

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI SIR JONATHAN SACKS**

### Covenant & Conversation

**T**he sedra of Yitro, which contains the account of the greatest Divine revelation in history, at Mount Sinai, begins on a note that is human, all too human. Yitro, priest of Midian, has come to see how his son-in-law Moses and the people he leads are faring. It begins by telling us what Yitro heard (the details of the exodus and its attendant miracles). It goes on to describe what Yitro saw, and this gave him cause for concern.

He saw Moses leading the people alone. The result was bad for Moses and bad for the people. This is what Yitro said:

"Moses' father-in-law said, 'What you are doing is not good. You and these people who come to you will wear yourselves out. The work is too heavy for you; you cannot handle it alone. Listen now to me and I will give you advice, and may G-d be with you. You must be the people's representative before G-d and bring their disputes to him. Teach them the decrees and laws, and show them the way to live and the duties they are to perform. But select capable men from all the people-men who fear G-d, trustworthy men who hate dishonest gain-and appoint them as officials over thousands, hundreds, fifties and tens. Have them serve as judges for the people at all times, but have them bring every difficult case to you; the simple cases they can decide themselves. That will make your load lighter, because they will share it with you. If you do this and G-d so commands, you will be able to stand the strain, and so too all these people will reach their place in peace.'" (Exodus 18: 17-23)

Moses must learn to delegate and share the burden of leadership. Interestingly, the sentence "What you are doing is not good (lo tov)" is one of only two places in the Torah where the phrase "not good" occurs. The other (Genesis 2: 18) is "It is not good for man to be alone." We cannot lead alone; we cannot live alone. That is one of the axioms of biblical anthropology. The Hebrew word for life, chayyim, is in the plural as if to signify that life is essentially shared. Dean Inge once defined religion as "what an individual does with his own solitude". That is not a Jewish thought.

However, it was the great nineteenth century scholar Netziv (R. Naftali Zvi Yehudah Berlin) who made an unexpected, even counter-intuitive observation

on this passage. He begins by raising the following question. It is easy to understand how Yitro's advice helped Moses. The work was too much. He was becoming exhausted. He needed help. What is less easy to understand is his final comment: if, with G-d's permission, you delegate, "so too all these people will reach their place in peace". The people were not exhausted; Moses was. How then would they gain by a system of delegation? Their case would still be heard-but not by Moses. How was this to their advantage? (Harchev Davar to Exodus 18: 23).

Netziv begins by quoting the Talmud, Sanhedrin 6a. The passage is about what the sages called bitzua, or what later become known as pesharah, compromise. This is a decision on the part of a judge in a civil case to seek a solution based on equity rather than strict application of the law. It is not wholly unlike mediation, in which the parties agree to a resolution that they both consider fair, regardless of whether or not it is based on statute or precedent. From a different perspective, it is a mode of conflict resolution in which both sides gain, rather than the pure administration of justice, in which one side wins, the other loses. The Talmud wants to know: is this good or bad? To be adopted or avoided? This is part of the debate:

"Rabbi Eliezer, son of R. Jose the Galilean, said: it is forbidden to mediate... Instead, let the law pierce the mountain [a saying similar to: 'Let the chips fall where they may']. And so Moses' motto was: Let the law pierce the mountain. Aaron, however, loved peace and pursued peace and made peace between people... R. Judah ben Korcha said: it is good to mediate, for it is written (Zechariah 8: 16), 'Execute the judgment of truth and peace in your gates.' Surely were there is strict justice, there is no peace, and were there is peace, there is no strict justice! What then is the justice that coexists with peace? We must say: mediation."

The law follows R. Judah ben Korcha. It is permissible, even preferable, to mediate-with one proviso, that the judge does not yet know who is right and who is wrong. It is precisely this uncertainty at the early stages of a hearing that allows an equitable resolution to be favoured over a strictly legal one. If the judge has already reached a clear verdict, it would be a suppression of justice on his part to favour a compromise solution.

Ingenuously applying this principle to the Israelites in Moses' day, Netziv points out that-as the Talmud says-Moses preferred strict justice to peace. He

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was not a man to compromise or mediate. In addition, as the greatest of the prophets, he knew almost instantly which of the parties before him was innocent and which guilty; who had right on his side and who did not. It was therefore impossible for him to mediate, since this is only permitted before the judge has reached a verdict, which in Moses' case was almost immediately.

Hence Netziv's astonishing conclusion. By delegating the judicial function downward, Moses would bring ordinary people-with no special prophetic or legal gifts-into the seats of judgment. Precisely because they lacked Moses' intuitive knowledge of law and justice, they were able to propose equitable solutions, and an equitable solution is one in which both sides feel they have been heard; both gain; both believe the result is fair. That, as the Talmud says above, is the only kind of justice that at the same time creates peace. That is why the delegation of judgment would not only help Moses avoid total exhaustion; it would also help "all these people" to "reach their place in peace."

What a profound idea this is. Moses was the Ish ha-Elokim (Psalm 90: 1), the supreme man of G-d. Yet there was, Netziv implies, one thing he could not do, which others-less great in every other respect-could achieve. They could bring peace between contending parties. They could create non-violent, non-coercive forms of conflict resolution. Not knowing the law with the depth that Moses did, not having his intuitive sense of truth, they had instead to exercise patience. They had to listen to both sides. They had to arrive at an equitable verdict that both parties could see as fair. A mediator has different gifts from a prophet, a liberator, a law-giver- more modest perhaps, but sometimes no less necessary.

It is not that one character type is to be preferred to another. No one- certainly not Netziv-regarded Moses as anything less than the greatest leader and prophet Israel has ever had. It is, rather, that no one individual can embody all the virtues necessary to sustain a people. A priest is not a prophet (though a few, like Samuel and Ezekiel were both). A king needs different virtues than a saint. A military leader is not (though in later life he can become) a man of peace.

What emerges at the end of the train of thought Netziv sets in motion is the deep significance of the idea that we can neither live nor lead alone. Judaism is not

so much a faith transacted in the privacy of the believer's soul. It is a social faith. It is about networks of relationship. It is about families, communities, and ultimately a nation, in which each of us, great or small, has a role to play. "Despise no one and disdain nothing", said Ben Azzai (Avot 4: 3), "for there is no one who does not have his hour, and nothing that does not have its place." There was something ordinary individuals (heads of thousands, hundreds, tens) could achieve that even Moses in all his glory could not achieve. That is why a nation is greater than any individual, and why each of has something to give.

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**RABBI AVI WEISS**

## Shabbat Forshpeis

**T**he Torah tells us that at the moment of revelation all the Jews at Sinai were able to see. (Exodus 20:15) Is it possible that of the several million there was not one single person who was blind?

Here Rashi responds and states that in fact a miracle occurred. In his words "there was not among them a single blind person." Rashi additionally points out that in fact not even one Jew was mute or deaf. After all, the Torah states "and all the people answered" (Exodus 19:8) and that the Jews declared "we will do and hear." (Exodus 24:7)

The full text of the Torah actually reads "and all the people saw the voices". It is certainly possible for one to see images, but wonders if it is possible for one to see voices. He suggests that the power of the people to see was so profound that it went beyond the usual. In his words, "they saw that which should be able to heard, which is impossible to see at any other place." In other words, at revelation, the moment was so powerful that they saw what is normally heard. Their vision was so powerful that they even saw voices.

Another thought comes to mind that differs from Rashi's suggestion. Perhaps at revelation, there were those amongst our people who were not in perfect physical shape. There may indeed have been some who could not hear. However, our text may be suggesting that even the hearing impaired were able to complement this limitation by a greater ability to see. This may be the meaning of seeing voices. Unable to hear, they compensated with their ability to see. Similarly, there may have been those who couldn't speak or who couldn't see, but were able to somehow, with G-ds help, make up for this limitation at this most amazing moment in history.

The idea that those who are handicapped have a place in Judaism is fundamental to Torah. Some of our greatest leaders struggled with limitations. Yitzchak (Isaac) couldn't see; Ya'akov (Jacob) was lame for a period of time and Moshe (Moses) suffered from a severe speaking handicap. Despite these difficulties, they rose to unbelievable heights.

Which is the greater miracle at the time of revelation? On the one hand, it certainly reflects G-d's intervention if all people, even those who couldn't see, were given sight at that moment. On the other hand, revelation, which embraces even those with limitations, makes an extraordinary statement. It teaches us that just as at Sinai, everyone was welcome so too must we do everything in our power to see to it that everyone in our community is embraced.

In the end, the test of our community is the way it reaches out to the most vulnerable—from the forgotten, to those who are often cast aside—to those with physical or emotional or learning disabilities. "And they saw the voices" reminds us that all Jews, even the most vulnerable, stood at the foot at the most holy space of all—the foot of Mt. Sinai. © 2010 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 SHLOMO RISKIN**

## Shabbat Shalom

**“T**hou shalt not covet...” (Exodus 20:14) The highlight of this week's Biblical portion is the Ten Commandments - which, even 4,000 years later, remain the most exalted prescription for human morality ever written. Immediately following these measured but majestic exhortations comes a seemingly superfluous postscript, but one which is startlingly relevant for our economically challenged times: "Thou shalt not make alongside me gods of gold or silver for yourselves" (Exodus 20:19).

Idolatry may be defined as making any ideal for oneself, an end-in-itself, other than the Lord of love and compassion, patience and morality (Ex. 34:6). G-d is a "jealous god;" the quest for gold and silver as an absolute goal cannot co-exist with fealty to Him, even if the "two-timer" prays three times a day.

In today's society, "it's not a question of enough pal, because it's never enough," as financier Gordon Gekko explains in Oliver Stone's memorable and perhaps prophetic movie "Wall Street." This movie expresses our zeitgeist in which a powerful few were enabled to manipulate banking and investment systems not only to feed their own greed but to fuel the greed of an entire society - including observant and traditional Jews - in their desperate rush to ride the golden calf.

Let me recount a crucial lesson in economics that I received in the eighth grade class of the Yeshiva of Brooklyn. Our principal, Rav Menahem Manus Mandel, posed the following question: who is wealthier, the man with \$100 or the man with \$200? "The man with \$200," we replied in unison. "Not necessarily," explained the rabbi. "You must remember that unfortunately wealth must be measured not by the amount an individual has, but rather by the amount he thinks he lacks. Most people want to double what ever

they have; hence, the person with \$100 wants \$200 - and so he is missing \$100. But the person with \$200 wants \$400 - so he is missing \$200. Doesn't this mean that the person with \$100 is wealthier, because he requires less to get what he thinks he needs?"

Rav Mandel's point about having more and still desiring more was a lesson about greed, which is defined by Merriam-Webster as "a selfish and excessive desire for more of something [such as money] than is needed." The financial meltdown from which we are still suffering and our high rate of unemployment must teach us that greed is not good, and that the tenth commandment, "thou shalt not covet," is right on target. Greed ultimately leads to the "Madoffian" loss of morality because its ever-growing demands shut out the "still, small voice" of G-d.

It is not sufficient merely to ensure compliance with the letter of the law; it is specifically the spirit of the law which leads to proper Divine service. The Kotzker Rebbe is said to have remarked, "The mitnagdim are idolaters, since they slavishly serve the Code of Jewish law; while we hassidim serve the G-d of love and truth." If our community had but concentrated more on the values of our prophets, then the valuables of monetary profits would not have been allowed to control our markets.

Jewish "worship" of the "letter of the law" - as opposed to fealty to its inherent spirit - is exemplified by a recent slaughterhouse scandal in which illegal workers were hired and treated inhumanely, and animals were callously treated before they were slaughtered. In the aftermath of this outrage - that required government intervention - one of the most respected leaders of a well-known Kashrut-certification agency declared in a public forum that Kashrut means adhering to specific ritual standards regarding the piece of meat itself, period. Which workers you hire and how they are treated is a separate issue, he said, which must be policed by the government in accordance with its standards.

That perspective completely misses the point that informs the laws of Kashrut. It totally ignores the fact that the prohibition of eating meat and milk together is Biblically expressed in terms of sensitivity and consideration, "Thou shalt not seethe a kid in its mother's milk." (Ex 23:19) Likewise, the Biblical source for the soaking and salting of the meat before it may be cooked is "thou shalt not eat the blood, for the blood is the soul of the animal" (Deuteronomy 12:23).

The Bible is clearly concerned about training us to be sensitive to the ethical ambiguity of the eating of meat in the first place. It is clearly teaching us to be ethically sensitive to all living creatures, most of all to our fellow human beings. My favorite story about Rav Yisrael Salanter, famed founder of the Jewish Ethicist Mussar Movement (1800 - 1870), relates to his Friday evening meal as the guest of a Kovno baker. Eager to impress the honored visitor with his religious piety, the

baker bellowed loudly to his wife (whom he addressed improperly upon entering the house with the appellation "Yiddene," or "Jewish woman") that she must immediately cover the hallot (braided Sabbath loaves), castigating her for her delinquency in not doing so. The woman, embarrassed in the presence of Rav Salanter, shamefacedly covered the loaves, an act which she had planned to do anyway as a matter of course.

Rav Yisrael turned to his self-satisfied host. "Do you perchance know why we cover the loaves?" he asked. "Of course, learned Rabbi," answered the baker. "Usually we make the first blessing over the bread, which frees us from making blessings over other foods served during the meal. However, the Sabbath meals are an exception, since the blessing to sanctify the wine must precede the blessing over the bread. Since the hallot would probably expect to be blessed first, we cover them over to avoid their embarrassment when we bless the wine."

"Why do your ears not hear what your mouth is saying?" responded the Rabbi. "Do you really believe that Jewish law thinks that a piece of dough has feelings? Jewish law is training you to be sensitive to the feelings of the hallah, so that you will certainly be sensitive to the feelings of your wife!"

Jewish educators, rabbis and leaders of Jewish institutions must not overlook the true values of our Jewish traditions, the teachings of our prophets, "What is good and what does the Lord require of you? Act justly, love kindness, and walk modestly [not opulently] with your G-d" (Micah 6:8). We dare not honor the millionaire of the day while we overlook the educator of the year, and give fulsome praise at obscenely gaudy bar-mitzvah and bat-mitzvah celebrations where the matching color-schemes of the dresses and flower arrangements and the deafeningly loud band music crowd out the true religious meaning of the rite of passage.

The gods of gold and silver must not be allowed to push aside the G-d of modesty and morality. Only when the term "religious Jew" becomes synonymous with "ethical human being" will we be able to fulfill our covenantal mission as "a holy people and kingdom of priests - teachers to the world" (Ex. 19:6); only then will be a "light unto the nations." © 2010 *Ohr Torah Institutions & Rabbi S. Riskin*

#### **RABBI YONASON SACKS**

### **TorahWeb**

**W**hile all rishonim maintain that the mitzvah of Kiddush is derived from the posuk of "Zachor es yom hashabbos l'kadsho-Remember the Shabbos day to sanctify it" (Shemos 20:8), the fundamental nature of this "Zechira" is subject to considerable debate. The Rambam (Hil. Shabbos 29:1) employs this posuk to teach that one must commemorate the Shabbos at both its commencement

and at its departure with "zechiras shevach v'kiddush"- words of "praise and sanctification." The Rambam's presentation appears to characterize Kiddush and Havdallah as serving to offset Shabbos from the rest of the week, bookending the Shabbos with expressions of the day's uniqueness (see also Sefer HaMitzvos 155). Based on the Rambam's insistence upon expressions of "praise and sanctification," the Minchas Chinuch (31) infers that actual verbal articulation of Kiddush is necessary for fulfillment of the mitzvah: mere mental contemplation is insufficient (see, however, Pri Megadim E.A. 271:2).

The Ramban (Shemos 20:8), however, characterizes Kiddush in a somewhat different fashion. In describing the mitzvah of Kiddush, the Ramban analogizes the Kiddush of Friday night to the inaugural Kiddush of the Yovel year performed by the Beis Din. Rather than merely demarcating Shabbos from the rest of the week, Kiddush serves to literally consecrate and infuse the day of Shabbos with holiness. Although the kedushas hayom of Shabbos is not actually contingent upon human sanctification-whether a person recites Kiddush or not, Shabbos invariably begins at Sunset on Friday night (see, for example, Beitzah 17a) -- the Torah nonetheless enjoins us to actively participate in the inauguration of the Shabbos.

The Ramban's understanding of Kiddush finds precedent in other areas of halacha as well. A similar model may be found, for example, in the halachos pertaining to the Kedushas Bechor of an animal (see Nedarim 13a). Although firstborn animals are intrinsically endowed with sanctity from birth, irrespective of whether the owner actually declares the firstborn as "sanctified" or not, the owner of the animal is nonetheless commanded to actively declare the firstborn as sanctified. The Mordechai (Gittin 4:380) expresses a similar concept regarding the mitzvah of shemittas kesafim (relinquishing of loans) of the shemittah year. Despite the fact that the shemittah year will cancel loans regardless of a lender's intent (see, however, Yeraim 278), the Torah commands all lenders to formally declare that they relinquish their loans. The Ramban perceives Kiddush in a similar fashion, as it represents the human involvement in the sanctification of the day at its onset.

The practical difference between the interpretations of the Rambam and the Ramban expresses itself in the mitzvah of Havdallah. Because the Rambam understands "Zachor es yom hashabbos l'kadsho" as an imperative to offset Shabbos from the rest of the week, the Rambam derives both the mitzvah of Kiddush as well as the mitzvah of Havdallah from the same posuk. Both mitzvos serve an identical role, bookending the Shabbos from the remaining days of the week. In the Ramban's view, however, "Zachor es yom hashabbos l'kadsho" enjoins us to sanctify the Shabbos at its onset in a manner comparable to the sanctification of the Yovel. Hence, the posuk only refers

to Kiddush at the inauguration of Shabbos, but not to Havdallah.

The Ramban notes that his understanding of Kiddush as a "Mekadesh" or "sanctifier" of the day accounts nicely for the d'rabanan (Rabbinic) status of the Shabbos morning Kiddush, "Kiddusha Rabba." Just as the sanctification of the Yovel and of Rosh Chodesh is performed solely at the onset of the event, so too the Kiddush of Shabbos can only be performed (on a Biblical level) at the beginning of Shabbos. Any subsequent "Kiddush" during the course of Shabbos can only exist as a Rabbinic replica.

In addition to the d'oraisa (Biblical) Kiddush recited at the onset of Shabbos, Chazal instituted a secondary Kiddush to be recited on Shabbos morning, known as "Kiddusha Rabba." The Rambam (Hil. Shabbos 29:10) maintains that, like the d'oraisa Kiddush of Friday night, one may not eat prior to reciting Kiddusha Rabba. The Ra'avad (ibid.) disagrees, arguing that the 'true' Kiddush, which entails a prohibition of eating, was recited on Friday night. Kiddusha Rabba of the daytime, however, demands no such stringency. The Maharam Chalava (Pesachim 106a) echoes the Ra'avad's sentiment, explicitly stating that, despite its name, "Ein zeh Kiddush mammash"-Kiddusha Rabba is "not a 'literal' Kiddush." The Maharam Chalava supports this notion by citing Kiddush HaChodesh of Beis Din: just as Kiddush HaChodesh of Beis Din entails a single act of inauguration at the commencement of the month, so too the Biblical mitzvah of Kiddush on Shabbos requires only a single declaration.

Apparently, the Ra'avad and Maharam Chalava understand the essential nature of Kiddusha Rabba differently than the Rambam. The Rambam appears to view Kiddusha Rabba as a form of "Kiddush"-albeit Rabbinic. In other words, when the Rabbanan instituted Kiddusha Rabba, they modeled it after the Biblical form of Kiddush. Hence, Kiddusha Rabba carries the identical stringencies of Kiddush d'oraisa, including the prohibition of eating and the necessary recital "b'makom seuda." The Ra'avad and Maharam Chalava, however, assume that Kiddusha Rabba is not included under the rubric of "Kiddush" in any shape or form. Rather, Kiddusha Rabba constitutes an independent Rabbinic mitzvah to enhance the Shabbos day meal with wine, which is not patterned after the d'oraisa mitzvah of "Kiddush." Hence, Kiddusha Rabba does not assume the same stringencies as the nighttime Kiddush.

This dispute may also express itself in the obligation of women to recite Kiddusha Rabba. According to the Rambam, Kiddusha Rabba is patterned after the Mitvah d'oraisa of Kiddush. Hence, just as women are uniquely obligated in the mitzvah of Kiddush based on a special derivation of the Gemarah (see Berachos 20b), so too women are obligated to perform Kiddusha Rabba, which exists as an extension of Kiddush. According to the Ra'avad and Maharam Chalava, however, Kiddusha Rabba is not connected to

Kiddush, despite its name. Rather, Kiddusha Rabba constitutes a new mitzvah to enhance the Shabbos meal with wine. As such, it constitutes a mitzvas assei shehazaman grama (positive time-bound mitzvah), and women are thus exempt.

Perhaps the Rambam's understanding of Kiddusha Rabba as a Rabbinic form of Kiddush (as opposed to an independent Rabbinic mitzvah bearing no relationship to Kiddush) may be rooted in his aforementioned general understanding of the nature of Kiddush. Recall that the Maharam Chalava questioned the possibility of reciting Kiddush during the day-even if the Kiddush is only mid'rabanan- based on the fact that Kiddush HaChodesh of Beis Din is performed only at the beginning of the month. The Rambam, however, would reject this analogy, maintaining that Kiddush of Shabbos is incomparable to Kiddush HaChodesh of Beis Din. While Kiddush HaChodesh of Beis Din marks the consecration of the month, Kiddush on Shabbos functions solely to offset Shabbos from the rest of the week. Hence, although Kiddush of Beis Din may only be performed at the onset of the month, one could envision the possibility of Kiddush (albeit Mid'rabanan) in the middle of Shabbos.

The Gemarah in Maseches Berachos (27b) relates: "mispallel odom shel shabbos b'erev Shabbos v'omer k'dusha al hakos"-one may recite the Shemoneh Esrei of Shabbos and Kiddush on Erev Shabbos. At first glance, the dispensation to recite the Shabbos Kiddush on a weekday appears difficult. Many rishonim explain this ruling through the principle of "tosefes Shabbos"-the ability to actually "begin Shabbos early." While Kiddush most certainly must be recited on Shabbos itself, when one accepts the sanctity of Shabbos early, one may also recite Kiddush early. Based on this understanding, many authorities (see Or Zarua Hilchos Erev Shabbos 14 and Ra'ah ibid.) rule that the institution of "tosefes Shabbos" must be mid'oraisa: if the ability to accept Shabbos early was merely a rabbinic innovation which was unrecognized on a Biblical level, one could not possibly fulfill one's Biblical Kiddush obligation during that time (see however, Mordechai (Megillah 2:798)).

Interestingly, however, the Rambam makes no mention of tosefes Shabbos anywhere in his Mishneh Torah. The Maggid Mishneh (Hil. Shevisas Esor 1:6), as explained by the Beir Halacha (261 s.v. "Yeish Omrim"), explains that the Rambam considers tosefes Shabbos to be a purely Rabbinic institution. The Kesef Mishneh (Hil. Shabbos 4:3) goes further, arguing that the Rambam rejects the notion of tosefes Shabbos entirely-even mid'rabanan. Either way, if the Rambam does not recognize the possibility for biblically accepting Shabbos early on Friday afternoon, he faces an obvious difficulty: how can the Gemarah sanction reciting Kiddush on Friday afternoon?

The Rambam addresses this issue himself. In quoting the aforementioned Gemarah, the Rambam

writes (Hil. Shabbos 29:11): one may recite Kiddush on Friday afternoon, even though the Shabbos has not yet begun...because the mitzvah of 'Zechira' obliges one to recite Kiddush and Havdallah at the commencement and departure of Shabbos, or slightly beforehand or afterwards" (Hil. Shabbos 29:11). The Rambam explicitly acknowledges that Kiddush need not be recited on Shabbos itself. If one recited Kiddush on Friday afternoon before the actual onset of Shabbos, one nonetheless fulfills the d'oraisa Kiddush obligation. The Rambam's license to recite Kiddush before the actual commencement of Shabbos fits consistently with the Rambam's general understanding of the nature of Kiddush. Because Kiddush serves to mark off Shabbos from the rest of the week, it must be recited sometime around the transitional point from Friday to Shabbos, but not necessarily on Shabbos itself. If, however, one assumes like the Ramban, that Kiddush of Shabbos is analogous to Kiddush of Yovel and Rosh Chodesh, one must certainly wait until Shabbos itself to sanctify the Shabbos, as is the case with Yovel and Rosh Chodesh, one must certainly wait until Shabbos itself to sanctify the Shabbos, as is the case with Yovel and Rosh Chodesh. © 2010 Rabbi Y. Sacks and The TorahWeb Foundation

**RABBI DOV KRAMER**

## Taking a Closer Look

**T**here has been much written about the differences between the text of the "Ten Commandments" as it appears in Parashas Yisro (Shemos 20:2-13) and the way Moshe repeated it to the nation in Parashas Vu'eshanan (Devarim 5:6-17). I would like to focus on one specific difference, the omission in the first "version" of the words "as Hashem your G-d has commanded you," which appears within two commandments in the second "version" (Shabbos and honoring parents). While other differences can be explained through our tradition that both versions were said by G-d simultaneously ("shamor ve'zachor be'dibur echad," see Rashi on Shemos 20:7), if G-d said those words, they (or other words that add to the message) should appear in the first "version" as well. Why are they completely omitted in Parashas Yisro?

This question is only relevant if both "versions" are the exact words spoken by G-d; if Moshe was only paraphrasing G-d's words when he taught them to the next generation (see Ibn Ezra on Shemos 20:1), there is no need to explain how words can appear in the second version that are not present in the first. When Moshe adds "as G-d commanded you," it could refer to the "Ten Commandments" themselves, with the only question then being why Moshe refers to G-d commanding these two, and not all ten. To answer this question, we can apply the Rashbam's second approach (Devarim 5:11), that these are the only two of the ten that are commandments to do something,

whereas the other eight are commandments not to do something. However, as many point out, the Torah using the term "commanded" by any prohibition (see Vayikra 4:2) seems to negate this. Nevertheless, as long as the second version is Moshe's words, and not G-d's, it becomes much easier to explain how there could be clauses in the second that are not in the first (see Maharal's Tiferes Yisroel 43-45 and Or Hachayim on Devarim 5:19).

The Talmud (Sanhedrin 56b) says that we know that G-d commanded us regarding Shabbos and honoring parents weeks before the "Ten Commandments" (at Marah) because these two commandments contain the words "as G-d has commanded you," i.e. has already commanded you. As Rashi explains (ibid): "it can't be suggested that Moshe was telling them in Arvos Moav (where the second version was taught to the nation) 'as G-d had commanded you at Sinai,' because Moshe was not repeating for them [Sefer Devarim, including the Ten Commandments] and teaching them its mitzvos on his own, but exactly as he received it, and he reviewed it and told it to them; everything that is written in the second [version] of the [Ten] Commandments was written on the Luchos, and so did he (Moshe) hear at Sinai." If these were (also) the exact words G-d spoke (and Moshe heard) at Sinai, how could some of these words have been omitted in the version taught in Parashas Yisro?

The Chizkuni (Devarim 5:11), before giving the same explanations as the Rashbam (which only work if they are Moshe's words), gives a possible approach that would work with Rashi: "Remembering the Sabbath" (Shemos 20:7) refers to remembering the commandment that was previously taught at Marah, so there was no need to reference Marah again, while saying "keep the Sabbath" (Devarim 5:11) contains no reference to Marah, so included in the simultaneous commandment of "keeping the Sabbath" is "as G-d commanded you at Marah." The Sefornu (ibid) suggests that G-d's commandment at Marah (Shemos 15:26) to "do what is straight in His eyes and listen to His commandments" refers to using the time Shabbos affords us (since work is prohibited) to learn Torah and do mitzvos. Therefore, when focusing on the prohibitions ("keeping the Sabbath"), a reference to doing more than just resting (which is what was commanded at Marah) is included. The Malbim (Shemos 20:8-11) suggests just the opposite, with only prohibitions (see Shemos 16:23-29) being commanded when Shabbos was first introduced (the commandment at Marah to "go straight and listen to G-d" would refer to all mitzvos, not Shabbos). Therefore, within the commandment to "keep the Sabbath," which refers to not violating it, Marah was referenced. The commandment to "remember the Sabbath," on the other hand, which refers to doing something to show that it is holy, such as making Kiddush (Pesachim 106a)

or buying special items for it (see Rashi on Shemos 20:7), cannot reference Marah, since this aspect was not taught there. Either way, though, this only applies to Shabbos, not to honoring parents, so we would need to find a separate reason why being commanded to honor parents at Marah was referenced only in the second "version."

It is possible that there is a secondary reason why "as G-d has commanded you" was added by honoring parents, even if (as the Talmud indicates) it mainly refers to the commandment having been given at Marah. For example, the Kedushas Levi is quoted as saying that the reason "as G-d has commanded you" is only included in Devarim is because by then the nation had been taught the entire Torah. Therefore, we are told to only listen to our parents when their request is consistent with what "G-d has commanded," but not if they tell us to disregard Jewish law. In Shemos, however, where we were not yet taught Jewish law, this parameter could not be included. The Malbim (in Shemos) and the Nesivos (Nachalas Yaakov, in Devarim) both suggest that before the sin of the golden calf the nation didn't need to be reminded to honor their parents "because G-d commanded them to," but afterwards, when they might have listened to their parents because G-d promised that it will be beneficial (Devarim 5:15), it was necessary to add that it should be done "because G-d commanded it." Once a reference to Marah was necessary for Shabbos, it was included by honoring parents too because these additional messages would be included as well.

I would like to suggest another possibility. Even though Shabbos was commanded at Marah, it wasn't observed right away. I'm not referring to it being taught before it became obligatory in order to familiarize the nation with its laws (as I mentioned last week), but to the fact that they violated the very first Shabbos that was commanded. "Had the Israelites kept the first Shabbos, no nation or tongue would ever rule over them" (Shabbos 118b). However, on the first Shabbos after the mun fell, despite a double-portion having fallen on Friday (Shemos 16:22), and being told that none would fall on Shabbos (16:25-26), "on the seventh day, some from the nation went out to gather" (16:27).

Although G-d spoke all "Ten Commandments," the nation only understood the first two (Ramban on Shemos 20:7, also see Pesikta Rabasi 22); the rest Moshe had to explain to them. Of the ten "commandments" stated by G-d publicly on Mt Sinai, only two of them had been previously commanded (at Marah), Shabbos and honoring parents, and this fact was included in the commandments. However, when Moshe repeated G-d's words to the nation, he couldn't include all of the "voices," all of the inherent messages, and the text of the "Ten Commandments" in Shemos is the words that were written on the first set of Luchos, which were the words Moshe used when relaying G-d's words to the nation. Why didn't he include the words "as

G-d has commanded you," since these were also G-d's words? Because the nation had just disobeyed one of these commandments when some went out to look for mun on Shabbos, a mistake that would have repercussions until Moshiach comes (may it be soon). Moshe didn't want to remind them of this so soon after it had occurred; he didn't want to include any implied admonishment at this momentous occasion. Therefore, at Sinai, he left these words out (from both commandments, since either one would remind them of the sin). Forty years later, however, when it was the next generation he was speaking to and this concern didn't apply, Moshe was able to include this part of the commandment when repeating the words G-d had spoken to the entire nation. © 2010 Rabbi D. Kramer

### RABBI YISROEL CINER

## Parsha Insights

**T**his week we read the parsha of Yisro. "And Yisro, the father-in-law of Moshe, heard all that Elokim had done for Moshe and Yisroel his nation. [18:1]" What did Yisro hear that prompted him to come? He heard about the splitting of the sea and the war against Amalek. [Rashi]

The Ramban brings the two opinions of when this episode with Yisro took place either before or after matan Torah {the giving of the Torah}. He then asks, according to the opinion that Yisro arrived after matan Torah, why wasn't that earthshattering event a cause of his coming? If we were to look for an event that prompted Yisro to come and join the Jewish Nation, it would seem that matan Torah would figure far more prominently than either the splitting of the sea or the war against Amalek! Furthermore, what was so inspiring about the war against Amalek? Wasn't it the victory in the war that would have inspired Yisro to come?

Yisro was aware of the great things that Hashem was doing for the Jewish Nation. However, that alone wasn't enough to motivate him to convert. However, the Darchei Mussar writes, when Yisro heard that Amalek had attacked Bnei Yisroel {the Children of Israel}, he then had a change of heart.

Amalek heard of all the miracles including the splitting of the sea and had chosen to blind themselves to those facts and to attack Bnei Yisroel. Those incredible events did not move them. This tendency of Amalek to avoid and deny the obvious when it went against their agenda really shook up Yisro. He recognized the bankruptcy of such a nation and decided that he had to remove himself from such a group. He moved to join the nation that was diametrically opposed to Amalek. It was the war, not the victory, that made him come. The contradiction between what is known and what is done can be so glaring by others and so elusive by oneself.

Rav Sholom Schwadron, zt"l, the Maggid of Yerushalayim, would tell a story of a father who

complained bitterly that his son had joined a yeshiva {institution of advanced Jewish study}. "How could he do this to me?" he lamented. "My parents were religious and I was smart enough to move away from all of that. I brought my son up in a totally irreligious manner and now, of all places, he decides to go to a yeshiva?! Why can't he be like me?" he thundered to the Rosh {Dean of the} Yeshiva.

The Rosh Yeshiva turned to the father and said, "But he has! He's grown up just like you. You disregarded what your parents taught you and he disregarded what you taught him. Your boy is just like you..."

The method of a Maggid was to tell stories that would make a person laugh at the follies of others and then, with their guard down, make them confront their own very similar follies. When we contemplate all of the miracles that Hashem has done and is still doing for Bnei Yisroel, it behooves each person to hear and to come with a renewed dedication and enthusiasm.

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#### **RABBI NAFTALI REICH**

### **Legacy**

**W**hat would have convinced George Washington to drop everything and go study Torah in a synagogue in Rhode Island? Would spectacular Jewish victories and miraculous deliverance from their enemies have inspired him to walk away from the White House and his palatial estates in Monticello?

In this week's portion, we encounter one of the George Washingtons of the ancient world-Jethro, prince and high priest of Midian. While ancient Midian was no world power like Egypt or Babylon, it was quite a prosperous nation, and Jethro was its master. Still, when Jethro "heard all the Lord had done for Moses and his people Israel," he left the luxuries and comforts of Midian and joined the Jewish people in the desert.

What prompted Jethro to give up his royal honors, his power, his estates, his luxurious lifestyle, his wealth? What had he "heard" that so transformed him? Our Sages tells us that he heard about the miraculous splitting of the sea followed immediately by the war against Amalek. The Ten Plagues and the Exodus had apparently not been sufficiently impressive to make Jethro leave the comforts and privileges of Midian.

The commentators explain that the splitting of the sea was a most phenomenal miracle. Our Sages tell us that the spectacles witnessed by a maidservant at the sea were greater than the visions of the exalted prophet Ezekiel. It is, thus, quite understandable that hearing of this miracle would motivate Jethro to join the Jewish people. But what was so inspiring about the war against Amalek? Was the victory in this war more miraculous than the Ten Plagues and the Exodus?

In actuality, however, the stunning miracles of the Ten Plagues and the Exodus had indeed

engendered in Jethro's heart a profound belief in Hashem and recognition of His mastery of the world. But they did not motivate him to uproot himself and seek an inspired life. Despite his newfound understanding of divinity, he was content to live as a "righteous gentile" in Midian for the rest of his life. But the unprovoked attack by Amalek, coming as it did immediately after the splitting of the sea, shook him to his very core.

How could such a thing happen? How could the tremendous miracles Hashem performed for the Jewish people have so little effect on Amalek? The prophet (Joshua 5:1) assures us that the surrounding nations had heard about the splitting of the sea. Surely, Amalek had not missed this major news event. And yet, for no logical reason but pure malice, they chose to attack the Jewish people in the desert. Clearly, the overwhelming evidence of miracles was not enough to transform people and turn them away from evil. If there was a will to deny the miracles, a way would always be found. Barbarism and immorality would continue to exist despite the revelation of the awesome power of Hashem.

The war with Amalek had shown Jethro that the discovery of the existence of the Creator could not be expected to have a lasting effect-if any effect at all. Only by translating that discovery, and the accompanying thrill of inspiration, into a concrete commitment could he transform his life. Only breaking with the familiar patterns of his life and going into the desert to join the Jewish people could guarantee a transformation. The forfeiture of his royal privileges in Midian was but a small price to pay.

A king summoned the two finest painters in the realm. "I want a portrait of my son," he said. "This will be a contest. The winner receives wealth beyond his wildest dreams, the other nothing." The king then gave a passionate description of the prince's wonderful qualities. "Come back in a week!" he concluded.

A week later, they returned with the portraits, and to the king's astonishment, one was far superior to the other. "How can this be," he asked the winner, "if the two of you are equally talented?"

"It is really quite simple, your majesty. The moment you finished giving us that inspiring description, I ran to paint the portrait immediately. My friend waited two days. By then, the inspiration was gone."

In our own lives, we encounter moments of inspiration that lift us above the mundane routine of our everyday lives, moments when we experience a mystical joy that changes our entire perspective. But how do we capture that momentary feeling? How can we make it a permanent part of our lives? Only by concrete commitment. Only by taking a step forward can we anchor these transcendent feelings in our hearts and enrich our lives forever. © 2010 Rabbi N. Reich and torah.org