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SHAVUOS

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Freedom to Studay Torah Together

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Shavuos

Freedom to Study Torah Together

Good Yom Tov!

I was recently told by a Jewish prison chaplain that in the United States correctional system, it's very popular among prisoners to declare yourself "Jewish" (whether you actually are or not)—and has been for quite a few years.

This is because if the prisoner is officially "Jewish," then the prison is legally obligated to provide him (or her) kosher food—and kosher food, as a general rule, tastes better than the standard food provided by prison kitchens.

In the same vein, a lot of prisoners "discover" Islam during the yearly Ramadan period. (It's actually every 12 lunar months, so Ramadan begins 11 days earlier each year—but that's a different discussion.)

Anyways, the reason a lot of prisoners are suddenly "Muslim" during Ramadan is because Muslim prisoners are granted a good few benefits during Ramadan on account of their religion—and so, of course, a lot of prisoners want to be considered "Muslim" during that time.

And so, the prison rabbi told me, the phenomenon of conversion—or more accurately, exchanging religions—is quite common nowadays in the U.S. prison system.

As such, a prisoner can decide that he or she discovered another religion—and if he or she succeeds in convincing the prison rabbi or imam that he or she has truly joined that religion, and the chaplain then verifies it with a letter, then from that point on, as far as the prison administration is concerned, that person is legally considered a member of that religion.

And so my Jewish colleague now has the duty to verify that a prisoner claiming to be "Jewish" is indeed Jewish. Obviously, of course, a religious rabbi is not prepared to accept every inmate who claims that he or she is Jewish just so he or she could enjoy the leniencies and benefits that Jewish inmates get because of their religion.

So my colleague told me that he was once involved with a prisoner who didn't look Jewish and never had been, but who claimed that he had discovered the Jewish faith and now loved it, and so therefore now wanted to be considered a member of the Jewish faith.

The rabbi wasn't convinced. He wrote an official religious opinion to the prison administration, stating that in his opinion, the prisoner in question was not Jewish. But the prisoner complained to the administration against the rabbi's opinion. And in the midst of the dispute over whether he was or wasn't Jewish, one of the wardens approached the rabbi and told him, "Listen—I saw this guy in the shower, and he has a tattoo of a crucifix on his back!"

And nowadays, the situation has gotten so out of hand that there are U.S. states that now have laws on the books that prohibit prisoners in their state systems from changing religions more than once every two years.

As a matter of fact, a relatively recent court case involved a prisoner in North Carolina. The case involved a prisoner named Danny Loren at the Hoke Correctional Institute in that state.

Mr. Loren, who is serving a life sentence, “discovered” that he was “Jewish.” In 2012, he requested permission from Betty Brown, Director of Chaplaincy Services for the North Carolina Department of Public Safety (NCDPS), which included Hoke, to be allowed to study Torah with two other Jewish prisoners at Hoke.

Now, the policy at NCDPS was that ten Jewish prisoners are permitted to assemble so as to pray in a group, or even in a smaller group so that they could study the Torah with a prison rabbi—but under no circumstances could a group of less than ten Jewish prisoners assemble for religious reasons without the presence of a participating rabbi.

However, the rule did allow prisoners who are members of other religions to assemble in groups consisting of less than ten people. Director Brown claimed that since the Jewish religion only requires a group of ten for prayer services, she therefore considered any number less than that to be meaningless.

So Mr. Loren, who at some point gave himself the name “Israel Ben-Levi,” sued NCDPS and Mr. Brown in the United States District Court for the Eastern District of North Carolina. He did not have an attorney and instead, represented himself. He lost the case.

He then appealed to the Fourth Circuit Court of Appeals. The Fourth Circuit upheld the District Court’s decision.

But he did not give up, taking his case all the way up to the U.S. Supreme Court. The high court did not hear *Ben-Levi v. Brown*. Still, one of the Supreme Court Justices wrote a dissenting opinion in support of this prisoner.

Justice Samuel Alito basically said that the North Carolina Department of Public Safety had no right to decide what Mr. Ben-Levi’s religious needs were.

Justice Alito wrote, “The government cannot define the scope of personal religious belief.” He also wrote, “Even assuming that respondent accurately identified the requirements for a group Torah study under Jewish doctrine—and that is not at all clear—federal courts have no warrant to evaluate ‘the validity of [Ben-Levi’s] interpretations.’ ”

Finally, Justice Alito wrote, “Ben-Levi believes that relaxing the minyan requirement promotes his faith more than sacrificing group Torah study altogether. By ignoring Ben-Levi’s actual beliefs and focusing solely on NCDPS’s understanding of Judaism, respondent and the courts below considered the wrong question.”

But what Justice Alito did not know was that Jewish law dealt with this issue over 2,000 years ago.

The Mishnah, Tractate Ethics of the Fathers 3:6, says, and I quote: “Rabbi Chalafta says, ‘Ten who sit and toil in Torah, the Divine Presence rests among them... and from where do we know that even five... even three... even two [bring the Divine Presence]? As the verse states, “Then those who fear G-d spoke one to another, and G-d listened and heard.” And from where do we know that even one? As the verse states, ‘In every place which you shall mention My Name, I will come to you and bless you.’ ”

So Rabbi Chalafta is teaching us something new here: True, formal prayer specifically needs a quorum of ten Jewish males over the age of 13, and if even one is missing, it’s not a minyan and is just the same as if only one person were there—but when it comes to learning Torah, the Divine Presence manifests itself even if the ten assembled Jews are not all above age 13, and even if they are not all male, and even if there is only five of them, or three, or two or even one!

So now we have one obvious question: Why indeed do we need ten male Jews above age 13 when it comes to bringing in the Divine Presence in prayer—but with Torah study, we can achieve the same result with five, or three, or even one person?

Well, with tefilah (Jewish prayer), we come before G-d with our requests—we’re human beings who try to turn to our Creator to awaken in Him the will to fulfill our requests. And for that, we need specifically ten Jewish male adults—because it is specifically that configuration that is halachically considered an “eidah,” a “congregation,” in Jewish law. And the prayer of a congregation is more heard by G-d than the prayer of an individual.

But why the number ten?

Well, besides the fact that in the text of the Torah itself, the word “eidah” refers to a group of ten (or more) specifically, the Rebbe says something interesting.

In the portion of Nitzavim (Devarim 29:9-10), the Torah tells us, “You are all standing this day before the Lord, your God—the leaders of your tribes, your elders and your officers, every man of Israel; your young children, your women, and your convert who is within your camp, both your woodcutters and your water drawers.”

And you’ll notice that the verse lists ten different groups of Jews.

And so, points out the Rebbe, when ten Jews get together, they represent all ten types of Jews—and so they collectively are called a “tzibur,” a “congregation” (Hisvaduyos 5749, pg. 71.)

Thus, when the individual turns to G-d in prayer and asks G-d to fulfill his request, it’s likely that G-d will “inspect” the individual’s record to see whether he or she is indeed worthy of a positive response.

But when a minyan turns to G-d, they have the power of the tzibur—or, to put it in modern terms, it’s spiritual crowd-funding.

With a minyan, in other words, each member is not praying just for their own needs but rather, for the entire community—and therefore, their prayer is accepted. As the Talmud (Tractate Brachos 8a) tells us, “Rabbi Nasan says, ‘From where do we know that G-d is not repulsed by the prayers of the masses? As the verse (Iyuv 36:5) states, “Behold, G-d is great and will not despise.” ’ ”

But with Torah learning, it's different. With Torah learning, we are givers, not takers.

With the study of Torah, G-d gave a great merit by giving us His Torah. When G-d sees several Jews studying Torah together, this causes Him mighty pleasure—and He immediately joins in, even if there are less than ten people there. Even five people is good enough for Him, and even three are good enough for Him to join in. Even one! Why so? Because when G-d sees a Jew studying His Torah with another, giving the other person of his time, it causes great pleasure to G-d.

And even when G-d sees a solitary Jew sitting alone and studying Torah, G-d still joins him and studies the Torah along with him, because G-d doesn't want him to be alone. And the Rebbe adds that on the contrary—in such a situation, it's like the person is the instructor and G-d “sits and reviews before him.” But it's clear that the larger the number of Jews assembled to study the Torah, the greater the revelation of the Divine Presence—and so, it would seem, it would be incumbent on the prison administration to not only allow the prisoner to study Torah, but to also encourage the group study of Torah.

Chasidic philosophy explains that when the soul comes down into a body, it is in a certain way “entering a prison.” The soul, of course, always wants to do G-d's Will—she always wants to study the Torah and do mitzvos. But a soul without a partner body can't do any mitzvos!

However, the body is busy with its own needs. The body needs to eat. The body needs to sleep.

Of course, the soul agrees to all of that. The soul also understands that G-d created the body in such a way that it needs to eat and sleep. But here, the soul cries out, where's the limit? Aren't eight hours a night enough? Do you really need ten? Isn't it enough to eat three meals a day? Do you really need five? That's what the soul complains to the body—“I give you the majority of the day! Eating, drinking, sleeping and other bodily needs ‘burn up’ most of the day! Give me one hour of the day! At least give me a half-hour a day—give me something! Even an inmate in prison has rights!”

And this brings us to our holiday of Shavuos.

The holiday of Shavuos reminds us that we are Jews and that G-d gave us the Torah—and that we, thank G-d, are not under the control of wardens in a prison. And as such, we have the ability to study the Torah and keep the mitzvos without any interference.

And so it is certainly incumbent upon us to study Torah with groups of other Jews—because the holiday of Shavuos reminds us that just like G-d taught the Torah to us, we are obligated to teach the Torah to others.

Good Yom Tov!