

OHRNET

SHABBAT PARSHAT MISHPATIM · 29 SHEVAT 5764 · FEB. 21, 2004 · VOL. 11 NO. 18

PARSHA INSIGHTS

LORE AND ORDER

"These are the laws..." (21:1)

The other day I received the following e-mail,

> Subject: Urgent Very Urgent! Pass this on to anyone you have an E-mail address for.

> If you receive an e-mail titled: "It Takes Guts to Say Jesus" Do Not Open It. It will erase everything on your hard drive. This information was announced yesterday morning from IBM; AOL states that this is a very dangerous virus, much worse than "Melissa," and that there is NO Remedy for it at this time. Some very sick individual has succeeded in using the reformat function from Norton Utilities causing it to completely erase all documents on the hard drive. It has been designed to work with Netscape Navigator and Microsoft Internet Explorer. It destroys Macintosh and IBM compatible computers. This is a new, very malicious virus and not many people know about it. Pass this warning along to Everyone in your address book and please share it with all your online friends ASAP so that this threat maybe stopped. Please practice cautionary measures and tell anyone that may have access to your computer. Forward this warning to everyone that you know that might access the Internet.

>

> Joyce L. Bober, IBM Information Systems

> Pittsburgh Mailing Systems

I'm pretty gullible when it comes to virus hoaxes, so of course I sent this off blithely to everyone in my e-mail address book. Barely had the ink dried on my group e-mail when I received some polite (and some not-so-polite) replies.

One of those replies was the following: *Thanks for the virus warning (I don't open mail from Jesus). Five Jews changed the way we see the world: Moses said: "The Law is everything." Jesus said: "Love is everything." Marx said: "Capital (money) is everything." Freud said: "Sex is everything." Then came Einstein... He said: "Everything is relative!"*

Very funny, I thought to myself, but then I reread the first two lines and I thought, what a shame, here is someone who is Jewish, repeating a canard that has been trotted out against Judaism for the last two thousand-odd years.

The canard runs something like this: The Jews are hide-bound in a suffocating, stultifying morass of picky, picky laws. From the moment they're born till the moment they die, from night till morning, they can't do this, they have to do this. They'll be too early for this, too late for this.

Even your most dedicated pagan will have to admit, however, that the majority of laws that underpin society are an inheritance from the People to the Book. The rights and obligations that society accepts as norms were huge innovations three thousand years ago when the Jews brought them to the attention of a world where man was far from kind. However, one would be missing the point to limit Judaism's gift to mankind as merely societal. The Jews brought much more to the world than justice for women and children, for the weak and the oppressed. The Jews brought to the world the idea that every physical action can be imbued with spirituality – if done in the right way.

The Jew's relationship with G-d is not limited to a particular day of the week or just when he prays. There is no area of human existence from the moment we wake till we sleep, from the moment we are born to our final breath, that does not have the capacity to be elevated. This is the purpose of Jewish Law. And, if you think about it, it can be no other way. For the alternative, that there are vast tracts of human experience that are devoid of spiritual potential, would be to accuse the Creator of a certain sloppiness. G-d forbid!

You will find very few people picketing the National Geophysics Board in London, parading up and down with placards that read "Against Gravity!" Or "We demand our right to ascend!" Or "Gravity is a downer!"

You will find very few letters to the editor of the magazine *Nature* decrying the wanton growth of sunflowers or daisies.

No one considers the laws of nature as anything less than self-evident and imperative. They are no more optional than two plus two *maybe* making five.

The Torah's laws are no different. They are as inescapable and imperative as gravity. What makes the world scorn them is twofold.

One – the laws of the Torah are not demonstrable empirically. You cannot see that someone who puts on tefillin is more exalted, is on a higher spiritual level than someone who doesn't. Nor, to my knowledge, is there a blood test that detects the damage of non-kosher food to the Jewish soul.

And Two – it doesn't really bother me if gravity does its thing, provided it doesn't bring ME down. If you're telling me I have to do this, I can't do that – if you're cramping MY style, I can find plenty of reasons to become rabidly anti-Law.

Jewish Law is not a straightjacket, it is a garment of light in a world of darkness that illuminates our physical existence.

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, 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.

ISRAEL Forever

WHO SHALL JUDGE

There is no shortage of battles in Israel. The ongoing battle against Palestinian terrorists has been joined by the battle of the police against organized crime in the country. In addition to these battles for physical survival there is the battle for economic stability which pits the poor against the rich in the annual battle of the national budget.

It was this year's budget which sparked an open battle between the Israeli Knesset and the High Court of Justice, Israel's Supreme Court. This is a battle which has been brewing for a long time as a result of the activist policy of Chief Justice Aaron Barak which has led the Court he heads to negate legislation passed by the Knesset on the grounds that it is contrary to the state's Basic Laws, Israel's version of a constitution. There has been talk of denying this power to the High Court by establishing a special court to deal with constitutional matters. It was only when Barak's court recently began to interfere with budgetary measures taken by the Knesset that the legislators got together to issue a public condemnation of this infringement of the judiciary on

areas traditionally reserved for the legislature. Barak returned the fire and the war was on.

The religious public in Israel, which held a mass demonstration in Jerusalem a couple of years ago against the Barak court's infringement on the jurisdiction of the country's rabbinical courts, was pleased to see the Knesset finally wake up to the danger of a superactivist secular court.

This sort of mess was already foreseen in the first words of this week's Torah portion. "These are the laws which you shall set before them," Moshe is commanded by G-d, with the stress on "them" to warn us against being judged by a system of law and courts which are not guided by an obedience to the higher law of Heaven. Where there is a reliance only on human legislation and justice there inevitably arise personal ideologies and interests which interfere with the objectivity required of any system whose purpose is to regulate society.

Small wonder, then, that Jews pray three times a day to Heaven to "restore our judges as in earliest times" and thus "remove us from sorrow and groan."

לע"נ
מרת רחל בת ר' נתן נטע ע"ה
ת.נ.צ.ב.ה.

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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 door post *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.

WHY MARRY JEWISH?

From: Many Ohrnet Readers

Dear Rabbi,

Why marry Jewish?

Studies have shown that most Jewish people today would like to marry other Jews. Yet studies have also shown that most Jewish people today do *not* end up marrying other Jews!

What happens?

After many years of research in the field, I've come to the conclusion that it boils down to one thing: many people see marrying another Jew as something "nice." They don't realize how important it is. Once they see it as important, they'll do a few easy things that will make it happen.

So why is it important to marry other Jews? Obviously the ultimate reason is the Torah itself. The best way to 'stop intermarriage' is to turn Jews on to Jewish ideas and life.

However, we also need to think short-term. With thousands of Jews marrying out of the faith each week, we need to explain why marrying other Jews is important for everyone, now, irrespective of Jewish knowledge and practice.

Happy Marriage

Researchers report that two-religion marriages have more tension and disagreements than comparable in-marriages. The causes for this tensions range from disagreements about which holidays to observe, which religious tradition to bring the kids up in, different embedded religious and cultural attitudes towards money and a host of other connected factors, and more. These "time bombs," lead to *significantly* higher divorce rates (sometimes twice as high!) and lower "marital happiness" rates. With far fewer long-term problems to deal with, same-faith marriages have a much higher chance of being happy and successful than comparable intermarriages.

This is not surprising since practical issues can seriously affect a couple, despite their feelings for each other. Consider that, presumably, 99.99% of couples who get married are "in love." Yet *most* of these couples get divorced, often quickly. Proof enough that love is not enough to overcome practical obstacles. And in intermarriages, the practical obstacles are often insurmountable.

Effects on Kids

Children look to parents as their bedrock of love, support, and care. In intermarriages, children sense – and see – a lack of unity between parents and it often hurts them deeply. When asked which she liked better, Christmas or

Chanukah, one little girl responded, "Christmas – but you promise you won't tell my daddy?" Think about it: what are the chances that this little girl will develop into a strong, self-confident young woman? It is not surprising that children of same-faith marriages are more likely to feel secure in their identities, and therefore exhibit higher self-esteem and confidence.

These two great dangers of intermarriage – lack of happiness and problematic environment for children - have been proven consistently over time and happen to be true for all religious intermarriages, whether Hindu-Muslim, Catholic-Protestant, or Christian-Jewish. They also happen to be true even if the non-Jewish spouse agrees to raise the kids Jewish, as time and time again earlier agreements are put back on the table as people get older. Whatever they agreed to previously, within 4-5 years of marriage, people often realize that they also value the traditions they were brought up with. Then all the problems start.

Jewishness

In intermarriages involving one Jew and one non-Jew, the sad reality is that study after study confirms that the vast majority of intermarried families, Jewishness simply doesn't last. Even amongst families where the kids are being raised as "Jews only," 79% celebrate Christmas in some form. Only 11% of the children of intermarriage would be "very upset" if their kids did not regard themselves as Jews. Less than 10% of the children of intermarriage themselves marry Jews. When asked what one calls the grandchildren of intermarriage, Milton Himmelfarb is said to have answered, "Christians."

Of course there are exceptions. However, in most cases intermarriages are seriously affected by some or all of these three factors. Thus your happiness and your children's stability and self-confidence almost always depend on your marrying someone from the same religious background. Furthermore, when one marries another Jewish person, the chances of a family's Jewishness lasting increase exponentially.

What about dating non-Jews?

For many people, especially those in their late teens and early twenties, dating and marriage seem quite disconnected. It then seems quite reasonable to date non-Jews while still planning to marry Jewish in the end. "I'll probably go out with many different people," the person tells him or herself, "I have no intention of getting married now. When I'm ready to settle down, I'll look for a nice Jewish person."

Emotions are stronger than you think

Time and time again, the 'it's just a date' approach has proven to be shortsighted. What I will call 'interdating' (Jews dating non-Jews) leads to intermarriage in two ways. Firstly, as you may have guessed, you may end up marrying the per-

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son you are “just dating” at the present time.

Consider the following statements:

“For the first six months I enjoyed going out with her, but had no serious intentions of getting involved...”

“I didn’t think it would become serious. At the time I was just going out and enjoying myself”

The quotes you just read are from real people, recounted in John Mayer’s book “Jewish-Gentile Courtships.” It was published in 1961, but the quotes could have been from any time or place. Simply put, we never know what will happen with a relationship. What can start out as an innocent summer romance might last much longer than expected and turn into a lifelong commitment. The first reason to date Jewish people is then clear – you never know when you’ll fall in love.

It’s all in the attitude

In order to understand the second reason to date Jewish people, let us shift our focus for a moment to the act of giving *tzedakkah* (charity). The great medieval Jewish Sage known as Maimonides explained that it is better to give one dollar one hundred times than to give one hundred dollars all at one time. At first glance, this idea is surprising. After all, the same amount of money is being given. The explanation forms the basis for much of Jewish religious thought. *External actions affect us internally.* By giving charity one hundred times, we will slowly become more generous people. Giving once, even a lot of money, will not have the same effect.

I once tested it out. I kept a lot of small change on me and for a month whoever asked was given at least a small coin. At the beginning of the month, I felt quite proud of myself. Within a couple of weeks, it became normal - ‘of course I’ll try and help someone out,’ I thought to myself, ‘anyone would.’ Then I spent the next month without giving a dime, no matter how pathetic and needy the person was. At first I felt guilty. Those feelings didn’t last too long. By the end of the month, I resented every beggar I saw. ‘Why don’t they get a job? Why should *my* money go to *them*?’ I thought to myself.

What a radical change in attitude! By doing something on a regular basis, it becomes part of you. If you neglect it, it becomes less and less a part of you.

The interdating attitude

Our subject is similar. Even if you are not presently ready to get married, if you want to marry Jewish, dating non-Jews is still a bad idea because the more you date non-Jews, the more the idea of intermarriage seems normal. Over the long-term priorities change.

Already in the 1971 National Jewish Population Survey, researchers discovered the important but often overlooked statistic that Jews who intermarried were about four times

more likely to have dated non-Jews during their late adolescent period than were those who did not intermarry. It is reasonable to assume that most did not marry their high school sweethearts - they simply fell into patterns of dating.

Let us consider an example of how this change in attitudes can work. Consider a college freshman from the New York named Scott, with relatively strong Jewish feelings. He wants to marry someone Jewish, and is 90% convinced that he will. Nevertheless, he continues dating non-Jews in the meantime. It is hard to blame him for thinking that it probably won’t do any harm - after all, he doesn’t plan on getting married for a decade, or more.

But four years of interdating and deepening relationships will inevitably change his perspectives and the 90% marrying-Jewish conviction may only be 50% by senior year. Why? At this point in Scott’s life the most profound relationships he has had have been with non-Jews. His models for relationships are non-Jewish models. He’s never had any religious problems with his non-Jewish partners. Even Scott’s taste in members of the opposite sex has been subtly changed - non-Jewish habits and a non-Jewish look, if they exist, seem normal to him now, not any less familiar than people from the Jewish community that Scott grew up with. He doesn’t even remember being convinced that marrying Jewish was so important.

When Scott gets a job in a city with few single Jews whom he can socialize with, his marry-Jewish conviction drops even lower. He spends two more years getting more and more comfortable with colleagues’ Christmas and Easter celebrations. His Jewish education, identity and feelings recede further and further into the background. Office romance has bloomed on more than one occasion and he finds that there is little that he doesn’t have in common with the attractive person in question. By the time he is ready to get married, marrying Jewish seems unrealistic and unnecessary. He intermarries.

You are what you do

The more people date non-Jews, the more likely they are to marry out. Because even if they don’t marry the person they are dating now, their own attitudes on the subject change with time. The idea of marrying a non-Jew becomes more and more acceptable at both a conscious and subconscious level, and what seemed very important to them ten years ago – marrying someone Jewish – has largely been forgotten.

This article was written by Doron Kornbluth, the author of the acclaimed *Why Marry Jewish? Surprising Reasons for Jews to Marry Jews*. More information and free shipping is available at www.jewishanddating.com.

EASTERN JEWISH TIME

Question: I am in a quandary as to when to arrive at wedding halls since I have learned from experience that there is a vast gap between the time indicated on the invitation and the actual start of the *chupa*. On the one hand I don't want to miss the ceremony, but, on the other, I have often wasted 1-2 hours that could have been much better spent. What is your advice?

Answer: This problem has arisen so often that some people have wryly suggested that the word *bediyuk* written in Hebrew after the scheduled hour of the *chupa*, which literally means "exactly", is really an acronym for the Yiddish phrase "*biz die Yidden vellen kumen*" – "till the Jews arrive".

The trouble is that even after Jews like yourself do arrive

they discover that they came much too early as a result of their failure to understand that the hour written on the invitation was E.J.T. – Eastern Jewish Time – which means that nothing will happen until an hour or more later.

It would be ideal if we could radically change this pattern so that both the wedding party and the guests arrive on time and get the *chupa* going as scheduled. In the meantime, however, it is advisable to inquire of the families involved when they really expect the *chupa* to begin and add to that another quarter to half hour to allow for unexpected delays.

In conclusion, we live in an imperfect world and must learn to tolerate the failure of a *chupa* to take place on schedule when there is really no single factor which can be blamed for the delay.

PUBLIC DOMAIN

Comments, quibbles and reactions concerning previous Ohrnet features

Re: Pets and Torah (Ohrnet Vayeshev)

Dear Rabbi:

My Rabbi, Yehuda Cahan of Denver's West side, asked that I give you the following message:

The Pets and Torah column was great. Here is another idea. Pets, especially dogs, give love and attention to their owners. They may take away from our purpose in life to create love by giving love, respect, caring to another. A dog's bark, which curiously sounds like "hav!, hav!, hav!", sounds to be saying they "have" love to give us. That may get us improperly used to receiving love as a condition to our obligation to create love without anything in return.

• Serge L. Herscovici
The Herscovici Law Firm, P.C.

Re: Scramble for Tu B'Shevat on Ohr.edu

Hi, I wanted to use your page for an educational Tu B'shvat program, but I cannot figure out how to unscramble the top-left word-"TIFFENE." What word is it supposed to unscramble to? Thanks.

• Michelle Fogel Samuels
Interim Director
Sophie Hirsh Srochi Jewish Discovery Museum
Marcus Jewish Community Center of Atlanta

Ohrnet replies: *It stumped us here for a bit, until the wife of an Ohrnet editor laughed and said "Fifteen!", appropriate since Tu stands for Fifteen, for the fifteenth of the month of Shevat, the New Year for the trees. Perhaps we should hyperlink to the answers...*

Re: The Prayer Pact (Ohrnet Miketz)

In your Parshat Miketz issue, I read with interest the story about making a pact with another person that each one would pray that the other should meet his/her soulmate. I have decided to make this arrangement with a friend in the same situation, and I would be grateful for practical suggestions on how to implement this.

Thank you.

• Miriam

Ohrnet replies:

Dear Miriam,

It is better to make a formal agreement between the two parties. It can done verbally, but I asked a kabbalist and he told me that it is better to have a written agreement, as it tends to emphasize the pain and the anguish, and perhaps it will allow the prayers to penetrate the Heavens.

May Hakadosh Baruch Hu bless you that your prayers be answered.

SOLIDARITY BEGINS WITH BEGINNERS

Jews in the Diaspora are constantly showing their solidarity with their brothers and sisters in Israel by visiting them in this time of terror and by providing them with financial support for their security.

The most touching expression of such support was recently demonstrated by the children in a New York nursery. A kindergarten teacher read in a local newspaper interview with Jerusalem's Mayor Uri Lupoliansky, who was in the States as a guest of the annual Convention of Agudath Israel of America, that he was soliciting funds to provide security for Jerusalem nurseries. She relayed this appeal to

her very young charges and suggested that they all contribute the "Chanuka gelt" monies they receive from their families to this worthy cause.

To her happy surprise the kids came through with a sum of \$320. But this was only the beginning. Other nurseries learned of this initiative and followed its example. Some individual donors joined the effort, and the Mayor, who already achieved international fame as the founder and head of "Yad Sarah" and its principal fundraiser, was able to return home with a substantial contribution to his campaign to make life safer for the children in his city.

LOVE OF THE LAND - THE NAMES

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

YERUSHALAYIM – SERVICE, PEACE AND PERFECTION

The eternal capital of the Jewish homeland has a name bestowed upon it by the Creator as a combination of names given to it by two of His favorite sons.

After brilliantly passing the Divine test of his faith by being prepared to offer his beloved son as a sacrifice on Mount Moriah, the Patriarch Avraham called the location *Yireh*. He prophetically anticipated that this would be the site of the Beit Hamikdash and named in honor of the service to G-d which would take place there.

In an earlier phase of his life, Avraham was welcomed, after his miraculous military victory over four mighty kings, by Malki-Tzedek, King of "Shalem" who brought out bread and wine to greet him. The welcomer is

better known to us as Shem, the righteous son of Noah, who gave the city he ruled its name.

The Midrash describes the Divine consideration that went into endowing the city with its final name.

"If I call it *Yireh* like Avraham did, the righteous Malki-Tzedek will feel slighted, and if I call it *Shalem* like Malki-Tzedek did, the righteous Avraham will feel slighted. I will therefore call it *Yireh Shalem* – Yerushalayim – to satisfy both."

Shalem means peace and perfection while *Yireh* means service of G-d. Only when man serves Hashem can he hope to achieve the peace and perfection symbolized by *Yireh-shalem* – Yerushalayim.



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