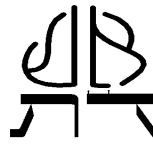


Toras



Aish

Thoughts From Across the Torah Spectrum

RABBI NOSSON CHAYIM LEFF

Sfas Emes

The Sfas Emes is working here with the following text (Shemos 23:20-21), "Hi'nei ano'chi sholei'ach mal'ach le'faneh'cha lish'morcha... hi'sha'mer mi'pahnava, al tah'mehr bo..." (ArtScroll: "Behold! I send an angel before you to protect you... do not rebel against him...")

This ma'amar is basically the Sfas Emes's analysis of that pasuk. His analysis focuses on the links and allusions that, to his fertile mind, connect two words. One word is mal'ach (ArtScroll: "angel"; more generally, a messenger), i.e., an agent who is acting totally on behalf of the one who charges him/her with his/her task. The other word is: "mela'cha", -- mission or task. The context in which the word me'la'cha often appears is the laws of Shabbos. On Shabbos, we may not do mela'chos—activities in which a person may engage during "yemei ha'ma'aseh"—the weekdays.

The Sfas Emes hastens to tell us that on those days, when we are engaged in mela'chos, also contain kedusha (sanctity). The kedusha is hidden in the very activities that we do during those six days of "asiya" (activity). Thus, we should be aware that our doing melacha also enables us to be in contact with HaShem. For, just as the mala'chim are sent to this world to perform missions for HaShem, so too HaShem sent those activities to the world to enable us to fulfill His will. We know that HaShem's Presence permeates the world. The Sfas Emes explains that to match His Omnipresence, HaShem has given us mitzvos in all areas of human activity. Thus, when we are engaged in our weekday activities, we can still connect with HaShem's Presence.

Because the material components of this world are a garment in which HaShem has cloaked His will, the posuk cited above advises us to be especially careful in our weekday activities. During the week, we can relate to HaShem only via the mela'chos that we do with our asiya. By contrast, the Sfas Emes points out, on Shabbos, we can interact with HaShem directly. On Shabbos, HaShem's Presence is not cloaked with the activities of ma'aseh. Accordingly, the Torah proceeds from our interaction with the mal'ach (posuk 20, as quoted above) to our Avoda, pasuk 25: "Ve'avadetem es HaShem" ("And you shall serve Ha Shem").

The Sfas Emes applies this framework to explain a key feature of our davening on Shabbos. During the week, a major portion of our prayer consists of petitions for Divine help. The Sfas Emes notes that our tefilos on Shabbos do not include such requests. Why so? The Sfas Emes explains that our more intimate relationship with HaShem on Shabbos obviates the need to petition Him then.

A final question. Why does our prayer on the weekdays spend so much time asking HaShem to fulfill our requests? Clearly, the reason is not to inform HaShem of our needs. He knows our needs better than we do. Rather the purpose of our petitioning HaShem is to remind ourselves of our utter dependence on Him. On Shabbos we can be mindful of our relationship with HaShem even without our petitions.

Parshas Shekalim, 5631

The Sfas Emes begins this ma'amar by quoting from the first mishna in Maseches Shekalim: "On the first day of Adar, we inform people about their obligation to donate a half shekel to the Beis HaMikdash and about kilayim (that is, the obligation, when planting one's field, to avoid mixing seeds of different plants, such as grapes and wheat)."

The Sfas Emes poses a basic question: Why were these announcements made specifically in the month of Adar? The Sfas Emes answers that the month of Adar resembles the month of Elul in certain important ways. We know that Elul is the month before the end of one year and the beginning of a new year that begins with Rosh Hashana. Thus its position as a potential turning point in our lives makes Elul a propitious time for doing teshuva, for repenting. So, too, the Sfas Emes tells us, the month of Adar immediately precedes the new year that begins in Nisan. Thus, Adar is also well placed for a person to look inside himself and do teshuva. Because of its importance, Adar is a good time for making the key announcements mentioned in the mishna.

But, notes the Sfas Emes, there is an important difference between teshuva in Adar and teshuva in Elul. In Elul, we do teshuva from yirah (fear or a sense of awe). By contrast, in Adar, we can more easily do teshuva out of a sense of love (ahava) for HaShem. Indeed, that is why we experience heightened joy? simcha—in Adar. When Adar comes, our expansiveness and good feeling toward HaShem increase.

**TORAS AISH IS A WEEKLY PARSHA NEWSLETTER
DISTRIBUTED VIA EMAIL AND THE WORLD WIDE WEB.
SUBSCRIPTIONS ARE AVAILABLE FOR MORE
INFORMATION**

EMAIL YITZ@AISHDAS.ORG

**COPIES OF TORAS AISH ARE AVAILABLE FROM THE
FOLLOWING ADDRESS ON THE WEB (WWW) :
HTTP://AISHDAS.ORG**

The material presented in this publication was collected from publicly available electronic mail, computer archives and the UseNet. It is being presented with the permission of the respective authors. Toras Aish is solely the work of the AishDas Society, and does not necessarily reflect the views of any given synagogue.

**TO DEDICATE THIS NEWSLETTER PLEASE CALL
973-472-0180 OR EMAIL YITZ@AISHDAS.ORG**

That is the reason for our obligation to donate half a shekel to the Beis HaMikdash. Obviously HaShem does not need our donations. What He wants is to give us the opportunity to awaken our good feelings and dedication toward Him.

(Note, incidentally, that the Sfas Emes has just given us a whole new perspective on giving tzedaka. The conventional view sees us giving tzedaka because of our commitment to observe mitzvos. Ultimately, love for HaShem may enter the process. But that happens only if we work on ourselves diligently enough to do the mitzva not by rote and or out of social pressure but rather because of our love for HaShem. By contrast, the Sfas Emes sees the process as beginning from our love and good feelings to HaShem.)

Every Jew has within him a latent devotion to HaShem. What we need is an activity to express that devotion. The obligation to give the half shekel to the Beis Hamikdash provides such an opportunity. And because Adar gives us an opportunity to express that love for HaShem, we feel more joy!

At this point, the Sfas Emes injects a note of severe caution into the ma'amar by citing a dvar Torah from his grandfather, the Chidushei Harim. The pasuk in Shir HaShirim (7:2) says: "Mah yafu pe'ahmayich bane'alim, bas nadiv." (ArtScroll: "But your footsteps were so lovely when shod in pilgrim's sandals, O daughter of nobles."). The Chidushei HaRim read this pasuk in the following non-pshat manner: The generosity and expansiveness of spirit (he is reading "pe'ahmahyich as "pulse rate," i.e., "spirit") of the Jewish people as the descendants of Avraham Avinu (whose great chesed and magnanimity entitled him to the sobriquet "the Nadiv," i.e., the "benefactor") is so great that it must be locked up ("min'al" = lock). That is, this love can be so overpowering that it has to be watched and controled lest it go outside, i.e., be misdirected. (Anyone familiar with the devotion and love

that too many Jews in Russia and Poland harbored for communism will concur in this comment of the Chidushei HaRim.)

The Sfas Emes continues, addressing a question that may have bothered you earlier. The mishna quoted above juxtaposes two things. First, it specifies awakening people's hearts to nedivus? expansiveness. The mishna conveys his message by requiring all of us to make a donation to the Beis Hamikdash. Then the mishna warns us to be careful to avoid kil'ayim. What is the connection between these two items in the mishna? The Sfas Emes answers this question by offering us a non-pshat reading of the word 'kil'ayim'. He reads the word as an allusion to "locking up" (as in "beis ha'kela" = prison). People must be warned to be careful with their idealism and generosity.

The Sfas Emes concludes: Every year when we read the parsha of Shekalim, our hearts are awakened to give all to HaShem. Unfortunately, we do not have the Beis HaMikdash and thus cannot give our all as an offering. But in any case, HaShem's love for us is awakened, and we can do teshuva with simcha. © 2004 Rabbi N.C. Leff and torah.org

RABBI SHLOMO RISKIN

Shabbat Shalom

“**A**nd he took the Book of Covenant and read it into the ears of the nation, and they said, "Everything which the Lord has spoken we shall perform and we shall hear" (Exodus 24:7).

In this age of internet, mobility and options, thinking individuals expect to receive a broad spectrum of information after which they would have the opportunity to make their own decision as to how to act. The Revelation at Sinai—and the entire legal code which follows the Decalogue and comprises this week's Torah reading—seems to make a very different kind of demand. The Almighty did not provide the Israelites with Ten Possibilities or Six Hundred and Thirteen Choices; they received Ten Commandments and 613 Laws.

Is our Torah life-style imposed upon us or exposed to us? Does the traditional religio-legal system attempt to compel by coercion or convince by persuasion?

A passage in the Talmud would certainly come down on the side of coercion. "And they stood beneath the Mountain (Mt. Sinai—Exodus 19:17)" Rav Avdemi bar Hama bar Hassa said, 'From this we learn that the Holy One Blessed be He forced the mountain above them like a barrel. He said to them, If you will accept the Torah, that is good; but if not, there will be your gravesites...' (B.T. Shabbat 88a).

What is especially problematic about this Talmudic statement is that it seems to stand in opposition to the simple reading of the Biblical text, which insists that the Israelites cried out, "Everything which the Lord has spoken, we shall perform and we

shall hear" (Exodus 24:7). Indeed, it would seem from this very week's Torah reading that this clear acceptance on the part of the Israelites was a necessary prerequisite for the Almighty to have entered into a covenant with these emigres from Egypt. And the fact is that the very word covenant (*brit*) connotes a pact of mutual acceptance, a contract freely entered into and agreed upon by both sides. How could any Talmudic Sage contravene the Biblical words themselves by painting a picture of a mountain above their heads making them an offer that they could not possibly refuse—at least not if they wished continued life!

Subsequent Biblical passages only confirm the plain meaning of the Biblical text which insists on a mutually agreed—upon covenant. So crucial is this freely-committed acceptance by the rank and file of the nation that whenever a fundamental change seems to affect the mentality of the Israelites, it is apparently necessary that there be a re-affirmation of this covenant. Hence, just before they are about to enter the Promised Land, after their 40 years sojourn in the desert, they are called upon to enter the covenant once again, at Mt. Gerizim and Mt. Eyval (Deuteronomy 27:11-26, 29:8-14). And then again, at the end of Joshua's life after the wars for the conquest of the Promised Land have been fought and won, Joshua summons all the tribes of Israel to the City of Shekhem, giving them a choice between serving G-d or serving the Amorite gods, and intensively repeating the crucial importance of the commitment they are about to make. And it is only after the Israelites declare, "The Lord our G-d shall we serve and His voice shall we hear," that Joshua responds with the establishment of yet another covenant. (Joshua 24)

After the destruction of the First Temple, when the Israelites returned to Judea from their Babylonian captivity, Ezra the Scribe publicly reads the Torah before them and initiates a most inspiring event of inspiration and instruction; this "happening" extends through a magnificent Sukkot experience, and culminates in an actual "signing off" on a re-confirmation of the Covenant (Nehemia 8,9). And lest there seems to be any question that our Holy Scripture prescribes a cyclical acceptance of the responsibilities of the Covenant by the Jewish people, there is a special commandment of the Torah that "at the end of each Sabbatical (seventh) year, on the Festival of Sukkot,... the (entire) nation—men, women and children and the strangers in your gates— are to gather together in order that they may learn and revere the Lord your G-d, to observe to do all the words of this Torah" (Deuteronomy 31:112). The great 12th Century Sage Maimonides maintains that "the Torah established this practice (every seven years) in order to strengthen the true religion so that (each Israelite) will see himself as if he were now commanded to accept it and were hearing it from the mouth of the Almighty, rejoicing in trembling just as the day in which it was given at Sinai" (Mishneh

Torah, Laws of Hagiga, 3,6). In other words, every seven years there was to be a re-enactment of the Revelation at Sinai, including the re-affirmation of the Covenant.

It would seem that the Torah is very sensitive to the need of religious leadership to constantly re-inspire the Jews to re-affirm the covenant—for a religious act can only be meaningful if it is done out of free choice and with a devoted heart. So if that be indeed the case, how are we to understand the Talmudic passage which teaches that G-d "forced the mountain over their heads like a barrel?" That passage may be dealing with the laws of inter-personal relationships, between human beings rather than between humans and G-d, which must be coerced if an orderly society is to be maintained. Alternatively, that passage may be referring to individuals who have already accepted upon themselves the entire Torah in theory, but require the added incentive of legal punishments to keep them on the straight and narrow—much like our laws of proper vehicular conduct on the roads. After the Jews have declared that they accept the covenant, they often require a judicial system of enforcement to help them keep the details. But our fundamental task—as parents, educators and rabbis—is to inspire the next generation to want to maintain the treasured life—style of our time-honored tradition. © 2004 *Ohr Torah Institutions & Rabbi S. Riskin*

AISH HATORAH

What's Bothering Rashi?

by R' Dr. Avigdor Bonchek

This Parsha enumerates many "Laws Between Man and Man." The common denominator among them is that the strong is accountable for his treatment of the weak. The person with the upper hand is enjoined to be mindful of those weaker than he and treat them with the respect he would his equals. This point is made at the very beginning of the Parsha when the laws of treating one's servant are discussed. The emphasis is on the servant leaving his master and his servitude (the term "going out" appears seven times in this section—an indication of its centrality). Let us examine verses and their Rashi-comments regarding the laws for treating the stranger.

"You shall not abuse or oppress a stranger, for you were strangers in Egypt." Exodus 22:20

"For you were strangers"—RASHI: If you abuse him, he, too, can abuse you by saying to you 'You too descend from strangers.' With the same fault that you have, don't reproach your fellow man."

This is a strange comment, when you think about it. Rashi is saying that a reason for not abusing the stranger is that he may get even with you and abuse you in response! This is quite a self-centered motivation for not being unjustly abusive. The Torah mentions 36 different times that we should be decent to those less

fortunate, because we too suffered at the hands of the Egyptians. Is this the meaning for this oft-repeated phrase—that we should think twice because he can strike back at us and hurt us too?

To get a better understanding, let us look at another verse in our Parsha which gives a very similar command. "Do not oppress a stranger. You know the soul of the stranger for you were strangers in the land of Egypt." Exodus 23:9

"The soul of the stranger"—RASHI: How hard it is for him when he is oppressed."

Here Rashi emphasizes the emotional empathy one should feel for the stranger because the Jew has "been there" and should be able to appreciate his suffering. So, he should not make it any worse by abusing him.

These two Rashi-comments suggest two very different reasons for being decent to the stranger. One, a self-centered, "take care of yourself" attitude; the other, an empathetic identification with the stranger's plight which will prompt us to treat him fairly. Why the difference?

The Torah actually makes the difference. In one place it mentions: "You know the soul of the stranger"; in the other place it does not. But why this difference?

An Answer: One might want to believe that if a person experienced cruelty himself, he would be quite sensitive to this and be careful not to be abusive to others. Unfortunately people are not always that way. We know that abused children may become abusive parents. Although these parents themselves experienced the terror of such abuse, they could nevertheless perpetrate it on their own children. So having been slaves in Egypt may not be enough of a motivation for some people. These people who are not moved by others' suffering, are appealed to by striking a self-centered theme. Don't do this to the stranger for you may get pain back in spades.

Yet there are more loving, more caring more sensitive people in the world. For these the Torah reminds them that they "know the soul of the stranger" and thus should be careful not to hurt their feelings.

We see how the Torah appeals to all kinds of people, making sure that these different personalities are spoken to according to their viewpoint. © 2004 Rabbi Dr. A. Bonchek and torah.org

RABBI AVI WEISS

Shabbat Forshpeis

The Talmud states that the source of prayer is the biblical phrase: "And you shall serve Him with all your heart." (Deuteronomy 11:13) Service is usually associated with action. One can serve with his or her hands or feet but how does one serve with the heart? The Talmud concludes that service of the heart refers to prayer. (Ta'anit 2a)

Interestingly, Maimonides quotes a slightly different text from this week's portion as the source of prayer. He states that "It is an affirmative commandment to pray every day as it says 'and you shall serve the Lord your God.'" (Exodus 23:25) (Rambam: Laws of Prayer 1:1). What is the conceptual difference between using this source as the basis for prayer and using the text quoted in the Talmud?

Rabbi Yosef Caro suggests that the verse from Deuteronomy cited by the Talmud may be understood as simply offering good advice rather than requiring daily prayer. It may alternatively refer to the service of learning Torah. The text in Exodus, however, deals clearly with prayer. (Kesef Mishneh on Rambam, ibid)

Another distinction comes to mind. Rabbi Shlomo Riskin notes that the text quoted by Maimonides is found in the context of sentences that deal with liberating the land of Israel. It is possible that Maimonides quotes this text to underscore the crucial connection between prayer and action. Prayer on its own is simply not enough.

It can be added that the Talmudic text quoted as the source for prayer may be a wonderful complement to the text quoted by Rambam. Remember the sentence quoted in the Talmud states and you shall serve your God "With ALL your heart." Note the word all. In other words, while one should engage in action, prayer has an important place. Even in a life full of action, the prayer that one must find time for, must be with one's entire, full and complete devotion. It may be true that quantitatively, prayer may have to be limited, but qualitatively it must be deep and meaningful.

The balance between action and prayer is spelled out in the Midrash when talking about Ya'akov (Jacob). The Midrash insists that when Ya'akov prepares to meet Esav (Esau) he prays deeply. Yet, at the same time, he is fully active by preparing for any outcome of this most unpredictable family reunion. The balance between prayer and action comes to the fore. (See Rashi Genesis 32:9)

This idea takes on added significance especially in these days as Israel is under attack. Today our prayers ought to be different, deeper, and more spiritual—with all of our hearts.

And the prayers should be complemented with action. While 400,000 gathered in Israel to speak out on behalf of Jerusalem a few weeks ago, American Jewry has yet to galvanize and bring a million people to Washington. Hundreds of thousands gathered yearly for Soviet Jewry - for Israel we should bring out many more. Such a manifestation would tell the new Bush administration that Israel must be kept strong, and at the same time, and maybe more importantly, remind our brothers and sisters in Israel that they are not alone.

More than ever, we need to internalize the integral connection of productive action with deep

prayer. In that way we could truly serve God with all our heart. © 2001 Hebrew Institute of Riverdale & CJC-AMCHA

RABBI DOV KRAMER

Taking a Closer Look

“**A**nd if a man sells his daughter as a maidservant, she shall not go out the way the (male) servants go out.” (Shemos 21:7) Rashi explains that although a non-Jewish servant must be freed if his master causes permanent physical damage to one of (24 of) his visible body parts (i.e. his tooth or eye), this is not true for a Jewish maidservant (and therefore not true for a Jewish servant either). The "servant" that she is being compared to is not her male (Jewish) counterpart, but rather an "Eved Cana'ani," a non-Jewish servant. The Abarbanel asks how this could be the comparison, as the nation had not yet been introduced to the concept of a non-Jewish servant. It was only later, when the laws of murder are set forth (21:12-21), that this type of servant is established- in order to include the murder of a non-Jewish servant as a capital crime.

Most of the commentators follow Rashi's explanation, however, and the law deduced from this explanation (no release for such an injury) is undisputed. Nevertheless, the Abarbanel makes a valid point; without having a frame of reference, how could this law have been taught at this point? What did the Children of Israel think was being said when Moshe put forth this law?

The Chizkuni, after bringing Rashi's explanation, adds that the plain meaning of the text indicates that one should not have his Hebrew maidservant do things that are only appropriate for a male (Hebrew) servant. "She should not be constantly going out like the servant, whose master sends him on errands by day and by night, in the city and beyond the city limits." "Rather, she should only do things in the house, which is more honorable for her. And besides, she's only a minor (i.e. less than 12 years old)." The verse can therefore be read as, "she should not go out (to do errands) the way a (male Hebrew) servant goes out" instead of, "she shall not be released (from her servitude) the way a (non-Jewish) servant gets released."

"The Torah has seventy faces" (Bamidbar Rabbah 13:15)- i.e. sends many messages simultaneously- and our verse can teach us both the limits of how a Hebrew maidservant becomes free and that we should only give her certain tasks. Still, not every facet of every law, concept or divine intent can be understood by all people at all times. It is possible that when first taught our verse, the nation only understood the latter- that the chores delegated to the maidservant are not necessarily the same as given to the servant. It was only after hearing about the non-Jewish servant that they realized (or were told) that a previous lesson

was "deeper" than its simple meaning. However, once the concept was taught, the verse's full(er) meaning became part of the tradition- a tradition that Rashi was transmitting.

As time goes on, and a person's knowledge base and experience grows (and things previously learned are reviewed), our understanding of things that we once thought we understood grows deeper. There are many concepts that- by necessity- are originally taught on a very simplistic level. Our perception of how G-d runs the world, divine reward and punishment, and the nature of (the six days of) creation (to mention but a few) must develop beyond the grade school level at which we first learned them. If we limit ourselves to first impressions, we will never graduate to a state of higher knowledge. © 2004 Rabbi D. Kramer

RABBI LABEL LAM

Dvar Torah

And these are the laws that you should set before them. (Shemos 21:1)

Like a laid out table (Shulchan Aruch) and prepared for a meal before them. (Mechilta)

It's interesting to note that not one of the many laws mentioned in this week's reading can be properly executed based upon the bare bones of the verses alone. In fact, not one Mitzvah in the entire Torah is capable of being carried into action given only the parameters provided in the text. There are almost 30,000 details that comprise phylacteries and 5,000 in the ubiquitous mezuzah with little information to guide to their uniform completion. What's called "killing"? When does life begin? When does it end? What one person calls "family planning" another calls murder!

The Torah cries out for explanation. There must, by definition, have been a concomitant corpus of information that accompanied the giving of the laws and that is what we call the "Oral Torah". Rabbi Samson Raphael Hirsch uses the analogy that the Written Torah is like the notes to a scientific lecture. Every jot and squiggle has significance. If properly understood it can awaken the actual lecture. The notes remain practically useless to someone who has not heard the lecture from a Master. Therefore in the Oral Torah is the sum of the lecture while the Written Torah is merely a shorthand record. Why was so much left to Oral Transmission? What is the wisdom of this system?

A) It is designed to make easier the carrying of large amounts of information. If one grasps the handle the rest of the package will follow. Theoretically, with a Torah Scroll alone, as a memory queue, the entire oral tradition can be reconstituted and transported compactly throughout history.

B) The Oral Torah provides all the necessary cases that are meant to be applied to the changing material conditions of life. To produce a book that would include all the detailed laws of the various times and

places over 3315 years would be cumbersome and impractical. What sense would it make to speak about the role of electricity on Shabbos before Franklin ever flew his kite? Instead, all the principles that guide the applications of law for all time are found and founded in Written and Oral Law.

C) Even though the Oral Torah can be found in written form it was written in such a way that it must be verbalized. It cannot be read like a novel or an op-ed piece. It invariably needs to be discussed vigorously. This helps to ensure that the ideals of the Torah do not remain on the book shelf alone but are internalized and refined in every generation by the fires of passionate debate.

D) The Oral Torah teaches a method of thought. It is more interested in teaching "how" to think than "what" to think. It is not an answer book. It is process driven by questions. Like a good math class where one must prove a theorem the teacher wants to know how you arrived at your answer. If one gave a correct answer without showing work the grade may be lower than if one showed all the work and made a minor math error. How you got there matters.

E) The Oral Torah was set up in such a way that in order to gain a true appreciation one would have to have had real contact with a living teacher. That real teacher would have to have had more than a passing contact with a real teacher or teachers going all the way back to Sinai link after link.

F) The real benefit here is that the Torah is not just a set of rigid laws or an academic pursuit but rather a system of living. If one would have a chance to witness the behavior of someone whose life is saturated with Torah ideals they would be experiencing a living symphony as opposed to studying sheet music. There are often as many subtleties between the words as in the words. To behold an artful master applying the priorities of principles to the complexities of life is to see Torah being lived and it speaks volumes in volume.

© 2004 Rabbi L. Lam and torah.org

RABBI BEREL WEIN

Wein Online

There is a concept in Jewish law and life that is called "lifnim meshurat hadin" - to enter an area beyond the letter of the law. In old English Common Law, there was a parallel legal system to the English courts known as "equity." It was meant to correct the sometimes-unavoidable moral injustices that could be caused by the strict application and narrow construction of the rules of traditional law and justice. In the Torah reading of Mishpatim we are told the laws and the legal system of Israel. But in 'Parshat Yitro' we were first commanded to do "observe the laws and the teachings (of the Torah) and to be taught the path upon which to walk and the behavior that they should follow." The Midrash states that the phrase "the behavior that

they should follow" refers to this concept of "lifnim meshurat hadin" - doing more than what one may be held strictly, legally, liable to do. Even though, at first glance, this concept appears to be one of super-righteousness, the Talmud defines this concept as one of legal and societal necessity and not solely one of piety and saintliness.

The Talmud relates to us an instance when a well-known rabbi and scholar hired day laborers to move barrels for him. The workers were apparently not up to the task, for many of the barrels fell from their hands and shattered in the process of being moved from one place to another. The rabbi was justly disturbed by this turn of events and in order to protect himself in his claim for monetary damages against the workers, he confiscated their coats and cloaks. The workers objected to this seizure of their personal property and they, together with the rabbi/employer, appeared before the rabbinic judge of the town to have the matter adjudicated. The judge ordered the employer to return the seized clothing to the laborers. The rabbi/employer asked the judge, "Is that the law?" The judge replied, "Yes, that is the law!" The workers, heartened by this initial victory, then asked the judge to order the rabbi/employer to pay them their wages - to pay them for their time spent during the day in his employ. The judge did as they requested and ordered the employer to pay them the wage agreed upon. The rabbi/employer complained again, "Is that the law?" The judge reiterated his decision and said firmly, "Yes, that is the law. It is the law of "lifnim meshurat hadin" - of doing what is moral, even if the technicalities of the law do not require it."

The commentators to the Talmud explain that the employer was held to the standard of "lifnim meshurat hadin" being that he was a well-known Torah scholar and public figure. As far as he was concerned, "lifnim meshurat hadin" had become the actual din, the law itself!

There is another concept in Torah, enunciated by Rabbi Moshe ben Nachman - Ramban - of sanctifying one's self by refraining from acts which are legally permissible to one but do not engender a sense of holiness and Godly service. Thus, there is room to legitimately follow a higher and stricter sense of kashrut than the basic one that renders the food kosher. One can refrain from physical pleasures that the Torah allows, if one feels that those pleasures will interfere with the quest for greater spiritual growth and that they will weaken eventual adherence to Torah discipline. If this concept of self-sanctification is true, as it is, in the realm of the observance of commandments and personal behavior, the concept of "lifnim meshurat hadin" is its natural companion in the realm of business and inter-personal relationships. It is the means of self-sanctification in the mundane and everyday world of commerce, labor, traffic and shopping. The Rabbis of the Talmud warned us that society could not long exist

and prosper in an atmosphere where everyone insists on one's rights to the letter of the law. Courtesy, sensitivity to the feelings and needs of others, the ability to be non-judgmental about others and their apparent behavior, are all aspects of this great concept of "lifnim meshurat hadin."

This is especially relevant to our current Jewish world (and to the general world that we live in as well) where there is an acute shortage of this necessary Torah attitude. In our democratic societies, where we pride ourselves on the strength of the rule of law, we would be wise to realize that there always is a higher rule of law that is demanded of us. It is only that higher rule of law - "lifnim meshurat hadin" - that guarantees the social harmony of society and allows for a full vision of the peaceful human society that the Torah envisions for humankind.

© 2004 Rabbi Berel Wein- Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com/jewishhistory.

MACHON ZOMET

Shabbat B'Shabbato

by Rabbi Amnon Bazak

Two consecutive passages in this week's Torah portion are concerned with the obligations of a guard given an object for safekeeping. In the first one (Shemot 22:6-8), it is written that if the object is stolen from the guard's house, he must swear that he did not take it for himself and he is then not required to pay. "If it is stolen from the man's house... Let the owner approach the court, and let the guard swear that he did not take possession of his friend's object." On the other hand, in the second passage (22:9-12), the guard is obligated to pay if the object is stolen. "And if it is stolen from him he shall pay the owner."

Why are the two passages different? As is well known, the sages differentiated between two types of guards. "The first passage is concerned with an unpaid guard, while the second is concerned with one who is paid... It is reasonable to assume that the second passage deals with a hired guard, since he is responsible in the case of theft or loss." [Bava Metzia 94b]. This distinction is not based on any difference in the text, since the element of pay is not mentioned at all in the Torah. Rather, it is based on logic, in that one who is paid for his services should have a higher degree of responsibility, so it is reasonable for him to be obligated to pay in case of theft.

A look at the text, on the other hand, suggests another difference between the two passages. The first one begins with the words, "If a man gives his friend money or utensils to watch," while the second one starts, "If a man gives his friend a donkey, an ox, a sheep, or any animal to watch." This implies that the difference between the passages depends on the type

of object being guarded, whether it is inanimate or a living animal, and not on the characteristics of the guard.

Some of the commentators claim, in fact, that the two types of concept lead to the same differences. Tosafot quote the Rashbam: "Rabeinu Shmuel explains that logic leads to the conclusion, since it is written 'money or utensils.' Inanimate objects are usually watched for free, since there is no effort involved. The second passage refers to 'an animal,' which can require quite an effort, and it is normal to expect to be paid for guarding it." [Bava Metzia 41b].

In his commentary on the Torah, the Rashbam explains why it is logical to differentiate between the guards depending on the type of object being watched, irrespective of whether the guard is paid or not. "According to the simple interpretation of the verse, the first passage... is related to small items, which the owner gave him in order to watch inside his house. Therefore, if they were stolen from within the house he is not responsible, since he watched them in the same way that he cared for his own property. In the second passage, on the other hand, it is written, 'If a man gives his friend a donkey, an ox, a sheep, or any animal to watch,' and these are usually sent out to a field. It is therefore clear that the owner wanted them to be guarded from the possibility of theft, and therefore the guard is responsible if they are stolen." However, if this is the true reason for the difference between the two passages, why didn't the sages make a distinction depending on the type of article guarded rather than on the type of guard, whether free or hired?

Perhaps the Rashbam felt that the sages understood the Torah was interested in establishing a principle: the higher the expectations from the guard, the higher the level of responsibility that can be demanded. The Torah was written in practical terms, where the expectations were set by the type of object being watched. However, in the time of the sages, when a category based on the types of guards was more common, depending on whether they were paid or not, the concept of the Torah could best be implemented with the type of category that was most common, depending on the type of guard. A man who is paid should have a higher level of responsibility than one who is not, even if he guards over small objects.

RABBI LIPMAN PODOLSKY

Yeshivat Hakotel

We live in the "Age of ADD". For various authentic reasons, educators across America are finding today's students far more difficult to teach than in the past. "What's wrong with these kids?" many teachers complain. "Why won't they learn?" "I don't remember children acting this way when I was a kid!"

As an educator (albeit of post-highschool students), I can commiserate. Teaching-though

potentially one of the most rewarding of professions—can also be one of the most frustrating. "Hello! Is anybody home?" And yet, experience tells me that deep down many of these students truly yearn to learn. Somehow, we have to peel off the outer layers of lethargy and cynicism to penetrate the thirsting soul within. Somehow...

Our Parsha opens, "And these are the laws that you shall place before them." Moshe was commanded to teach the mishpatim, the "logical" mitzvos, to the Jewish people. But how exactly was he intended to "place them before them?" Mitzvos are not tangible objects that can be placed. The entire verb usage appears to be nonsensical!

Rashi reveals that Hashem cautioned Moshe, "Do not to think it sufficient to teach the Jews a few times until they can repeat it verbatim. Rather you must take the trouble to help them understand the underlying rationale and commentary of the Torah." Thus He says, "that you shall place before them." Teach them Torah in the same manner that you would set and prepare a table of food before a guest.

Some "Maggidei-Shiur" (lit. lesson-givers) provide their disciples with a field full of ripe grain and livestock. The teacher bewilders his students with a dazzling display of brilliance aimed far higher than the most adept among them. The students are then expected to harvest the grain, thresh it, grind it, winnow it, sift it, knead it, and bake it. Regarding the beef, they must shecht it, skin it, slice it, salt it, and corn it. Only then can they commence eating their sumptuous corned beef on rye.

Because of the overwhelming psychological enterprise required in advance of any genuine progress, many talmidim despair of ever accomplishing their goal, giving up before they begin (See Tosfos Bava Metzia 21a). Sometimes, tragically, when a talmid humbly approaches his rebbe for a modicum of assistance in this foreboding task, he is bluntly advised to figure it out for himself (See Rashi Eruvin 54b). Consequently, the student remains uneducated.

Other educators opt for the "easy way out" by spoonfeeding. They not only set the table; they take the spoon and place the food directly into the mouths of their talmidim, sometimes even helping them chew, swallow and digest. True, their stomachs are filled, but they are often left with a distinct sense of dissatisfaction. Need they be coddled like babes in arms? Moreover, how will this raw, memorized information help them in the future if they have not mastered the analytical and textual skills necessary to facilitate continued growth? Again, education has met with defeat.

Many teachers of either school of thought would fault the student with this failure. Notice the big red F inscribed aggressively at the top of the student's tests (not to mention the far more problematic lifelong label of "loser" on the student's forehead). In most cases,

though, it is not the student who deserves censure. The student hasn't yet had an opportunity to succeed. It was the teaching method that guaranteed failure.

Furthermore, a class is not one homogeneous unit. As Shlomo HaMelech guides, "Educate the youth according to his way; even when he grows old, he will not swerve from it (Mishlei 22:6)." Each student has his own style in which he can be educated. To impose any absolute methodology on a group of individuals is doomed to fail.

Thus the Torah prescribes the prudent path. The educator must set the table for each student. Firstly, the food should be ready to eat, fully cooked and prepared. Furthermore, it must appeal to the student's appetite; an attractive, Betty Crocker appearance and fragrant, salivary gland-stimulating aroma draw the student to the table and entice him to partake. In other words, the material must be relevant and fathomable to the student, and presented to him in bite-sized, manageable pieces.

But from that moment on the student must do the rest. He must wield his spoon and delve into the delectable delights. He then has to raise the spoon and place it oh so carefully inside his mouth. As the mouth closes, the combined efforts of teeth and tongue help the food slide smoothly into the mouth's interior. There the student slowly but surely chews it, mixing it with a generous dose of saliva to allow the tastebuds maximum pleasure. Thus, the student transforms mere instruction into a capital, culinary experience. By chewing thoroughly, swallowing is facilitated and comprehensive digestion is virtually insured, providing health to both body and soul.

Our students are our future. If they fail, we fail. True, it may be harder to educate nowadays. But what choice do we have? Of one fact we can be sure. He who commanded Moshe to teach the Torah over to His children and taught him how to do so, will do the same for us. But only if we allow Him to do so. To stubbornly hold onto antiquated and outdated methodologies only locks Him out. And ultimately, we have only ourselves to blame.



Error! Bookmark not defined.

Win a fabulous trip to Israel!
Please email Yitz@aishdas.org
or call 973-472-0180 for
more information