

OHRNET

SHABBAT PARSHAT MISHPATIM • 27 SHVAT 5783, FEBRUARY 18, 2023 • VOL 30 NO.15

PARSHA INSIGHTS

by Rabbi Yaakov Asher Sinclair

The Thing is Not a Play

“And these are the ordinances that you should place before them:” (21:01)

An actor-manager was a leading actor who set up his own permanent theatrical company and managed the business, sometimes taking over a theater to perform select plays in which he usually starred. It was a method of theatrical production used consistently since the 16th century, particularly common in 19th-century Britain and the United States. One of the last great actor-managers was Sir Donald Wolfitt. There’s an apocryphal story about Sir Donald, that in one particular classical play he had to read a long excerpt from a scroll that was presented to him by a page boy. Wolfitt never bothered to actually learn the speech, instead reading it out every night. One night, someone persuaded the page boy to bring to the stage a blank scroll. With great gravitas, Wolfitt unwound the scroll, saw that it was blank, handed it back to the page boy, saying, “Here. You read it.”

An audience would never guess the shenanigans and cover-ups that actors perpetrate to keep the show going. As the saying goes, “The show must go on!”

How would an actor feel if every member in the audience had a script and a little flashlight to monitor every line he said? Well, that’s exactly what a ba’al koreh – someone who reads the Torah for the congregation – must feel. Everyone in “the audience” is following his every line, listening carefully to make sure there is not even the slightest deviation.

Of course, the difference is that the Torah is reality. The Zohar HaKadosh says that “The Holy One looked into the Torah and created the world.” Just as the world is immutable, so is the Torah. It’s not as Hamlet said, “The play’s the thing.” Rather, “The thing (i.e. the Torah) is not a play.”

Q & A

Questions

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?

Answers

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 - (a) The murderer deserves the death penalty. (b) 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.

WHAT'S IN A WORD?

by Rabbi Reuven Chaim Klein

Boorish Animals

When the Torah states that a person is liable for damages caused by his animal eating or trampling in another's field, it says: "When a man brings to graze in a field or vineyard, and he send his animal (be'ir), and it consumes in another's field, he (the owner of the animal) shall pay from the best of his field and he shall pay from the best of his vineyard." (Ex. 22:4) In this context, the Hebrew term for "animal" is be'ir, which is a relatively obscure word that appears in this sense only six times in the Bible (see Gen. 45:17, Num. 20:4, 20:8, 20:11, Ps. 78:48). The standard Hebrew word for "animal" is behemah, which appears close to two hundred times throughout the Bible. In this essay we will try to understand the possible differences between behemah and be'ir, determining whether or not they are perfect synonyms.

The early Hebrew lexicographers Rabbi Yonah Ibn Janach and Radak in their respective Sefer HaShorashim trace the word behemah to the trilateral root BET-HEY-MEM, which can refer to a "single beast" or to "animals" in general. As opposed to them, Rabbi Yaakov Tzvi Mecklenburg (1785-1865) argues that the letter BET in behemah is not part of the core root, which is simply comprised of the string HEY-MEM-(HEY). That latter string makes up the Hebrew root that means "noise/confusion," and is the basis of the word behemah because animals make confused, incoherent noises, in contrast to humans, whose oral expressions have semantic meaning. (For more about Hebrew words for specific animal sounds, see "Animal Sounds" from March 2021.)

Similarly, Rabbi Yehudah Aryeh of Carpentras (an 18th century grammarian and dayan) writes in Ohalei Yehuda that behemah is derived from a merger of BET-HEY ("in it/her") and HEY-MEM ("confusion, harried"). Alternatively, he explains that behemah refers to the smallness and insignificance of animals (as opposed to humans, which are loftier beings), because they have no significance or import in their own right. This is as if to say about such creatures, bah mah ("What is in it/her?"). This phraseology mirrors Moses and Aaron's self-negating statement, "And we are but mah (what, i.e., nothing)?" (Ex. 16:7, 16:8), which was said as an expression of their extreme humility.

The early lexicographers like Menachem Ibn Saruk, Ibn Janach, and Radak unanimously see the word be'ir as derived from the trilateral root BET-AYIN-REISH. In Biblical Hebrew, that root has a whole slew of different meanings, including "removing," "grazing," "consuming," "destroying," "burning," "kindling," and "fool." The way Ibn Janach categorizes the different tributaries of this root, be'ir in the sense of "animal" derives from the "grazing/consuming" meaning of BET-AYIN-REISH, as animals are typified by their propensity to consume food. However, the way Ibn Saruk categories the words derived from BET-AYIN-REISH, be'ir actually falls into the same category as "fool" (ba'ar), as we will explain below. Rashi to Ex. 22:4 seems to weigh in on this question by commenting that "grazing/consuming" is related to "animal," but his exact intent remains unclear. See Rabbi Yaakov Yechiel Weinberg (1884-1966) in response Seridei Aish (vol. 4 Chakirat HaMekorot 7:2), who discusses the possibilities of what exactly Rashi means.

Mitchell First in his book Words for the Wise (Kodesh Press, 2022), on page 149 reasons that the word be'ir is unrelated to any of the other meanings of the BET-AYIN-REISH root. He also notes that a cognate of BET-AYIN-REISH in Arabic means "camel," and in some dialects (like South Arabic), it is a general term for "animals" much like the Biblical be'ir. Based on this, Rabbi Shet bar Yefet in Chemat HaChemdah (to Ex. 22:4) argues that be'ir is actually Arabic and not Hebrew.

Others see the letter BET in be'ir as unrelated to its core root. For example, Rabbi Shlomo Yehuda Rapoport (1786-1867) – who was a son-in-law of the Ketzot HaChoshen and is typically considered a maskil – argues that be'ir should be read as "in the city," as though the word comprised of the initial BET as the grammatical prefix "in" and ir meaning "city." He takes this as reflective of the fact that be'ir refers specifically to "domesticated animals" of the sort one might find in an urban setting, as opposed to the term behemah, which can include non-domesticated, wild animals (see Ps. 8:8).

*To read the rest of this article, visit us online at: http://ohr.edu/this_week/whats_in_a_word/

PARSHA OVERVIEW

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 – for Pesach, Shavuot and Succot – we are to come to the Temple. The Torah concludes this listing of laws with a law of *kashrut* to not cook or mix meat and milk.

COUNTING OUR BLESSINGS

by Rabbi Reuven Lauffer

The Amidah (Part 37) – Afterword: When Twelve Becomes Thirteen

“It was a bright cold day in April, and the clocks were striking thirteen.” (George Orwell)

As our journey of discovery into the Amidah draws to a conclusion, an intriguing issue has not yet been addressed. The original text of the Amidah comprised eighteen blessings as was composed by the Men of the Great Assembly. The number eighteen is so integral that the Amidah is often called “The Shemoneh Esrei” in Jewish sources and colloquially today. As mentioned in part fifteen of this series, an additional blessing was added by the Sanhedrin under the leadership of Rabban Gamliel in Yavne, hundreds of years after the original composition. Even allowing for the threatening situation the Jewish community in Israel faced from Jewish heretics and instigators at the time, taking the step of adding another blessing to the Amidah was a somewhat radical move. Nonetheless, Rabban Gamliel initiated and sanctioned the extra blessing, giving a clear indication that its addition did not change the spiritual dimensions of the Amidah.

One might ask: “Why was it permitted to turn eighteen blessings into nineteen blessings, without concern for there being a fundamental change to the precise and flawless structure of the Amidah as composed by the Men of the Great Assembly?”

In order to answer this question, we need to take a short detour to explore the numbers twelve and thirteen. On several occasions, the numbers twelve and thirteen seem to share a duality that gives them the appearance of being identical. Possibly the most famous example is the number of months of the year. The secular year always consists of twelve months. Yet, the Jewish year is usually twelve months long, but, every three years (give or take) it becomes thirteen months. How does that happen? In general, the Jewish year is lunar-based but it is also regulated by the solar cycle. Using the solar cycle ensures that the Torah directive for Pesach to always be in the spring is

followed. (Devarim 16:1) However, due to the fact that the lunar year is eleven days shorter than the solar year, an extra month is added to the cycle every few years to make up for the accumulated “loss” of days and to keep the solar and lunar years aligned. Fascinatingly, the extra month is not considered an independent month with its own identity. Rather, it is regarded as an extension of the last month of the year. The Jewish year, according to the months, begins in the spring with Nissan and Pesach. And the year ends with the month of Adar and Purim. When an extra month is added to the year, the twelfth month is called Adar Rishon – the first Adar – and the thirteenth month is called Adar Sheni – the second Adar. Our Sages did not give the second month its own name because both months share the same spiritual characteristics and really belong to each other.

Another example is that of the Twelve Tribes. From its inception, the Jewish nation has been comprised of Twelve Tribes. Yet, when Yosef asked his father to bless his two children, Ephraim and Menashe, Yaakov Avinu did something, seemingly, inexplicable. He did not just bless them, but, rather, he elevated them to the status of Tribes (Ber. 48:5). This meant that there were now thirteen Tribes and not twelve (when Ephraim and Menashe are listed, the Tribe of Yosef is not counted). How was it possible for Yaakov to alter the Divine scheme and add another Tribe? Because, as we have seen with the months of the year, when twelve becomes thirteen, the essence of the Jewish People is not changed in any way. More than that, the Rabbis teach that each month corresponds to one of the Tribes. Rabbi Levi Yitzchak from Berditchev (1740-1809) was renowned for his endless love and infinite concern for the Jewish People. He was nicknamed the “defense attorney of Israel” due to the way that he would always plead with Hashem on their behalf. Sometimes his entreaties were extremely convoluted

as he attempted to find a positive angle that he could present to Hashem. But he never failed to find one. His teachings about the Torah portions and the yearly cycle are published as Kedushat Levi and are considered to be a timeless classic in Chassidic thought and philosophy. In Kedushat Levi, Rabbi Levi Yitzchak writes that when there are twelve months in the year, the month of Adar corresponds to Yosef. But, when there are thirteen months, the two months of Adar correspond to Ephraim and Menashe.

There are other examples as well, but the general principle is that the numbers twelve and thirteen can be interchanged without affecting the spiritual configuration they are associated with. Just as with the months of the year and the Tribes.

How does this symbiotic relationship between twelve and thirteen connect to the Amidah? Every Amidah shares the same structure. The three opening blessings and three concluding blessings are consistent for every single Amidah. It is the blessings in the middle that define which Amidah is being recited. For example, on Shabbat the blessings in the middle all revolve around the sanctity of Shabbat. The Amidah that is recited on a regular weekday is comprised of all the blessings and requests that we have explored together. Aside from the six blessings every Amidah opens and concludes with, during the week there are another thirteen blessings recited. They are thirteen blessings that were originally twelve. And this is why, when Rabban Gamliel added a thirteenth blessing to the central part of the Amidah, the addition did not alter the spiritual underpinnings of the Amidah. There is a shared duality that exists between the numbers twelve and thirteen. And this explains why it is still known as the Shemoneh Esrei despite actually being comprised of nineteen and not eighteen blessings.

But what is it about twelve and thirteen that connects them together in a way not found with other numbers? One of the most basic characterizations of the Jewish People is that of the Twelve Tribes. The Midrash teaches that Yaakov, Rachel and Leah knew they were destined to have twelve sons and that those twelve sons would be the nucleus from which the Jewish nation would emerge. In a sense, the number twelve encapsulates the wholeness of Hashem's Chosen nation.

The number thirteen, on the other hand, represents Hashem. In gematria of the number thirteen is echad - one (aleph-1, chet-8, dalet-4). The Maharal (Netivot Olam, Netiv HaAvodah) explains that echad denotes something that is absolute and complete. That is why the Shema, probably our most universally recognized prayer, declares "Shema Yisrael Hashem Elokeinu Hashem Echad."

Our eternal identity as the Twelve Tribes is entirely dependent on our unwavering bond with Hashem. We are inexorably attached to our Father in Heaven. It is from Hashem's "Oneness" that we draw our identity and our ability to navigate the stormy seas of Jewish history. It is when we add our twelve to Hashem's Echad that we become thirteen.

Twelve and thirteen are numbers that belong to each other. And what could be more fitting than to find them "hidden" within the Amidah, the prayer that defines how our spiritual and physical identity is dependent on Hashem. As the Ramchal (Adir Bamarom), based on the words of the Zohar, writes in Aramaic, "Kudsha Brich Hu v'Oraiya v'Yisrael Kulah Chad Hu." "Hashem, the Torah and the Jewish People are all one."

Ohrnet Magazine is a weekly Torah magazine published by Ohr Somayach Institutions,
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PEREK SHIRA: The Song of Existence

by Rabbi Shmuel Kraines

The Song of the Horse

The Horse says:

“Behold, like the eyes of slaves who look to the hands of their masters, like the eyes of the maidservant who looks to the hand of her mistress, so too are our eyes to Hashem our G-d, until He is gracious to us.”

(Tehillim 123:2)

Mighty, formidable, and tireless, a horse is a loyal servant to its master. It sleeps while standing, in brief naps that total to three hours a day, yet this paltry amount is sufficient for it to retain its unequalled vitality. On the other hand, a horse requires a tremendous amount of food. Even after its superhuman labor on its master's behalf, it can look only hopefully toward his hand for sustenance. With its eyes, which incidentally are larger than those of any other mammal on land, it sings of the hardworking yet undemanding attitude that man ought to have toward his Benefactor, Hashem.

We should strive to emulate our Patriarchs, who were described as “running like horses” to do the will of Hashem, yet making no demands upon Him. If we, too, would gallop like the horse, willingly and with a great desire to serve, we would long ago have reached our destination and destiny.

Sources: Sanhedrin 96a, Pesachim 113b, and Perek B'Shira. See also Otzar HaYedios.

*In loving memory of Harav Zeev Shlomo ben Zecharia Leib

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TALMUD TIPS

by Rabbi Moshe Newman

Nazir 9-15

A Condition Contrary to the Torah

Ravina says, “He is making a condition that is contrary to what is written in the Torah, and any such condition that contradicts the Torah is null and void.”

With this principle the Sage Ravina explains why Rabbi Shimon in the mishna would agree with the first Tana that a person who states that he is nazir on condition that he may drink wine and become ritually impure is indeed bound by the laws of being a nazir. His statement that he is a nazir is effective, but the condition is invalid since it contradicts what the Torah states about the laws of a nazir.

Tosefot asks why even address this condition’s validity here, since it does not conform to a basic law of “conditions,” in that it cannot be fulfilled by a shaliach, as taught in Tractate Ketuvot (74a) and explained by Tosefot on our daf. The nezirut cannot be fulfilled by a shaliach, and therefore the condition cannot be considered a “kosher” condition, contends Tosefot.

While Tosefot offers answers that the sacrifices of a nazir can indeed be brought by a shaliach, other answers are offered by the Rishonim and Achronim. One such answer is that a condition needs to follow a “special set of rules” (such as being able to be fulfilled by a shaliach) only regarding an action, such as marriage. But when it comes to the realm of “speech,” such as saying that one is a nazir, the “speech” of the condition would be sufficient to nullify the “speech” of the declaration to be a nazir if it would not be contradictory to the laws written in the Torah.

Nazir 11a

A Risky Way to Marry

Rabbi Yochanan said, “If one says to his shaliach to go out and marry a woman for him without specifying which woman, and the shaliach dies before returning, he is forbidden to marry all of the women in the world.”

The gemara offers the following explanation: Since we assume with certainty that the shaliach carried out his mission, but we don’t know the wife’s identity, any woman he now approaches may be the forbidden relative of his real wife.

Based on this reasoning, wonders Tosefot, every man should be forbidden to marry all women, since he may be approaching the woman whom the shaliach actually married in his role as an agent! However, another important factor comes into play here, explains Tosefot, which teaches us to rule leniently in all these cases of doubt, and not forbid any of these marriages. The principle of “majority”, that the majority of women in the world are not really forbidden to him, only a very small minority. Therefore, only the man who appointed the shaliach without specifying the woman’s identity is penalized for acting negligently and is forbidden to all women according to rabbinical law. Other men, however, are not forbidden in this way and are permitted to marry due to the law of “majority.”

Nazir 11b-12a

LETTER AND SPIRIT

Insights based on the writings of Rav S.R. Hirsch by Rabbi Yosef Herschman

Social Justice

The Torah opens its discussion of social legislation with the law of the thief who must sell himself as a servant, and for good reason. From the “exception to a rule” we can learn a great deal about the rule.

This case of the thief is the sole instance in which the Torah imposes loss of freedom as a punishment. Apart from the occasional detention before trial, there is no such thing as a prison sentence in Jewish law. The only institution that resembles a prison sentence is this thief’s servitude. But even here, his sentence hardly resembles punishment. He is to be placed with a family, and the law is careful to protect his dignity. Neither is he to be given degrading work, nor lesser provisions than the master of the household. He is treated as a brother, not an underling. The Torah also ensures that his family remains intact. They are not to suffer distress because of his offense and its consequences. If he is married, his wife and children join him, and their care is the master’s responsibility. In depriving him of his freedom, and thus the ability to provide for his family, the Torah imposes that responsibility on those who benefit from his labor.

Prison sentences as we know them – with all of their attendant degradation and misery for the prisoner, his wife and his children – have no place in Torah.

But we still may ask: Why in this single case of the thief, does the Torah deprive him of freedom? A thief is liable for the value of the theft and a punitive fine, but he may be sold only if he does not have sufficient

funds to pay the value of the theft, not for any statutory fine. In order for him to make this restitution, the law requires him to pay with his working capacity if he has no assets. Yet, in other cases where restitution is required for damage caused, this law does not apply – the offender does not lose his freedom in order to pay restitution. Why is the thief the exception?

Perhaps the reason is that the thief shows the most direct contempt for the idea of private property. Property ownership presupposes a level of public trust. If we cannot trust our neighbors, we could only “own” that which we could nail down. The thief, more than taking what is not his, undermines the public trust, the foundation of community. Other offenders who have damaged property are not required to forfeit their liberty to pay restitution, but because the thief has damaged this core value of society, he is required to pay with any means possible – even his very freedom.

His freedom is mortgaged only for six years; he goes free in the seventh. Six always represents the physical, material world, created in six days. Seven represents the spiritual, transcendent realm. The thief is to serve for six years, to rectify his having been sold to materialism, oblivious to the One above. By subordinating his physical existence for six years, he learns to recapture the element of the “seventh,” and having done so, is free to rejoin society. We are now confident that instead of breaching communal trust, he will contribute to it.

Sources: Commentary, Shemot 21: 6