

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI DOV KRAMER**

### Taking a Closer Look

**A**lthough the bulk of Parashas Mishpatim is laws, the end of the Parasha reverts to a narrative. "And to Moshe He said go up to G-d" (24:1), i.e. up Mt. Sinai where G-d's presence was. Rashi tells us that this occurred before the "Ten Commandments" were proclaimed by G-d to the nation, as did the rest of the narrative through verse 11. Mechilta d'Rabbi Shimon Bar Yochai brings several parallels between these verses and verses in Parashas Yisro to prove that this is a repeat of that narrative (with additional details) and not a separate one (that would have occurred after the public revelation). This Midrash is quoted in the Midrash Hagadol as well.

The first parallel is with 19:3 ("and Moshe went up to G-d"), which the Midrash also uses to show that Moshe didn't go up on his own, but was summoned there by G-d (as G-d had told Moshe to go up in 24:1). The second parallel made is regarding the inclusion of Aharon ("you and Aharon" in 24:1 and "you and Aharon with you" in 19:24). The presumption is that Aharon didn't go up Mt. Sinai afterwards (see 24:13-14), so both being included indicates that it is the same narrative. Even though in Mishpatim Nadav, Avihu and the Elders also went up (24:1 and 24:9) while in Yisro only Moshe and Aharon went up but not "the Priests and the Elders" (19:24), since Aharon ascended higher than everyone but Moshe it could refer to how high they went and not whether or not the others ascended at all. The third parallel is between everyone mentioned "bowing from a distance" (24:1) and "the nation standing from afar" (20:18). Although in Mishpatim Moshe is included in the "you shall bow from a distance," this can refer to Moshe joining them in prostration before climbing higher while everyone else stayed far away. The fourth parallel is between "Moshe alone approaching [G-d]" (24:2) and "Moshe approach[ing] the darkness" while everyone else kept their distance (20:18). These last two parallels are a bit tricky, as they were said after the "Ten Commandments," making it difficult to use them to prove that this narrative occurred beforehand.

**As you read these divrei torah, please keep  
Esther Malka bas Kayla  
in mind for a Refuah Shelaima**

Nevertheless, 24:15-18 refers to the reaction of the nation to the might and power of the public revelation and to hearing G-d's voice with their own ears. It can therefore be said to be describing what happened before and during the revelation, not afterwards. Aside from the ability to argue against all of these parallels, what caught my attention was a seemingly obvious parallel that was omitted.

"And the entire nation answered in one voice, and they said, 'all of the things that G-d spoke we will do.'" This acceptance of G-d's commandments (24:3) is almost word for word how it was described earlier (19:8), "and the entire nation answered together, and they said, 'all that G-d has spoken we will do.'" How could the Midrash leave out the most powerful of parallels?

Despite the almost unanimous agreement among the Midrashic sources that the narrative described in 24:1-11 occurred before the public revelation, many Rishonim (early commentators) are of the opinion that it is describing events that occurred afterwards (see Ramban, Ibn Ezra and Rashbam). Among the ramifications of this approach is that the famous acceptance of "na'aseh venishma," we will do and we will listen (24:7) occurred not as a prelude to being given the Torah, but after they had already heard G-d proclaim the "Ten Commandments." They had already agreed to accept G-d's commandments (19:8), repeated this acceptance afterwards (24:3), and then reaffirmed that they will not only do all things that they had already been commanded, but are willing to listen to (and accept) any additional commandments G-d has for them. It is quite obvious that making a commitment over and over again to listen to G-d is not merely a repetition, but a recommitment that helps maintain the strength of the original commitment.

One of the reasons given why the Torah doesn't give an exact date for Shuvuos (telling us only that it is on the 50th day after the first day of Pesach), and for it not being called "Zeman Matan Torasainu" (the anniversary of the giving of the Torah) in the Torah (only in Rabbinic literature and liturgy) is that accepting the Torah is not a yearly occurrence, but something to be done every day. This is also apparent from our requirement to say the Shema twice a day (once in the morning and once in the evening), in which we "accept the yoke of the heavenly kingdom" and "the yoke of [G-d's] commandments." Even though we have just

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reaffirmed our commitment that morning, we must do so again at night. It would seem, then, that despite utilizing other somewhat tenuous parallels to make the case that that narrative described in 24:1-11 was before the public revelation, a repetition of the commitment to follow G-d's commandments (using almost the same words) could not be employed to bolster it. After all, we make that same commitment again and again on a continuing and constant basis.

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#### MACHON ZOMET

## Shabbat B'Shabbato

by Rabbi Amnon Bazak

**T**he following verse from this week's Torah portion is hard to understand: "If you see your enemy's donkey kneeling under its burden, and you will refrain from helping him, help together with him" [Shemot 23:5]. It is assumed by all the commentators that the mitzva "help... him (azov ta'azov)" refers to giving support and encouragement, as is written with respect to the walls of Jerusalem: "And they supported Jerusalem up to the wide wall" [Nechemia 3:8]. However, this commandment seems to completely contradict the first part of the same verse, "you will refrain from helping him," evidently implying that it is permitted to refuse to help.

The commentators made various suggestions in an effort to explain the verse. Rashi writes that the words "you will refrain..." should be read as a rhetorical question: "If you see your enemy's donkey kneeling under its burden, can you refrain from helping him? Help together with him!" The problem with this interpretation is that the Hebrew word used, "vechadalta," does not imply a question at all. Ibn Ezra feels that the two halves of the verse are indeed opposites. "You will refrain from helping him" means that one is really allowed to leave his enemy to do the work himself, but that he must at least give him a minimum of support, "help together with him," by releasing the donkey from its burden. "We can leave the main work for him to do, but we should help him release the ropes so that the burden will fall to the ground on each side, and the donkey will be able to rise." Chizkuni explains that the phrase "you will refrain from helping him" is meant in a negative sense:

"Beware not to refrain..." Kassuto feels, using Arabic as a source, that the verb "azov" has two meanings, to leave somebody and to help him. The first part of the sentence means, "Do not abandon him," while the second part means to provide help. With all of these explanations, we are still left with a question: Why did the Torah write the verse in such a way that it seems at first glance to be made up of two opposite statements?

Evidently the simple explanation of this verse is that different situations exist. In one case, a person is indeed allowed to ignore his enemy's problems and refrain from giving help. In the second case, such inaction is prohibited. As is written, "There are times when you help, there are times when you may refrain" [Mechilta D'Rebbe Yishmael, Massecta D'Kaspa, 2]. The sages write in another place, "If the owner sits himself down and says, you are obliged to do a mitzvah, you are not required to do it alone, since the Torah says 'with you'" [Bava Metzia 32b]. This seems to fit in with the way the verse is written. Since the other person is an enemy, the Torah does not insist that he be given help and it allows the person to refrain from giving help "to him." However, if the enemy participates in the effort, the person is obligated to help, "with him." The point of departure is that work done in partnership might even lead to peace between the enemies. With this explanation, the verb "azov" has the same meaning in both parts of the verse, and the word "refrain" is easily understood.

#### RABBI YISSOCHER FRAND

## RavFrand

**T**he commentaries struggle to provide a simple interpretation of the pasuk [verse] in our parsha that begins with the words: "When you will see the donkey of your enemy lying under its burden" (Ki tir'eh chamor son'acha rovetz tachas ma'aa'oh...) [Shmos 23:5]. The pasuk continues "and you will stop from helping him" (v'chadalta mei'azov lo) and concludes with the words "you shall surely help along with him" (azov ta'azov eemo). Rashi points out that the word "azov" at the end of the pasuk does not have its usual connotation of abandonment. That interpretation would not make sense in the context of this Commandment. Rather, here "azov" means providing aid or help. Rashi cites other Biblical pasukim where the verb "azov" means to provide help.

Even before we reach the word "azov", however, there is a difficulty in this pasuk. What do the words "v'chadalta mei'azov lo" mean? The normal translation would be "and you stop from helping him". Rashi says that this too could not be what the Torah means. Rashi therefore gives the unusual interpretation that the phrase is to be followed by a question mark-as if to ask rhetorically, "Will you not help him?" To which the pasuk continues with the answer, "No. You should certainly help him."

However, Rashi also quotes a Mechilta that teaches that the Torah purposely worded this Mitzvah in an ambiguous fashion. The Torah did so in order to teach us that there are indeed situations when one is allowed to not help the struggling donkey. An example of this permission to ignore the plight of the animal is a "zaken, v'ayno l'fi kvodo"-an elderly person and a person for whom it would be beneath his dignity to unload the burden from a donkey. This is medrashic exegesis. The simple interpretation of the pasuk according to Rashi, however, is "And you would think not to help him? Certainly you should help him!"

The Kli Yakar makes an interesting comment that reveals that he opposed welfare, or "big brother handouts" to the unfortunate. The Kli Yakar notes that the pasuk first says "v'chadalta mei'azov LO" [you will refrain from helping HIM] and then concludes "azov ta'azov EEMO" [no- certainly help WITH HIM]. The Kli Yakar comments on the change of pronoun in the two phrases from LO [him] to EEMO [with him]. The Kli Yakar asks, "Why does the Torah not use the same pronoun consistently?"

The Kli Yakar answers that "LO" means helping TO him, giving him help; "EEMO" means helping WITH him. The owner of the donkey is not allowed to wait for another Jew to come along and then tell him "since this is your Mitzvah, go unload my donkey for me." The Torah is saying that if the donkey owner wants to be helped while he sits there and watches, then one may abstain from offering such help-v'chadalta me'azov lo. What does the Torah demand? "Azov ta'azov EEMO"-help TOGETHER, WITH HIM! If the "enemy" rolls up his sleeves together with "you", then you should help him.

Thus, unlike Rashi who interprets the first part of the pasuk as a question, the Kli Yakar learns that the Torah starts out by saying one should not help, and concludes by saying one should help. How is that? It all depends: if he does not try to help himself, do not help him. If he is working at unloading the donkey himself but needs assistance, then indeed help him.

The Kli Yakar provides a sociological comment: From here we see a rebuttal to some poor people in our nation who throw themselves upon the community to provide their needs, but they themselves are unwilling to do any kind of work, even though they are able-bodied. They do not want to lift a finger to support themselves, but turn to others and say "it is your mitzvah to give me tzedakah." G-d does not require that of us. The Torah advises us to help our neighbor-EEMO-together with the effort that he himself makes to meet his own needs. This is a nice homiletic interpretation by the Kli Yakar, but the "peshat" [simple reading] of the pasuk is much closer to Rashi's interpretation.

The novelty of this Mitzvah is that we are dealing with a person who is one's sworn enemy. Our

inclination would certainly be to not help him. The Torah teaches us that we should overcome our inclinations and help him out. The truth of the matter is that there is no better way of restoring friendship and mending fences than to help out one's enemy.

### A Thought In Honor of the 125th Yahrtzeit of Rav Yisrael Salanter

This Erev Shabbos, the 25th of Shevat, is the 125th Yahrtzeit of Rav Yisrael Salanter. I happen to remember that on the 100th Yahrtzeit, Rav Ruderman, who was a student of the Alter of Slabodka, who in turn was a disciple of Rav Yisrael, came into the Beis Medrash and gave a special lecture on the personality of Rav Yisrael Salanter and the mussar movement in general. Rav Ruderman felt very close to the entire mussar movement and in fact named Ner Israel, the Yeshiva he founded, after the founder of the mussar movement-Rav Yisrael (Lipkin) of Salant...

We have all, in one way or another, been affected by the mussar movement. On the occasion of this special Yahrtzeit, I therefore would like to relate the following story about Rav Yisrael. May it be a source of merit for him.

Rav Yisrael was once traveling by train from Salant to Vilna. In those days, it was not prohibited to smoke on the train. Rav Yisrael was smoking a cigar. (It may be hard for us to picture the founder of the mussar movement smoking a cigar, but in those days it was a sociologically different experience.) A much younger person came up to him and started yelling that the cigar smelled up the car. Although technically he was within his rights to keep on smoking, being who he was, Rav Yisrael extinguished the cigar. He felt so bad about it that he opened the window to air out the car. Then this same fellow started yelling at Rav Yisrael that the car was too cold because he opened the window. He humiliated Rav Yisrael with his tirades. Rav Yisrael closed the window.

When they arrived in Vilna, the young man noticed there were hundreds of people waiting to greet Rav Yisrael. He found out who Rav Yisrael was and started crying to the rabbi with profuse apologies. Rav Yisrael said he forgave the man. The man then began pouring out his heart to him. He told Rav Yisrael that he came to Vilna because he needed a livelihood and had no job. He was a shochet but in order to receive a slaughterer's license he needed a "kesav kabalah" (written Rabbinic permission) from one of the Rabbis in Vilna who issued such licenses.

Rav Yisrael told him that he had a son-in-law who was a Rav in Vilna. He offered to write him a letter of recommendation and sent him to his son-in-law for a test for his Shechita license. Unfortunately, when he went to the son-in-law for the test he failed it miserably. He returned to Rav Yisrael and again cried to him with his tale of woe. Rav Yisrael found him tutors to learn

with him and they prepared him for the test, which he was eventually able to pass. He finally received his "kesav kabalah" from Rav Yisrael's son-in-law.

When he was about to leave Vilna he came back to Rav Yisrael and said to him: "it was nice enough that you forgave me for my rudeness in the train, but the fact that you sent me to your son-in-law with a letter of recommendation and found tutors for me when I failed-why were you so nice to me?"

Rav Yisrael responded, "Anyone can say the words 'I forgive you.' But the only way I felt it would be possible for me to really forgive you was to get to like you. The only way to get to like someone is to help him. The key to becoming someone's friend is not to take from him but to give to him. I wanted my forgiveness to you to be sincere and not merely lip service. In order to be able to forgive you with a full heart, I really had to be able to go out of my way a bit to help you. This was not YOUR golden opportunity. It was MY golden opportunity."

This is exactly why the Torah singles out the fact that the burdened donkey belongs to "your enemy". One might be thinking to himself "This could not have happened to a nicer guy." One's natural inclination is "v'chadalta me'azov lo"- "I don't want to help this guy."

Therefore the Torah commands: "You shall surely help him". The only way to overcome this situation of enmity is by, in fact, helping him. There used to be a bumper sticker: "Love your enemies-It will drive them crazy". This is not a mussar idea. The mussar idea is "Love your enemies, and they won't be your enemies anymore!"

That was what the mussar movement was all about-to teach people how to overcome their natural inclinations and to live up to the standards of "man created in the Image of G-d". © 2008 Rabbi Y. Frand & [genesis.org](http://genesis.org)

#### **RABBI SHLOMO RISKIN**

### **Shabbat Shalom**

“**A**nd if two men strive together, and hurt a woman, causing her to miscarry, and there is no fatal harm he shall surely be fined...But if fatal injury [to the mother] follows, then you shall give life for life" (Exodus 21:22-23)

A mother's right to abort vs. the fetus' right-to-life remains an explosive issue even today. Jewish law has an ethical, but also a pragmatic, approach to the question of abortion. In this week's portion, Mishpatim, we learn that a woman who miscarries as a result of being accidentally injured by two men fighting amongst themselves, is rewarded a monetary compensation for the unborn child; but if the injury is fatal to the woman, the punishment is much more severe: a life for a life, as noted in the above quote.

The rabbis gleaned from these two cases that a fetus was not considered a life. The basis for this

interpretation is found in a Mishnaic ruling on the question of a life-threatening pregnancy: "If a woman suffers a difficult childbirth, we are allowed to destroy the fetus in the womb, removing the fetus limb by limb, because the mother's life takes precedence over the child's. But if the head [or major portion of the body] of the child has emerged, the newborn cannot be harmed because one life cannot push aside another life." (Mishnah Ohalot 7:6)

This view, however, which seems to look upon the fetus as less than life, is not the only one we find among the Sages. In the Talmud, Tractate Erchin, 7a and 7b, R. Nachman reports in the name of Shmuel that if a pregnant woman dies on the Shabbat before the time of birth, we must do whatever is necessary in order to remove the fetus, even if it means desecrating the Shabbat. This means that the Sabbath may be violated to possibly save the life of a fetus - that a fetus is considered to be a life!

The ruling of Maimonides (1194-1270) sheds light on the true nature of the fetus, thereby orchestrating the various Talmudic sources. We can't help but notice that his abortion law appears in a section devoted to the Laws of Murder and saving a life (Chapter 1, Halacha 9). In codifying the law that the mother's life takes precedence over the fetus as long as the fetus is inside the womb, but once the head has emerged, one life is not pushed aside for another life. Maimonides adds an explanation: we are obligated to destroy the fetus when the mother's life is threatened because the fetus is considered a "rodef," a pursuer, in effect, a murderer.

Earlier in this very same chapter, Maimonides rules that if we come upon a "rodef" (a potential murderer clutching a knife in hot pursuit of someone in desperate flight), we are obligated to do what it takes to stop the pursuer, even if it means killing him. Now were the fetus to be considered as merely a part of the mother's body, like another limb or organ, we would certainly be obligated to amputate the "limb" to save the mother's life; the notion of referring to the fetus as a "pursuer" would be totally superfluous. Hence, Rav Hayim Soloveitchik explains that while the fetus prior to its entry into the world is not yet a person, a "soul," neither is it a mere "piece of meat" or even a limb or organ of its mother: it is rather potential life, a potential soul. As such, it may be sacrificed to save the mother's life, because it is endangering the mother's life like a rodef, but one may also desecrate the Sabbath in order to save this potential soul.

In Judaism, what determines the "right of life" for the fetus is its potential danger. If it "pursues" the mother, threatening her life, then the fetus must be destroyed; if genetic testing finds that it will be born with Tay -Sachs or a similar disability which will mean that the baby will only live for a brief period, the fetus is not a potential life but a potential "treifa" (truncated and

limited existence), and abortion may be justified. If there is psychological damage to the mother's state of mind with a problematic birth less which is less serious than the afore-mentioned instances, this must be judged by rabbinical and medical counseling on a case-by-case basis. But when no mitigating circumstances exist, and the proposed abortion proves to be only a desire to get rid of an inconvenience, Jewish law would question such a decision and clearly forbid the taking of potential life.

One of my most moving experiences involved a couple who had been married for years without being blessed with children. Finally, the woman did give birth, to a baby who survived only a very short time due to severe genetic difficulties. .

During the week of shivah, a congregant asked me to speak to a relative of his-all of 15 years old-who had gotten pregnant by her boyfriend and was about to go through an abortion. The young mother-to-be agreed to meet, and during the course of the talk she was convinced not to abort her fetus but to give the baby up for adoption once it was born, specifically to this family that had just suffered the tragic loss of the month-old baby.

It's not very difficult to imagine the joy we felt at the bat mitzvah celebration of this young woman, practically snatched from the knife of the abortionist. When she was married - and I was honored to be sandak (G-d-father) at the circumcision of her son, I truly understood to what extent a potential life is indeed a potential world. © 2008 Ohr Torah Institutions & Rabbi S. Riskin

#### **RABBI BORUCH LEFF**

### **Kol Yaakov**

**W**e have been called the Chosen People since time immemorial. But what exactly happened to grant us this exalted title? The answer lies in a profound understanding of the famous Jewish retort to an anti-Semitic remark. The anti-Semite said, "How odd of G-d to choose the Jews!"

Answered the Jew, "Not so odd, the Jews chose G-d!"

Towards the end of Parshat Mishpatim, the story of the events surrounding the Sinai Revelation is told. The Torah records the famous response of the Jewish People to G-d's offering of the Torah to them: "Everything that G-d says, we will do and we will hear (Na'aseh VeNishma)!" (Shemot 24:7).

This statement is deemed so significant that the Talmud (Shabbat 88a) states that when the Jewish Nation said 'Na'aseh VeNishma,' 600,000 angels descended from heaven to place two crowns, one for Na'aseh and one for Nishma, upon the head of each Jew. G-d proclaimed, "Who revealed this secret to my children! This is the secret of the heavenly ministering angels!"

Continuing in this vein, the Midrash (Sifri, Zot HaBracha 2) describes G-d offering the Torah to other nations of the world, and their rejection. Each time G-d came to one of the nations to propose His Torah to them, they asked, "Well, what's in it?" When G-d proceeded to mention a few of His commandments, all of the nations gave reasons why they could not accept it, why some of the laws were just too difficult for them to observe. Until G-d came to the Jews and they said, "We will do and we will hear!"

These Midrashic sources are usually understood as a display of the crowning greatness of the Jewish people's acceptance to do anything that G-d says, even before they are told what the command might be. This is certainly true. But what is often ignored is the reaction of the nations. We usually think that while the Jewish response is extremely praiseworthy, the reaction of the nations is understandable. After all, is it not logical that before you enter into an agreement, you read the fine print? But this assumption is wrong.

Who is the one doing the offering? It is the Creator and Sustainer of the Universe. He is the One who knows each individual nation's strengths and weaknesses. If G-d proposes something to you, even something that might seem difficult to keep, such as 613 Commandments in a Torah, He knows that you are capable of accepting it. If you weren't, He wouldn't be offering it to you.

The very fact that the nations asked G-d, "Well, what's in it?" is a rejection of G-d. It shows a lack of trust in G-d and His concern for your welfare.

You don't have to ask G-d for details if He is making you an offer. You trust that G-d has your best interests in mind, and you know that saying "yes" to G-d, without knowing any of the details, is the only compelling course of action.

This is precisely what Rava (Shabbat 88a-b), one of the great Rabbis of the Talmud, said in response to a verbal attack on the Jewish people. "You are an impetuous nation! You spoke before you listened! How could you have accepted the Torah before you heard how hard its laws were?" Rava replied, "We acted as lovers do. We had the trust that G-d would not give us any commands that we were not capable of carrying out!" (Rashi's explanation.)

This type of trust in G-d was necessary at the time of the Giving of the Torah at Sinai. But it is also needed today for all of us. There are many times when we feel that we are incapable of fulfilling the Torah's demands. It is just too difficult for us. But if we would realize that G-d, the One who knows our strengths and weaknesses personally is doing the asking, we would understand that we must have the ability to accomplish what G-d wants of us. It may take time until we master a particular spiritual area and we should always work on things slowly and gradually, but all along we must

trust in G-d and His demands of us. We can do it, if G-d is telling us we can.

The same is true regarding life struggles and tests. The key to passing these life challenges intact is the realization that if G-d has placed me in my predicament, I must be able to pass the test. This is the beginning of the kind of acceptance of a challenge that is necessary in order to survive spiritually. As the famed self-help author, M. Scott Peck, begins his book, "The Road Less Traveled":

"Life is Difficult. This is a great truth, one of the greatest truths. It is a great truth because once we truly understand and accept it, then life is no longer difficult. Because once it is accepted, the fact that life is difficult no longer matters."

What Peck writes is true. As believing Jews, though, we have a double advantage. We know that not only will there be difficulties in life and that is the way things are supposed to be, but that it is G-d that gives us our individual tests and knows that we can succeed in conquering our personal challenges.

We are descendants of the great ones who said to G-d, "We trust You. We know that whatever You command and whatever challenges You send us are for our good." Let us live this trust in our own daily life struggles. © 2008 Rabbi B. Leff & aish.org

#### RABBI BEREL WEIN

### Wein Online

**T**he Torah follows its exhilarating and inspirational description of the revelation at Mount Sinai with a rather dry and detailed set of various laws that are to be followed by the people of Israel. It is one thing to be inspired and thus acquire great ideals. It is another thing completely to be able to transfer those ideals and inspiration into everyday life on a regular basis.

We are all aware that the devil is always in the details. It is natural to agree that one should not steal or murder. But what is really the definition of stealing? Is taking something that originally did not belong to you always considered stealing? How about grabbing my neighbor's rope and using it to save a drowning person? Is that also stealing? Is self-defense murder? Are court imposed death penalties murder?

How are we to deal with such complex moral issues? This is really the crux of all halacha and this week's parsha serves as our introduction to the concepts of Jewish law. Without an understanding of the practice of halacha, the great ideals and inspiration of the Torah are almost rendered meaningless and unachievable.

The Torah concentrates not only on great ideas but on small details as well. From these small details spring forth the realization of the great ideals and the ability to make them of practical value and use in everyday life. Hence the intimate connection between this week's parsha and the revelation at Mount Sinai

discussed in last week's parsha. There is a natural and necessary continuity in the narrative flow of these two parshiyot of the Torah.

I think that this idea is borne out by the famous statement of the Jewish people when asked if they wished to accept the Torah. In this week's parsha their answer is recorded as: "We will do and we will listen." All commentators and the Talmud comment upon the apparently reverse order of this statement. People usually listen for instructions before they "do." But the simple answer is that the people of Israel realized that listening alone will be insufficient.

The great and holy generalities of the Torah are valid only if they are clearly defined, detailed and placed into everyday life activities. We have to "do" in order to be able to "listen" and understand the Torah's guidance and wishes fully. The Talmud records that a non-Jew once told a rabbi that the Jews were a "hasty and impulsive people" in accepting the Torah without first checking out its contents. But in reality, that holy hastiness of Israel was a considered and mature understanding that a Torah of ideas and inspiration alone without a practical guide to life would not last over the centuries of Jewish history.

Only those who are willing to "do" and who know what to "do" will eventually appreciate intellectually and emotionally the greatness of Torah. Only then will they be able to truly "listen" and appreciate the great gift that the Lord has bestowed upon Israel - the eternal and holy Torah. © 2008 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](http://www.rabbiwein.com). For more information on these and other products visit [www.rabbiwein.com/jewishhistory](http://www.rabbiwein.com/jewishhistory).

#### RABBI AVI WEISS

### Shabbat Forshpeis

**A**s the Jews stood at Mt. Sinai receiving the Torah, they "ate and drank." (Exodus 24:11) Isn't this inappropriate, especially when considering the holiness of the moment?

Rashi, in fact, maintains that the people acted improperly. It can be suggested that only because of divine mercy were the Jews spared a punishment. So, at the very moment of revelation, G-d manifests Himself as loving and forgiving. Unlike Rashi, Targum insists the Jews did not literally eat and drink - for it would never enter their minds to do so at such a powerful time. Still, he suggests that the moment of revelation was so exalting, it was as if they ate and drank. Although Rashi and Targum disagree as to whether the Jews actually ate or drank, both maintain that it is wrong to do so during a moment of deep spiritual experience.

Ramban sees it differently. He maintains that while the Jews did eat and drink, it was not

inappropriate. They ate the peace offerings, and drank, making it "an occasion for rejoicing and festival...Such is one's duty to rejoice at the receiving of the Torah."

Here, Ramban offers a critical insight. While some insist that the pathway to spirituality is the suppression of the body, others maintain that the pathway to G-dliness is to sanctify the physical. In fact, the very essence of halakhah is to take every moment of human existence and give it spiritual meaning.

For most faith communities, a moment of revelation could never involve eating and drinking. Ramban points out that for the Jewish people, physical enjoyment may not contradict Divine revelation. After all, the goal of Torah is to connect heaven and earth.

Once, Rabbi Samson Raphael Hirsch decided to vacation. He was asked by his followers how he could indulge himself in such frivolity. Rabbi Hirsch responded that when, after death, he would come before G-d, G-d would ask him, "Shimshon, why didn't you see my Alps?" R. Hirsch said that he wanted to have what to answer. For Hirsch, the Alps are manifestations of G-d's creative power. Through an experience of pleasure, he was able to experience the Divine.

And at the moment of revelation, we are taught a similar message. Torah is not meant to separate us from the real world of physical needs and desires. Even eating and drinking can enhance the most holy of moments. © 2008 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale.

#### **RABBI NAFTALI REICH**

### **Legacy**

**T**he gavel bangs down, and the room falls silent. The defendant approaches and stands before the three solemn judges. One of them begins to speak. "Young man, you have completed your six-year term of indenture and are free to return to a life of liberty. But you wish to remain a Jewish slave in your Jewish master's house and not take on the responsibilities of liberty. You heard the Creator declare, 'The Jewish people are my slaves,' and yet you choose to be the slave of a slave! Therefore, we will drill your right ear. Then you may remain indentured until the Jubilee year."

This scene dramatizes the instructions with which this week's parashah opens. But how are we to understand them? When a person violates any of the commandments he "heard," the Torah does not require that we physically drill a hole into his ear. Why then are we instructed to use this drastic method to point out the folly of choosing slavery to humans over slavery to Hashem?

Let us consider for a moment. A master has complete control over his slave and demands absolute

obedience. We consider this a negative relationship to which we attach the pejorative term slavery. Parents and kings also have complete control and demand absolute obedience. Yet we consider these positive relationships. How do they differ from each other?

The answer is really quite simple. The slavemaster exercises authority to serve his own interests. The parent and the king exercise authority for the benefit of their children and subjects, and if they lose sight of this purpose, their authority loses its legitimacy.

When Hashem took the Jewish people out of Egyptian bondage on the condition of their absolute subordination and obedience, it was clearly not to serve His own needs. What could we possibly give Him that He does not already have? Hashem, by definition, is perfect and without needs. Rather, our subordination was completely for our own benefit. By loving Hashem unreservedly and submitting completely to His wisdom and will, we would rise above our mundane physical existence and elevate ourselves to the realm of the divine. By accepting the values and ideals of the Torah, we would free ourselves from the tyranny of our corporeal needs and pursuits, and experience the exhilaration of the transcendent expansion of our souls, minds and spirits. This was not slavery in the negative sense. It was the priceless gift of absolute attachment to the Creator of the Universe. It was an opportunity to bring ourselves to the highest levels of existence and fulfillment.

The Jewish slave who chose to remain in bondage heard Hashem speak of us as His "slaves"-but he did not really hear. To him, slavery to Hashem and to a man were one and the same, and to suit his comfort and convenience, he chose slavery to a man. Therefore, we drill his ear as a symbolic penetration to his consciousness, to help him truly "hear" what Hashem had said. As a "slave" of the Creator, he had been given the opportunity to gain eternal life on the very highest level, and instead, he chose the base existence of a bonded slave who lived only to fill his master's needs.

Two friends went to study in the school of a famous philosopher in a distant city. The older one, a brilliant fellow, attended all the lectures of the philosopher religiously. The younger one, however, also devoted every waking moment to the philosopher, hanging onto his every word, observing his every movement, running to fulfill his slightest wish. Two years later, when their course of study was completed, both friends did extremely well on their examinations. Nevertheless, only the younger was invited to join the faculty. "Why not me?" the older fellow wanted to know. "I did even better than my friend. I got a perfect score on my examination, didn't I?"

"Indeed, you did," the philosopher replied. "You know all the answers about philosophy, but it has never

become part of you. You are no philosopher. Your friend, however, subordinated himself to me completely and became a philosopher." In our own lives, we sometimes need to take a step back and evaluate the focus and direction of our lives. We struggle and strive in order to live as we choose-to be free. But somehow, we never seem to break free. Even when we achieve financial success, there are always responsibilities, obligations and distractions that direct our lives.

Although we can never escape the entanglements of life, we can find freedom in another direction. We can subordinate ourselves completely to the will of our loving Creator. By welding ourselves to Him, our spirits can drink the heady wine of true liberty even as we continue to grapple with the demands of living in this world. © 2008 Rabbi N. Reich & torah.org

### **RABBI LABEL LAM**

## **Dvar Torah**

**T**he end of last week's parsha deals with laws regarding the altar which G-d wishes us to use in His service. The beginning of next week's parsha is about the building of the Mishkan, or Tabernacle, which was the focal point of Jewish service of G-d for hundreds of years, and which the Altar was part of. The Tabernacle was replaced by the Holy Temple in Jerusalem which stood on the Temple Mount beyond the Western Wall.

Rabbi Zalman Sorotzkin notes the seemingly unnecessary insertion of this week's parsha in between last week's and next week's parshios. Mishpatim (the name of this week's parsha) means "laws". Many laws, primarily civil in nature, are discussed in Parshas Mishpatim. It is logical that it follows the portion of Torah in which the Torah was given to the Jewish People. Observance of its laws are its core. Many laws in Mishpatim deal with possession of property, and rights of individuals. Rabbi Sorotzkin remarks that this portion is deliberately placed here to convey the following directive. Whatever a person dedicates to the service of G-d, he must be sure to dedicate through honesty and integrity. Ill-gotten gains are not laundered by offering them to charity. They are despised and unwanted by G-d. This parsha is not an interruption between the description of the altar and the building of the Tabernacle. It is a stipulation that whatever we give - it must be from that which is gained with G-d's blessing and approval.

What is Torah?

While we are on the topic of Torah, it is worth while to delineate what Torah is. The source of the 248 positive commandments (do's), and the 365 negative commandments (don't's), is the Pentateuch as it is commonly known. They are known as the Torah in written form (as opposed to oral teachings). The subsequent books of the Scriptures consist of the books of the Prophets, and the Writings. We only derive

Torah Commandments from the Pentateuch. The subsequent books are sometimes used as sources which reveal to us how Torah laws were observed, and sources for customs as well, but we don't derive laws from them. There are many other ethical lessons which we derive from the subsequent scriptures. Most importantly, the subsequent scriptures do not come to change or contradict anything which is stated in the Pentateuch. The books which are called "The New Testament" are not part of the Jewish Scriptures, and contradict Jewish tradition.

In addition to the "Written Torah," is a large body of legal and anecdotal writings know as the Talmud. The Talmud is known as the Oral or Memorized Law. The reason is that it was studied and transmitted orally for over a thousand years until Roman oppression forced the Sages to record it lest it be forgotten. This was initially recorded as the Six Orders of Mishnah. Much of the body of Oral Law was still transmitted orally in the form of explanations of the Mishnah. However, in the subsequent 300 years even the explanations were recorded in the Talmud. Even though Roman oppression made life for the Jews unpredictable and full of suffering, scholarship in Torah study continued. Nevertheless, the difficulties the Jews lived through left their impressions in the form of many interpretational disputes between the students of Torah, as the Romans took away the prerequisite stability which would enable them to transmit and receive the teachings as they had in more peaceful generations.

The chain of the transmission of Torah has never been broken since the time of Moses. In Yeshivahs spanning the globe students study the texts which have representation from The Scriptures, Post-Biblical scholars, Medieval scholars, and continuing and flourishing until this very day. The codification of the Talmud took place throughout medieval times. The Shulchan Oruch, the work of Rabbi Yosef Karo (16<sup>th</sup> cent.) deals with laws of everyday life from the blessings we make each day, to the detailed laws of ownership, family purity, and thousands of others. Each generation is blessed with people who continue to become experts in the challenging application of Torah Law in the ever-changing milieu of the generations in which they live. Torah study and publication in all languages is growing by leaps and bounds, and is more and more available to all who wish to take part. It is truly a miracle in the context of the events of this century, and indeed, the events of the diaspora we have found ourselves in for the past 2,000 years.

We'll end with the words of the prayer which we say at the end of the silent meditation. "May it be Your will (G-d) that the Holy Temple be rebuilt speedily in our days, and give our portion in Your Torah." We all have a portion in Torah learning. May we all relate to and find satisfaction in Torah! © 1999 by Rabbi L. Lam & Project Genesis, Inc.