

# OHRNET

SHABBAT PARSHAT MISHPATIM · 26 SHVAT 5765 · FEB. 5, 2005 · VOL. 12 NO. 18

## PARSHA INSIGHTS

### THE ULTIMATE GLAMOUR SLAMMER

*"If you buy a Jewish slave..." (21:2)*

**M**cKean Federal Correctional Facility in Pennsylvania, USA reminds visitors of a college campus. It's housed in a low-profile building, decorated inside in a gray and salmon Navajo motif. Inmates stroll on concrete walkways to classes in basic reading skills, masonry, carpentry, horticulture, barbering, cooking and catering.

In August 1962, Kerala, India opened its first prison without walls. Viewed as an experiment, the prison holds 280 of Kerala's 5,308 prisoners. The open prison is known for treating prisoners with respect and entrusting them with responsibilities for work on the rubber plantation, personal chores and cooperation within the prison community. To date, there has been only one repeat offender.

And a revolution is taking place inside San Francisco's Jail No. 7 and Jail No. 8, known as the "glamour slammer." The 700 cons inside, doing time for everything from drug possession to armed robbery, mostly stay in open dormitories and spend up to 12 hours each day in some of over 50 separate treatment, counseling, training and education programs. Prisoners can join counseling groups, such as Tools for Healing, Drama Therapy, or take yoga and meditation classes. The idea is to break the cycle of violence by transforming the typical jailhouse culture of humiliation and violence into one of dignity and healing.

In this week's Torah portion we learn of the *eved ivri*.

*Eved ivri* is usually translated as "a Hebrew slave". However, an *eved ivri* is a far cry from the typical picture of a slave. For starters, his maximum period of indenture is six years. It is forbidden to give him demeaning labor such as putting shoes on his master. His master must share whatever food he has with his 'slave'. If the master eats white bread, he may not give his slave dark bread. If he drinks wine he may not give his slave water. If he sleeps on a soft bed he may not give his slave straw on which to sleep.

Not only that, but if the master only has one pillow, the slave gets the pillow. And should the slave become ill and costs his master hefty medical bills, he owes his master nothing when he leaves. Some slavery!

How does a Jew become a 'slave'? One way is if someone steals and cannot afford the restitution that the Torah mandates, then the Bet Din sells the thief to reimburse the victim of the theft. However, rather than locking up the thief and exposing him to all deleterious influences that a jail encourages, he is placed in the most positive of environments – a Jewish family home. Rather than subject his family to shame and starvation, the Torah requires the master to not only care for the slave but to support the thief's family as well.

In fact, the master must provide his slave with such excellent conditions that it may seem that rather than acquire a slave, the master has acquired for himself a master.

As enlightened as recent prison reforms may be, they hardly compare with the Torah's emphasis on rehabilitation, for three thousand years ago the Torah had already instituted the ultimate *glamour slammer*.

OHRNET magazine is published by Ohr Somayach Tanenbaum College

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## 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

### COURTING TROUBLE

Judging matters in a court of Torah law is a fundamental principle of Judaism. Submitting a dispute to a court whose judges rule according to secular law is considered a violation of the command which opens this week's Torah portion: "These are the laws which you shall place before them" — and not before the courts of others.

One of the problems the religious community in Israel faces is the activist policy of the High Court of Justice headed by Prof. Aharon Barak. This court has come under fire from the Knesset for being too quick on the trigger in shooting down legislation on the grounds that it is counter to Basic Law — the constitution-less Israeli version of unconstitutionality. For the religious community the issue is much sharper because of the court's repeated intervention in matters relating to religious life in Israel.

The most recent example was the ruling that government support of religious *yeshivot ketanot* — the counterpart of high schools in the secular system — will cease within three

years unless they introduce the teaching of general studies in addition to their Torah studies. Now that the new government, as part of the coalition agreement with United Torah Judaism, has granted autonomy to the religious elementary schools, which exempts them from the reform being instituted in the secular schools, there is once again the danger that the High Court may be brought into the picture by elements in the secular and National Religious circles who see this as a violation of the principle of equality.

For the sake of Israel's future, it is hoped that the High Court will realize that there are limitations to where it should get involved. In the American system there is a strict balance of powers which keeps the judicial system within safe and efficient boundaries. In a country that strives so hard to imitate the U.S. in so many ways, it would be better for all concerned if the High Court would follow this example and allow the religious community to continue living by a higher law which will sustain Israel forever.

## THE HUMAN SIDE OF THE STORY

### GETTING HIGH ON TORAH

How do you celebrate the discovery of a new insight in Torah? Rabbi Yehuda Albin, the Ohr Somayach representative in Chicago, has taught a great deal of Torah to Jews in his community. But for twenty years he has been struggling himself for a deeper understanding of one chapter in the Torah.

When he finally achieved his goal the other week, he invited some of his study partners to a "*lechayim*" with

cake and drinks. The resolution of a twenty-year old problem, he declares, must be celebrated with twenty-year old Scotch which he dutifully brought to class.

His students were quite impressed. "The cake was sweet and the Scotch was a high," concluded Rabbi Albin in his letter to us, "but what was best was the *simcha* at discovering something new in Torah."

## 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.

לע"נ  
ר' יחזקאל יצחק בן ר' אליעזר לופא ז"ל  
ת.נ.צ.ב.ה.

## THE DIVINE HAIRDRESSER

In the first of the *sheva brachot* — the seven blessings made at a wedding and at the festive meals during the seven following days — we pay tribute to those who demonstrate that G-d “created everything with the capacity to glorify Him” by emulating the Creator’s role in bringing joy to a *chatan* and *kalla*. All the wedding arrangements for Adam and Chava were made by their Creator to bring them the ultimate happiness, and those who participate in the *simcha* of newlyweds are glorifying the Creator by following in His ways.

To this explanation of the blessing provided by Rashi (*Mesechta Ketubot 8a*) we may add what we find in our *gemara*. The Sage Reish Lakish quoted Rabbi Shimon ben Manasia as stating that G-d even acted as the hairdresser for the first bride. The passage (*Bereishet 2:22*) which speaks of the Creator “building up the woman” is interpreted by him as building up her hair in an attractive fashion before presenting her to her groom.

It appears that this approach is based on the position that Chava was not built from a rib but was completely formed together with Adam and then separated from him. Nevertheless, the term “building”, points out Maharsha, applies to the curling of Chava’s hair and serves as the basis for the ruling in *Mesechta Shabbat* that one who performs such a process on Shabbat is guilty of violating the law against construction on the Day of Rest.

• *Niddah 45b*

## UNRIPE FIGS

Both in Tanach and Talmud we find the beauty of nature serving as a code for important messages. When our Sages wished to delicately describe the early stage of a woman’s physical development, they used the term *paga* — an unripe fruit. This is taken from the passage in *Shir Hashirim (2:13)* which speaks of “the fig tree putting forth its unripe fruits”.

In his commentary there Rashi explains this phrase in the light of our Sages’ approach to this part of the Song of Songs as a parable for the Exodus from Egyptian bondage. The preceding passages speak of the winter passing, the rain ceasing and the time of singing arriving. This refers to the end of the exile and the suffering in Egypt and the song which a liberated Israel sang at the crossing of *Yam Suf*. The climax of this liberation, of course, came with the entry into Eretz Yisrael which is symbolized by the blossoming of the figs which were to be brought as *bikkurim* — first fruits — to the Sanctuary.

This theme carries on in the phrase which follows — “the grapevine blossoms give their scent” — which is a reference to the wine which was poured as a libation on the altar.

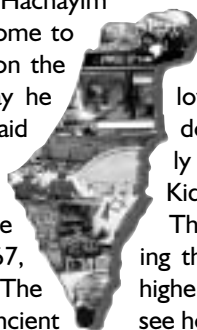
• *Niddah 47a*

## LOVE OF THE LAND - THE LEGENDS Selections from classical Torah sources which express the special relationship between the People of Israel and Eretz Yisrael

### THE GRAVE THAT WAS SAVED

One of the most revered graves in Eretz Yisrael is that of Rabbi Chaim ben Attar, the author of the Ohr Hachayim commentary on the Torah. Thousands of Jews come to this grave on the Mount of Olives in Jerusalem on the 15th of the Hebrew month of Tammuz, the day he passed away in 5503 (1743), to pray for Heavenly aid in the merit of this sainted Torah scholar and kabbalist.

During the period of Jordanian control of the Mount of Olives cemetery between 1948 and 1967, there was mass desecration of the Jewish graves. The Arabs even decided to build a road through this ancient cemetery which would pass directly over the grave of the



Ohr Hachayim.

When the bulldozer came within inches of the grave, however, something strange happened. The engine sputtered and died. Another attempt the following day failed in a more spectacular way. As the bulldozer rushed towards the grave at full speed, it suddenly flipped over and plunged into the adjoining Valley of Kidron, killing its driver.

The Arabs thereupon abandoned their plans for desecrating this holy grave and rerouted their road to pass much higher on the mountainside. Visitors to the grave can clearly see how the original clearing went straight in the direction of the Ohr Hachayim’s grave.

## WHY GET MARRIED?

**From: Anonymous**

*Dear Rabbi,*

*Why should a person get married?*

Dear Anonymous,

I'll first explain some ideas behind the Jewish notion of marriage and why it's essential, and then refute some common arguments against getting married.

One of the main reasons for getting married is to help each other grow through a life-long process of emotional, intellectual and spiritual sharing and challenge. This is the meaning of the verse, "It is not good, this state of man's being alone; I will make a helpmate opposite to him" (Gen. 2:18). As long as a person is single, it is not good — meaning not only is the person incomplete, but the entire Creation is also lacking perfection (Rabbi S. R. Hirsch). The purpose of this union is that each should help the other reach perfection. Sometimes this is achieved by sharing; sometimes by opposing, questioning and challenging. This ideal dynamic of "opposing-helpmate" is best achieved between a man and woman committed to a love for growth together for life.

Marriage as context for growth is also intimated by the verse, "Therefore a man shall leave his father and mother and cleave to his wife and they shall become one flesh" (Gen. 2:24). As father or mother, a person's main responsibility is to ensure that the child grow to be the best person possible. Marriage, then, takes a person to the next, natural and higher plane of potential perfection. Becoming 'one flesh' is an allusion to this fusion of two perfect halves into a unified whole. In fact, the Zohar (Lech Lecha 91b) teaches that every soul is divided into male and female components before being sent into the world. Ideally, every match is the 're-fusion' of the halves into one.

But this becoming 'one flesh' is not only figurative. Contrary to popular misconception, Eve was not necessarily created from Adam's rib. According to a statement of our Sages Adam was split in two. The Talmud (Eruvin 11) explains the verse, "And G-d took one of his sides", to mean that Adam was originally a composite of both male and female aspects side by side. G-d separated them in order to create the longing for, and fulfillment in, the male/female union. Therefore, marriage is the venue through which one attains spiritual, emotional and physical unity and perfection.

Of course, the true pinnacle of male/female physical

unity comes to fruition in the birth of their children — another reason to marry. Thus, G-d simultaneously commands and confers blessing upon the union of man and woman, "Be fruitful and multiply" (Gen. 1:28). However, the point is not just to have children. Being 'fruitful' means realizing one's potential through sharing and challenge in marriage, in order that one's productive traits and talents ripen, and his branches become laden with sweet and pleasant fruits. Only then can one truly 'multiply', as his perfection through marriage is conferred to and perpetuated by their children, the fruits of their labor. In this way, a married couple's figurative unity as 'one flesh' becomes manifested literally in one flesh, many times over.

Some people object to getting married because, they argue, as the divorce rate gets higher and higher, why marry to get divorced? In truth, if people really knew themselves and truly understood the purpose of marriage — in short, if each person strove to become as perfect a half as possible — before 'tying the knot', marriage would strengthen the knot, not undo it. Some consider marriage restrictive. Is permissive truly desirable? In any case, one who desires only to receive might find marriage restrictive; one who desires to give will find marriage limitless. Others claim marriage limits one's horizons experientially, career-wise, etc. However, the commitment and obligation to spouse and children provide an opportunity to attain true greatness precisely because of the need to succeed as both a person and professional.

Finally, some resist marriage for global considerations — to alleviate mother earth's over-burdened resources or to reduce world hunger and the like. While these are noble concerns, they don't preclude family life. First, a lot can be done to improve personal and global consumption besides being barren. Consume less and have children — a creatively modest lifestyle could 'permit' having children without adding significant demand on resources. In addition, there is really no direct correlation between one person's ability to feed his children and another person's not. Give more of your income to hungry children while feeding your own. Last, a Jew in particular should avoid this 'solution' of celibacy or sterility. Relatively speaking, the Jews are but a tiny fraction of the world population. If anyone should undergo population control, nations who have historically persecuted, decimated and annihilated the Jews, but are themselves among the most populous, should perhaps take precedent. A Jew's self-imposed sterility abrogates the Divine command/blessing to be fruitful and multiply, making him a willing accomplice to those who have sought, and still seek, our extermination. "Am Yisrael Chai!"

**Tsunami, Tsusamin and Tzedaka**

In your Ohrnet Special “Tsunami and *Tsusamin*” mention is made of the food and medical supplies sent to Southeast Asia by Israel.

It should be noted that Jewish organizations abroad have also contributed generously to relief work. The American Jewish Joint Distribution Committee has reportedly raised \$6.5 million and the American Jewish World Service \$6 million. In addition, 34 Jewish groups from the Jewish Coalition for Disaster Relief have joined to form the Jewish Coalition for Asia Tsunami Relief.

This is a dramatic vindication of what Rabbi Weinbach calls “a broadening of the *tsusamin* perspective in the spirit of regard for all mankind.”

• Michael Vine  
Jerusalem

**To the Editor of Ohrnet:**

I spoke to your office and they told me to contact you with our request. We saw an article on your Ohr.edu website by Rabbi Weinbach called “Tsunami and *Tsusamin*.” We would like permission to reprint it in our weekly magazine. How do we go about getting permission? Please respond as soon as possible since we would like to put it in as soon as we can.

Thank you,

• Hamodia Editorial Desk

**Ohrnet replies:**

Permission granted with pleasure. Please credit the Ohr Somayach website Ohr.edu as the place where the article first appeared.

## WHAT'S THE RIGHT THING TO DO?

## REAL-LIFE QUESTIONS OF SOCIAL AND BUSINESS ETHICS

## KISSING IN THE SYNAGOGUE

**Question:** My son is soon going to have his Bar Mitzvah in our synagogue and will be reading the *haftara* on Shabbat. I have noticed that some fathers are so overcome with emotion on such occasions that they kiss their sons when they complete the reading. I have heard from others that this is improper behavior in a synagogue. What is the right thing to do?

**Answer:** Mazal Tov on the upcoming Bar Mitzvah. Enjoy your well-deserved *nachat* but save the kiss for when you get home.

The *Shulchan Aruch* (*Orach Chaim* 98:1 in the Rama) rules that it is forbidden for a man to kiss his young children in the synagogue. The reason given is that a Jew must internalize that no love for a human can compete with his love for G-d.

There are, however, occasions when such a kiss is in order. It is well known that when a child falls and cries one of the most effective ways of soothing him is to give him a parental kiss. Since the purpose of such a kiss is therapeutic rather than an expression of love, it does not constitute a competition for love of G-d and is therefore very much in order.

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