



פרשת משפטים

שבת מברכים אדר א

שבט תשע"ט

PUBLIC HOLIDAY BREAKFAST & LEARN

On Monday a group of 30 men spent their morning off with the Kollel at our public holiday breakfast & learn.

Rabbi Michael Stern gave a shiur on the recent open milk-bottle controversy. Before addressing the key issue, he presented the background and relevant sources on Cholov Yisroel, the lenient rulings of Rav Moshe Feinstein on 'factory milk' and the laws of seals and supervision required for different food types.

Participants enjoyed the learning together with a delicious bagel breakfast.

SHAALOS UTESHUVOS

This week we will continue our study of the Teshuvah of Harav Ovadiah Yosef on the Halachic validity of a *Goiral* (lottery) in making halachically binding decisions.

9:30am in the Kollel with Rabbi Y Johnson.

SHABBOS SHIUR

This year, the Kollel will be celebrating our 40th anniversary of spreading Torah and Chassidus to the Melbourne community.

Rabbi Yossi Gordon who was part of the first group of Kollel families to come on Shlichus to Melbourne will be sharing his thoughts and insights into the Rebbe's vision and teachings on the establishment of our Kollel.

After Mincha in Yeshivah Shule.



Rabbi Raphael Harkham delivers a shiur at this year's Yarchei Kallah

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Are you a slave by choice?

Parshas Mishpatim begins with the laws of the *Eved Ivri*, the Jewish slave. The *Eved Ivri* is to work for 6 years and goes free in the 7th year. If the *Eved* loves his master and does not wish to go free in the 7th year, his master must take him to a door or doorpost and bore a hole into his ear.

Why is the *Eved* punished for choosing to remain with his master? And why is the punishment connected specifically to the ear?

Rashi explains; At Har Sinai Hashem declared that the Jewish people are My slaves. When the *Eved* chooses to remain a slave in the custody of his master, we pierce the ear which heard Hashem's declaration, and nonetheless went and acquired a master for himself other than Hashem.

If this is the reason we pierce the slave's ear, we should do so at the start of the 6 years when he first sells himself and acquires another master. Why do we only do it at the end of the 6 years and only when he chooses to remain with his master?

A person may only sell themselves as a slave in desperate circumstances, when they are poor and have no way to repay their debts.

Whilst taking another master even in these circumstances is still wrong, his actions, driven by desperation are nonetheless understandable. Our sages teach that poverty can cause a person to act in a way that is against the will of Hashem, even doing things that they would never otherwise do.

Such a slave does not treat his sale lightly. He values and appreciates the fact that he is Hashem's slaves alone and does not really want to acquire a master for himself other than Hashem. He just feels that he has no other choice.

With this perspective, as soon as the 6 years are over and they are able to go free, such a slave jumps at the opportunity to be free and once again be exclusively a servant of Hashem - fulltime.

By choosing to remain a slave even when they have the opportunity to go free (and no longer have financial pressures), the slave demonstrates that they have a different attitude altogether.

Voluntarily choosing to remain in the service of an earthly master shows that they do not truly value being a slave to Hashem alone and are not bothered to have another master. Post-facto we see that even their initial sale was tainted by this perspective.

This is why the ear pierced only at this point in time and only when they choose to remain in servitude.

Whilst the laws of slaves are no longer observed, they teach us a lessons in our personal Avodas Hashem.

As servants of Hashem, our primary occupation should be to serve Him through the study of Torah and the fulfilment of the Mitzvos.

But we can't do this fulltime. Even according to Torah, we need to work in the physical world and earn a livelihood. But it should not be in a manner that it detracts from our servitude to Hashem. Our pursuit of *parnasa* and involvement in worldliness should not become a master - a *Balabos* - over us.

How do we know if we have the proper perspective? The test is on Shabbos.

The 6 days of the week when we are pursuing our *parnasa*, parallel the 6 years of the slave's service.

When Shabbos comes, like the slave in the 7th year, we have the opportunity to 'go free' and be liberated from our 'service' during the week. On Shabbos when we no longer have the responsibility of *parnasa*, we can devote ourselves to our true Shlichus as servants of Hashem alone; forgetting about our businesses and immersing ourselves in Torah and Avodah.

If a person is enslaved to worldly matters, even when the Shabbos brings the opportunity to be free, they will choose to remain enslaved; thinking about their businesses and materialism instead of devoting the day to Torah and Avodah. They are effectively saying "I love my master and will not go free."

The true servant of Hashem knows that even though we need to work for a living, this is not because we are subservient to it. Hashem is the one who provides our *parnasa* and our work is merely making the *Keili*. As soon as Shabbos comes, they relish the opportunity to liberate themselves and devote themselves to completely to their real Master.

Stamped book edges, scrabble and puzzles on Shabbos

Rabbi Yonason Johnson

Two of the Melachos of Shabbos are; *Kosaiv* (writing) and *Mochaik* (erasing). In constructing the Mishkan, letters were written on adjacent beams so that they could be easily matched for assembly. If a letter was written mistakenly or incorrectly, it would need to be erased in order to write it correctly¹.

Stamped Page Edges

When books have stamps or writing along the side edges of the pages (as depicted above), may they be opened and closed on Shabbos? When the book is opened the letters are broken up. Does this constitute erasing? Similarly is closing the book considered writing?

This question applies not only to writing on the edges of the book but to pictures as well². Blotches or patterns are not of concern.

The Mordechai Yaffe, known as the Levush³, rules that one may not open or close such books on Shabbos. One who does so may even be violating Shabbos on a Biblical level, since it is inevitable that the writing will be broken or completed through opening and closing⁴.

Many Acharonim dispute the Levush's ruling.

The Ramo⁵ suggests multiple reasons to be lenient. His primary reason is that the letters are essentially written already. When the book is opened, the letters are just מחוסר קריבה - lacking being brought together. They are therefore theoretically viewed as remaining together and therefore nothing is being written or erased by re-joining them. This is also the basis for the lenient ruling of the Ta"z⁶.

The Perisha⁷ likens the opening and closing of a book to the opening and closing of a door. Since the door is made to be opened and closed, it is not considered building or destroying the wall as it is closed or opened respectively. Likewise, the pages of a book are made to be opened and closed regularly. Since it is not lasting, joining and separating the words by closing and opening the book is not considered to be writing or erasing. This is also the basis for the ruling of the Magein Avraham⁸.

The Alter Rebbe's Shulchan Aruch⁹ rules that opening and closing these books is permitted.

His ruling is based on the reasoning of the Ram"o and Ta"z of being מחוסר קריבה

The Mishna Berura¹⁰ however is concerned for the stringent view of the Levush and rules that *Lechatchilah* books with writing on the sides of the pages may not be used. If no other Seforim are available and it will lead to *Bittul Torah*, one may rely on the lenient opinion.

The Avnei Nezer¹¹ is also stringent and distinguishes between placing fully formed letters next to one another which is permissible, and the opening and closing of the book which is effectively "forming" the letters themselves and therefore forbidden.

This argument has further application in many practical Halocha scenarios.

Torn Pages

Sometimes a Siddur or Sefer will have a ripped page. Is one allowed to push the sides of the page together to be able to decipher the words?

According to the opinion of the Ta"z and Alter Rebbe this is also just a case of מחוסר קריבה and therefore permissible¹². According to the Mishna Berura one should not do so¹³.

Paroches with Writing

A Paroches which opens in the middle and has writing which becomes separated by opening, and re-joined upon closing, is also subject to the Machlokes above.

According to the Alter Rebbe's ruling, the Paroches may be opened, since the letters are only מחוסר קריבה

Scrabble

According to the view of the Mishna Berura, one may not play scrabble on Shabbos since the forming of the words by placing the letter-pieces next to one another constitutes writing. Dismantling the words would be erasing.

However according to the Alter Rebbe (based on the Ta"z and Ram"o¹⁴), since the letters are already written and one is merely placing them together, this does not constitute writing and will be permitted. Since the letters are already formed, the Avnei Nezer would concur. Note that some Poskim raise a separate concern that one may come to write down the score.

Puzzles

Assembling or dismantling picture-puzzles on Shabbos would be subject to the same Machlokes. According to the Alter Rebbe, the picture is already formed but just lacking joining together and therefore permissible. According to the Mishna Berura, puzzles should be avoided, although one can be lenient for young children.

A Fundamental Exception

The Alter Rebbe¹⁵ rules that if one pins or hooks silver letters onto a garment, it is considered writing. At first glance, this seems to contradict the cases above where the letters were already formed but were just lacking קריבה and therefore permissible. So why is it problematic?

The difference must be, that when the letters become firmly attached in place, it remains forbidden¹⁶.

Therefore, travel scrabble boards which have a grid (or is magnetic) to hold the letters in place should not be used. Similarly if the puzzle base has an inset border which holds the pieces together, or if the puzzle pieces interlock even semi-firmly, they should not be used even according to the lenient opinion of the Alter Rebbe.

1. Shabbos 73b
2. Magein Avraham and Ketzos Hashulchan.
3. O.C. 340:4
4. Ta"z 340:2 challenges that the Melacha is unintended - אינו מתכוין - and should not be a Biblical prohibition. See however Avnei Nezer that the resulting-Melacha is inevitable פסיק רישא and is therefore Biblically forbidden. The Levush follows the position of the Rambam that מלאכה שאינה צריכה לגופה is Biblically forbidden.
5. Teshuvos Simon 119
6. O.C. 340:2
7. Beginning of O.C. Simon 340
8. O.C. 340:6
9. O.C. 340:4. This is also the view of the Elya Rabbah, Chok Yaakov and Tosefes Shabbos.
10. O.C. 340:17
11. Simon 210
12. In this case, the Magein Avraham would also rule stringently, since unlike the stamp of the side of the books, the torn page is not made to be opened and closed like a door.
13. According to the Avnei Nezer, since the letters themselves are being completed, this would be forbidden.
14. According to the Magein Avraham who permits opening and closing the books because it is made to be opened and closed, scrabble pieces may still be questionable.
15. O.C. 340:9
16. See Magein Avraham O.C. 340:10 with Machatzis Hashekel. See also Igros Moshe O.C. 1:135