

# Agudas Yisroel Anshei Kielce



## Zmanim

Candle Lighting: 5:42 pm

Mincha/Kabbalas Shabbos: 5:45 pm

Shacharis: 8:45 am

Mincha/**SEUDAS SHLISHIS: 5:30 pm**

Maariv/Motzei Shabbos: 6:46 pm

Motzei Shabbos Rabbeinu Tam: 7:13 pm

**Sunday Shacharis: 8:00 am**

## Parshas Mishpatim

Adapted from Rabbi Yitzchok Adlerstein [www.torah.org]

### The Punishment For Theft [1]

*If you acquire a Hebrew servant, he shall work for six years.*

Prisons aren't us. They are conspicuously absent in the routine practice of Jewish criminal law. The selling of the thief is the only instance we know of a statutory deprivation of freedom as punishment for a crime. We shall see that it is not much of a punishment in the conventional sense.

The thrust of the six years of indentured servitude for the thief is not incarceration but rehabilitation. Its aim is to uplift the spirit of the criminal, not to break it. Halacha cautions us to treat the servant as one of the family, eating and sleeping on a place equal to the other members of the household. He is treated as a brother, not an underling.

His suffering of his family is not dismissed as unfortunate collateral damage to society's need to exact retribution from a criminal offender. To the contrary, his family members become wards of the master who acquires his services. While the master enjoys the fruits of his labor, they are supported at his expense.

Too many details in this parshah make it unlikely to regard it as a kind of punishment. To begin with, the sale of the criminal is limited to the crime of theft, but not any other kind of crime or indebtedness. His sale seems to be more a fulfillment of his obligation to make good on what he stole. It is restitution, plain and simple! Yet while there

are many situations in which people need make restitution, only the thief need go to the extreme of forfeiting his liberty to pay compensation for the damage he caused. Only the thief shows contempt for the very idea of property. On a practical level, property ownership is bound up with trust of the public. Were it not for this trust, we could not really own anything not nailed in place. We could not take our eyes off anything we owned, for fear that others would steal it while our glance is averted. We are able to enjoy the right of ownership only because we trust the majority of our neighbors to reciprocally respect that right. When the thief steals, he not only deprives some owner of his property, but he strikes a blow at the trust in the public that makes property possible, and communal life a reality. No other indebtedness violates this core value of civilization; it is only for theft, then, that the criminal must make amends by any means possible, including placing his very freedom in the service of restitution.

This is born out by yet other details. The thief may be sold only if the value of his theft equals or exceeds the value of his work. He cannot be sold if his labor is worth more than what he stole. In that case, rather than deprive him of his freedom, the court simply attaches his earnings, and directs them to the plaintiff. The thief may only be sold to pay for what he stole – but not for any statutory fine (e.g. the doubled payment imposed upon a thief caught with the illicit goods in hand). Should the victim of the crime waive his right to compensation, and accept a signed promise by the thief that he will pay back

the plaintiff whenever he comes into some money, the thief will not serve – a surefire indication that the thief doesn't serve to "pay" society for his crime, but simply to make restitution for what he stole. The Torah does not easily impose such a heavy burden as loss of a person's freedom!

We can find only one element of the treatment of the thief that resembles punishment, and a rather unusual one at that. So long as the thief is sold and in the domain of his new master, he can be given (if already married) a new consort. He can be assigned a semi-spouse of a slave-woman, who would ordinarily be forbidden to him. Children born of this "union" become the property of his master, not his true children. His relationship with the female slave is thus entirely physical, having none of the spiritual component of the bond between ordinary husband and wife. He becomes a reproduction technician, not a husband.

This might seem to some not the harshest form of punishment, but it in fact is a powerful reminder to him that holiness can be compromised and lost. Holiness is, and ought to be, the birthright of every Jew. It is not a burden, but a privilege. This holiness does not allow him

to consort with a slave-woman. By stooping to theft, by striking a blow at the system of trust that enables us to enjoy our property, he sacrifices that holiness, and can be treated as a reproductive machine, rather than a human being. While he is treated with love and concern during the years of his servitude, we cannot pretend that he is no different from all others. We will treat him with respect – but as a person who has seriously tarnished his moral luster.

His punishment, in a word, is learning that he has deprived himself of holiness, and is the lesser person for it.

When he steals, he effectively sells himself to the world of the physical, the world symbolized by the six days of creation. He turns his back on the values tied up in the number seven, the transcendent Power that it responsible for the existence of the six, and that elevates it to a higher place. It is perfectly fitting, then, that he toil for six years to strive to recapture the element of "seven" in his life. When the seventh year arrives, he goes free, always to remember what he has learned in the years of his rehabilitation: "six" enslaves; "seven" sets free.

1. Based on the Hirsch Chumash, Shemos 21:2

**Good Shabbos**

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| <p><b>This week's kiddush is sponsored by:</b><br/> <b>Aryah &amp; Faige Lebovic and Avrom &amp; Susie Lebovic in honour of a yahrzeit.</b><br/> <b>Ken &amp; Sherry Wise in honour of a yahrzeit.</b></p>                            |                                       |   |
| <p><b>The kids' program will take place downstairs beginning at 9:30 am.</b></p>  |                                       |   |
| <p><b>Seudas Shlishis is sponsored by Aryah &amp; Faige Lebovic and Avrom &amp; Susie Lebovic in honour of a yahrzeit.</b><br/> <b>The guest speaker for seudas shlishis is Rabbi Asher Vale.</b></p>                                 |                                       |   |
| <p><b>The cholim list is being updated for Chodesh Adar. If you would like to submit a name to the cholim list please email <a href="mailto:gabbai@agudahsouth.com">gabbai@agudahsouth.com</a> or contact one of the gabbaim.</b></p> |                                       |   |
| <p><b>Shacharis</b><br/>                 Sunday: 8:00 am<br/>                 Tuesday, Wednesday &amp; Friday: 7:00 am &amp; 8:00 am<br/>                 Monday &amp; Thursday: 7:00 am &amp; 7:55 am</p>                            | <p><u><b>Weekday Schedule</b></u></p> | <p><b>Mincha</b><br/>                 5:50 pm<br/> <b>Maariv</b><br/>                 6:10 pm</p> |

To sponsor Kiddush/Seudas Shlishis contact Baruch Klein ([kiddush@agudahsouth.com](mailto:kiddush@agudahsouth.com).)  
 All those wish to submit names to the cholim list can email [gabbai@agudahsouth.com](mailto:gabbai@agudahsouth.com) or contact one the gabbaim.  
 Have a Simcha to announce? Email announcements to [mailings@agudahsouth.com](mailto:mailings@agudahsouth.com).

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| <p style="text-align: center;"><b>Join Our New Chesed Initiative</b></p> <p>There has been some interest in forming a Chesed Committee to spur new chesed initiatives within the community. All men or women that are interested in joining please contact Moishe Korolnek at <a href="mailto:markkorolnek@gmail.com">markkorolnek@gmail.com</a>.</p> | <p style="text-align: center;"><b>Friday Night Learning Program (FNL)</b></p> <p style="text-align: center;">Learning Seder: 8:30 pm<br/>                 Rabbi Kaufman's Parsha Shiur: <b>8:45 pm</b><br/>                 This week's FNL is sponsored by:<br/>                 Chaim &amp; Yocheved Weinberger in honour of their son passing the first CPA exam.<br/>                 Kugel &amp; Cholent will be served.</p> |
| <p style="text-align: center;"><b>Rav's Chumash Ramban Shiur</b></p> <p>The Rav's Chumash Ramban Shiur will take place weekly on Thursday evenings at 8:45 pm @ 15 Reddick Court.</p>   | <p style="text-align: center;"><b>Mishnayos Kids' Chaburah</b></p> <p>This week's Chaburah is at 5:10 pm. Refreshments will be served.<br/>                 For more information email <a href="mailto:info@agudahsouth.com">info@agudahsouth.com</a>.</p>  |