**Parsha Potpourri**

**Parshas Mishpatim – Vol. 12, Issue 18**

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**וכי יגף שור איש את שור רעהו ומת ומכרו את השור החי וחצו את כספו וגם את המת יחצון (21:35)**

 In Parshas Mishpatim, the Torah discusses the laws governing damage caused by a person’s animals. In the event that a man’s ox strikes the ox of his fellow man and kills it, the two men must sell the live ox and divide the proceeds, and they also split the carcass of the dead ox. Although the expression וכי יגף שור איש את שור רעהו is normally translated as, “If a man’s ox strikes the ox of his friend,” the Ibn Ezra quotes the opinion of Ben Zuta, who instead interprets it, “If a man’s ox strikes its friend,” understanding שור רעהו as referring not to an ox that belongs to the owner’s friend, but rather to an ox that is friends with the violent ox.

 However, the Ibn Ezra sharply dismisses this reading in his inimitable style, writing, “The only friend of the ox is Ben Zuta himself,” meaning that somebody who mistranslates the Torah so egregiously would make a good companion for an ox. Rav Yissocher Frand explains that the concept of רעות – friendship – does not apply to animals, who are capable of having companions and even mates, but not friends. Friendship requires an emotional connection that is uniquely human, as the Torah commands us (Vayikra 19:18) ואהבת לרעך כמוך – You shall love your friend as yourself. Accordingly, the Ibn Ezra rejects Ben Zuta’s interpretation which he finds ludicrous for implying that it is possible for an ox to have friends.

Rav Yitzchok Hutner points out that the word תרועה, the sound of the shofar that we are commanded to blow on Rosh Hashana (Bamidbar 29:1), shares the same root as the word רע – friend. What is the connection between these two seemingly unrelated concepts? Unlike a תקיעה which is uninterrupted and represents being perfect and whole, a תרועה is a broken sound that connotes the concept of being deficient and lacking.

 How does this insight apply to the Torah’s use of the word רע to connote a friend? Rav Hutner explains that the essence of true friendship is for friends to feel so close to each other that they are willing to rebuke and break one another over their shortcomings. While the term “friend” is colloquially used to describe any person with whom we enjoy spending time, the Torah’s definition of true friendship encompasses much more. Although it is natural to be drawn to people who are always complimentary and make us feel good about ourselves, the Torah teaches us that this is flattery, not friendship. Real רעות involves a component of תרועה, of emulating the shofar by chastising and “breaking” the other person for his faults and misdeeds.

Rav Frand extends this idea to marriage, noting that the fifth blessing recited during Sheva Berachos (the seven blessings said in honor of the bride and groom) begins: שמח תשמח רעים האהובים כשמחך יצירך בגן מקדם – Grant abundant joy to the beloved companions, as You gladdened Your creation (Adam) in the Garden of Eden of old. Why do we specifically describe the bride and groom as רעים האהובים – beloved friends? We are giving them a beracha that they should become true friends, in the sense that they feel comfortable calling each out for their mistakes.

Obviously, such rebukes must take place in the context of a balanced relationship which is normally positive, as a friendship or marriage in which one party is constantly criticized will not succeed and endure. However, it is essential to understand that the ability and willingness to give constructive criticism is an integral component of the purpose of all friendships, and certainly of marriage. Indeed, the Netziv explains that when the Torah describes (Bereishis 2:18) Chava’s function as being an עזר כנגדו (a helpmate opposite Adam), it is teaching us that there are situations in which the best way to be an עזר is to stand כנגדו. As the Ibn Ezra noted, it is this uniquely human capacity that elevates us above animals and enables us to rise to the level of רעים האהובים.

**ויקם משה ויהושע משרתו ויעל משה אל הר האלקים (24:13)**

 At the end of Parshas Mishpatim, the Torah describes Yehoshua as Moshe’s servant, who was so close to his teacher that he remained at the base of Mount Sinai for 40 days eagerly awaiting Moshe’s return. However, Rav Aharon Leib Shteinman points out that the total period of time during which Yehoshua served and learned from Moshe was actually quite short. The Mishnah in Eduyos (2:10) teaches that the entire punishment and judgment of the Egyptians spanned a period of 12 months, prior to which Moshe was living in Midian, and the Torah was given only seven weeks after the Exodus. At this point, Yehoshua had known Moshe for at most a little more than one year, yet he was already considered Moshe’s primary disciple. Rav Shteinman suggests that this teaches us that the depth of the connection between a Rebbe and his student is not a function of the amount of time that they spend together, but rather of the student’s dedication and commitment to learn from his Rebbe and emulate his ways.

Similarly, Rav Chaim Vital is considered the primary disciple of the Arizal, and most of the reliable teachings of the Arizal that we have today are found in the writings of Rav Chaim Vital. However, they spent only 20 months together before the Arizal tragically passed away at the age of 38. Nevertheless, Rav Chaim Vital was so devoted to his Rebbe that this short period of time was sufficient for him to imbibe the Arizal’s wisdom and preserve it for future generations, as the depth of the relationship is far more important than its length.

 Rav Yisroel Reisman notes that this concept can be extended to friendship as well. The Mishnah in Avos (5:16) describes the relationship between Dovid and Yonason as the quintessential friendship, as their love was eternal and not based on any ulterior motives. How long did they actually know each other for? They did not meet until after Shaul’s ascension to the throne. Shaul’s entire reign lasted only two years, and Yonason died on the same day as his father (Shmuel 1 31:6).

Even during these two years, they did not spend much time together, as Rav Reisman posits that Dovid spent at least one of these two years running away from Shaul, who wanted to kill him, during which time he had no interactions with Yonason other than the episode on Rosh Chodesh in which Yonason clarified his father’s desire to kill Dovid and advised him to flee for his life (Shmuel 1 20:18-42). Even before Shaul turned against Dovid, he and Yonason were often separated into different encampments on the battlefield, yet despite the fact that they spent such a limited amount of time together, their relationship is held up as the paradigm of the closest love that two friends can experience. As Rav Shteinman explained, this teaches us that the depth of the bond between two friends is not determined by the quantity of time that they spend together, but by the quality of their commitment to one another.

Rav Reisman adds that if this idea is true for platonic friends, it certainly applies to the closest friendship of all, that of husband and wife. Many people question how it is possible for a young man and woman to go out on a relatively small number of dates and decide that this is the person with whom they wish to spend the rest of their lives, and they assume that without a more prolonged courtship period to get to know one another better, the young couple will be doomed to an unhappy marriage that will often end in divorce. Fortunately, we know that this is not the case; the error in their logic is that the success of the relationship is determined not by the amount of time they have spent together, but rather by the depth of their commitment to respect, love, and give to one another.

**Parsha Points to Ponder (and sources which discuss them):**

1. A Jewish slave who doesn’t wish to leave his master when the time arrives that he may go has his ear pierced (21:6), and he continues to serve his master until the Yovel (Jubilee year). Rashi explains that the piercing is done specifically to punish the ear which heard at Mount Sinai Hashem’s prohibition against stealing (20:13), and nevertheless proceeded to steal. Rashi writes (20:13) that the prohibition against stealing in the Ten Commandments that were said at Mount Sinai refers to the stealing of people and not to the stealing of possessions. Why is the ear punished for violating a prohibition which it didn’t hear at Mount Sinai? (Chizkuni, Rav Eliyahu Mizrachi, Chanukas HaTorah, Maskil L’Dovid, Chiddushei Riaf Ein Yaakov Kiddushin 22b)
2. A master who knocks out the eye or tooth of his non-Jewish slave must immediately free the slave (21:25-26). The Gemora in Kiddushin (24a) rules that a slave goes free not just through the loss of an eye or a tooth at the hands of his owner, but of any limb which won’t grow back. Why does the Torah specifically single out the eye and the tooth if many other body parts are also included in this law? (Rabbeinu Bechaye, Peninim MiShulchan HaGra)
3. A yeshiva student asked another boy to wake him up at a specific time. On his way into the room, his friend accidentally walked on top of the glasses of the boy who was sleeping and broke them. Is he obligated to pay for them? (Shu”t K’nei Bosem 1:154, Pischei Choshen Dinei Nezikin 8:10)

**Answers to Points to Ponder:**

1) **Rav Eliyahu Mizrachi** explains that although this verse refers to kidnapping, Rashi writes (24:12) that the Aseres HaDibros (Ten Commandments) contain within them the roots of all 613 commandments. For example, when Hashem said the prohibition against murdering, He also included publicly embarrassing another person, which is comparable to murder. Similarly, the verse in the Aseres HaDibros that forbids kidnapping also includes all other forms of stealing. The **Chiddushei HaRiaf** answers that a person is not punished for kidnapping unless he also sells the person that he “stole.” At the end of six years, when the master attempts to free the slave and he expresses his love for his master and desire to remain a slave, he is in essence kidnapping and selling himself. He adds that this explanation also resolves another difficulty: According to Rashi, why is the ear pierced only at this time instead of immediately upon being found guilty of stealing? Rather, he isn’t being punished for stealing the item six years ago, but for stealing himself now. The **Chizkuni** and **Maskil L’Dovid** suggest that our text of Rashi contains a typographical error. It shouldn’t quote the verse לא תגנב from the Ten Commandments, which discusses kidnapping, but rather לא תגנבו (Vayikra 19:11), which Rashi explains is a prohibition against stealing money. Although this verse isn’t part of the Aseres HaDibros, it is still appropriate to refer to it as having been heard at Sinai inasmuch as the entire Torah was transmitted there.

2) **Rabbeinu Bechaye** notes that Noach cursed Cham and his descendants with slavery as a punishment for Cham seeing his father’s nakedness and relating it to his brothers (Bereishis 9:25). Since slavery is a punishment for sinning with the eyes and the mouth, it is appropriate that if they are damaged, the slave has received an alternate form of punishment and is now exempt from slavery. The **Vilna Gaon** adds that according to the strict letter of the law, the slave should only go free if both his eye and his mouth are wounded, but Hashem mercifully allowed him to be freed even if only one is injured.

3) The Gemora in Bava Kamma (27b) rules that if a person is walking in a public thoroughfare and accidentally breaks something which was placed there, he is exempt from paying for the damages because people are generally focused on other matters when they are walking and are unaccustomed to looking down to make sure that there is nothing in their path which could break. Based on this, **Rav Meir Bransdorfer** rules that by asking his friend to enter his room and wake him up, the sleeping student gave his friend permission to walk in the room, rendering it legally comparable to a public thoroughfare, in which case he had no responsibility to look where he was walking and is exempt for paying for the glasses. **Rav Yaakov Blau** disagrees and maintains that even though he was given permission to enter the room, this does not transform the room into a public thoroughfare, and he is still obligated to examine where he is walking to prevent damage. Since he failed to do so, he must pay for the broken glasses.

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