

# O H R N E T

SHABBAT PARSHAT MISHPATIM · 25 SHVAT 5775 - FEB. 14, 2015 · VOL. 22 NO. 18

## PARSHA INSIGHTS

### GETTING RID OF THE DONKEY WORK

*“And on the seventh day you shall rest, in order that your ox and your donkey should rest.” (23:12)*

“I’ll never forget the first time I kept Shabbat. I woke up on Sunday morning and thought it was Monday...”  
“It was almost like an out-of-body experience...”

“I felt this tremendous closeness to the whole creation; as if everything was in its place...”

Ask anyone who became observant what it was that turned them on to Judaism and you’ll probably find that it was Shabbat.

Shabbat is “the source of blessing”.

Shabbat is the most distant whisper of the World-to-Come, a glimpse into a world beyond time and space that we connect to by refraining from actions that connect us to time and space.

G-d gave the Jewish People an awesome power: the ability to infuse the physical world with the spiritual; to elevate the physical world so that it speaks the language of the soul.

*“And on the seventh day you shall rest, in order that your ox and your donkey should rest.” (23:12).*

Why is it important that “my ox and my donkey” should rest on Shabbat?

Are they going to go to shul as well? Wasn’t Shabbat given to man and man alone?

The Torah is telling us here that our Shabbat rest should be such that it creates ripples of spiritual energy that elevate the entire world and felt even by the animals.

The Midrash describes how one of our Sages sold an ox to a non-Jew and it refused to work for its new owner on Shabbat because resting on Shabbat had become second-nature to it.

When we keep the *mitzvot* properly — and especially Shabbat — the whole world feels the difference.

• Sources: based on Rabbi Avraham Mordechai of Gur, zatzal;  
Midrash Pesikta Rabbati 14

## 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 — 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.

## KETUVOT 16 - 22

*“They said about Rabbi Yeyuda ben Ila’i that he danced (at a wedding) while holding a myrtle branch... Rav Shmuel bar Rav Yitzchak danced with three.”*

These great Torah Sages took precious time from Torah study in order to fulfill the mitzvah of helping newlyweds rejoice at the wedding ceremony.

Rashi explains that Rav Shmuel bar Yitzchak was juggling three myrtle branches to enhance the happiness at the wedding celebration. The Maharsha finds difficulty with this explanation and posits that the “three” does not refer to three myrtle branches that were juggled. Rather, it is a praise of the elderly Rav Shmuel bar Rav Yitzchak who danced with the liveliness and exuberance equivalent to three young men.

This great rejoicing is still prevalent at Jewish weddings today. This reminds me of a story told by a Rosh Yeshiva from Israel. A non-Jew was once invited to a wedding of a yeshiva student in Israel. As he stood and watched the young men dance and entertain the newlyweds with extraordinary verve and vitality, he turned to the Rosh Yeshiva and asked, “Rabbi, are these boys high on something?”

• Ketuvot 17a

*“A person will not brazenly deny the claim of his creditor.”*

This aspect of human behavior plays a key role in understanding why the Torah imposes an oath on a person who admits to part of the claim of a creditor. He must subsequently swear that he does not owe the remainder of the claim or he must pay the full amount of the claim.

Why won't he brazenly deny the entire claim? According to Rashi (Bava Kama 107a) it is because a borrower is grateful to the lender for lending him money. Tosefot on our *daf*, however, disagrees and offers two other reasons. One reason is from Rabbeinu Tam: the nature of person is not to brazenly lie to completely deny the claim of the other person. A second reason in Tosefot is the Riva's: a person will not have the chutzpah to deny a claim when the claimant knows that the denier is lying.

A major practical difference between Rashi's reason and the two reasons given by Tosefot is when the claim is not for repayment of a loan, but rather for the return of something deposited for safekeeping. According to Rashi, there is no element of gratefulness on the part of a “partial admitter” and he would be suspect of brazenness to deny everything. According to both opinions in Tosefot, however, a person will not be so brazen as to deny everything whether it is a loan or a deposit.

• Ketuvot 18a

## LOVE OF THE LAND

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

## NABURIA — TOMB OF RABBI ELIEZER HAMODAI

Not far from Tsefat is a tomb reputed to be that of the Talmudic Sage Rabbi Eliezer HaModai. Aside from his Aggadic interpretations in the Babylonian Talmud which gained great respect from his colleagues, this Sage was the center of a dramatic historic incident recorded in the Jerusalem Talmud.

A relative of Bar Kochba (who led a revolt against the Romans), Rabbi Eliezer fasted daily and prayed in Beitar that G-d should not sit in judgment which might sti-



ple the revolt. Bar Kochba, however, was tricked into believing that Rabbi Eliezer was in collusion with the Romans and, as a result, Bar Kochba killed him.

A Heavenly voice then informed him that as punishment for “breaking the arm of Israel and blinding its eye” his arms would become useless and his eyes darkened. After a three-and-a-half year siege of Beitar the Romans succeeded in penetrating its walls, killing Bar Kochba and crushing the revolt.

## 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.

OHRNET magazine is published by OHR SOMAYACH Tanenbaum College

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# Abarbanel

## ON PARSHAT MISHPATIM

By Rabbi Pinchas Kasnett

In his introduction Abarbanel explains that this Parsha is essentially a detailed expansion of the “Ten Sayings” or “Ten Commandments” of Parshat Yitro. The “*mishpatim*” are generally considered to be the laws that are accessible to human logic and applicable to all societies, whereas the other two divisions of the Torah’s laws — the “*chukim*” and the “*eidot*” — are not necessarily accessible to human logic and are intended only for the Jewish nation. The *chukim* include such laws as ritual impurity, *kashrut* and sacrificial offerings, while the *eidot* generally refer to the laws of the various celebrations throughout the calendar year such as Shabbat, Pesach, Succot and Shavuot.

Abarbanel begins by emphasizing that even though the *mishpatim* are designed to regulate society just like the seven categories of commandments that were given to the “*Bnei Noach*” (the rest of humanity besides the Jewish People), they are still unique to the Jewish People from two perspectives. First of all, they are brought down as specific cases or as sub-categories of the Ten Commandments, unlike the general principles that characterize the laws of the nations. Secondly, their observance is specifically connected to the concept of reward, both physical and spiritual, which is emphasized at the end of the Parsha. Observance of law in other societies is obligatory but carries no promise of reward.

The Parsha begins with the words, “*And these are the laws...*” The word “*and*” connects this Parsha to the previous one which outlined the Ten Commandments. The last five of those commandments refer to the proper behavior between the individual and his fellow Jews. The many *mitzvot* detailed in chapters 21, 22, and 23 are all applications of those five principles: 1) Don’t murder; 2) Don’t commit adultery; 3) Don’t steal; 4) Don’t bear false witness; 5) Don’t covet.

Although most of these many *mitzvot* can be clearly understood as logical sub-categories of these five, Abarbanel points out the connections with others that are not so obvious. The first *mitzvot* of the Parsha relate the rules pertaining to a Jew who is sold by the courts into indentured servitude. These rules

deal with the totality of the life of the servant. If these individuals are not dealt with properly, it as if the master is murdering them in a sense. Similarly, striking or cursing a parent is another example of a total regard for the essence of the life of a parent.

Most of the laws in the Parsha that parallel “Don’t commit adultery” are also clearly examples of intimate impropriety. However, “You shall not permit a sorceress to live” and “One who brings offerings to the idols will be destroyed” (Shmot 22:17, 19), seem to have no connection. Abarbanel points out, however, that a sorceress often tried to seduce others into impropriety, and that worshipping idols is adulterous since the Jewish People are, in essence, “married” to G-d.

The laws that parallel “Don’t steal” make it clear that for the Jewish People theft goes far beyond directly and maliciously taking someone else’s property unlawfully. We are responsible for damages caused by our animals and even by our inanimate property. We are also responsible for damages caused by negligence in the act of watching or borrowing someone else’s property.

The *mitzvot* that parallel “Don’t bear false witness” are the prohibitions against oppressing converts, widows and orphans (Shmot 22:20, 21). The connection here is that lying is a form of oppression. Converts, widows and orphans are often the outcasts of society, and the temptation to twist our words in our dealings with them can be overwhelming.

The last principle, “Don’t covet”, points to different dimensions of our unacceptable preoccupation with material gain even when it is technically legal. Our Parsha cautions us not to covet someone’s money by charging interest. Additionally, we should not covet his possessions, even to the point of being required to return nightly a garment that we have taken as security on a loan. As well, the commandments not to revile G-d and not to curse leaders of the people refer to the One who commanded the laws and the ones that judge and enforce them. We should not consider these commandments an infringement of our selfish material rights (Shmot 22:24-27).

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Rav Bulman *zt”l*  
on the  
Torah Portion of the Week

## C-SECTION

From: Debra

Dear Rabbi,  
I am considering giving birth by C-section and was wondering whether there are any Jewish considerations involved.

Dear Debra,

Jewish considerations do, in fact, have a “bearing” on your question.

Since it’s not clear the reason why you’re considering a C-section, I’ll discuss several possibilities.

If it’s not for medical reasons but primarily a matter of convenience — a scheduled birth — from a Jewish point of view this should be avoided. We believe that G-d who grants conception and guides every stage of pregnancy knows best when to induce labor and bring about birth. This is referred to in the Talmud (Ta’anit 2a) as G-d controlling the key to birth. Interfering with G-d’s plan can negatively affect the child’s “mazal” and should not be done for mere expediency.

However, performing a C-section for medical reasons, either for the safety of the baby or the mother, whether planned in advance or performed during labor, is acceptable. In the absence of any potential harm, we encourage a natural course of labor and birth. But in a case of danger, intervening to protect mother and child is condoned and even a mitzvah.

There may be some significant ramifications resulting from birth through C-section that you should know.

While there are no real differences regarding the birth of a girl, there certainly are potential differences regarding a boy.

For example, the Torah discusses the commandment to “redeem the first-born male child”, which is called in

Hebrew “*pidyon ha’ben*” (Ex. 13:11-16). While this does not apply if either the father or the mother is either a *Kohen* or a *Levi*, it does apply to the first-born of every other Jew. But this is specifically if this first child has a natural birth – i.e. he is born by breaching the birth canal. Accordingly, a first-born who would ordinarily require a *pidyon ha’ben* but was born through C-section would not require *pidyon*.

If this will be your first child, and in your case a boy would require a *pidyon*, choosing C-section would be a choice to forgo fulfilling this mitzvah. If it’s for health concerns, that’s one thing; but for convenience is another.

An additional possible difference for C-section in boys is regarding the *brit mila*. The commandment to fulfill this mitzvah on the eighth day is so binding that if the eighth day is Shabbat, the mitzvah of *brit mila* actually overrides Shabbat! But based on a careful reading of the Torah text, the Talmud and Legal Codes teach that this is only when the mother undergoes natural birth, becoming what’s called a “*yoledet*”. Since this is not the case with C-section, a child born on Shabbat via C-section (for example, to avoid danger) would not be allowed to have a *brit* on the eighth day which would be the following Shabbat, but rather the *brit* would have to be postponed until Sunday.

Regarding this last point, when the Chazon Ish came from Europe to Israel he emphasized that this halacha should be promoted and promulgated throughout the community of *mohelim*. Even though it is explicitly stated in the Code of Jewish Law, apparently it wasn’t particularly well-known even among the *mohelim*, and even today it is not well-known among the general populace.

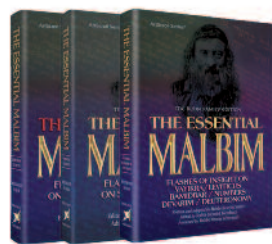
Sources:

- *Pidyon ha’ben*: Ex. 13:11-16; Shulchan Aruch, Yoreh De’ah 305:1,18,24
- *Brit mila*: Shabbat 135a-b; Shulchan Aruch, Orach Chaim 331:5; Chazon Ish Yoreh De’ah 154:4

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## SHEMONEH ESREI — TENTH BLESSING: PART 2

**“Sound the Great Shofar for our freedom.”**

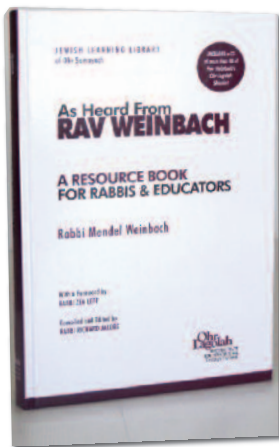
It is well known that hearing the shofar arouses fear within a person, bringing him to *teshuva* (repentance), as in the verse (Amos 3:6), “If the shofar will be blown in the city, will the people not be fearful?” The Rambam writes in connection to the shofar blowing, “Awaken, awaken, sleepers from your sleep; arouse slumberers from your slumber — and examine your deeds and repent, and remember your Creator.”

According to the above we can perhaps begin to understand the awesome power felt when G-d sounds the “great shofar”, as the prophet proclaims, “It will be on that day that a great shofar will be blown (by G-d), and those lost in the land of Assyria, and those cast away in the land of Egypt will return (together) and bow before G-d at the holy mountain

in Jerusalem” (Isaiah 27:13).

In fact, already today, we are witnessing a spiritual awakening around the world. Jews everywhere are returning to some sort of religious practice, each in his own way. Some are deciding, after a life estranged from Torah observance, to reconnect with the Sabbath, a Divine gift for G-d’s treasured people. Others, in search of meaning and purpose, are turning to the Torah which provides the timeless answers they are looking for. In addition, people are inspired to take on the observance of the *mitzvot*, connecting with ancient rituals steeped in Jewish mysticism.

The Jewish People are already on their way to redemption. With each mitzvah, each good deed, we extinguish the dark night. The dawn of a new era is upon us, just ahead, no longer in the far-off distance. The time has come to “wake up” as we finally greet the righteous Mashiach. *Amen.*



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## YONATAN NEWMAN

Age: 23 - London, UK  
Cambridge: BA Modern and  
Medieval Languages (French and Spanish)  
The Center Program

**RSS:** Yonatan, please tell us about your family and upbringing.

**YN:** I come from a traditional family — United Synagogue (Orthodox). We were kosher at home and didn't eat meat out of the house. My primary school was Sinai (a Jewish school) and for secondary school, JFS (Jewish Free School). I have two sisters, one who is single and living at home in Stanmore (a suburb in northwest London) and another who is married and living in Gush Etzion (the Settlement bloc). She became *frum* before me. Her husband is learning in yeshiva and is hoping to get *smicha* soon. My younger brother is studying real estate in a college in London.

Cambridge University has become a family tradition. My father, who is a Chartered Surveyor, is a Cambridge graduate. He's now a manager and developer of real estate in England. My sister who lives in Israel earned a place at Cambridge but came instead to Israel after secondary school to study in seminary and then got married.

**RSS:** What prompted you to become religious and how did you decide to come to Ohr Somayach?

**YN:** It was a gradual process. At JFS they had a Shabbat program in conjunction with the Gateshead Yeshiva in the North of England. The first Shabbat I spent there touched me deeply on an emotional and spiritual level. One of the *madrichim* of the Shabbat trips kept in touch with me and we learned weekly. While in Cambridge I travelled to

Washington, DC with a trip organized by a Jewish organization in London. There I met Rabbi Chaim Gross, a Cambridge graduate and a rabbi at Ohr Somayach in Jerusalem. We stayed in touch throughout my years in university. His intellectual level and passion for Torah were inspirational to me, and with his encouragement I applied to and was accepted by Ohr Somayach.

I spent a year abroad in Paris as part of my degree and taught English in a public school attended mostly by Arab immigrants. Being on my own in another country, I felt freer to take on more religious practices than I might have done at home. After the school year finished I studied in Yeshiva in Paris for two months.

**RSS:** How did your education help you in Yeshiva?

**YN:** The skills I learned studying languages in university certainly helped me to acquire Gemara skills.

**RSS:** Has Ohr Somayach met your expectations?

**YN:** At the beginning it was difficult because I was thrown into the deep end of the sea of Talmud and it was even more intense than my days in Cambridge. I enjoy it very much. Every rabbi is great and has special qualities. The *chevra* is very similar to me and the

learning is challenging. It's a real inspirational place to be.

**RSS:** What are your future plans?

**YN:** I came to Ohr Somayach in Elul and plan to stay until the end of the summer *zman*. After that I'll probably go into finance or law in London. I want a job where I have enough time for my family and which will allow me to continue my Torah learning.



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