

# *Sensitivity to Convicts*

PARSHA INSIGHTS - EMOR (5757)

## *SOLITARY CONFINEMENT - Why?*

Toward the end of today's *parsha* [Torah portion], we are told of a disturbing incident. "The son of a Jewish woman went out, and he was (also) the son of an Egyptian man, in the midst of *Bnai Yisroel* [the Children of Israel]. This son of a Jewish woman had a quarrel with a Jewish man in the camp. The son of the Jewish woman then blasphemed Hashem's name with a curse; the people brought him to Moshe. His mother's name was Shlomis Bas Divri, of the *shaivet* [tribe of] Dan. They placed him in custody until the punishment would be specified by Hashem" (*Perek Chof Dalid, Psukim Yud through Yud Bais* [chapter 24, verse 10-12]).

From where did this individual "go out"? One interpretation brought by *Rashi* is that he went out of Moshe *Rabainu's* [Moses our teacher's] court, having received a sentence that wasn't to his liking. He had wanted to take up residence among the members of the tribe of Dan. The people of that *shaivet* asked him, "What is your reason for being HERE?" He replied that he was part of *shaivet* Dan. He thought that since his mother, Shlomis, was from Dan, he was also eligible to pitch his tent among them. His claim was rejected, however, since the Torah decrees that in regard to camping, the *shaivet* from which one's FATHER comes, determines his location. His father was not from any *shaivet*, since he was a *Mitzri* [Egyptian]. He wasn't satisfied with the reply, so he entered Moshe's court. When Moshe rendered the decision against him, he exited the court and blasphemed G-d's name. Who was his Egyptian father? *Rashi* mentions that this was the Egyptian executed by Moshe himself in *Parshas Shmos*. Who was the Jewish man mentioned in our *parsha*, with whom this blasphemer had a quarrel? *Rashi* informs us that it was the person who had prevented him from pitching his tent among the *shaivet* of Dan, before the sinner had entered Moshe's court for an official hearing.

How did it happen that the Egyptian, the father of our transgressor, had relations with Shlomis Bas Divri in Egypt? *Rashi* in *Shmos* (*Perek Bais, Pasuk Yud Alef* [Exodus 2:11]) explains that Moshe had seen an Egyptian beating a Jew. The Jew being beaten was the husband of Shlomis Bas Divri. This Egyptian had taken a liking to Shlomis, and he sent her husband out at night to do work. The Egyptian then entered the tent and had relations with Shlomis, who thought it was actually her husband. The husband of Shlomis returned home and found this catastrophe. When the Egyptian realized that her husband knew what happened, he beat that man all day. Subsequently, in *Parshas Shmos*, Moshe put this sinful Egyptian to death for well-known reasons. **The blasphemer in our *parsha* is the product of the adulterous relationship we have just described.**

"They placed him (the blasphemer) in custody" (*Pasuk Yud Bais* [verse 12]). *Rashi*, based on the *Sifra* 237, remarks that they put him alone - without a cellmate. But who COULD have kept him company in detention? Of course we know the answer to this - the *mekoshaish* [wood gatherer]! As narrated in the end of *Parshas Shlach* (*Bamidbar Perek Tes Vav, Pasuk Lamid Bais* [Numbers 15:32]), a man was found gathering sticks on *Shabbos* [the Sabbath], and he refused to stop even after being warned that he would be put to death. He was jailed until Hashem told Moshe WHICH death penalty to administer - stoning.

*Rashi* in our *parsha* quotes the above mentioned *Sifra* which tells us that the *mekoshaish* and the *mekalail* [blasphemer] occurred at the same time. Even so, these two prisoners weren't incarcerated together. They both sinned terribly, they were both locked up until a verdict was reached, and they both ended up being stoned. So what could have been wrong with assigning them as roommates in prison? What was the reason to separate them?

There are numerous solutions to this mystery. For our purposes, we will examine that of Rav Zalman Sorotzkin. If one of these offenders would have gone out without punishment, and the other would have been sentenced to death, the one condemned to execution would have suffered unbearable emotional anguish. This is especially so if we take into account that they knew from the beginning that the one who gathered wood on *Shabbos* WAS liable for the death penalty. They just weren't sure which type of death to administer - stoning, burning, strangulation, or beheading. Hashem's new information was only that a *Shabbos* violator receives stoning as opposed to the other forms of execution. This was not so regarding the blasphemer - as far as they knew at the time of his incarceration, he might even be freed without punishment in Moshe's court! Maybe he would only be punished in the World to Come - in the court on High. If so, the wood gatherer would be dreadfully jealous of his cellmate, who could have been totally released from any earthly retribution. The *Oznaim L'Torah* describes this

envy and resentment as “covetousness harsh as the grave”. Moshe and his court avoided this situation by separating the two offenders.

This incredible insight shows us the sensitivity of Moshe, Hashem’s servant. Even concerning two criminals, men who had displayed the ultimate *chutzpah* [nerve] in different forms, unnecessary emotional stress was avoided. The solitary confinement was a *chesed* [kindness], a genuine favor for these two transgressors.

Incidentally, a technical point should be made. How does the Oral Torah, the *Sifra*, know that the two sinners weren’t imprisoned together? The *Malbim* in our *Parsha*, on the *Sifra* 237, explains as follows. By the *mekoshaish* in *Parshas Shlach*, it says “and they placed HIM (*OSO* ) under guard”. The word “*oso* ” hints that HE ALONE was placed in jail. As stated earlier by the *Malbim*, the object pronoun “*oso* ” - him - comes to exclude anyone else. The logic for this is that the Torah could have simply used a suffix to denote “him”, but instead it used an entire word. Please see the *Malbim* inside if you’d like further clarification. This calls to our attention that someone or something else is being excluded. Thus, when the wood gatherer was locked up, he was alone, despite the fact that another prisoner existed - the blasphemer. But since the two happened at the same time, and the Torah says by both of them that they were held under guard, we are forced to conclude that each was confined by himself.

In short, the Torah is extremely sensitive to the feelings of people. Despite the fact that the incidents of the *mekoshaish* and *mekalail* coincided, they were not detained together. There was a concern that the *mekoshaish*, who was certainly condemned to death, would be jealous of the *mekalail*, who might or might not be condemned. If he were released, this would put the *Shabbos* violator through traumatic tension. This can serve as an example for us in our interpersonal relationships. When we foresee emotional pain coming to our friends or family members, we are supposed to prevent it whenever possible. All the more so, we must avoid hurting others through harsh words or any types of abuse. Hashem created us with sophisticated intellectual powers. May we use them wisely, enhancing our interaction with G-d and all human beings.

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