

# RED ALERT!

## MISHPATIM

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## DIVREI TORAH

- Having this Parsha immediately after the Ten Commandments sends an important message for those of us who live in a democratic republic. What we see here is the close connection between religious law and the secular social law that governs a society. In America, we are raised with the principle of the Separation of Church and State. There is a strict wall separating the two. In Torah Judaism there is absolutely no such Separation. The four sections of the Shulchan Aruch show the full scope of Jewish law in the post-Temple time. Orach Chayim deals with daily life, Shabbat, and holidays. Even HaEzer deals with marriage, divorce, and family law. Yoreh Dei'a deals with dietary laws, mourning, and conversion. Choshen Mishpat deals with civil law, finance, and damages. So we see that these sections deal with virtually all aspects of Jewish life. And this is merely a shortened version of our Code of Jewish Law. Every aspect of our lives is covered within our religious code.
- The first paragraph in this Parsha deals with the laws of a Jewish slave.

It is difficult for us to understand that the Biblical concept of slavery is extremely different from the terrible description of what slavery was in the secular world. The American treatment of the Black slave is not what we read about in the Torah and Talmud. The Torah could never sanction the American system. I cannot comprehend a picture of a Seder table in the Orthodox Jewish home in the American South in the mid-nineteenth century, where they would read the Haggada, celebrating the liberating Exodus from Egypt, and being waited on and served by Black slaves, and not notice what is wrong with this scene. In the Jewish idea, if there is only one pillow in the house, the Jewish master must give it to his slave before using it himself.

- Regarding a Jew owning a non-Jewish slave, the law is different. The master is permitted to hit his non-Jewish slave, but he may not be cruel or excessive in the beatings. If the master knocks out a (permanent) tooth, the court will force the master to free the slave. The Ibn Ezra comments that this is true if he causes the loss of any organ. The non-Jewish slave is considered his property. The Jewish slave is considered a servant, but the master may not hit him. In this regard, he is considered a free man. If the master injures his Jewish slave, he is required to pay all the compensatory

damages, just as if he were a free man.

- The Torah specifically states that in a bodily injury, the sinner is required to pay medical expenses (21:19). The double verb used to describe the medical healing tells us that the doctor must treat the patient. We might have raised doubts as to whether it is allowed to alter Hashem's plan to have the victim suffer the hurt involved in the case. After all, we might have said that Hashem wanted the victim to be injured. That's why He permitted it to happen. That it happened was a product of Hashem granting free will to all people, even sinners. Now we expect the doctor to do his best to cure and heal this person. In today's society, we raise the question if the doctor has the right to give up on any person. In general, it is acceptable for that to happen if the person is in the throes of dying and not living.

- In the 1950s, some Yeshiva Rabba'im approached Rabbi Moshe Feinstein with the following question. Our Yeshivas were teaching only 7 of the 63 tractates of Talmud, including Bava Kama, which deals with "my ox gored your ox". The American students never see an ox outside of a zoo! Let us teach the Americans the tractates that deal with laws of Chol HaMoed and the laws of mourning, for example. Rav Moshe was agitated with their request. He said that they

were missing the point if they felt that Bava Kamma was just dealing with oxen. They need to emphasize that this tractate was teaching them that ADAM MU'AD L'OLAM. Man is fully responsible for all his actions. Rav Moshe was touching on an American society that stresses possession of money. They need to study business laws and concepts of society, including the American quote: if you break it, you now own it! And these are concepts in this tractate.

- Our system of Torah justice for thieves and the like is specified in this Parsha. When a thief enters your house, he is aware that the owner will attempt to protect his property and assets. The thief is prepared to kill the owner if he is confronted. Therefore, if the owner kills the thief in self-defense, he is free from liability. There is a complete list of different types of thieves in our society, and the Torah gives enough cases for us to analyze each case. It is possible to judge differently a thief who is starving because he is so poor. But most thieves are the professional type. Those thieves have chosen this as their method to make a living. They have to be dealt with in a stricter fashion. When an owner kills a thief, we might consider what happens to the thief's family, his wife and children. They now will suffer. No human system of justice is perfect.

We all need Hashem's assistance in creating a Torah society.

- When it comes to lying, not telling the truth, that is stated later in K'doshim (Vayikra 19:11). Here in this Parsha, the Torah states "Distant yourself from a false word" (23:7). Lying is a straight forward, easy to understand prohibition. Yet the Talmud itemizes a few cases where not telling the absolute truth is permitted (Yevamot 65), for the sake of peace. One classic example is when Hashem altered Sara's response to Hashem's message when He told her that she was going to conceive at an elderly age. We can arrive at a startling conclusion in how we respond in many situations where bending the truth can be acceptable, in order to maintain a more peaceful relationship with other people. This is a subject that deserves much more attention that this column can provide. Just be aware that the Torah's language is precise and allows for interpretation.
- MIDRASH. The area of seduction is misunderstood without the Oral Law (Ketuvot 39b). If a man seduces a girl under the age of twelve and a half, he should marry her. But the girl and her father have the right to refuse the marriage. If any of the three parties veto the marriage, the seducer is required to pay a fine to the girl's father, plus pay for damages and the humiliation he inflicted upon her.

## Questions by RED

### From the text

1. Why would a Jewish master give a non-Jewish female slave to a Jewish slave for a "wife"? (21:4)
2. What three items is a husband required to provide for his wife? (#2:10)
3. The Torah itemizes 2 body parts that if a Jewish master destroys one of them of a non-Jewish slave, the slave automatically goes free. What are the two body parts? (21:23,24)
4. If an ox gored and killed a man, and it was the 4th time the ox gored someone, what is the punishment for the owner of the ox? (21:29)
5. What was Bnei Yisrael's response to entering into the Covenant between Hashem and Bnei Yisrael? (24:28)
6. What are the two reasons a Jew could become a slave? (21:2)
7. A Jew injures a fellow Jew. What 5 things must he compensate his victim for? (21:25)
8. Why is a thief to pay 5 times the value of an ox that he stole and then killed or sold? (21:37)
9. Why does the Torah state we should dispose of non-kosher meat by giving it to a dog? (22:30)

10. Who were the young men who ministered and took care of the sacrifices to finalize the relationship between Hashem and Bnei Yisrael? (24:5)

### From the Rabbis

11. If a Jew has the choice of buying a Jewish slave or a non-Jewish slave, whom should he buy and why? (Or HaChayim)

12. A person injured his neighbor, and he now is required to pay medical expenses. Can the victim pocket the money and forgo the medical treatment? (Ramban)

13. What did Yehoshua do to earn the privilege of being Moshe's successor? (Our Sages)

### Midrash

14. A Jewish slave who wants to continue as a slave after 6 years, has his ear bored at the doorpost. Why by the doorpost?

### Haftara - Sh'kalim (Shmuel Bet)

15. The evil queen Ataliya killed all the members of her royal family. Who was the only survivor of her terrible misdeeds?

### Relationships

- a) Merari - Machli
- b) Amram - Uziel
- c) Chushim - Guni
- d) Na'ama - Sheim
- e) Adam - Enosh

### ANSWERS

1. In order to gain more slaves in his domain.

2. Food, clothing, and marital relations

3. An eye or a tooth.

4. The owner is executed.

5. NA'ASEH V'NISHMA. We will do and we will listen (obey, understand)

6. He can sell himself because he had become extremely poor. Or the court can sell him because he was a thief, and they need funds to pay the victim

7. Damages (loss of value), compensation for lost work, medical expenses, humiliation, and pain.

8. Because the victim lost an ox that is a productive laborer in his field.

9. A reward for not howling at the Jews when they exited Egypt.

10. The firstborn young men of Bnei Yisrael.

11. A Jew. If a Jew is in distress and must sell himself, a fellow Jew should help him.

12. No, he may not.

13. Yehoshua accompanied his teacher Moshe to the mountain and waited at the foot of Mt. Sinai until he returned.

14. Because the door symbolized giving him his freedom.

15. Her grandson Yeho'ash.

**Relationships**

- a) Father & Son
- b) Brothers (sons of Kehat)
- c) First Cousins  
(son of Dan and son of Naftali)
- d) Mother & Son
- e) Grandfather & Grandson