



Ohr Yerushalayim News

כ"ז שבט תשע"ו – משפטים – 6th February 2016 - Volume 8 - Issue 30

News This Week

מזל טוב

Mazel Tov to Dr and Mrs David Wolfson on the birth of a granddaughter, born to Mr and Mrs Dovid Benveniste.

Mazel Tov to Mr and Mrs Malcolm Fagelman on the recent birth and Bris of a grandson, to Mr and Mrs Yitzi Hirsch in London

Kiddush This Shabbos

There will be a Kiddush after Davenning in honour of Shabbos Mevorchin which is, at yet, unsponsored. To sponsor all or part, please contact Oshi Wilks.

Ladies First Aid Course

We have arranged a paediatric first aid course for ladies with Mr Nussi Burns. It will be on Sundays 14th and 21st February from 7.00-9.00pm. Cost for both sessions will be £10 for members or £15 for non members. To register interest or for more information please contact Esther Blima Graff 07704327082.

My Daughter, For A Fiver Dani Epstein

Many the occasion has occurred in which, when collecting one of my offspring from a friend, the erstwhile host has said to me: "Oh your child is so sweet". My response has frequently been: "You can have 'er. For a fiver". After a carefully timed pregnant pause I then tell them: "I'll give you the fiver".

Fortunately my dearly beloved children are inured to my attempts at humour, and there is little lasting psychological damage caused by my witticisms.

Let us cast our minds back, however, to those halcyon days when we lived in der heim in quaint wooden houses, all the men dressed like Tevyah and our daughters did not run through the streets singing about shidduchim. The day would come for many daughters when their mother would come home and tell them: "Sheyfele, put your dollies away, you're a kallah now."

Of course we smile when we hear such things, and breath an internal sigh of relief that things have moved on, conveniently forgetting that the reason girls were married so young in those days was to prevent the local despot whose cruelty was only exceeded by his drunkenness from snatching them away. Life in der heim was not, as our rose tinted memories tend to forget, very pleasant. It was short and often brutal. And that's when the natives were being friendly to us.

How could we possibly imagine the horrors of slavery, though? Our bitter history is ravaged with this vicious and pernicious institution: we were forged in the Egyptian crucible as generations of slaves; we were tortured and worked to death in yet living memory! So we are hardly unfamiliar with the subject, and have nothing but loathing for it.

If we study the history of black slaves and how they were transported from distant shores in conditions that make battery farming took wholesome, it should merely serve as the nail in the coffin of slavery as an institution as far as we are concerned. Yet the Torah has quite a few laws concerning slaves and their ownership, and the Shulchon Oruch has a chapter on slaves, all of which which should prompt us to ask

why.

Bear in mind that the Torah does not abide hypocrisy. While the Victorian gentry were deeply religious and regular church-goers, they were quite happy to chain little children from destitute families to their machinery for twelve hours a day, failing to appreciate the contradiction. We, on the other hand are required to incorporate the attributes of mercy enumerated in the Tenach. When we read the phrase *וְיִזְכְּרוּ חַמְדֵי יְיָ* it's not simply acknowledging His mercies granted to all living creatures, but implying that we too are required to practice the same trait and have mercy on every living thing. Granted, it has to be balanced. We do not donate to donkey sanctuaries in Spain until we have sorted out the poor on our doorstep.

So imagine the scene of a father turning up to his sweet little daughter who is playing with her dollies.

"Come on darlin'," he says. "Get yer dollies. I sold yer for three sheep and a six-pack of lager. You're a slave now."

Now, if we are repulsed by slavery, this particular scene should fill us with revulsion. How could the Torah possibly permit something as awful as this? One can imagine some kind of Frankenstein/Fagin cross breed manufacturing little girls to sell off to the highest bidder. How can we square such behaviour with what we know of the Torah?

One could argue quite simply that we do not base our mercy on social mores of the times. After all, in the gemoroh Brochos we learn: *הַאֹמֵר עַל קֶן צְפוּרָה יִגְיֵעוּ רַחֲמֵיךָ... מִשְׁתַּקִּין אֹתוֹ... מִפְּנֵי שְׁעוֹשֵׂה מִיְדוּתוֹ שֶׁל הַקֶּב"ה רַחֲמִים, וְאֵינָם אֵלֶּא גִזְרוֹת*

"[a chazzan] who says [even] on a bird's nest You have mercy...we silence him...since he is making the middos of Hakodosh Boruch Hu merciful, and they are nothing but decrees."

When we speak of Hashem being "merciful", this is an anthropomorphism that allows us to readily absorb a given message, but the reality is that we simply cannot ascribe any character trait to Hashem. What is actually being conveyed here is that Hashem expects us to observe His actions, and on the basis of that observation conclude that He wishes us to be merciful in specific ways. It is a subtle

The Week Ahead

פרשת משפטים	שבת מברכין אדר א'
Candle Lighting	4.43pm
Mincha	4.48pm
Shacharis	9.00am
סוף זמן ק"ש	10.04am
1st Mincha	1.30pm
Rov's Shiur	No Shiur this Shabbos
2nd Mincha	4.33pm
סעודה שלישית	following
Maariv & Motzei Shabbos	5.53pm
Ovos uBonim	7.08pm
Sunday	7.15am / 8.20am
Mon / Thurs	6.45am / 7.10am / 8.00am
Tues / Wed Rosh Chodesh	6.30am / 7.00am / 8.00am
Fri	6.45am / 7.20am / 8.00am
Mincha & Maariv	4.50pm
Late Maariv	8.00pm

distinction, but vital nonetheless. This is to say that we have very little wiggle room in choosing how to be merciful. We cannot argue to be merciful to one creature or group of people at the inevitable expense of some other group for instance, since this would violate the forms of mercy promulgated by the Torah.

Applying this to slavery we could argue that since the Torah permits slavery, we are perfectly entitled to continue this practice, and it is morally and ethically just. Yet our history tell us just how horrible an institution it is.

To comprehend this apparent dichotomy, we need to turn to yet another of those mitzvos which at first glance appears to be but another doctrine that run foul of our liberal outlook, that of the Yfas Toar – the beautiful woman captured in battle.

We have a principle that **דברה תורה כלשון בני אדם** – the Torah addresses its reader in the common language of man. That is to say, every-day terms are used to express concepts in the lowest common denominator. So, we hear of Hashem's "anger", "jealousy", "love" etc. none of which is remotely rational in philosophical and logical terms when one considers any of them for a brief moment as applied to Hashem. Since, however, these are terms that are easily understood by the layperson, these are employed in order to bring the reader to the front door, so to speak.

Rather than expressing complex legal issues in abstract and theoretical terms, the Torah discusses an ox goring, a person hitting and so on, which allows even the casual reader to glean a very basic if crude understanding of the law.

Why is this apparent unsophisticated approach vital? At the very simplest level, this allows everyone of whatever degree of erudition and education to have an entry point into learning Torah. But far more importantly, the human condition and psyche is but another one of Hashem's creations. The nature of the individual is but a divine decree. A person's impulses, innate intelligence or lack thereof are a result of the gifts or the lack thereof granted from above, and it is up to the individual to springboard themselves through study, self-education, practice and tutelage under a suitably qualified master to raise themselves to a greater height.

So, when in battle in ancient times, due to society's brutality, capturing a woman from the opposition and hauling her off was perfectly acceptable; when left with a horde of prisoners, rather than feeding them until the war was over and then setting them free, the finest and strongest were creamed off and taken as slaves and the rest were dumped and left to fend for themselves or die. All this was, at that time, the moral and ethical baseline of civilised society and the accepted norm.

Attempting to alter that reality would have been impossible; an **איסור בה שאין הציבור יכול לעמוד בה** – a prohibition that the public would have been unable to withstand.

So, the Yfas Toar was permitted, but with considerable restrictions. Furthermore, the juxtaposition of the parshios of Yfas Toar and Ben Sorer uMoreh were there to convey the outcome of such a union.

This is the psychology of the Torah. Take something that is, by the finest Torah ethics and morals reprehensible, but load it with caveats, hints, ethical and moral fences that convey what the true Torah values are on the subject. Ultimately, all these things are Hashem's creations as well, so in the spirit of Rabi Akivoh (Medrash Tanchumoh, Sazriah), we are required to elevate ourselves above these base drives in order to perfect Hashem's creation.

None of this justifies in any which way the sale of one's daughter.

Until we consult the Abravanel, though. He, too, is terribly bothered by this concept, but in his masterful way puts the situation on its head.

In times of yore, one acquired a bride by transferring a suitable quantity of goods and chattels to her father. In fact, this is still the case amongst Arabs and Heimishe Yieden. (Yup, my older sister was informed by a shadchan that unless she had at least £30,000 to put down on the table per child her daughters won't get married. If you know any nice boys going for around £5,000 or less and in reasonable condition with low mileage, please contact me.)

Supposing one has a father who, for one reason or another struggles to

put the Weetabix on the table. He knows that the chances of his daughter landing a suitable husband - or any husband for that matter - are pretty slim. What can he do? He has no options open to him. Except for one.

Down the road lives a chap who drives a BMW horse and cart, has a nice hut with a loft extension and a swimming pool at the back in which he keeps the ducks and is a trader in the city (he sells ducks in the town square). He is a lovely fellow, very helpful and kind, and when this poor fellow comes to him with his daughter in tow and explains his situation, this neighbour agrees to "buy" her.

Now, the bloke who just acquired this poor little girl has few options open to him. First of all, although she is his employee 24/7/365, she is not at his beck and call every waking moment. The work he can give her is fairly limited, both because she is just a little girl, and because he is halachically limited, since the Torah dictates very restrictive limits as well. He has to feed and clothe her in a respectable manner. If he eats a Magnum, she eats a Magnum. If he drinks champagne, she drinks champagne. (See Rambam, Kinyan, Hilchos Avodim for the full monty). Now, once she reaches puberty he has to make a decision. Does he fire her? He certainly cannot employ her any more, because she goes free at this point. So, he can send her on her way, but has to hand over a serious lump of money. The other option is to keep her as a wife, or marry her off to one of his sons, which in the short term is definitely cheaper, although in the long term...well, let's just skip past that part in case my wife is reading this.

One way or another, this small child who had a very unfortunate start in life gets sorted out, because her erstwhile master was kind enough to bring her out of her desperate situation, and her father was smart enough to realise he couldn't offer her anything and so went to find the right person who would give her a better start to life than he could.

This is not a sale of goods or chattels, but a solid legal arrangement that gave the desperately destitute a chance to climb the ladder, and prevented someone who started out as a kind-hearted saviour to eventually change his mind and back out from the deal.



Parsha Recipe Book Reminder!

**Please don't forget to submit your form
for the Parsha Recipe Book.**

We aren't asking for the actual content at this stage (although that would be very welcome!), only a commitment to getting involved.

We would also love submissions from the girls and we can't wait to see what you come up with!

Please email us recipe@ohryerushalayim.org.uk,
or send your completed form to
Bev Marks, 6 Lancaster Drive, Prestwich M25 0HZ

Thoughts for Food, Food for Thought