

# O H R N E T

SHABBAT PARSHAT MISHPATIM · 27 SHVAT 5776 - FEB. 6, 2016 · VOL. 23 NO. 18

## PARSHA INSIGHTS

### THE CLOUDS – FROM BOTH SIDES

*“And the Festival of the Ingathering at the end of the year” (23:16)*

In other places in the Torah, the Festival of Succot is called just that – Succot. Why here does the Torah refer to it as the Festival of the Ingathering?

An old joke runs, “Why do Jews always answer one question with another?” “I don’t know – why do they?”

So as not to disappoint the makers of clichés and stereotypes, let’s answer this question with another.

Seeing as Succot celebrates the miraculous “Clouds of Glory” which surrounded us and protected us when we left Egypt, why don’t we celebrate the Festival of Succot on the fifteenth of Nissan, immediately following the Exodus?

The Vilna Gaon answers that immediately following the Exodus there was no need to commemorate the “Clouds of Glory”, just as there was no special commemoration of the manna, the miraculous food that sustained the Jewish

People for nearly forty years, nor the special well of water that accompanied the Jewish People in the desert.

After the sin of the golden calf, however, G-d took away the “Clouds of Glory” and the Jewish People remained exposed to the elements and to their enemies. It was only after the first Yom Kippur on the tenth of Tishrei when G-d forgave the Jewish People that the Clouds returned. Therefore, the Festival of Succot doesn’t really celebrate the “Clouds of Glory” — it celebrates their return.

So it comes out that in our Torah portion, Mishpatim, which is chronologically before the sin of the golden calf, as yet there was no mitzvah to dwell in the succah to commemorate the return of “Clouds of Glory” — thus the Torah refers to it only as “the Festival of the Ingathering.”

## PLEASE JOIN US...

...in saying Tehillim/Psalms and a special prayer to G-d for the safety and security of all of Klal Yisrael in these times of conflict and conclude with the following special prayer:

*“Our brothers, the entire family of Israel, who are delivered into distress and captivity, whether they are on sea or dry land – may G-d have mercy on them and remove them from stress to relief, from darkness to light, from subjugation to redemption now, speedily and soon.”*

## GITTIN 58 - 64

*Abayei said, we hold: "If there is no Kohen present, 'nitparda hachavila'."*

The  *mishna*  on  *amud aleph*  of our  *daf*  teaches the order in which people should be called up to the Torah for the public reading of the Torah in the prayer service —  *Kohen, Levi, Yisrael* . However, what happens if no  *Kohen*  is present?  *Abayei*  teaches that " *nitparda hachavila* ", a metaphor for what is done.  *Rashi*  translates this phrase as "the connection is broken", meaning that the normal order for the honor of the  *aliyot*  (being called to read the Torah) has been disrupted and does not apply in this case.  *Rashi*  offers two explanations as to what this means for the  *Levi* . One, in the name of his elder rabbi teachers, states that a  *Levi*  who may be present may not be called up to read, and loses the honor that he normally receives during the Torah reading service since no  *Kohen*  is present to read either. A second possibility, which  *Rashi*  writes that he heard from one of his students who became a great rabbi, is that there is no longer any need for a  *Levi*  to precede a  *Yisrael* , as is the norm; rather a  *Yisrael*  may be called for a  *aliyah*  before a  *Levi*  if desired.  *Tosefot*  cites a third opinion, that the  *Levi*  should read in the place "that is fitting for him" (presumably second, as usual).

The ruling in  *Shulchan Aruch Orach Chaim 135:6*  is that when there is no  *Kohen*  in the synagogue, a  *Yisrael*  should read first and a  *Levi*  should not be called up after him. If a  *Levi*  would be called next, people might very well think that the first person is a  *Kohen* . And despite the fact that the first person is announced to be "in place of a  *Kohen* ", as the  *Rema*  states regarding this case when no  *Kohen*  is present, perhaps people will come into the synagogue after the announcement and not hear he is not a  *Kohen* . The  *Rema*  also writes that the  *Levi*  may be called up first, with the announcement of "in place of a  *Kohen* ", if the  *Yisrael*  is not a greater Torah scholar than the  *Levi* . The reason for this ruling is that a  *Levi*  is no "less" than a  *Yisrael* . ( *Mishna Berurah* )

•  *Gittin 59b*

*"Shalom aleichem, kings. Shalom aleichem, kings."*

With these words the Torah scholar named "Geneiva" walked up to the Sages  *Rav Huna*  and  *Rav Chisda*  and greeted them. They asked him why Torah Sages are called "kings". He answered by citing a verse in  *Proverbs (8:15)* , "Kings reign with me (the Torah), and rulers legislate righteousness." This statement on our  *daf*  is almost certainly the source of the well-known expression, " *Mon malchei? Rabbanan* " — Who are kings? Sages who have internalized the wisdom of the Torah are the true kings who can lead the Jewish People in the way of  *G-d* .

Years ago I attended a certain Torah class that was taught by a very great Rabbi. The other students and I sat around a table awaiting his arrival. When he entered the room we all stood up, as is the halacha for students to stand in honor of their Rabbi. As he walked past to the head of the table he said to me, "What is all this fuss for?" I was surprised by his question, but after a second replied that "The Rabbi is our Rabbi and we are showing honor to our Rabbi as we should." He paused for a moment and said, "Indeed you have a dilemma. I don't consider myself to be a Rabbi and therefore you have no need to stand. However, since you consider me your Rabbi, you need to act appropriately and stand." I sheepishly suggested that if our standing bothers him, he may tell us that he forgoes his honor so that we need not stand, based on the halacha that "a Rabbi who forgoes his honor, his honor is given up". He replied, "That's the real dilemma. Since I don't consider myself to be a Rabbi, it doesn't make sense for me to forgo my honor as a Rabbi. Therefore do whatever you need to do." Of course we all continued to stand for him each day since he was our Rabbi and we certainly needed to stand for him to display our honor for a Torah scholar. Based on our  *gemara* , however, that a Torah scholar is considered a king, I afterwards wondered if my original suggestion — that he could forgo the honor due to him as a Rabbi — was actually incorrect. As a Torah scholar is a "king", the halacha is "a king who forgoes his honor his honor is not relinquished."

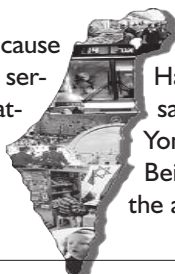
•  *Gittin 62a*

## LOVE OF THE LAND

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

## Kfar Mash'had — Tomb of the Prophet Yonah

The Prophet Yonah is familiar to us mostly because the entire Book of Yonah is read at the Mincha service on Yom Kippur. Where he is buried is a matter of dispute, with sites as varied as Zippori, Kfar Kanah, Hebron, Halhul, Kfar Azza, Tiberias, Ashdod and Mosul in Iraq mentioned as possibilities.



Rabbi Chayim ben Altar, author of the  *Ohr Hachaim*  commentary on Chumash, is reported to have said that when he lived in Peki'in he visited the tomb of Yonah in Kfar Mash'had. This village lies between the Beit Rimon junction and Nazareth and a mosque marks the assumed location of the prophet's tomb.

## 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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# Abarbanel

## ON THE PARSHA

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BY RABBI PINCHAS KASNETT

### Mishpatim

#### The Jewish Indentured Servant (Bondsman)

**T**he main focus of the first part of this Parsha is on civil and criminal laws, which are found in almost every society. Abarbanel is puzzled by the fact that the first laws mentioned deal with the unique case of the Hebrew bondsman. Abarbanel gives two reasons. The first commandment heard at Mount Sinai was “I am the L-rd your G-d Who took you out of the land of Egypt, from the house of slavery.” We then had the merit to be “G-d’s servants”, and, as a result, it would not be fitting to be indentured in a type of servitude to each other indefinitely. Therefore, the indentured servant is free to return to his home and family after six years. Secondly, the beginning of the Torah in the Creation narrative makes it clear that G-d brought everything into existence from absolute nothingness; all was a totally new creation which was a result of His will alone. We will see how this idea is reinforced through the connection of the bondsman to Shabbat and the Shemitah year.

Even though the last five of the ten commandments (Don’t murder; Don’t commit adultery; Don’t steal; Don’t bear false witness; Don’t covet anything belonging to your fellow Jew) are expressed in a very abbreviated manner and appear to be no different than the laws that govern all civilized nations, this is actually not the case. These apparently “universal laws” contain numerous unique features that are clearly Divinely, and not humanly, ordained, and they apply specifically to the Children of Israel, not to the other nations. Since the first commandment of this group is the general prohibition against murder, the Parsha begins with servitude which is considered similar to murder, since, in a sense, it

takes away the servant’s life. Being charitable is equated to giving life; holding a person in servitude is the opposite. It is equated, in a sense, to murder. The prophet Jeremiah excoriated his fellow Jews for taking back the bondsmen that they had previously freed: “Therefore, thus said G-d: You did not hearken to Me to proclaim freedom, every man for his brother and every man for his fellow; behold I proclaim you to be free — the word of G-d — for the sword, for pestilence and for famine; and I shall make you an object of horror for all the kingdoms of the earth.” (Jeremiah 34:17) The punishment is “measure for measure”. Having committed “murder” through servitude they would be subject to sword, pestilence and famine.

The Torah speaks of a thief who cannot repay what he stole. The courts then sell him so that the wages of his labor can be used to pay off his obligation. In the seventh year, unless he voluntarily chooses to remain, he is sent home free, without any obligation to his former master.

The Divine nature of this opening section of the Parsha and its connection to the very Creation itself is reflected in the mitzvah of Shemitah, the obligation to refrain from agricultural activities every seventh year, and the mitzvah of Shabbat with its obligation to refrain from creative activities every seventh day. Both Shemitah and Shabbat are obviously Divinely-ordained concepts that point to G-d as the Creator and Sustainer of the entire universe. By commencing with a “civil law” that is comparable to these Divine laws which also focus on a seven-year cycle, the Parsha is reminding us that all of the laws to follow have a profound Divine basis, rooted in the very Creation itself, and are significantly different from the legal systems of the other nations of the world.

## PARSHA OVERVIEW

**T**he 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.

## WRITE THE GET NAME

**From: Sheina**

*Dear Rabbi,  
Unfortunately, my sister is getting divorced and there's some question regarding the spelling of her name on the get. The rabbis involved require that it be written in Hebrew with a particular spelling that is different than the way we've always spelled her name. She feels uncomfortable with this and I was wondering if there are any insights you might be able to share with us on this.*

Dear Sheina,

Regardless of the circumstances, divorce is very unfortunate and I'm sorry to hear of your sister's plight. Divorce is certainly difficult enough as it is so that naturally everyone involved should want to make it the least uncomfortable as possible.

However, regarding this detail, namely the way her name should be spelled in the get, I encourage her to accept the guidance of the rabbis involved, who I assume to be experts in the field.

I understand that your sister may very well see this as a violation of her independence or a way of maintaining her dignity in a very difficult situation, but regardless of who initiated the divorce, since the marriage is to be dissolved, it should be done according to the halacha to ensure that she will be freed from her current marriage, allowing the possibility of marrying someone else.

One of the very important requirements of ensuring a valid get involves the names therein, where spelling is one particular but essential factor. And while I appreciate that it may be difficult to accept that there are halachically required spellings for the wide range of traditional names, particularly regarding Ashkenazic/Yiddish names whose halachic spelling may seem awkward compared to current, popular conven-

tion, nevertheless, as far as the get is concerned she should accept the halachic spelling.

Given the overall difficulty of divorce, and the significant ramifications of not being properly divorced, this relatively minor discomfort should be tolerated for her ultimate good. And regarding the spelling of her name in informal contexts, she may continue to spell it as she'd like.

Rabbi Chaim of Volozhin had a daughter who got married and moved to a distant town, such that her main contact with the family was through letters. Once, after having sent a letter to his daughter through a courier, the Rabbi went through great pains to recall the letter. His son, Rabbi Yitzchak, thought that this was very peculiar, since he was aware of the contents of the letter, which didn't seem particularly significant. And what's more, he saw his father copy the new letter word-for-word from the original.

After looking into the matter, he understood that it had come to the attention of Rabbi Chaim that in the town in which his daughter lived there was a controversy over how to spell a certain woman's name in her get, and this name happened to be the same as his daughter's. The Rabbi recalled that he had not been particular about how he spelled his daughter's name in the first letter and was concerned, given the publicity of the case, that his "mis-spelling" might be used as proof how to spell the name. To avoid any misunderstanding and mishap, he went through such great efforts to recall the letter, in order to re-write his daughter's name according to the halachic spelling.

We see from this story that even if Rabbi Chaim of Volozhin was not always meticulous in the spelling of names in an informal context, he nevertheless took it very seriously to make sure of the correct spelling of names in such halachically important contexts as the get.

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Rav Bulman <sup>zt"l</sup>  
on the  
Torah Portion of the Week

## A JOURNEY BEYOND

**“In Your hand I entrust my soul...”**

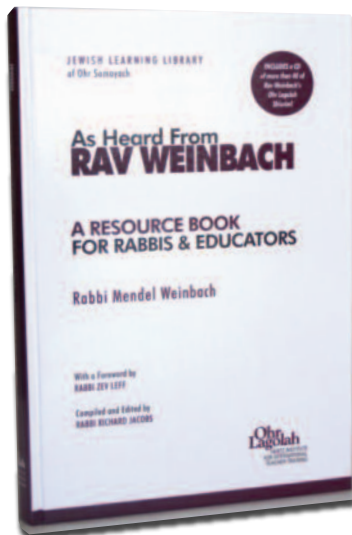
It is the year 2016. Imagine you have been chosen for a daring and dangerous mission. Your destination is far away, further than the last galaxy. Beyond time and space. Are you afraid? This is actually a trip you have made before — a journey home. You are a soul, a part of the Divine above, and each night you return to Heaven from where you have come.

Although we do not fully “understand” the wondrous miracle of life, when we wake up each day ready to take on the world, or at least get the young ones to the school bus on time, we should be aware that something occurs each night that is beyond us. Our Sages explain, based on the verse, “In Your hand I entrust my soul; You redeemed me O G-d, L-rd of truth (Psalms 32:6),” that our soul is entrusted to G-d each night while we are asleep, and returned to us each morning. (Midrash Tehillim; Eicha Rabbah; Zohar Chadash)

Inasmuch as our soul leaves our bodies, we should no longer be living. So how do we remain alive each night without our soul? The truth is that it is a miracle. However, since this miracle happens every night, we tend to take it for granted. Still not convinced? Let me try to explain. Our

Sages call “sleep” a “mini-death”. How mini? One-sixtieth, to be precise (Zohar 206). What does this mean? Fortunately for us our *entire* soul doesn’t leave the body, and that is how we remain alive. To help make us aware of all of this, it has become the custom of many to say the above-quoted verse as part of the “bedtime Shema” said before going to sleep. (Berachot 5a)

This “mini-death” also serves as a reminder that one day G-d will resurrect the dead from their sleep. In fact, we attest to this three times daily in the second blessing of the Shemoneh Esrei prayer. It is written there, “You are mighty forever, G-d; You resurrect the dead.” Later in the same blessing we even refer to the dead as “sleepers”. But why do we refer to the dead as sleepers? They are not just sleeping, they are dead. What is the connection between death and sleep? Our Sages explain that one day for G-d is like a thousand years for us (Ber. Rabbah 19:8). This is just an “idea”, for, in truth, G-d is above time. And so, whether it is only one day or it is six thousand years, it is all the same to Him — like an “afternoon nap”. And just as we wake up each morning, so too G-d will resurrect all those who are “asleep” (i.e., dead) in the end of days.



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## RAV REUVEN FEINSTEIN VISITS OHR SOMAYACH

The Derech and Yesod/Chai Israel programs were honored by a visit from Harav Hagaon Reuven Feinstein *shlit'a*, the Rosh Hayeshiva of the Yeshiva of Staten Island, NY, this past Monday. He is a son of Harav Hagaon Moshe Feinstein *zatzal*.

Rav Feinstein gave a “*shmooze*” (inspirational Torah lecture) in the Derech Beit Midrash, followed by a ques-

tion and answer session for both the students and the *rabbeim*, who enjoyed a wonderful opportunity to gain from the Rav’s openness and the clarity of his answers.

Following the *shmooze* the Rav joined the Derech and Yesod / Chai Israel staff for lunch, where the rabbis were able to ask him a variety of questions regarding *chinuch*.

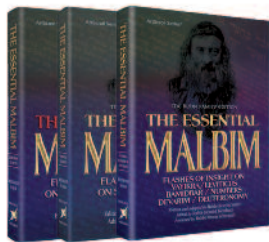


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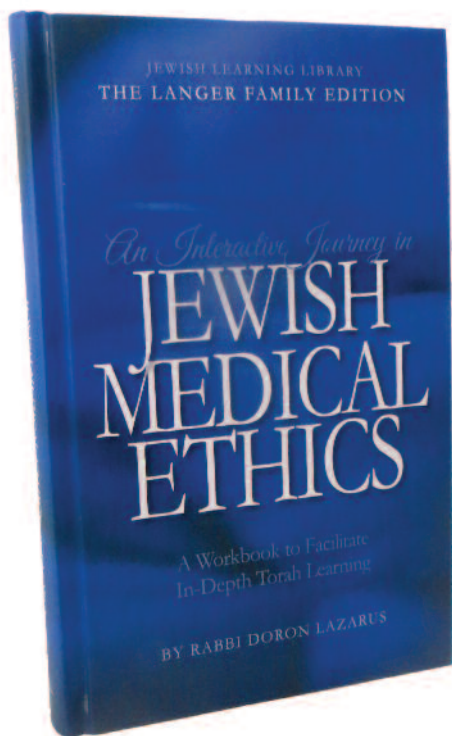
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