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PARSHA INSIGHTS

by Rabbi Yaakov Asher Sinclair

Handle With Care

“If a person steals an ox...” (21:37)

People are sensitive. I know... I'm one of them. Having been educated in the Empire-Building English Public (i.e. Private) School system, where “big boys don't cry,” I can tell you that however stiff your upper lip may be, inside we are all softies.

In this week's weekly Torah portion, the Torah tells us that a thief who slaughters or sells a stolen ox has to pay five times the value to its owner. However, if he does the same with a sheep, he only has to pay four times, because he has already paid part of his penalty with the embarrassment and humiliation he felt during the theft by carrying the sheep across his shoulders. One would not place sheep-stealers among mankind's most sensitive beings, yet the Torah evaluates a sheep-stealer's embarrassment as calculable in hard cash.

The Talmud (Yevamot 44b) permits or even mandates birth control in the case of a widow who is breast-feeding her deceased husband's child and then re-marries. We are concerned that should she become pregnant and her milk sour, the current husband might be unwilling to pay for milk and eggs to feed the baby. Then she will have to go to Beit Din to claim child support from the beneficiaries of the dead husband. She may be too embarrassed to do this, and there is danger that the baby may not receive adequate nutrition and die.

Is there any greater love than a mother for her baby? And yet we are still concerned that embarrassment and humiliation may vie with motherly love.

It is certainly much easier to be sensitive to ourselves than to others. But at some level, even those who seem the least sensitive feel embarrassment and hurt. Everyone deserves to be “handled with care.”

• Sources: Rashi, Chidushei HaLev

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TALMUD TIPS

by Rabbi Moshe Newman

Mishpatim: *Pesachim* 86-92

A Good Guest

Rav Huna, the son of Rav Natan, said: "Everything that the host requests that you do – do – unless he says 'Go out'."

The *gemara* relates a time when the Sage Rav Huna went to the home of Rav Nachman bar Yitzchak and his family. While there, they asked him to do a variety of acts, and he complied. For example, they asked for his name and they asked him to sit down to eat. He answered their first question by saying that his name was "Rav Huna." When they asked him why he included the title "Rav" as part of his name, he explained that others had called him "Rav Huna" since his early childhood. (Apparently he was a Torah scholar from youth.)

When they asked him to sit for the meal, he sat on the bed and reclines, as per the way of important people in those days. However, the hosts did not have this custom to recline on a bed for eating, but would rather sit on simple benches (Rashi). Since reclining on the bed was strange to them, they asked him why he reclined on the bed to eat. He explained that our Sages have taught, "*All that the host requests you (the guest) to do – do – unless he says 'Go out'.*" (Since they told him to sit to eat, he obeyed, doing so in the normal way for him, which was to recline on a bed.)

The general rule that Rav Huna cited, of when to listen to the host and when not to. Is a teaching found in a collection of Torah teachings regarding proper interpersonal conduct and etiquette. However, while the first part of the statement – to obey the instructions of the host – seems reasonable, the end of the sentence seems quite difficult to understand. Do what the host tells you "*except if he tells you to go out.*" How can that be so?

It is the domain of the host and he should be able to decide who may stay there and who may not!

A number of great Torah commentaries address this question. Some lead to halachic implications and others interpret it in as a message of spiritual guidance of great importance. (And at least one commentary – Rabbi Menachem HaMeiri – says that the correct text should not state the last two words we have in our text – *chutz m'tzei* – which eliminates our question and hence the need to provide an answer).

One reason why we would be taught to do all that the host says except to obey to "leave" is the concept in *Shas* "to not change one's lodging." This concept is seen as having a basis in the Torah, from verses describing Avraham Avinu's loyalty to his hosts while traveling. Elsewhere, the *gemara* says that "A guest who changes one inn for another causes a blemish to the innkeeper, and he himself is also blemished." (*Erchin 16b*) Rashi explains that when people see a customer leave one temporary lodging to go to another, they will think badly about the host and the guest: "Oh, these people just cannot get along. There must be something wrong with one or the other – or both of them!"

Based on this concept, the Aruch Hashulchan explains the statement in our *gemara* that if the host says to leave, one does not need to obey. Why not? By doing so, he might be damaging both the reputation of the host and his own good name. Instead, he should try explaining these consequences to the host – unless he feels that the

host is certainly not receptive to this conversation or will cause him bodily harm. Ideally, they should both try to understand why the host told him to leave, and hopefully they will be able to work it out. But even if they still cannot resolve the issue, the guest has the right to insist on staying if he would like. He may say to the host, “You have the right to not care about the tarnish to your own reputation that will occur if I leave, but I am not willing to suffer a blemish to my good name.” Of course, the guest can always choose the option of leaving, if he so wishes. It is important to note that in any real-life situation a person should contact his Rav to ask for the correct behavior according to halacha. (*Aruch Hashulchan Orach Chaim 270*)

Another answer is that “go out” refers to going out of the dwelling to the market or to do errands for the host. The guest should obey the host when he is told to do something *inside* the home, but need not cause himself to appear undignified in public by doing the bidding of his host. In Hebrew, the host is called “master of the house,” but he is not the master of the public domain. (See *the Magen Avraham and the Vilna Gaon to Shuchan Aruch Orach Chaim 270*.)

Some explain the writings of the Maharsha in a similar manner – that the guest does not need to show special honor and obedience in matters to be done outside of the house. However, it is also possible to understand the Maharsha in a different manner, with a twist: Once the host has told him to leave, he is no longer considered “his host,” and is no longer deserving of any special obedience from the guest whom he told to leave. For example, if the host asked the guest to leave in a

hurry and close the door behind him, the guest may take his time packing and may leave without shutting the door.

A novel *aggadic* interpretation is offered for this statement, leading to a metaphorical message. The “host” alludes to Hashem, while the guest is potentially any one of us. The *gemara* in Masechet Chagiga teaches that Elisha ben Avuya (aka “Acher”), the Rabbi of Rabbi Meir, went “off the *derech*” (the causes are mentioned in the commentaries there). Rabbi Meir implored him to do *teshuva*, but without success. One day, Acher heard a Heavenly voice call out, “Do *teshuva*, wayward children, *except for Acher*.” When he heard that he was not included in the call to repent, he despaired and completely gave up hope. But he was mistaken. It is always possible to do *teshuva*, and Hashem, in His great mercy, will accept the return of any wayward child.

This is the message in our *sugya*: “All that the Host (Hashem) says to anyone to do – do – *except for leaving*.” No matter what a person experiences, no matter what negative signs one sees, no matter how lost and hopeless a person feels due to his many transgressions – he is always warmly welcomed by Hashem if he does *teshuva*.

My revered teacher, HaRav Moshe Shapiro, *zatzal*, taught me that the Heavenly voice was *not* saying that anyone’s *teshuvah* would be *accepted*, except for Acher’s, which would not be accepted. Rather, it was *a call to everyone but Acher to do teshuva*. And, Acher knew that he did not possess the “strength of soul” to do *teshuva* without knowing that Hashem was *also calling him to do teshuva*. But he certainly had the free-will to do *teshuva*, despite the Heavenly proclamation, and his *teshuva* would have certainly been accepted – like anyone else’s.

- *Pesachim 86b*

**Ohr Somayach announces a new booklet on
The Morning Blessings
by Rabbi Reuven Lauffer
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Q & A

MISHPATIM

Questions

1. In what context is a *mezuzah* mentioned in this week's parsha?
2. What special mitzvah does the Torah give to the master of a Hebrew maidservant?
3. What is the penalty for wounding one's father or mother?
4. A intentionally hits B. As a result, B is close to death. Besides any monetary payments, what happens to A?
5. What is the penalty for someone who tries to murder a particular person, but accidentally kills another person instead? Give two opinions.
6. A slave goes free if his master knocks out one of the slave's teeth. What teeth do not qualify for this rule and why?
7. An ox gores another ox. What is the maximum the owner of the damaging ox must pay, provided his animal had gored no more than twice previously?
8. From where in this week's parsha can the importance of work be demonstrated?
9. What is meant by the words "If the sun shone on him"?
10. A person is given an object for safe-keeping. Later, he swears it was stolen. Witnesses come and say that in fact he is the one who stole it. How much must he pay?
11. A person borrows his employee's car. The car is struck by lightning. How much must he pay?
12. Why is lending money at interest called "biting"?
13. Non-kosher meat, "*treifa*," is preferentially fed to dogs. Why?
14. Which verse forbids listening to slander?
15. What constitutes a majority-ruling in a capital case?
16. How is Shavuot referred to in this week's parsha?
17. How many prohibitions are transgressed when cooking meat and milk together?
18. What was written in the *Sefer Habrit* which Moshe wrote prior to the giving of the Torah?
19. What was the *livnat hasapir* a reminder of?
20. Who was Efrat? Who was her husband? Who was her son?

All references are to the verses and Rashi's commentary, unless otherwise stated.

Answers

1. 21:6 - If a Hebrew slave desires to remain enslaved, his owner brings him "to the doorpost *mezuzah*" to pierce his ear.
2. 21:8,9 - To marry her.
3. 21:15 - Death by strangulation.
4. 21:19 - He is put in jail until B recovers or dies.
5. 21:23 -
(a) The murderer deserves the death penalty.
(b) The murderer is exempt from death but must compensate the heirs of his victim.
6. 21:26 - Baby teeth, which grow back.
7. 21:35 - The full value of his own animal.
8. 21:37 - From the "five-times" penalty for stealing an ox and slaughtering it. This fine is seen as punishment for preventing the owner from plowing with his ox.
9. 22:2 - If it's as clear as the sun that the thief has no intent to kill.
10. 22:8 - Double value of the object.
11. 22:14 - Nothing
12. 22:24 - Interest is like a snake bite. Just as the poison is not noticed at first but soon overwhelms the person, so too interest is barely noticeable until it accumulates to an overwhelming sum.
13. 22:30 - As "reward" for their silence during the plague of the first-born.
14. 23:1 - Targum Onkelos translates "Don't bear a false report" as "Don't receive a false report".
15. 23:2 - A simple majority is needed for an acquittal. A majority of two is needed for a ruling of guilty.
16. 23:16 - *Chag Hakatzir* ~ Festival of Reaping.
17. 23:19 - One.
18. 24:4,7 - The Torah, starting from Bereishet until the giving of the Torah, and the *mitzvot* given at Mara.
19. 24:10 - That the Jews in Egypt were forced to toil by making bricks.
20. 24:14 - Miriam, wife of Calev, mother of Chur.

COUNTING OUR BLESSINGS

by Rabbi Reuven Lauffer

INFINITE POTENTIAL (PART 1)

These are the precepts that have no proscribed measure to them: the corner of the field; the first fruit offerings; making a pilgrimage to the Holy Temple; acts of kindness; and Torah study (Tractate Peah 1:1)

Obviously, the reason why the first Mishna in Tractate Peah was chosen to represent the Oral Torah within the Torah blessings is because it contains a reference to Torah study. However, as with so many different facets in Judaism, under the surface is a profound message, one that touches on every aspect of our relationship with G-d.

At face value, our Mishna is somewhat perplexing. The legalistic aspect of Judaism is very exact and didactic, and the laws are normally defined absolutely. For example, without going into the details, the first Mishna in the first Tractate of the Talmud discusses the correct time to recite the *Shema* at night. The various options suggested there are meticulously precise – as are most of our religious obligations. And, yet, our Mishna lists five requirements that have *no defined quantity* according to Torah law. This means that according to the Torah, all obligations mentioned can be fulfilled in the most minimalistic way possible, or in their maximal way, according to the whim of the person performing them. And, apparently, the outcome is always the same: the obligation has been fulfilled equally in each manner. The entire structure of the Mishna seems to be counterintuitive. It is paradoxical that the Mishna is distinctive, not because of an abundance of guidelines and directives, but because there are no indicators as to what exactly our obligations are.

Maimonides explains that the Torah is teaching us a startlingly innovative concept. It is true that a person can fulfill their obligations by doing the barest minimum. But, the more they do, the more

praiseworthy they are, and the greater is their spiritual reward. What an astonishing and thought-provoking idea: to push beyond what is “enough,” to *want* to aspire to more and more. We should not be satisfied with the “bare-bones” fulfillment of our obligations, but, rather, we should strive to overcome our feelings of having done “our bit.” We should embrace the concept of adding extra layers – with the additional time and effort that that entails – to bring us to a loftier and more sublime understanding of serving G-d.

G-d is holding out His Hand and making us an offer that we should not refuse – the opportunity to receive far more reward than we would have if we had just followed the letter of the law. It is like the story of the mother of a needy family who gave some money to her seven-year-old son to buy some groceries. Before leaving the shop, the boy was looking at the candied nuts, wishing he had money to buy some. The shopkeeper told him, “Take a handful. You can have it for free.” The boy didn’t budge. The shopkeeper urged him again, “Take a handful for yourself.” But the boy did not respond. Finally, the merchant himself took a handful of candied nuts, poured them into a bag and gave the bag to the child. When the boy came home, he told his mother what had happened. She asked, “Why didn’t you take the nuts immediately when he offered them to you?” And he replied, “I have small hands. How much can I take? But the shopkeeper has large hands. I was waiting for him to give me his own handful, which is so much more!”

To be continued...

LETTER AND SPIRIT

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

Notes to the Oral Law

Suppose you were reading a text which began:

An RNA-based sequencing approach has been applied to characterize the genome of SARS-CoV-2, which is 29,881 bp in length, encoding 9860 amino acids.

It would be clear to you that this is intended for someone with some background of the subject. It presupposes knowledge of what RNA is, what sequencing is, what a genome is, what amino acids are, and some familiarity with nomenclature. It would not be the first paragraph in a molecular biology textbook. You might find it in someone's notes after reading a chapter in such textbook.

This is how Rav Hirsch explains the presentation of civil and criminal law in the Torah, or, more specifically, *how* the presentation is ordered so as to demonstrate the authenticity of the Oral Law.

This is to be the civil and criminal code of a nation. It is to set forth the principles and laws of justice and humanity that are to regulate human relationships. It is, perhaps, expected that the first section should address personal rights. But the choice of *which* rights are the ones first addressed is less expected: the laws applicable when a man sells another man, or when a man sells his daughter as a slave!

This beginning would be inconceivable were the Written Law actually the “book of law” – the primary source of law of the Jewish People. What a mass of laws and legal principles must have already been stated and established, considered and clarified, before the Torah could even turn to treat these exceptional cases – the cases that discuss *limitations* on the most sacred of human rights!

Clearly, the primary source of Jewish law is not the Written Word, but the living teachings of the Oral

Tradition. The “Book” serves only as an aid to memory and a resource when doubts arise. The entirety of Torah was taught to the people in a system of oral transmission by Moshe over the course of their sojourn in the wilderness. It was given over in writing shortly before his death. Here we see exceptional cases recorded, because it is from them that the principles of ordinary life can be derived most clearly.

The Written Book does not set forth organized general principles, but instead records individual concrete cases. From those cases, the general principles are deduced. Moreover, the wording of the Written Book is so precise that in many instances an unusual word, a change in sentence structure, an extra or missing letter, and other nuances can imply a whole train of legal concepts.

The Written Law was intended not as a primary resource to those unfamiliar with the law, but as an aid to those already well-versed in the law. This can be compared to the written notes taken on a scientific lecture and the lecture itself. When consulting notes, a particular word, punctuation mark, highlighting or underline is sufficient to bring to mind a whole series of ideas heard in the lecture. The Written Law is used in these ways in the Talmud to support or refute interpretations passed down through the Oral Tradition in cases of doubt, uncertainty or controversy. He who did not attend the lecture will not understand these nuances and clues. If he attempts to use those notes to construct (as opposed to *re-construct*) the lecture he did not attend, he will dismiss what seems unclear. So too, to the unlearned in the Oral Law, the Written Law remains incomprehensible.

- Sources: Commentary, Shemot 22:2

WHAT'S IN A WORD?

Synonyms in the Hebrew Language

by Rabbi Reuven Chaim Klein

Mishpatim: Feeding the Lie

The Torah famously commands: “From a false (*sheker*) matter, you shall distance [yourself]” (Ex. 23:7). In this case, the word for falsity is *sheker*. Yet, elsewhere the Bible attests to the fact that “the remnant of Israel do no iniquity and speak no falsity (*kazav*)...” (Tzephania 3:13), using the word *kazav* to denote falsehood. A third word for “lies” is *kachash*, as we confess in the Yom Kippur liturgy, “on the sin that we have sinned before You through *kachash* and *kazav*.” In this essay we will explore the three words for “falsehoods” in the Hebrew Language: *sheker*, *kazav* and *kachash*. In doing so we will demonstrate how even though the three terms in question seem synonymous, there are nonetheless slight differences in meaning between them.

Rabbi Yosef Albo (1380-1444) in *Sefer Ha'Ikkarim* (2:27) explains that the word *emet* (“truth”) serves as the antonym to both *sheker* and *kazav*. The way he explains it, truth is defined as a statement that reflects not only the consonance between the statement itself and reality, but also the consonance between what a person verbally expresses and what he thinks in his heart. Thus, *sheker* and *kazav* denote dissonance in one of those two equations: *Sheker* refers to when one’s statement and the reality that his statement speaks about are in disagreement, while *kazav* refers to a statement in which there is dissonance between what one says verbally and what one holds true in his heart.

Rabbi Yehuda Leib Edel (1760-1828) takes issue with Rabbi Albo’s assumption that even a statement that truly reflects one’s inner thoughts can be called *sheker* if it does not reflect an outside reality. He asks: According to this definition of *sheker*, how can the Torah forbid a person from testifying *sheker* or taking an oath of *sheker* (Lev.

19:11-12)? If a person cannot truly know what the outside reality really is, he can only present things as he perceives it! According to Rabbi Albo, if a person would unknowingly swear something that is objectively false, this should be considered “lying” and the swearer should be in violation of the commandment against “lying” – yet the Talmud (*Shavuot* 26a) exempts a person from punishment if he swore falsely while thinking that what he said is true. To Rabbi Edel, this suggests that the definition of *sheker* cannot just be something that is objectively untrue. Rather, it must also have an element of advertent deceit in purposely panhandling falsehood.

Indeed, Rabbi Yaakov Tzvi Mecklenburg (1785-1865) differentiates between *sheker* and *kazav* by writing that *kazav* denotes lying by mistake, while *sheker* implies purposefully or deceptively saying something untrue. He infers from the fact that when the Torah prohibits lying, it says *lo tishakru* (Lev. 19:11) – as opposed to *lo tichazvu* – that the prohibition entails only *deliberately* lying, not *mistakenly* lying.

We may defend Rabbi Albo’s position by explaining that even though the general definition of *sheker* applies to any sort of objective untruth (whether said inadvertently or wantonly), the Talmud means that a Scriptural imperative (derived from Lev. 5:4) unrelated to that definition limits the prohibition of testifying or swearing falsely to one who *knowingly* perjures.

Rabbi Shimshon Raphael Hirsch (to Gen. 9:21, 21:23 and 43:11) invokes the interchangeability of KUF and KAF to compare the word *sheker* to the word *shikur* (“drunkard”). He explains the connection by noting that just as a drunken person’s imagination dreams up all sorts of ideas that are actually outside the realm of reality, so too does *sheker* represent that which lies outside the realm of the true or real.

The Vilna Gaon (to Prov. 12:25) takes another approach to differentiating between *sheker* and *kazav*. He writes that when one utters *sheker*, it was a lie the entire time; but when one utters *kazav*, his statement became a lie only later on. For example, if one says that he will do something that he never planned to do, he has uttered a *sheker*. On the other hand, if one says that he will do something, and at that very moment he genuinely planned to do so but only later decided not to keep his word, this is called *kazav*. (See, Rabbeinu Yosef Bechor-Schor, to Numbers 23:19, who also explains the verb *kozev* as referring to a person who does not keep his word.)

Based on this sort of distinction, Rabbi Yehuda Leib Shapira-Frankfurter (1743-1826) writes that the Torah never prohibited saying a *kazav* like it prohibited saying *sheker* (Lev. 19:11), because there is no such thing as “saying *kazav*.” This is because in a case of *kazav*, at the moment that a person says he will do something, he has not yet “said *kazav*,” because the possibility remains that he will end up doing what he said he would do. It is only later on, when he never ends up keeping his word, that retroactively what he originally said becomes *kazav*.

The Malbim in *Yair Ohr* writes that while *sheker* has no validity or truth to it, *kazav* has some reality to it, such that at first it seems to be true and is only later fully exposed as a lie. In *Sefer HaCarmel*, the Malbim adds that the same utterance can sometimes be described as both *sheker* and *kazav*. For example, if somebody purposely makes a truth-claim or statement that will later be proven to be false, from the perspective of the speaker that statement is *sheker* because at the time he said it, he knew it to be false. However, from the perspective of the listener, that same statement can be described as *kazav* because when he first hears it, he cannot yet disprove its validity. Hence, when somebody brands fake news as *sheker v'chazav*, this means that it is both *sheker* from the speaker's point of view and *kavaz* from the listener's point of view.

In a variation on this theme, Rabbi Hirsch (to Ex. 7:11, 21:17) argues that the root KAF-ZAYIN-BET (from which *kazav* derives) is related to the root KAF-SHIN-PEH (because ZAYIN is phonetically

similar to SHIN, and BET to PEH), which means “witchcraft.” He explains that like witchcraft, *kazav* only appears to be real on the surface, but in the end reveals itself as wholly untrue. Interestingly, the prophet Yechezkel repeatedly uses the term *kazav* in reference to witchery (see Yechezkel 13:6, 13:7, 13:9, 21:34, 22:28).

How does the word *kachash* fit into this discussion? The word *kachash* is commonly translated as “denial,” and the self-same verse in the Torah that prohibits lying also prohibits *kachash* (Lev. 19:11).

The Malbim in *Sefer HaCarmel* explains that *kachash* differs from *sheker* in that when a *sheker*-type lie is first spoken, nobody immediately disputes it, while *kachash* is a false statement that is already disputed by one's interlocutor before it is even said. Rabbi Hirsch (to Lev. 5:21, 19:11, Deut. 9:7) similarly qualifies the meaning of *kachash* as a false reaction to another's claim. To illustrate this point, he contrasts the word *kachash* with *ka'as* (“anger”) – presuming the interchangeability of CHET with AYIN, and SHIN with SAMECH. Rabbi Hirsch explains that *ka'as* refers to a real and justified reaction to someone else's misdeed, while *kachash* refers to an artificial reaction of denial to someone else's real and justified claim. When engaging in *kachash*, the opposing claimant pretends as though his interlocutor's assertions are totally unjustified and flatly denies them.

Rabbi Yonah Wilheimer (1830-1913) explains that *kazav* and *kachash* refer to two different types of “lies”: *kazav* refers to saying about something that does not exist that it does exist (“fiction”), while *kachash* refers to saying about something that does exist, that it does not exist (“denial”). It would seem that, according to him, *sheker* is then an umbrella term that includes both of these types of lies.

Finally, Rabbi Shlomo Aharon Wertheimer (1866-1935) seems to explain that the three words in question reflect three different levels of falsehood. *Sheker* refers to a statement that everybody knows is false the moment it is uttered, *kachash* refers to a denial that has some plausibility but cannot be disproven outright, and *kazav* refers to any lie whose falsity can be discovered *only* later on.

- For questions, comments, or to propose ideas for a future article, please contact the author at rcklein@ohr.edu

PARSHA OVERVIEW

The Jewish People receive a series of laws concerning social justice. Topics include: Proper treatment of Jewish servants; a husband's obligations to his wife; penalties for hitting people and for cursing parents, judges, and leaders; financial responsibilities for damaging people or their property, either by oneself or by one's animate or inanimate property, or by pitfalls that one created; payments for theft; not returning an object that one accepted responsibility to guard; the right to self-defense of a person being robbed.

Other topics include: Prohibitions against seduction; witchcraft, bestiality and sacrifices to idols. The

Torah warns us to treat the convert, widow and orphan with dignity, and to avoid lying. Usury is forbidden and the rights over collateral are limited. Payment of obligations to the Temple should not be delayed, and the Jewish People must be Holy, even concerning food. The Torah teaches the proper conduct for judges in court proceedings. The commandments of Shabbat and the Sabbatical year are outlined. Three times a year – for Pesach, Shavuot and Succot – we are to come to the Temple. The Torah concludes this listing of laws with a law of kashruth to not cook or mix milk and meat.

”משנכנס אדר
מרבין בשמחה”

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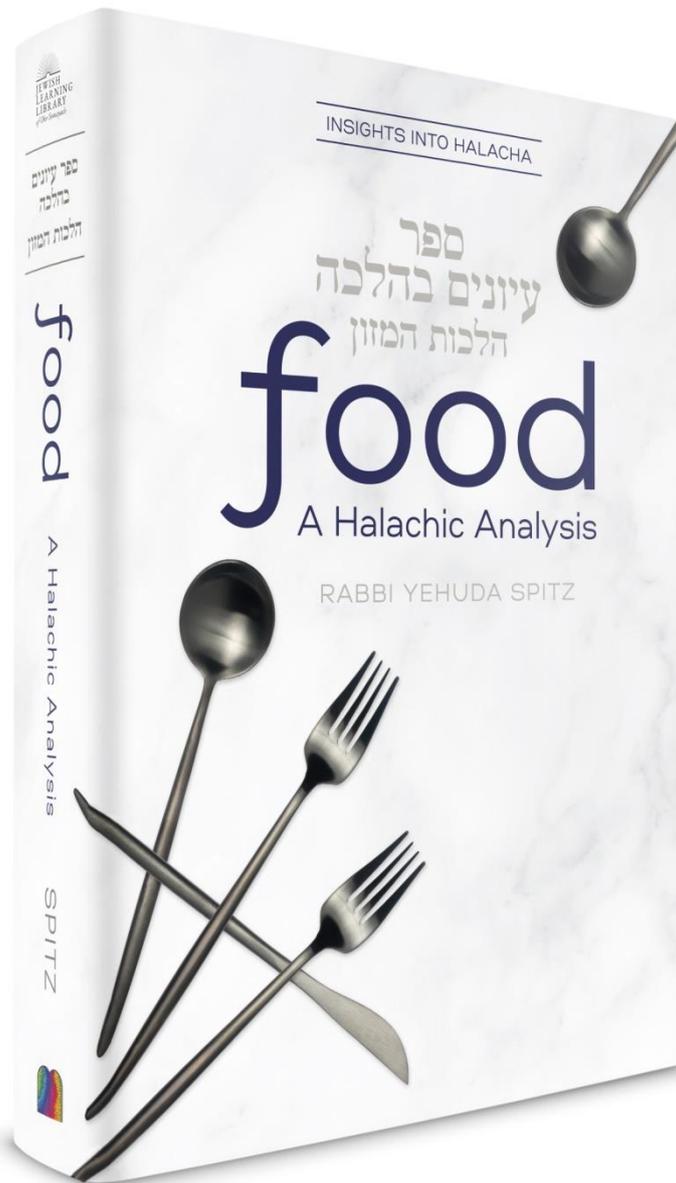
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