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PARSHA INSIGHTS

by Rabbi Yaakov Asher Sinclair

A Just Precedent

“All that G-d has said, we will do and we will hear.” (24:7)

The everlasting praise of the Jewish People is that we pledged, “We will do” *before* “We will hear.” As a result, 600,000 ministering angels descended and tied two crowns to each one of us – one crown corresponding to “We will do” and another one corresponding to “We will hear.”

The implication of the Talmud (Tractate Shabbat 88a) is that we received those crowns specifically because we said “We will do” before “We will hear,” and not just because we said both of these statements.

What was so important about the precedence of “doing” over “hearing”?

There are two aspects to Torah. There is the Torah that we must know in order to fulfill the *mitzvot*, and there is a Torah that we are commanded to learn, regardless of its practical application.

Had we said, “We will hear and we will do,” it would have implied we were willing to learn the Torah only to fulfill its *mitzvot*. By saying “We will hear” *after* already saying “We will do,” the implication is that even after we have learned enough Torah “to do,” we will continue to learn the Torah for its own sake – to hear. This is because the Torah is the wellspring of all existence, and we will continue to fathom its depths to the limit of our strength and ability – for it is holy, and its holiness has no end.

• Source: Based on the *Beis HaLevi*

LOVE OF THE LAND

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

The Grape that Gladdens

When Yotam presented his parable to the people of Shechem who had abandoned him and crowned his rival Avimelech as their ruler, he described the efforts of the trees to find one amongst them who would consent to be their king. The grapevine’s refusal was based on a reluctance to give up its traditional role of supplying the wine which “gladdens G-d and men.” (*Shoftim* 9:13)

Our Talmudic Sages (*Berachot* 35a) ask: “That wine gladdens men is understood, but how does it gladden G-d?”

Their answer is that the Levites in the Beit Hamikdash offered their praise to G-d in music and song only when the wine libations accompanying the sacrifices were poured on the altar.

Although there is a general blessing praising G-d as the Creator of fruit, which is made before consuming any fruit, even of the seven species, a special blessing is made before drinking wine. The reason, say our Sages (*ibid.* 35b), is because wine is unique in its ability to both satiate and gladden.

Caution must be exercised, however, as to how much gladdening wine, with its alcoholic element, should be allowed to induce. “There is nothing which brings so much sorrow to man,” say our Sages (*Sanhedrin* 70b), “as does wine.” This is a stern warning against intoxication induced by something with a capacity for bringing joy when used in moderation.

TALMUD TIPS

by Rabbi Moshe Newman

Chullin 51-57

Myrmecology: The Study of Ants

Rabbi Shimon ben Chalafta was known as an “askan devarim” (one who is involved in the study of things).

This Sage is given a special title in a *beraita* on our *daf* due to his efforts to study things in the natural world. In particular, we are taught about an experiment he conducted regarding whether a colony of ants has a ruling leader, such as a king.

King Solomon states in the Book of Proverbs (6:6-8): “Go to the ant, you lazy one; see her ways and become wise, for she has no chief, overseer, or ruler; yet she prepares her bread in the summer; she gathers her food in the harvest.” This indicates that ants do not have any ruler or king in their social structure.

Rabbi Shimon ben Chalafta set up a method to see this for himself. It was known that ants love being in the shade and hate being in the sun. On a sunny summer day he spread a garment above an ant hole for shade. One ant emerged from the hole, saw shade, and Rabbi Shimon ben Chalafta marked him for future identification. This ant went back into its hole and reported to the other ants that it was shady outside. However, when the entire colony came out, thinking it was shady, the Rabbi removed the shade-providing garment and there was only sunlight. The other ants were furious at the first messenger-ant that they were sure had deceived them, and they immediately killed him.

Due to this behavior, Rabbi Shimon ben Chalafta concluded that ants have no king, since if they had one, the first ant would have been brought to the king for justice instead of being “lynched” by the horde. Rav Acha the son of Rava posed to Rav Ashi a number of challenges to this proof. Perhaps the king was present when the multitude emerged from the ant hole and he ordered the execution. Or perhaps there was a standing order to execute all such deceivers. Or perhaps this happened after the death of the king, and until a new king was appointed the rule of anarchy prevailed. (He hints to the existence and nature of anarchy based on the verse in Judges 17:7: “In those days there was no king in Israel, and every man did what was proper in his eyes.”)

What needs clarification is Rabbi Shimon ben Chalafta’s goal in conducting this experiment. Rashi seems to say

that he did not want to rely on King Solomon’s teaching about ants without evidence. Tosefot appears to question this explanation based on another case (Bava Batra 75a), where a student of Rabbi Yochanan scoffed at a seemingly impossible teaching he heard from Rabbi Yochanan, describing the future gates of Jerusalem. Later, when the student saw this vision for himself and confirmed Rabbi Yochanan’s teaching, he was soundly rebuked: “Empty one! If you hadn’t seen it for yourself you wouldn’t have believed what I taught. You are guilty of disrespect for the Sages!”

Therefore, says Tosefot, Rabbi Shimon ben Chalafta did not doubt King Solomon’s teaching. Rather, he wanted to clarify for himself and for others as to *how* King Solomon knew this fact. Was it through Divine inspiration or was it known from empirical evidence? He concluded that it could be derived from study of the natural world. The challenging Sage, however, seems to say that this conclusion is not “airtight,” and that King Solomon could state that ants have no king only because he knew this due to Divine inspiration.

The Maharsha suggests that the explanation of Tosefot is difficult to accept. King Solomon certainly knew that what he wrote and said was based on “*Ruach Hakodesh*” – Divine inspiration. The experiment conducted by Rabbi Shimon ben Chalafta was in no way similar to the case of the incredulous student of Rabbi Yochanan. The Maharsha cites the Chovot Halevavot, who writes that, in matters dependent on faith, there is also an obligation to investigate their nature if possible, although they are certainly to be fully believed and accepted without a doubt due to an unbroken, faithful transmission of the Torah from the time it was given to us at Mount Sinai. This was Rabbi Shimon ben Chalafta’s goal, and also perhaps explains Rashi’s commentary on the purpose of Rabbi Shimon ben Chalafta’s efforts. Clearly, there was not an iota of doubt about the eternal truth of any aspect of the Torah.

• Chullin 57b

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, providing 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. Certain non-kosher meat called "*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

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 -
 - (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.

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. He 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.

ASK!

*Your Jewish Information Resource – www.ohr.edu
by Rabbi Yirmiyahu Ullman*

Desirable Death

From: Baruch

Dear Rabbi,

I have been thinking a lot about death lately. Thank G-d, it's not that I'm ill or anything; but one always hears about some tragedy or other and it's hard not to take that to heart. Even more generally, I'm wondering if it's correct to contemplate death, and maybe even pray to G-d about death. That is, when and how to go. We seem to think and ask a lot about how we live. But a person doesn't live forever, so what about thinking more about that part of life, namely death?

Dear Baruch,

Judaism certainly celebrates life. But it also perceives life in the larger context and purpose. The result is maintaining a realistic and healthy attitude toward death. Thus, many verses and Talmudic teachings instruct us that in the midst of living and celebrating life we are to recall the day of death and beyond in order to define and refine the way we live:

“A good name is better than good oil, and the day of death than the day of one's birth” (Eccl. 7:1). This is because through death from temporal life, one is born into the World-to-Come of eternal life.

“Reflect upon three things and you will not come to sin. Know from where you came, where you are going, and before whom you are destined to give account and reckoning. From where have you come? From a putrid drop. Where are you going? To the place of dust, worm and maggot. Before whom are you destined to give account and reckoning? Before the supreme King of kings, the Holy One, blessed be He.” (Pirkei Avot 3:1)

In fact, the Talmudic Sages taught (Berachot 8a) that the verse “For this, let every pious man pray to You, for a time of finding” (Ps. 32:6) is referring to death. Meaning we should be praying to find a “good” death – i.e. a timely and proper death.

Regarding a timely death, although it is beyond the scope of our discussion here, suffice it to say that Judaism recognizes that someone may die “before his time.” And regardless of when a person dies, nobody

really knows when that will be. Therefore, one must beseech G-d throughout life for a timely death, such that one is able to realize his fullest potential in life. Furthermore, we must pray that we actually die at a “good time” – one which is conducive to our spiritual benefit.

Regarding a proper form of death, just as there’s no guarantee when a person will die, there’s no guarantee how one will die. This is as in the *U’netane Tokef* prayer of the High Holidays which states that only G-d knows “who shall live and who shall die, who in good time, and who by an untimely death, who by water and who by fire, who by sword and who by wild beast, who by famine and who by thirst, who by earthquake and who by plague, who by strangulation and who by stoning.” The Talmud actually states that there are 903 different forms of death. In addition, as suggested in the above-mentioned prayer, there’s not even a guarantee that a person will be properly buried after death. G-d forbid, one’s death may result in one’s body being completely lost. For example, a person may be burned to death in many ways that totally destroy the body. Similarly, the body may be irretrievably dismembered in various forms of tragic, violent death. And through many causes, a body may go missing forever, including drowning at sea. Regarding these possibilities that may

prevent a proper burial the Talmud states, “A person should beseech for Divine mercy even up to the last shovel-full [of earth to cover his grave].”

What’s more, from a metaphysical point of view the way a person dies and what happens to the body after death has tremendous impact on the trajectory through which the soul journeys from this world to the next. An untimely, tragic death that also prevents proper burial results in great suffering for the soul and a circuitous return to the spiritual realm. By contrast, a natural, serene death at the conclusion of a long and productive life, followed by a proper burial and organic return of the body to the earth, enables the soul to return to G-d in a direct and peaceful way, thereby becoming enveloped in eternal life. And this is what the Talmud (Mo’ed Katan 28a) refers to as the painless “Kiss of Death” experienced by such pure and righteous individuals as Moses, Aaron and Miriam, whereby the Divine Presence is revealed to the departing soul as G-d lovingly draws it back within Himself.

WHAT’S IN A WORD?

Synonyms in the Hebrew Language
by Rabbi Reuven Chaim Klein

The Handmaid’s Deal

When discussing both a male non-Jewish slave and a Jewish slave/bondsman, the Torah uses the same word: *eved* (“slave” or “servant”). However, when discussing female slaves, the Torah uses two different words, *shifcha* and *amah*. Simplistically speaking, *shifcha* refers to a non-Jewish female slave, while *amah* refers to a Jewish female slave. However, this begs the question: Why are there two different words for a female slave, but only one word for a male slave? And, of course, what is the actual difference between a *shifcha* and an *amah*?

Some argue that the word *shifcha* inherently refers to a non-Jewish slave woman, while the word *amah* refers inherently to a Jewess. Although this might be true in rabbinic usage of the terms, it reflects only a partial picture when it comes to the Bible. For example, Lev. 25:44 discusses taking slaves from the non-Jewish population of the Holy Land and uses the word *amah* when referring to the female slaves. Similarly, the Bible reports that when Avimelech returned Sarah, Avraham

prayed for Avimelech’s wife and his *amahot* (plural for *amah*), whose wombs G-d has closed as a punishment (Gen. 20:17). These two sources use the word *amah* for non-Jewish slaves. Conversely, when Avigail speaks to King David, she refers to herself as his *amah* six times, and as his *shifcha* twice (I Sam. 25). This suggests that the term *shifcha* applies to a Jewish handmaiden just as the term *amah* does. So what then is the difference between *amah* and *shifcha*?

Rabbi Avraham Bedersi HaPenini (1230-1300) writes that the word *amah* is related to the Hebrew word *eim/imma* (“mother”). In his estimation, an *amah* is a maid who assumes certain “motherly” responsibilities, as she is expected to nurse her master’s children. He adduces this view from the fact that Hagar is consistently called a *shifcha* (Gen. 16), until the birth of Yishamel, from when she is consistently called an *amah* (Gen. 21, but see Gen. 25:12). This understanding of *amah* is comparable to the

English term “nanny,” who is to help raise her employer’s children as though she was their mother.

Rabbi Shlomo Pappenheim of Breslau (1740-1814) in *Cheshek Shlomo* also connects *amah* with *eim*. He understands that *shifcha* and *amah* are two different types of “slaves”. A *shifcha* is expected to perform difficult or menial tasks, whereas an *amah* is more dignified than that and can only be expected to oversee basic housework. In other words, *amah* refers to a female domestic servant, or “maid.” Rabbi Pappenheim maintains that the secondary meaning of *amah* (“hand”) is borrowed from this context, because just as the *amah* provides services for the household, so too does one’s hand perform different services on one’s behalf. From that, a tertiary meaning of *amah* arose – “a cubit,” that is, a commonly-used measurement based on the length of an arm.

Rabbi Eliezer Reines, in his work *Mafttechot Ha’Damesek* (published in Warsaw in 1898), explains that a Jewish handmaid is called an *amah* in order to stress that because she is not yet the mistress of the household (see below), she is still subservient to the real mistress and the “fear” (*aimah*) of her mistress is upon her. Interestingly, Rabbi Yaakov Tzvi Mecklenburg (1785-1865) writes that even after Yaakov marries Bilhah and Zilpah, each is still described as a *shifcha* (Gen. 32:23; 33:2; 33:6) on account of their great humility. Meaning, even though they were promoted from being maidservants to being full-fledged mistresses, they still continued to act as though they were in a lower position, and did not haughtily assert their newfound authority.

Based on all of this we can now understand the difference between a male and female slave. As Rabbi Shlomo Aharon Wertheimer (1866-1935) puts it, *shifcha* is the female equivalent to the male *eved*, as both are truly slaves who are expected to perform a variety of tasks. However, an *amah* is more like a housekeeper whose duties are more domestic in nature, and is a totally different concept. For this reason, there are two different words for the female “slave”, but only for the male “slave”.

Rabbi Moshe Sherrow offers another layer of understanding to this issue. The Tosafists (in *Moshav Zekanim* to Ex. 21:4) write that when a Jewish man is sold as an *eved*, he loses some of his Jewishness, which is why

his master is allowed to force him to mate with a non-Jewish slave woman, even though under normal circumstances a Jewish man is prohibited from marrying a non-Jewish *shifcha*. For this reason, when it comes to the males, both Jewish and non-Jewish slaves are described as *eved* because both are not typical Jews.

On the other hand, when a Jewish woman is sold as an *amah* she does not lose any of her former status. She is certainly not allowed to marry a non-Jewish *eved*. On the contrary, an *amah* is actually expected to eventually marry her master or his son (see Ex. 21:8-9), and is considered like a regular Jewish woman who is supposed to marry a regular Jewish man. For this reason, explains Rabbi Sherrow, the Torah differentiates between the term *shifcha* (a non-Jewish female slave) and *amah* (a Jewish female “slave”).

Turning to the etymology of the word *shifcha*, Rabbi Mecklenburg writes that it is derived from the root *SHIN/SIN/SAMECH-PEH-CHET*, which denotes “connection” or “addition”. The *shifcha* is “connected” to the mistress of the house in that both are expected to perform services on behalf of the master of the household (see *Ketubot* 59b which says that even if a woman brings 100 *shifchot* into her marriage she is still expected to take care of certain chores herself). Another word derived from this root is *mishpacha* (“family”), which denotes a unit of otherwise individual people who are “connected” by familial relations.

Others, including Rabbi Aharon Marcus (1843-1916) and Rabbi Zev Hoberman (1930-2012), explain that the root *SHIN/SIN/SAMECH-PEH-CHET* specifically refers to an extra appendage which is attached to something else. For example, *sapachat*, a type of leprosy (Lev. 13:2), is derived from this root, as is the word *sapach* (“appendix”). According to this approach, a *mishpacha* is called so because the children of the family’s patriarch are like secondary “appendages” who are attached or ascribed to the primary family father. Similarly, a *shifcha* is like an adjunct attached to the otherwise complete faculty of a household.

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MEZUZAH MAVEN

by Rabbi Ze'ev Kraines

Self-Storage Units

Q: We have recently rented a self-storage unit about a half-hour's drive from our home. My friend rents in the same facility and told me that his rabbi told him that it did not require a mezuzah.

I have a mezuzah on my backyard storage shed; in fact, my friend does too! Why would a self-storage shed be different?

A: The Shulchan Aruch rules that a storage room requires a mezuzah, and this is accepted practice. In a normal case, the custom is even to make a *beracha* on the placement.

Even though the owner or renter does not “live” there, it is considered to be an extension of his habitat as long as he enters it from time to time to tend to his items. For example, a barn is obligated, not because it houses cows, but rather because the owner enters there to tend his cows.

The question then arises: How often does an owner or renter need to visit his storage room in order to consider it obligated in mezuzah?

Rav Yosef Shalom Eliashiv is reported to have required a mezuzah only if one enters it frequently. Rav Moshe Heinemann is quoted as

ruling that a storage room needs a mezuzah only if it is accessed at least once every thirty days. Your friend's rabbi obviously follows one of these opinions, and thus he ruled that a self-storage room that is visited rarely does not need a mezuzah. He may also have ruled leniently because it is a rental, and its mezuzah obligation is Rabbinic.

In contrast, Rav Moshe Feinstein writes that even if a person enters his storage room infrequently, it needs a mezuzah, and many people follow this custom and affix a mezuzah without a *beracha*.

One important point: You should place a mezuzah there only if you are confident that it will not be stolen or disgraced during your long absence.

Sources: Shulchan Aruch Y.D. 286:2; Pischei Teshuvah 286:16; Shach 286:2,7; Noda B'Yehuda O.C. 2:47; Agur B'ohalecha 34:2,19; Aruch HaShulchan 286:6; Igros Moshe Y.D. 2:141:2; R. Mordechai Frankel, “Insights from the Institute”, Kashrus Kurrents, Autumn 2008 (Star-K online <http://tinyurl.com/nhnjrw4>)

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Yakov Israel - Age: 28 - Brooklyn, NY - Brandeis University, BA Music, 2012
Mechina Program 2018 - present

One of the most famous *Chazanim* (cantors) of modern times was Yosef (Yossele) Rosenblatt (1882-1933). Born in the Russian Empire, by the age of seven he was recognized as a “*wunderkind*” – a vocal prodigy, and began a solo singing career. As he grew, his voice only improved. As his fame spread he received and accepted offers for cantorial positions from the major synagogues in Europe and America. In 1912 he moved to New York to become the Cantor of the *Ohav Tzedek* Synagogue on the Upper West Side. He also began giving concerts to the general public. Enrico Caruso, probably the most famous opera singer in the world, after hearing another tenor – Rosenblatt – in concert, ran up onto the stage and kissed him in front of the large audience! The most famous conductor in America, Arturo Toscanini, pleaded with Rosenblatt to sing the leading role in the American premier of Fromental Halevy’s opera, *La Juive*. The Chicago Opera House offered him the position of Principal Tenor. He turned down all offers because he would not violate Shabbat or Yom Tov, and would only use his voice for the glory of his Creator and not for secular songs or performances. Yakov Israel, at least in that one respect, shares his abandonment of a career as a tenor in the Opera with Yossele.

Yakov’s family was also from the Russian Empire, although in his parents’ day it was called the Soviet Union. Bukhara in Uzbekistan was the home to an ancient and large Persian Jewish community that was not as affected by the G-dlessness of the Soviet Union as was the more assimilated Ashkenazi areas around Moscow, St. Petersburg, the Ukraine and Baltic Sea. Traditions were kept. And when Yakov’s grandparents and parents came to the US they moved to a Bukharian community in Brooklyn. Although they kept kosher, went to shul on Friday night and had a Shabbat evening meal together with the family, they were not completely Shabbat observant. Yakov went to public school, where he excelled,

and went on to gain admission to Brooklyn Tech High School, one of the elite public High Schools in New York City.

He was always interested in music, and as a young boy and a teen studied classical piano with private teachers. In college he majored in Music. While at Brandeis he performed as a singer and actor in various musical productions. After college, Yakov taught music to 4th and 5th graders in a Public Elementary School in Boston. He also worked in the back office of the Boston Symphony Orchestra. But those were only temporary positions. His goal was to become an opera singer. In 2015, after saving up some money, he moved to Stuttgart in Germany to study at one of the premier opera schools in the world, the State University of Music and the Performing Arts. While looking for a place to live, he “happened” upon a yeshiva in Stuttgart, which was willing to take him in on condition that he become religiously observant. Many of the Jews in Germany today are émigrés or children of émigrés from the former Soviet Union and the language of the *talmidim* and instruction in the Yeshiva is Russian, Yakov’s mother tongue.

For his first two months in the Yeshiva, Yakov kept all the *mitzvahs*, but, as happens to a number of *ba’alei teshuva*, it was too much, too fast, and he stopped. At this point, *HaKodesh Baruch Hu* intervened in a dramatic way. Yakov contracted an unknown disease and every day became increasingly debilitated. He was rushed back to the States and was hospitalized at Cornell-Weill Hospital in New York, where the doctors were equally mystified at his unclassifiable illness. In what he later saw as Hashem preparing “the cure before the illness,” Cornell-Weill had quite a few religious Jews, and when Shabbat came, Yakov joined them for the prayers and for the Shabbat meals. With the wonderful sense of “Shabbos *menucha* and *shelimut*” (rest and fulfillment) came the beginning of the process of healing. Yakov



recognized his illness. It was spiritual. That's why the doctors couldn't diagnose it.

In April, 2017, after being released from the hospital, he went back home to his community in Brooklyn and started attending the Bukharian shul in Starrett City, whose rabbi, Mordechai German, was particularly welcoming. He invited Yakov for Shabbat meals and expressed his delight and honor that Yakov had agreed to spend Shabbat with him and his family. Yakov was very impressed and resolved to keep Shabbos and put on *tefillin* daily.

Rabbi German suggested to Yakov that he move to his father's house in Borough Park. Yakov's father had himself become a *ba'al teshuvah* about eleven years earlier, at the time that he and Yakov's mother divorced. His dad, who had then also abandoned his career as a professional

opera singer, became a Vocal Technique Trainer and was very busy with his work and with learning Torah. Yakov followed in his footsteps and started attending Yeshiva. On the suggestion of Rabbi Jonny Kersh of RAJE (Russian American Jewish Experience), Yakov came to the Mechina Program of Ohr Somayach in Jerusalem, where he is today.

Summing up his experience at Ohr Somayach, Yakov says: "I'm making progress every single day. I'm learning the thinking behind the pages of Gemara – how it makes you a better person and to think in the way that Hashem thinks." He's also making *aliyah* and, *b'ezrat Hashem*, will be taking *chazanut* lessons with the famed Israeli Chazan, Naftali Hertzog. We can be certain that Yosselle Rosenblatt is looking down from Heaven and *kvell* with pride at our Yakov

LETTER AND SPIRIT

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

The Death Penalty in Jewish Thought

Special attention must be given to the way the Torah describes imposition of the death penalty. From a close examination of the language, the purpose and justification for the death penalty becomes self-evident.

If there is a fatal injury [in a fight between two men], you must give life for life. In the prior verse, describing a non-fatal injury, the directive is that a fine is imposed, *and he shall pay it as the judges determine.* Note the difference in the subject. When the perpetrator is fined, *he* is to pay. But when the perpetrator is to be killed, *you* are to give life for life. *You*, the Jewish community, shall give life for life. In the case of one who must pay compensation, he is responsible to pay. The court merely determines the amount to be paid, but it is his obligation to pay. Not so in the case of who is liable to pay with his life. It is not his responsibility to give up his life; indeed it is not his to give. In fact, he may not promote his own conviction, and the law will not even recognize his self-incrimination. Only before the *execution* of his death sentence is he encouraged to confess, specifically for atonement purposes.

Life and death are in G-d's hands alone, but in certain cases He has entrusted the community, through the

Torah, with the authority to end life. It says here *and you shall give life*, not *and you shall take life*. The execution of the death sentence is called "giving" life, to negate any attempt to regard this penalty as a way of taking revenge on the criminal, or as a deterrent, or as repayment in any kind. His life is not "taken." Nor has he forfeited his life.

The fact that life is "given" through the administration of the death penalty supports the concept that the death penalty is a form of restitution. It repairs a breach of justice, a breach of law, and a breach of human dignity that was damaged in the personality of the victim. The community is called upon to *give and surrender* the criminal's life for the sake of repairing these breaches created by the crime.

That the community "gives" or "surrenders" the life implies that the life of the individual belongs to G-d and the community, and that with every death, even with that of a murderer, the community suffers a loss – yet the duty of restitution takes precedence.

Sources: Commentary, Shemot 21:2