

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI DOV KRAMER**

### Taking a Closer Look

**P**arashas Mishpatim really comes alive for those currently learning Daf Yomi, as many of the laws discussed in Bava Kama are derived from the nuances of the wording in its verses. The beginning of the 6th chapter of Bava Kama (55b), which references a Mishna from the end of the 4th chapter (45b), is studied this year on the day we read Mishpatim in shul.

"If it is known that the ox is one that has attacked from before yesterday and the day before that, and the owner does not [take the appropriate measures to] watch it, he (the owner of the ox) has to pay [the full damages]" (Shemos 21:36). What are these "appropriate measures?" Rabbi Mayer and Rabbi Yehudah disagree whether this means a high level of security or a minimal level. Specifically, according to Rabbi Mayer a regular rope is not enough; rather, a metal chain must be used to ensure that it cannot do any further damage. Or, if the animal is being kept in a barn, just closing the door and locking it in a way that it will not normally open is not good enough; a structure that can withstand winds much stronger than usual is required. Rabbi Yehudah, on the other hand, only requires that basic security measures be taken, such as closing and locking the barn door or tying the ox with a regular rope.

This disagreement only takes place when the ox has been declared a "mu-ad," i.e. it has been found to have caused damage three times. If it is still a "tam," both Rabbi Mayer and Rabbi Yehudah agree that the higher level of security is needed. The commentators have struggled to explain Rabbi Yehudah's opinion, as it seems counter-intuitive. Why would an ox that has been determined to be dangerous need less security than one that has not yet damaged (or has only damaged once or twice)?

The most widely quoted approach to explain Rabbi Yehudah is that of the Meiri and the P'nay Yehoshua, who suggest that once the ox was labeled (in court) to be dangerous, people know to be careful around it, so less security is needed. While this might be a powerful lesson about the responsibility one must take to protect himself, I'm not sure that it fully answers the question. First of all, it assumes that everybody can recognize specific animals, as otherwise if there were any dangerous oxen around, people would have to be

concerned about every ox they come across. Secondly, it would mean that before stepping foot in town, a visitor is expected to first check to see if there are any dangerous animals to be on alert for. Most importantly, though, is the mechanism through which Rabbi Yehudah determines that the "mu-ad" needs a lower level of security than a "tam."

It would be one thing if Rabbi Yehudah's starting point was the lower level of security, and then, because no one knows to be on the lookout for a dangerous animal, the extra level of security was added until the problem becomes known. However, his starting point is that the higher level of security is needed; it is only because the Torah adds the otherwise unnecessary "and [the owner] does not watch it" that Rabbi Yehudah says that this higher-level of security is being excluded for the "mu-ad." Why would the Torah go out of its way to take away this higher level of security? Even if people are now more aware of the danger and can better protect themselves, why require the owner to do less now than before?

This issue becomes magnified according to Rav Ada bar Ahava (and Rava on 39b and the Talmud itself on 18a), who understands Rabbi Yehudah's opinion to be that even after becoming a "mu-ad," the laws of a "tam" still apply. For example, the owner of a "tam" only pays half of the damages his animal inflicted, and even that payment can not exceed the value of the "tam" itself." A "mu-ad," on the other hand, pays the full damages, and does so out-of-pocket, even if the cost far exceeds the value of the animal that caused the damage. If the "tzad tamus bimekomo omedes," the laws of a "tam" still applying to the first half of the damages, only half of the damages of a "mu-ad" can be out-of-pocket, and the requirement to maintain the higher level of security will still apply to the "tam" half of the animal. What this means (regarding the security) is that if the owner did provide the lower level of security on his "mu-ad," he is still responsible for up to half of the damages because of the "tam" aspect that remains. If the owner is still required to provide maximum security because of the "tam" part of the animal, why would the Torah go out of its way to take away this requirement from its other half?

Based on one of the lessons the Ralbag says (Shemos 31-33 Lesson #3, see also Lesson #1 in Parashas Shelach) can be learned from the story of the golden calf (as well as from other places), I would like to

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suggest an alternative reason why, according to Rabbi Yehudah, the Torah minimized the amount of security required on a "mu-ad," making it less than that required of a "tam."

Even though Aharon, Moshe's older brother, was involved in the making of the golden calf, his intentions were only good. He saw that the people were not going to take "no" for an answer (they had just killed his nephew Chur for trying to stop them), so he tried to do whatever he could to avoid, or at least minimize, the damage. He tried to stretch out the process of making the idol they wanted to worship (by asking for their wives jewelry for the gold and then trying to make it himself, slowly, rather than letting others do it quickly), pushed them off for a day before doing any "services" before the idol, and tried to get them to bring the offering to G-d (and not to the idol). Was the situation ideal? Far from it. But at least Aharon was giving Moshe more time to return, and even if there would be an idol, hopefully they would direct their thoughts to the One above. It might not be easy to determine at what point to cut your losses and make the most of a bad situation, but conceptually, it is the preferred option to throwing your hands up in despair and giving up completely.

Ideally, everyone would follow the Torah's guidelines and implement the higher level of security for all of their animals, even those that have never caused damage, and certainly for those that had done so once or twice. If this animal reached the stage of a "mu-ad," its owner was obviously not doing so. The objective is to prevent any animal from causing damage, which is why even though, in most cases, the minimum level of security would suffice, more is required because there could be situations where more is needed. But this owner is unwilling to make sure that his animal doesn't get out - he didn't even close the barn door! How likely is it that he will start implementing the higher level of security now? We have a "mu-ad" on our hands, the danger is very real, and we want to minimize the danger as much as possible. Instead of telling him to build a better barn, or to buy a metal chain, if we tell him that all he has to do is tie his animal up or close the barn door, maybe he'll listen. Would we prefer that he use a higher level of security? Of course, which is why this was the initial

requirement. But, at the very least, let's try to get him to implement the lower level of security.

Having to pay half of the damages from the value of his animal wasn't enough of a motivation to get him to keep his animal off the streets. Perhaps now that it's a "mu-ad" and the damages must be paid out-of-pocket, he will attempt to avoid doing further damage. Therefore, even if he won't implement the higher level of security to avoid being liable for the "tam's" half of the damages (since it is limited to the value of this unruly animal anyway), we stand a better chance of getting him to at least close the barn door if it will get him out of having to pay the other half out-of-pocket.

Is it ideal? The fact that there was any damage at all makes it less than ideal. But by lowering the security requirement for a "mu-ad" there is a better chance of avoiding further damages than if we insist on maintaining the initial, ideal, level of security. © 2009  
*Rabbi D. Kramer*

### **RABBI SHLOMO RISKIN**

## **Shabbat Shalom**

**“T**he stranger must neither be cheated nor oppressed, because you were strangers in the Land of Egypt.” (Exodus 22:20)

The most seminal event in the history of the Israelites was undoubtedly the Exodus from Egypt: not only do we celebrate a week-long festival (Pesach) as a re-enactment of our freedom from Egyptian enslavement, but we also remember - and enunciate - the Exodus each and every Sabbath and Festival when we recite the blessing of sanctification over the wine. Moreover, in the very first word of the Decalogue, the Almighty describes Himself [as it were] as the Lord who took the Hebrews out of Egypt. Indeed, the Egyptian experience is invoked to enforce and highlight the moral mission of our people. As expressed clearly by the Jewish-French philosopher Emmanuel Levinas, the moral fiber of a nation is proven by the manner in which it relates to the "stranger," to the "other"; and as we see in our Biblical reading, we are exhorted to demonstrate special sensitivity towards the "stranger" because, as strangers, we too were oppressed and tyrannized in the Land of Egypt.

The Bible goes so far as to warn us in no less than twenty-three (or even forty-six) places not to behave insensitively towards the stranger! (B.T. Bava Metziah 49b). The Talmudic Sages distinguish between monetary cheating (onaah) and verbal oppression (lahatz) - which includes even reminding the stranger in passing of his Gentile ancestry; in fact, the Rabbis considered verbal abuse to be the greater crime since money can be repaid but a cruel remark can never be taken back! (B.T. Bava Metziah 55b).

Why such heightened sensitivity towards the "stranger," a term which designates both a righteous proselyte who converted to Judaism - a tzadik, and a

ger toshav, a Gentile whose commitment to the seven Noahide laws of morality grants him the right to live in the Land of Israel together with the Israelite nation? First of all, the Jewish peoples' long history of being considered outsiders, aliens, strange 'strangers' and estranged 'others' has certainly given us the sensitivity of what it means to be perceived as the eternal 'other.' The very first Jew Abraham introduces himself to the people of Het as a "resident alien," Moses names his first son Gershon because "he was a stranger in a strange land," and the Hebrews ('hapiru', pariahs) in Egypt saw how their different identity led first to their dehumanization and then to their physical decimation at the hands of an oppressive majority "in-group;" the one who is different is often feared and denigrated; the next step is to see him as a worthless creature, far less important than the local population and therefore "fair game" to be discriminated against or even disposed with at the whim of an establishment ruling class.

The Bible wants us to carry in our DNA the memories of the pain of having been persecuted as the 'other,' never to forget the suffering experienced throughout our long history. If we truly remember what the Egyptians did to us we will never regard others as inferior and unworthy. The reasoning is very simple: we humans all come from the same family, we are all children of the same G-d, we've all been fashioned in the very same womb, so that no one dare ever view any other as being strange or inferior because ultimately we all share the same DNA, a Derived Nature from the Almighty.

The Bible clearly teaches: "When a stranger dwells with you, a stranger in your land, do not cheat him; like one of your [natural] citizens shall he be considered by you, that stranger who lives with you. You shall love him like yourself, I am the Lord your G-d" (Lev. 19:23,24). You shall love him because he is like you, because each of you contains a portion of the same G-d above. You are the stranger and he is you, because the same G-d bestowed upon each of you the transcendent life-force which makes you each distinctively human. If you see him as being less than you today, he can see you as being less than him tomorrow; your humanity is inextricably bound up in his!

The 12th century commentator Nahmanides (the Ramban) puts it a little differently. In effect he says to every individual: "Do not oppress the stranger because you think that he has no one to defend him; remember how Pharaoh learned that G-d defends the stranger. G-d is the shield of the oppressed, the one who sees the tears of those who have no one else to give them comfort. G-d will save every person from the hands of those stronger than he; G-d will always hear the cries of the widow and the orphan, the pleas of those who have no one upon whom to rely except their Parent in Heaven" (Ramban on Exodus 22:20).

I would take this one step further. G-d hears the stranger because G-d - no less than Israel - is the consummate Stranger, the one who is wholly Other, Kadosh, forever apart and separate. G-d is 'homeless' in this world, waiting for us to "make Him a home so that He may dwell amongst us." But G-d can only find His home amongst us if we leave room for every other human being in our home, in our world. Only when we make this world into a loving home in which every human being - no matter how different he may look and act - can feel at home, will G-d enter and feel at home as well, embracing all of His children with His rays of splendor, warmth and love. © 2009 Ohr Torah Institutions & Rabbi S. Riskin

**RABBI JONATHAN SACKS**

## Covenant & Conversation

**A**mong the many legal provisions of this week's sedra is one stated briefly and unemphatically, yet it has far-reaching implications as well as subtlety and moral beauty: "If you see your enemy's ass sagging under its burden, you shall not pass by. You shall surely release it with him." (Ex. 23: 5)

The principle is simple. Your enemy is also a human being. Hostility may divide you, but there is something deeper that connects you: the covenant of human solidarity. Pain, distress, difficulty-these things transcend the language of difference. A decent society will be one in which enemies do not allow their rancor or animosity to prevent them from coming to one another's assistance when they need help. If someone is in trouble, help. Don't stop to ask whether they are friend or foe. Get involved-as Moses got involved when he saw shepherds roughly handling the daughters of Jethro; as Abraham did when he prayed for the people of the cities of the plain.

There are several significant nuances here. The first arises out of the parallel command in Devarim: "You shall not see your brother's ass or his ox falling [under its load] in the road, and hide yourself from them. You shall lift it [the load] up with him." (Dt. 22:4)

Exodus talks about enemies; Deuteronomy, about friends. On this the Talmud states: "If [the animal of] a friend requires unloading, and an enemy's loading, you should first help your enemy-in order to suppress the evil inclination." (Baba Metzia 32b)

Both equally need help. In the case of an enemy, however, there is more at stake than merely helping someone in distress. There is also the challenge of overcoming estrangement, distance, ill-feeling. Therefore, it takes precedence. The sages were here reading a nuance in the text. The phrase, 'you shall not pass by' is apparently superfluous. What it signals is that when we see our enemy suffering, our first instinct is to pass by. Hence part of the logic of the command is 'to suppress the evil inclination'.

More remarkable are the Aramaic translations (Targum Onkelos, and more explicitly Targum Yonatan). They take the phrase 'You shall surely release' to mean not just the physical burden, but also the psychological burden: 'You shall surely let go of the hate you have in your heart towards him.' There is an accusation against Jews and Judaism in the New Testament which has done incalculable harm: 'You have heard it said, "You shall love your neighbour and hate your enemy." But I say to you: "Love your enemy also.'" Nowhere in the Pentateuch does it say 'hate your enemy'. To the contrary: Moses commands: 'Do not hate an Edomite, because he is your brother. Do not hate an Egyptian, for you were strangers in his land.' (Deut. 23: 8). These were the paradigm cases of enemies. Edom was Esau, Jacob's rival. The Egyptians were the people who enslaved the Israelites. Yet Moses commands that it is forbidden to hate them.

A more general prohibition against hating enemies occurs in the very passage that commands the love of neighbours: "Do not hate your brother in your heart. Rebuke your neighbor frankly so you will not share in his guilt. Do not seek revenge or bear a grudge against one of your people, but love your neighbor as yourself. I am the Lord." (Lev. 19:17-18)

On this, Maimonides writes: "You shall blot [any offences against you] out of your mind and not bear a grudge. For as long as one nurses a grievance and keeps it in mind, one may come to take vengeance. The Torah therefore emphatically warns us not to bear a grudge, so that the impression of the wrong should be completely obliterated and no longer remembered. This is the right principle. It alone makes civilized life and social interaction possible." (Hilkhos Deot 7: 8).

In speaking about enemies, the Torah is realistic rather than utopian. It does not say: 'Love your enemies'. Saints apart, we cannot love our enemies, and if we try to, we will eventually pay a high psychological price: we will eventually hate those who ought to be our friends. What the Torah says instead is: when your enemy is in trouble, come to his assistance. That way, part of the hatred will be dissipated. Who knows whether help given may not turn hostility to gratitude and from there to friendship. That surely is enough to refute the suggestion that Judaism contemplates, let alone advocates, hating enemies.

There is, however, a fascinating provision of the law. The text says, 'You shall surely release it [the burden] with him'. From this the sages deduced the following: "If [the owner of the animal] sits down and says to the passer-by: 'The obligation is yours. If you wish to unload [the animal], do so' the passer-by is exempt because it is said, 'with him' [meaning: they must share the work]. If however the owner [is unable to help because he] is old or infirm, then one must [unload the animal on one's own]." (Mishnah, Baba Metzia 32a)

Why should this be so? After all, the beast is still suffering under its burden. Why should the enemy's refusal to help excuse you from the duty of help?

A fundamental principle of biblical morality is involved here: reciprocity. We owe duties to those who recognise the concept of duty. We have a responsibility to those who acknowledge responsibility. If, however, the person concerned refuses to exercise his duty to his own overloaded animal, then we do not make things better by coming to his aid. On the contrary, we make it worse, by allowing him to escape responsibility. We become-in the language of addiction-therapy-co-dependents. We reinforce the very problem we are trying to help solve. We allow the individual to believe that there will always be someone else to do what is morally necessary. We create what the psychologist Martin Seligman calls 'learned helplessness'. We may feel that we are being super-righteous; and we may be right. But we are thereby making ourselves better at the cost of making society worse. And biblical morality is not a code of personal perfection but of social grace.

Tenakh, the Hebrew Bible, is not a code for Utopia. That is a prophetic dream, not a present-tense reality. In the here-and-now, however, the Torah tells us something not without its moral grandeur, namely that small gestures of mutual assistance can in the long run transform the human situation. At the heart of the law of the overlaid ass is one of Judaism's most beautiful axioms (Avot de-Rabbi Natan, 23): 'Who is a hero? One who turns an enemy into a friend.' © 2009 Rabbi J. Sacks & torah.org

#### **RABBI AVI WEISS**

### **Shabbat Forshpeis**

**T**he 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 G-d.'" (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 G-d "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)

More than ever, we need to internalize the integral connection of productive action with deep prayer. In that way we could truly serve G-d with all our heart. © 2009 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.

## YOUNG ISRAEL OF PASSAIC-CLIFTON

### Law and Order

by Rabbi J.B. Love

There is more than a bit of confusion in the order of the narrative in the *parshiyot* beginning with *parashas yisro*. We aren't quite sure if Yisro came to the desert before or after the revelation on Sinai.<sup>1</sup> We haven't heard the last word on whether he gave his advice after the following *yom kipur* or the following year and we aren't sure if he left immediately or in the following year as recorded in *b'midbar*.<sup>2</sup> Furthermore, there is a wide dispersal of the parts of the revelation story throughout the next few chapters. We were told of the preparations for the "descent" of G-D on the mountain in chapter 19. This is followed by the decalogue followed by a few rules of worship in chapter 20. Our *parasha, mishpatim*, begins with a long series of civil and ritual laws, apparently transmitted during Moshe's stay on the mountain. These make up chapters 21 through 23. Chapter 24, however, according to Rashi, tells of what took place both before *matan tora* (v. 1-8) and immediately after it (v. 9-18)

<sup>1</sup> V. Rashi to 18:13 s.v. *vayhi*.

<sup>2</sup> *Ibid*.

without skipping a beat.<sup>3</sup>

There are, I believe, with G-D's help, two reasons for this phenomenon which, in the final analysis, are one. The first is to show an obvious need for *tora she'b'al pe*. The Torah wasn't given with source criticism as an option for explaining such discrepancies. It was given with the obvious need for *midrash*.<sup>4</sup> Much has been written about the Oral Torah's being taken for granted by the Written when using words like *totaphos* or *m'lacha* or terms like *sefer k'risos* which were evidently understood by the recipients of The Torah because the meaning of such terms was part of their tradition of language.<sup>5</sup> In the same way we must understand that narrative sections such as the ones in these few *parshios* tell us that there must have been a "key" of some sort that came along with the text. What better place to make that point extremely obvious than in the story of *matan tora*.

There are also literary "parentheses" around these two *parshiot* which give us insight into the second reason for the dislocation of information.<sup>6</sup>

"And Aharon and all the elders of Yisrael came to eat bread with Moshe's father-in-law before G-D." (18:12) Says Rashi zl, "Hence, one who enjoys a meal at which scholars recline has virtually enjoyed the aura of the *sh'china*."

"And they visualized the Divine and they ate and they drank." (24:11) Says the Targum, "They saw the glory of the Divine and, with the pleasure of having their sacrifice accepted, it was as if they ate and drank."

On the one hand we have the spiritual experience which virtually fulfills the physical, on the other, the physical exercise which provides the spiritual experience. On the one hand they saw G-D on the other they experienced the camaraderie of *talmidei chachamim*. One event takes place at the revelation of *tora she'bichsav*, the word of G-D, and it nourishes the body. The other takes place in the company of the bearers of *tora she'b'al pe*, the word of man, and it feeds the spirit.

In the same way, the chapters of these *parshios* take us from Moshe's court to G-D's mountain, back again to the mundane laws of man and man, surrounded by some ritual but physical laws,<sup>7</sup> and

<sup>3</sup> All this, again, according to Rashi, v. On 24:1 and 12. Ramban zl consistently avoids the explanation of chapters or verses in the narrative being out of order. V. On 18:1, 24:1, also B'raishis, 35:38 and B'midbar, 9:1 among others.

<sup>4</sup> Even the critics, themselves, when faced with the problem of how the "redactor" thought he could get away with such open discrepancies, must admit that he subsumed an existent dependence on *d'rash*.

<sup>5</sup> V. Encyclopaedia Judaica, Jerusalem, Keter 1972. s.v. Oral Law and bibliography.

<sup>6</sup> As well as giving us an insight into why the Yisro story is told where it is.

<sup>7</sup> I.e. the laws which follow the decalogue which, while being man-G-D related, are also directed at the subordination of

back to the mountain and the cloud and the revelation.<sup>8</sup> “The people come to me to seek G-D.”(18:15) “To seek *talmud*,” as Rashi paraphrases the Targum. “I judge between them and tell them the laws of G-D.”(18:16) This is how we “seek G-D.” Not only in the sanctuary but in the marketplace as well.

The spirituality of the Torah is here on earth. We will be a “kingdom of priests and a holy nation” (19:6) but we shall do it with our dealings with each other, within our society and our every day lives.<sup>9</sup> “I am G-D and no-one else is.” That is the extent of what G-D Himself has to tell us. The rest is deliverable by Moshe.<sup>10</sup> The rest lies not in the sublime but in our interpersonal relationships.<sup>11</sup> We weren’t given a “religion” on Sinai, we were given a code by which to live. We were not shown the way to rise to heaven but how to bring G-D to earth. “For this is the purpose of creation.”<sup>12</sup>

Access to the “word of G-D” is given to all. The *tora she'bichsav* is available to everyone. And everyone who has access to it seems anxious to use it to obtain

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the physical. The *sh'mita* and holiday laws which follow the civil code in *mishpatim* are also a means of sanctifying the mundane like planting and harvesting. These are the bridges between the totally spiritual, i.e. the decalogue and the tabernacle, and the mundane, civil law.

<sup>8</sup> We could, in theory take the words at the beginning of *parashas mishpatim*, “These are the laws which you should put before **them**,” as referring to the judges mentioned in *yisro* before the revelation. If we also understand the narrative at the end of *mishpatim* as referring to events after the revelation (Ramban and Ibn Ezra), we literally go from the court to the mountain, back to the court and back to the mountain. (Even according to Ramban.)

<sup>9</sup> In fact, we are a *mamleches kohanim* through our ritual practice and a *goy kadosh* by virtue of our sanctifying the mundane.

<sup>10</sup> Only the first two statements of the decalogue were spoken by G-D and heard by all the people.

<sup>11</sup> Even those which are thought of as between man and G-D such as taking the Name in vain or *shabbos* have their root in the workaday world. One only needs to swear in civil matters and *shabbos* is a respite from work. These were Moshe’s arguments for the giving of the *tora* to humanity. Even the ritual laws, even the *chukim*, according to Ramban (to D’varim 22:6) and possibly Rambam, are directed toward improving our character traits. *Imitatio Dei* doesn’t seem to be a goal in itself but, rather a way of improving our interpersonal relationships.

<sup>12</sup> “For the basis for *olam haba* is the return of the soul to its source to unite with the *sh’china* but it is **certainly better** when the *sh’china* unites below as was the object of the creation.” (Gaon of Vilna zl to *shir hashirim* 1:3 emphasis mine.) Small wonder legend has it that the Gaon held his *tzitzis* in his hand when he was dying and he cried, “Where I’m going I won’t be able to get a *mitzva* like this for a few pennies.” (V. Avos 4:17) So much was this world necessary for a ritual practice. We’ll surely not be able to find a chance for *tzedaka*, *gemilus chesed* and *ahavas yisrael* over there.

spiritual perfection. At the same time perfection of society is left to morality, conscience, and government. It is interesting that once *tora she'bichsav* becomes part of a society’s culture, it is The Ten “Commandments” which become the spiritual springboard for that society. Seldom the “Old Testament,” mind you, but that part of it which establishes a relationship of man to G-D in G-D’s realm of experience. All the rest must be “rendered unto Caesar”.

Not so, say our *parshios*, with the help of the Chazal. “Just like those (the decalogue) were from Sinai, so are these (the civil code) from Sinai.”<sup>13</sup> *mishpatim* are mentioned next to the *mizbeach*<sup>14</sup>, *sh'mita* is right next to *har sinai*.<sup>15</sup> Eating and drinking is as much a spiritual experience as a sacrificial offering and one of the objectives of the acceptance of the offering is the physical fulfillment it brings. *tora*, and all the more so, the give and take of *tora she'b'al pe*, the *tora* of this world, is the way to G-D.

Listen to a Gentile scholar describe the predicament other Gentiles found when looking at the seemingly mundane aphorisms of *pirkei avos*.

“Apart from the direct intercourse of prayer The study of Torah was the way of closest approach to G-D; ... To study Torah was, to the devout Pharasee, to “think G-D’s thoughts after him,” as Kepler said. Non Jewish readers seldom have the least comprehension of this, and, in consequence they point out that Aboth rarely refers to G-D. This is true but it is beside the mark. Wherever Torah is mentioned, there is G-D implied. He is behind the Torah, the Revealer of what is revealed.”<sup>16</sup>

It is in the everyday “wisdom literature” of *avos* we find G-D. Ironically, it is the nations who are the “people of the book” and the revelation, and we who are the people of the word and the world. No one makes this clearer than Ramban zl. “They ate and drank,”<sup>17</sup> he explains, “For it is an obligation to celebrate the acceptance of the *tora*. ‘Rabbi Elazar said, From here [we learn] to make a feast when we finish the *tora*.’” We celebrate the spiritual with the physical since, for us, the physical is the vehicle for the spiritual. © 1998 Rabbi J.B. Love

### MACHON ZOMET

## Shabbat B'Shabbato

by Rabbi Yehoshua Shapira, Rosh Yeshivat Ramat Gan; Translated by Moshe Goldberg

“**A**nd these are the laws...” [Shemot 21:1]. The fact that this verse begins with the letter “vav,” meaning “and,” shows that the laws are an

<sup>13</sup> Rashi to 21:1 s.v. *v'eyle*.

<sup>14</sup> Ibid.

<sup>15</sup> Rashi to Vayikra 25:1.

<sup>16</sup> R.Travers Herford, *The Ethics of the Talmud: Sayings of the Fathers*, N.Y. Schocken 1972, introduction, p.15.

<sup>17</sup> 24:11.

extension of the previous ones. Just as the first ones were given at Mount Sinai, so the new laws were given at Sinai. This lesson is very important for modern times, when any involvement with the details of Torah laws seems very far removed from many members of the young generation. In the realm of education we can see two phenomena that are intimately linked to each other. There is a "crisis" in the study of the Talmud and in delving into the details of the laws, while on the other hand there is a tremendous yearning to become involved in the essence—the Divine revelation which engulfed Yisrael at Mount Sinai, leading to the very high level which the people reached.

The Torah showed its opposition to both approaches when it declared, "And these are the laws." The great devotion during the events at Mount Sinai is revealed to us through the integrity of the laws, which clarifies reality and prepares the way for us. The value of the laws is not just in the peace and justice that they provide for the world but rather in the thought processes involved in reaching decision. Thus, even laws of the rebellious son? "ben sorair u'moreh"? which were never fulfilled in practice are important so that "you can study them and obtain a reward." The reward is the Divine revelation which is present within the Torah.

In order to develop a taste for the study of Talmud, it is necessary to study Torah for its own sake. Not every person is drawn to the practical questions that appear in the tractate of Nezikin? damages? and not all the halachot are relevant for every generation, but that is beside the point. Studying Torah for its own sake means to study out of a sense of love for the Torah itself because of the Divine sanctity that lies within it. The secret of finding a solution for the "crisis" of the Talmud lies with the strong link between this week's portion of Mishpatim and last week's portion Yitro. The letter "vav" at the beginning of the portion introduces the sounds and the lightning of the events of Sinai into every detail of the laws, including the excitement and the faith in the Divine nature of the Torah, such that even all the gold and silver in the universe would never be as valuable as a single word of the Torah.

If we look at the study of the Torah in this way, it makes no difference at all if the passage that we are studying has practical consequences for our generation or not. Certainly the practical laws are important, and in some ways they should be emphasized over laws that are not currently practiced. But this is because of our obligation to perform the mitzvot and it is not related to the inherent value of Torah study, which is the same for all elements that appear in the Torah.

"Take care and watch over your soul, lest you forget the things which you saw with your own eyes... The day when you stood before your G-d at Chorev." [Devarim 4:9-10]. The better that day is engrained in

our hearts, embedded into our Torah, the more we will be able to incorporate within ourselves the love for Torah and the better we will be able to pass it on to our children and our students. This is the in-depth solution for all the appearances of a distance from G-d and crisis, because in reality every single heart knows very well that G-d has given us "a good gift" [Mishlei 4:2].

### Fix the Easy Things First

by Rabbi Michi Yosefi, "Yeshuv Hadaat" Farm

"Happiness makes it possible to leave behind all troubles" [Rabbi Nachman of Breslev]. The word "tzarah" means trouble, but its root is the opposite of "rechavah," meaning wide. Beforehand we were able to see the broad picture, the general situation, but now we can only see a narrow view.

Sadness restricts our field of view, making us feel that we have no escape from our situation. Thus, the first step in leaving our troubles behind is to awaken our happiness. But at times this is much easier said than done. Rabbi Nachman recommends overcoming the difficulty by taking something that we are good at in life and improving it even more.

When we are interested in changing the situation for the better, some of us will turn first to the most critical difficulties in our lives, in order to start with what bothers us most. But this is dangerous. If we are not strong enough to succeed, we might think that the difficulty is more powerful than the spiritual forces which we possess. Therefore, we must be aware that our main task is to enhance the good that exists, to concentrate on what we love doing (which is something that we will be good at), to strengthen it and to improve it. As time goes on we will be pleasantly surprised to discover that this has a good effect on all aspects of our lives? including the realms which we were afraid to touch, factors which we thought we could not overcome. Instead of becoming involved in what we lack we should work to strengthen what we already have.

When the evil Haman felt that one detail in his life was unsatisfactory (the fact that Mordechai did not bow down to him) he lost his cool and decided that his life was not worth living. When we come to fix things, we should learn to act in the opposite way? we must take hold of a good point, one positive element, strengthening it and improving it.

Understanding this process holds the key to awaken true happiness within us.

If we study this path, which is called "Azamrah" by the Breslev Chassidim (named for the verse, "I will sing to my G-d while I exist" [Tehillim 104:33]), we will be able to learn as time goes on to transform this concept into a way of mending problems involving

parenting, companionship, and even our own relationships with ourselves.

This path leads to joy simply because it shows us that there is a way to solve problems and to achieve happiness. While this is only one element, it draws after it a great abundance, on condition that we have faith in the approach and that we can harness our hearts and our minds to the task of translating theory into practice.

Then we will also begin to understand that the reason for increasing the element of happiness in the month of Adar is to help us leave all of our troubles behind, including whatever upsets us in body and in soul, both for individuals and for the whole community, so that we will sense the good of G-d in a way that is revealed and palpable.

#### **RABBI MORDECHAI KAMENETZKY**

## **Positioning Impositions**

**H**ow would you feel? That is a question asked by a wide-ranging group of inquisitors ranging from kindergarten teachers chiding their immature charges, to philosophy professors lecturing to disciples about the worlds of the theoretical. Its validity sets the tone from issues that vary from the golden rule to admonitions at the supper table. And at first glance it seems that the Torah uses the maxim to mitigate a deficiency in our very own human nature.

"Do not taunt or oppress a ger (newcomer) because you were strangers in the land of Egypt" (Exodus 22:20). According to most commentators, the verse refers to the ger—a convert to Judaism. Others comment however, that it also applies to any newcomer, be it to a neighborhood, a synagogue, or a school. Rashi explains that the Torah forewarns the Jewish nation from being cocky toward anyone who would join our people. "After all," Rashi expounds, "the stranger can easily remind us of our since-forgotten experience in Egypt, where we, too, were strangers."

However, something bothers me. The Torah's set of values is pure and unmitigated by personal partiality. So let us ask. Does it truly matter that we were once strangers? Is not it inherently wrong to taunt a newcomer? Shouldn't the Torah just say, "Do not taunt a newcomer? It is morally wrong!" Why is there even a mention of our Egyptian experience? Had we gone directly from Jacob's home to a settled life in the land of Israel, would we then be allowed to taunt newcomers? Of course not! Our years of servitude should not influence the morality of taunting others! So why does the Torah consider our bad experience a factor?

Dr. Norman Blumenthal has published extensively about the unique experience of Holocaust survivors' children. Without revealing actual details, he related a case history of a young man whose father had escaped from a Nazi concentration camp at the age of 16 years old. The fugitive did not hide in the forest or in

a barn, rather he joined a group of gentile partisans. For the duration of the war, he lived with them, ate with them, and killed Nazis with them. Still, the courageous young man never gave up his convictions and feelings of Judaism.

The Holocaust survivor settled in the United States where he married and raised his son in a Jewish neighborhood with Jewish friends. Unlike his father, the child of the courageous survivor led a relatively tranquil life until his 16th birthday.

On that day his father, by then a very successful executive who was very active in the American Jewish community, turned to him and said. "Son, now the easy life is over. Just like me, now you must learn what it takes to survive amongst the gentiles!" He sent the young teen to a university in the southern part of the United States where Jews were as rare as snow. Within months, the young man, mercilessly taunted in a foreign environment, suffered a nervous breakdown. It took years of therapy to undo the shambles.

Perhaps we can understand the posuk in a new homiletic light. The sages declare that our experience in Egypt was very necessary, albeit uncomfortable, one to say the least. Under the duress of affliction we fortified our faith. Under the pressure of ridicule we cemented our resolve. Under the strain of duress we built families and sustained our identity. And perhaps it was that experience that laid the ability to endure far-reaching suffering, tests of faith that were only surpassed by the tests of time.

And now enter the convert John Doe who hails from a corporate office in West Virginia and has made a conscious, comfortable decision to join the ranks of Moses' men. Our first reaction may just be to have him bear the test of the Jew. Like bootcamp in Fort Bragg, or beasting at West Point, we may have the urge even a compulsion to put Mr. Doe through the rigors of our oppression. After all, that is the stuff of which we are made. We may want to taunt and tease because "we were slaves in a foreign land." The Torah tells us not to do so. "Do not taunt or oppress a ger (newcomer) because you were strangers in the land of Egypt." Do not impose your difficult experiences in life on others that are newcomers to your present situation. It is easy to say, "such men are made from sterner stuff" and proceed to harangue those who would join us. That should not be. Life has a personal trainer for every individual, and each soul has a particular program mapped out by the Almighty. Jews from birth may have had to suffer in Egypt, while converts have other issues to deal with. One's particular experience may not be fodder for the next person. Do not use your encounters as the standard for the entire world. One cannot view the world from the rear view mirror of his personal experience. ©1999 Rabbi M. Kamenetzky & Project Genesis, Inc.