 - *Chag Hakatzir* — Festival of Reaping.
17. 23:19 - One.
18. 24:4,7 - The Torah, starting from Bereishet until the giving of the Torah, and the *mitzvot* given at Mara.
19. 24:10 - That the Jews in Egypt were forced to toil by making bricks.
20. 24:14 - Miriam, wife of Calev, mother of Chur.

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POB 18103, Jerusalem 91180, Israel • Tel: +972-2-581-0315 • Email: info@ohr.edu • www.ohr.edu

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General Editor and Talmud Tips: Rabbi Moshe Newman • Design: Rabbi Eliezer Shapiro

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Based on the Talmudic Sages found in the seven pages of the Talmud studied each week in the Daf Yomi cycle

## YOMA 79 - 85

“Whoever eats and drinks on the ninth (of Tishrei) is considered to have fasted both on the ninth and on the tenth (Yom Kippur).”

Chiya bar Rav from Difti is quoted as teaching this mitzvah to eat and drink on the day before Yom Kippur besides the mitzvah of fasting on Yom Kippur. He derives it from a verse in Vayikra 23:32, which in a simple reading states that we should fast on the ninth of the month, but we know from other verses that the fast of Yom Kippur is actually on the tenth. He explains in a *beraita* on our *daf* that this fasting (*'inui* in Hebrew, lit. ‘afflict’) on the ninth is actual a command to eat and drink on the ninth so that we will be prepared to fast properly on the next day of Yom Kippur.

• Yoma 81b

“Eretz Yisrael is not lacking anything, as it is written in the Torah ‘A Land in which nothing is lacking; everything is in it’ (Deut. 8:9).”

Our *gemara* cites this *beraita* to show that even pepper spice is considered ‘food’ and one who eats it on Yom Kippur is subject to *karet* as is the halacha with other ‘normal’ food or drink. This seems to be a refutation of a statement made by Rava on our *daf*, and the *gemara* subsequently resolves Rava’s statement and the *beraita* in a way in which they do not conflict. As an aside, we see from this *gemara* and from the Torah’s verse that the Land of Israel is not lacking *anything* – we just need to know how to find it.

• Yoma 81b

## LOVE OF THE LAND

Selections from classical Torah sources which express the special relationship between the People of Israel and Eretz Yisrael

## KEREM MAHARAL – MOREINU HARAV LOEW

Near the Carmel Coast is this settlement named for the great Torah philosopher and prolific author, Rabbi Yehuda the son of Betzalel Loew of Prague.

Although there are some doubts about the authen-



ticity of the legends of the “golem” which he is reputed to have created to protect his people from hostile anti-Semites, the Maharal occupies a very special place in Jewish history thanks to the much studied volumes of Torah thought which he authored.

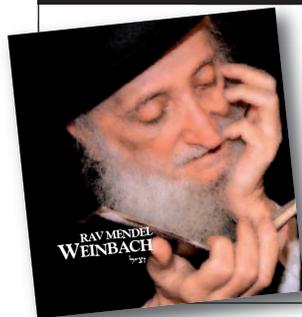
## A Memorial Tribute on the First Yahrzeit

THE MEMORIAL TRIBUTE BOOK FOR RAV WEINBACH ZT”L

is available in print at Ohr Somayach\* as well as in PDF format on [www.ohr.edu](http://www.ohr.edu)

\* Suggested minimum donation for the printed version is 36 nis.

Proceeds will be used for the Gemach Charity Fund established by Rav Weinbach, zt”l.



## RAV SHACH ON CHASIDISM

From: Barbara

Dear Rabbi,  
Are the statements from the late Rav Shach which sound anti-Chasidic in fact an expression of his opposition to Chasidism, or were they separate comments having nothing to do with the earlier, historical contentions of Mitnagdim and Chasidim which I thought had been resolved and were over?

Dear Barbara,

It is my understanding that Rav Shach reportedly expressed on several occasions that he did not oppose Chasidism in general, whose ranks are replete with G-d-fearing, observant and learned adherents. Apparently, he also expressed that he did not oppose any specific Chasidic group in what he considered to be its original form.

So it would seem that Rav Shach's opposition was not against Chasidism in general, or against any particular Chasidic group per se, but rather that he disagreed with the approach or leadership of some of those groups.

That being said, personally, I've always avoided getting into the details of that type of discussion, as I try to avoid all such divisiveness among Orthodox groups.

My take is that there's little we can do individually to resolve such tensions, but we can certainly avoid increasing them. Anyway, there's enough antagonism against Judaism from without that we don't need to stir it up from within.

Nowadays, all the mainstream movements (i.e., Litvish, Chasidic, Sefardi) and their relevant subgroups are relatively accepted or at least tolerated by the others. They're all G-d-fearing and observant, and it would behoove us to be even more accepting and inclusive — not divisive.

Let's focus on correcting ourselves, not others, and promoting similarities instead of differences.

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The Talmud, often referred to as “The Sea of the Talmud”, is vast both in breadth and depth. The *gemara* (Megillah 18b) describes the difficulty of maintaining a hold on all the Torah you learn, quoting Proverbs (23:5): “When you lift (or close) your eyes from it – and it disappears”.

Chazal (Eruvin 54b) prescribe a method for gaining a true understanding and making a lasting acquisition of all the material you learn. Rav Chisda is quoted as saying, “The Torah can only be acquired with signs.”

**Talmud Navigator** is an attempt to organize the Talmud in database form, mapping and charting the Talmud by tagging the various components and building blocks of the according to type and hierarchy. It is based

on the system outlined by the Ramchal in Derech Tvunos.

This system of textual organization serves as a self-help way to outline the *sugya* in a clearer fashion. It assists in promoting a better understanding of the flow of the *Gemara* and in facilitating summary and review. It is also an excellent tool for a less advanced *Gemara* learner to identify and grasp the logical flow and interconnections of its various components.

Each Thursday we will post a PDF file which maps the *gemara* studied in that week's *Daf Yomi* cycle. G-d willing, we plan in the future to make available the Excel file which enables the user to make his own condensed selections of the *Gemara*. For example: Highlighting the main statements, arguments, questions, conclusions or personalized anchor points of the *sugya* determined by the learner to facilitate his own review.

**Talmud Navigator** is prepared by Rabbi Hanoach Zweig and is available at [www.ohr.edu](http://www.ohr.edu)

## PROCLAIMING G-D'S KINGSHIP

What is the purpose of reciting a blessing? Many of the classic commentators explain that it is a praise of G-d. Accordingly we can ask, what are we praising Him for?

The Talmud records a dispute amongst the Sages as to what the main component of a blessing is:

Rav said, "Any blessing that does not include the mention of G-d's Name is not considered to be a [proper] blessing".  
– Rabbi Yochanan said, "Any blessing which does not mention the kingship of G-d is not considered to be a blessing."  
(*Berachot* 40b)

According to the conclusion of the above-quoted *gemara*, Rabbi Yochanan doesn't argue with Rav; rather his intent is to further require G-d's kingship to be mentioned.

### The Deeper Meaning of a Blessing

The nature of this world is to cover up G-d's presence. The human eye sees the laws of nature as absolute. The truth, however, is that nature is only a mask which shields G-d's presence from us. Despite this concealment it is necessary to acknowledge that G-d's presence in the world is real, even though it may not be apparent.

Based on this idea the Kabbalists explain that the gematria (numerical value) for the word "nature" is the same as G-d's

holy name *Elokim*. The Name *Elokim*, represents G-d's attribute of severity and judgment, which measures and conceals the revelation of G-dly light in this world. This is why the human eye perceives nature and G-d's presence as a contradiction.

One may ask: "Why does G-d hide Himself from His world?"

The true purpose of G-d's concealment within nature is in order for us to see through the illusion of the natural order, realizing that G-d is in total control of everything that occurs in our lives. Those who make an effort to realize the truth will merit G-d's blessings in this world, and will also be rewarded in the World-to-Come.

There are two basic levels for this:

1) To acknowledge G-d's presence, but not to except His kingship over us. 2) To except His presence as well as His kingship.

According to the above we can understand why Rabbi Yochanan requires both the mention of G-d's name as well as His kingship, for what kind of praise would it be to say that G-d is present, but that He is not in total control. However, when we acknowledge the fact that G-d is King of the World we properly praise Him with our blessing.

## @ OHR *Profiles of Ohr Somayach Staff, Alumni and Students*

### "A GREAT TEACHER"

**Rabbi Dovid Weinberger, *shlita*  
Maggid Shiur, Registrar**

"The mediocre teacher tells, the good teacher explains, and the superior teacher demonstrates." This grading of teachers made by William Arthur Ward came to mind upon hearing what Rabbi Dovid Weinberger did for his class of senior citizens at Jerusalem's Ohr Somayach while studying the Torah law forbidding the consumption of animal fat known as *cheilev*. In all of his many years as an educator, Rabbi Weinberger never had such a group of students who insisted on being shown exactly which is the forbidden fat and which the permitted one.

What did Rabbi Weinberger do? In the presence of the students, he got on the phone to the renowned Jerusalem butcher Reb Alter Hacker, and began asking him how to answer his students' questions. "Send one of them over to me right away," was the answer. In less than a quarter of an hour one of the men came into the classroom clutching genuine *cheilev* in one hand, and the permitted *shuman* in the other.

Thus Rabbi Weinberger, who serves as the Ohr Somayach Student Registrar in addition to his teaching role, proved himself a superior teacher by demonstrating what he taught and a truly great teacher by inspiring his students and his colleagues with a love for learning and teaching.