

# Toras Aish

## Thoughts From Across the Torah Spectrum

**CHIEF RABBI LORD JONATHAN SACKS**

### Covenant & Conversation

**T**here's an enthralling story about the Ten Commandments and the role they played in Jewish worship and the synagogue.

It begins with a little-known fact. There was a time when there were not three paragraphs in the prayer we call the Shema, but four. The Mishnah in Tamid (5:1) tells us that in Temple times the officiating priests would say, first, the Ten Commandments and then the three paragraphs of the Shema.

We have several pieces of independent evidence for this. The first consists of four papyrus fragments acquired in Egypt in 1898 by the then secretary of the Society of Biblical Archaeology, W.L. Nash. Pieced together and located today in the Cambridge University Library, they are known as the Nash Papyrus. Dating from the second century BCE, they contain a version of the Ten Commandments, immediately followed by the Shema. Almost certainly the papyrus was used for prayer in a synagogue in Egypt before the birth of Christianity, at a time when the custom was to include all four paragraphs.

Tefillin from the Second Temple period, discovered in the Qumran caves along with the Dead Sea Scrolls, contained the Ten Commandments. Indeed a lengthy section of the halakhic midrash on Deuteronomy, the Sifri, is dedicated to proving that we should not include the Ten Commandments in the tefillin, which suggests that there were some Jews who did so, and the rabbis needed to be able to show that they were wrong.

We also have evidence from both the Babylonian and Jerusalem Talmuds (Bavli, Berakhot 12a ; Yerushalmi Berakhot 1:8) that there were communities in Israel and Babylon who sought to introduce the Ten Commandments into the prayers, and that the rabbis had to issue a ruling against doing so. There is even documentary evidence that the Jewish community in Fostat, near Cairo, kept a special scroll in the ark called the Sefer al-Shir, which they took out after the conclusion of daily prayers and read from it the Ten Commandments (Jacob Mann, *The Jews in Egypt and in Palestine under the Fatimid caliphs*, I, 221).

So the custom of including the Ten Commandments as part of the Shema was once widespread, but from a certain point in time it was

systematically opposed by the sages. Why did they object to it? Both the Babylonian and Jerusalem Talmuds say it was because of the "claim of the sectarians."

Jewish sectarians-some identify them as a group of early Christians but there is no compelling evidence for this-argued that only the Ten Commandments were binding, because only they were received by the Israelites directly from G-d at Mount Sinai. The others were received through Moses, and this sect, or perhaps several of them, held that they did not come from G-d. They were Moses' own invention, and therefore not binding.

There is a midrash that gives us an idea of what the sectarians were saying. It places in the mouth of Korach and his followers, who rebelled against Moses, these words: "The whole congregation are holy. Are you [Moses and Aaron] the only ones who are holy? All of us were sanctified at Sinai... and when the Ten Commandments were given, there was no mention of challah or terumah or tithes or tzitzit. You made this all up yourself." (Yalkut Shimoni Korach 752).

So the rabbis were opposed to any custom that would give special prominence to the Ten Commandments since the sectarians were pointing to such customs as proof that even orthodox Jews treated them differently from the other commands. By removing them from the prayer book, the rabbis hoped to silence such claims.

But the story does not end there. So special were the Ten Commandments to Jews that they found their way back. Rabbi Jacob ben Asher, author of the Tur (14th century) suggested that one should say them privately. Rabbi Joseph Karo argues that the ban only applies to reciting the Ten Commandments publicly during the service, so they could be said privately after the service. That is where you find them today in most siddurim-immediately after the morning service. Rabbi Shlomo Luria had the custom of reading the Ten Commandments at the beginning of prayer, before the start of Pesukei de-Zimra, the Verses of Praise.

That was not the end of the argument. Given that we do not say the Ten Commandments during public prayer, should we none the less give them special honour when we read them from the Torah, whether on Shavuot or in the weeks of parshat Yitro and Vaetchanan? Should we stand when they are being read?

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Maimonides found himself involved in a controversy over this question. Someone wrote him a letter telling the following story. He was a member of a synagogue where originally the custom was to stand during the reading of the Ten Commandments. Then a rabbi came and ruled otherwise, saying that it was wrong to stand for the same reason as it was forbidden to say the Ten Commandments during public prayer. It could be used by sectarians, heretics and others to claim that even the Jews themselves held that the Ten Commandments were more important than the other 603. So the community stopped standing. Years later another rabbi came, this time from a community where the custom was to stand for the Ten Commandments. The new rabbi stood and told the congregation to do likewise. Some did. Some did not, since their previous rabbi had ruled against. Who was right?

Maimonides had no doubt. It was the previous rabbi, the one who had told them not to stand, who was in the right. His reasoning was correct also. Exactly the logic that barred it from the daily prayers should be applied to the reading of the Torah. It should be given no special prominence. The community should stay sitting. Thus ruled Maimonides, the greatest rabbi of the Middle Ages. However, sometimes even great rabbis have difficulty persuading communities to change. Then as now most communities—even those in Maimonides' Egypt—stood while the Ten Commandments were being read.

So despite strong attempts by the sages, in the time of the Mishnah, Gemara and later in the age of Maimonides, to ban any custom that gave special dignity to the Ten Commandments, whether as prayer or as biblical reading, Jews kept finding ways of doing so. They brought it back into daily prayer by saying it privately and outside the mandatory service, and they continued to stand while it was being read from the Torah despite Maimonides' ruling that they should not.

"Leave Israel alone," said Hillel, "for even if they are not prophets, they are still the children of prophets." Ordinary Jews had a passion for the Ten Commandments. They were the distilled essence of Judaism. They were heard directly by the people from the mouth of G-d himself. They were the basis of the covenant they made with G-d at Mount Sinai, calling on them to become a kingdom of priests and a holy nation. Twice in the Torah they are described as the covenant

itself: "Then the Lord said to Moses, 'Write down these words, for in accordance with these words I have made a covenant with you and with Israel.' Moses was there with the Lord forty days and forty nights without eating bread or drinking water. And he wrote on the tablets the words of the covenant- the Ten Commandments." (Ex 34:27-28)

"Then the Lord spoke to you out of the fire. You heard the sound of words but saw no form; there was only a voice. He declared to you his covenant, the Ten Commandments, which he commanded you to follow and then wrote them on two stone tablets." (Deut. 4:12-13) That is why they were originally said immediately prior to the Shema, and why despite their removal from the prayers Jews continued to say them—because their recital constituted a daily renewal of the covenant with G-d. That too is why Jews insisted on standing when they were being read from the Torah, because when they were being given the Israelites "stood at the foot of the mountain" (Ex. 19:17). The Midrash (Pesikta de-Rav Kahana 12, ed. Mandelbaum, p. 204) says about the reading of the Ten Commandments on Shavuot: "The Holy One blessed be He said to the Israelites: My children, read this passage every year and I will account it to you as if you were standing before Mount Sinai and receiving the Torah."

Jews kept searching for ways of recreating that scene, by standing when they listened to it from the Torah and by saying it privately after the end of the morning prayers. Despite the fact that they knew their acts could be misconstrued by heretics, they were too attached to that great epiphany—the only time in history G-d spoke to an entire people—to treat it like any other passage in the Torah. The honour given to the Ten Commandments was the custom that refused to die.  
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#### **RABBI SHLOMO RISKIN**

### **Shabbat Shalom**

“**N**ow I [Jethro] know that Hashem is greater than all gods...” (Exodus 18:11) Is it not strange that the very Biblical portion which records G-d's revelation to the Israelites – indeed, the religio-legal covenant between the Almighty and His chosen people – begins with, and is named in honor of, a Midianite priest?

Moreover, why did G-d choose Mount Sinai which is a desert mountain outside of the boundaries of the Land of Israel, a galut (exile) location, for His Revelation? Would it not have been far more fitting for G-d to have presented the revelation on the Temple Mount, Mount Moriah, which is the place of the binding of Isaac, in the Holy City of Jerusalem?

The Mechilta of Rabbi Yishmael, the Midrash Bahodesh (Lauterbach edition, p. 198), provides a fascinating response to our second query: "Had the Torah been given in the Land of Israel, the Israelites

would have told the rest of the nations that they have no portion in the Torah. Now that the Revelation was given in the desert, in an open, ownerless, public space, which is accessible to every human being, let anyone who wishes to accept it, come and take it."

Another Midrash cited by the classical commentator, Rashi, takes an even more active approach to conversion. In his interpretation of Moses' final blessing to the Israelites at the end of the Pentateuch, towards the beginning of the portion "VeZot HaBerakha" (Deut 33:1,2). The Midrash pictures the Lord on His way to Sinai, first approaching the descendants of Esau (Seir) and then the descendants of Yishmael (Mount Paran), offering them the Torah first! It was only after these Gentiles rejected the moral laws prohibiting theft and adultery, and after Israel accepted all the laws unconditionally, that it became Israel's Torah.

And since our G-d is the Lord of the universe and not only of the Lord of Israel; and since every human being – and not only the Hebrews – was created in the Divine image, G-d's hope, and ultimate guarantee, is that every citizen of the world will eventually accept the seven Noahide laws of morality and perhaps even the entire Torah. That is the significance of Isaiah's picture of the end of the days, when "the Mountain of the Temple of the Lord will stand secure and all of the nations will rush to the Temple and they shall declare, 'Let us learn from [Israel's] ways and let us walk in [Israel's] paths, for from Zion shall come forth Torah, and the word of the Lord from Jerusalem' – Torah for the entire world! (Isaiah 2: 3).

Similarly, the prophet Zephaniah prophesies: "At that time, I shall turn around the nations [and bring to them] a clear and universal language which will call out to all of them in the name of the Lord, to serve Him shoulder to shoulder" (Zephaniah 3:9). And one of our most ancient prayers, which our Talmudic Sages have ordained must be said at the conclusion of each and every statutory prayer service, declares our faithful hope that "idols will be completely cut off, the world will be perfected under the Kingship of the Almighty, all mortal children of flesh will call upon Your name, all the wicked of the earth will be turned to You,...and everyone will accept the yoke of Your Kingship" (Aleynu, Al Ken).

To be sure, the great legal codifier and philosopher of the 11-12th centuries Maimonides ordained that Moses was only to teach the 613 commandments to the Israelites and to those who wished to convert to Judaism. Jews are commanded to convert – and even to coerce – Gentiles into the acceptance of the seven Noahide laws of morality, not into the acceptance of the entire package of Jewish law and traditions (Laws of Kings, 8,10). Any Gentile who accepts these seven laws of morality (not to murder, not to steal, not to commit adultery, not to drink the blood or eat a limb of a living animal, not to blaspheme G-d, not to serve idols and to establish courts for the expedition

of these laws) is entitled to a share in the World to Come. However, Maimonides does rule that at the End of Days, everyone will, of their own volition, turn to the true religion, refrain from robbery and destruction, and eat only "permitted [kosher] foods, like the Israelites" (ibid 12).

Moreover, Maimonides states "Yeshua the Nazerene and that Yishmaelite [Mohammed] whose teachings pave the way for the King Messiah," and through whose religious teachings – which we can in no way accept for ourselves – "the world has [nevertheless] become filled with words of the Messiah, with words of Torah and with words of the commandments, and these words have spread to the furthest islands and to many nations of uncircumcised hearts" (ibid 11,11-12).

Since the Torah is meant to spread throughout the world, it is understandable why Yitro – a Midianite Priest who came to accept and praise the G-d of Israel and His laws – is a fitting hero for the portion of our Revelation at Sinai © 2011 *Ohr Torah Institutions & Rabbi S. Riskin*

#### RABBI BEREL WEIN

## Wein Online

**A**t the revelation at Sinai the Lord set the goal for the Jewish people-"to be a kingdom of priests and a holy nation." These noble goals, like all great ideas and lofty ideals, require definition. What is meant by a kingdom of priests? In Jewish life the priests, the descendants of Aharon, were people who were freed from the daily mundane chores of life and were supported by the masses of Israel who sustained them physically and financially.

Now if the entire nation was to be a kingdom of priests, in those terms of support and life, it obviously was an impossibility to maintain such a kingdom. Therefore the idea of the kingdom of priests must mean a broader reality. It is the challenge of being a kingdom of teachers of others-"for the lips of the priest shall guard knowledge and Torah will be asked to be taught from his mouth."

We are all teachers by example if not by profession. How we act influences our children, our neighbors, our customers and our coworkers. And a priest in the service of the Jewish people was someone who served the public and private needs of Jews. He was someone who was on call to answer the needs of the community, whether in the required Temple service or in the private endeavors meant to enhance the status of the community or of help to other individuals. The priest was the social worker, the peace maker, the cement that binds a community together and gives it its necessary sense of unity and cohesion. Every Jew is obligated to attempt to be such a priest.

A holy nation is also a phrase that requires definition and detail. Holiness in its Hebrew root means

dedication, loyalty and an ability to break down the barriers of society that oftentimes prevent us from achieving spiritual satisfaction and nobility of purpose. A holy nation must therefore mean a nation that is able to retain its unique identity. It cannot be swallowed up by the prevailing and ever changing majority cultures that will always surround it.

Holiness requires the ability to care for everyone while remaining apart from everyone at one and the same time. Holiness refers to the body and not just to the soul and the spirit. It speaks to discipline and order, self-control and resisting impulse. The great challenge here is to instill these virtues and traits of character and behavior in an entire nation and not only in a few special chosen, extraordinary individuals.

These goals of probity and correct behavior are to be the national goals of the Jewish people and the hallmark of its society. Other societies look for greatness and morality from the few. Not so the society of the Jewish people, where these demands and goals are laid upon all who are part of the household of Israel.

A holy nation is not restricted to being so only in the house of worship and study. It is to be a holy nation in every walk of life, at home and in the marketplace, in the halls of government-and certainly in its treatment of others. That is the blueprint of Sinai that was set before us millennia ago and still binds us to this very day. © 2011 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](http://www.rabbiwein.com)

#### **RABBI AVI WEISS**

### **Shabbat Forshpeis**

**T**he last sentence of this week's portion states that ramps should lead to the altar. (Exodus 20:23) Why are ramps used and not steps?

The issue may be one of modesty. In the ancient Near East nudity was associated with ritual activity. This link is rejected by Torah. If there were steps, the robe of the priest would be upset while he climbed them, revealing the nakedness of his limbs. As Rashi points out, with ramps, this would not occur.

Another idea comes to mind. The altar symbolizes a central place of spirituality. The ramps connecting the ground with the altar teach that in order to reach the higher world of the spirit one must be in constant motion. Ramps imply perpetual movement, whereas steps can offer rest. Similar to the ladders of Jacob's dream, in the world of the spirit-one can either ascend or descend-never can one stand still.

Another important contemporary lesson can be learned. The presence of ramps can be viewed as a symbol of accessibility. Once there is accessibility in the place of the spirit, either in the altar or in today's synagogue, it sends a message that all places should be open to the handicapped. Not only do ramps send a

message of welcome to the physically challenged, but they also send to one and all, even to those not in wheelchairs, that everyone, regardless of affiliation, health or station in life is welcome.

For me, the ramps to the altar powerfully remind us what makes a synagogue beautiful. I have heard Jews with a passion for architecture, debate this question at length. Some may advocate an ultra-modern structure with a skylight over the ark, while others may prefer a more traditional structure. Personally, the first items I look for in a shul are ramps. If the synagogue is accessible, it is beautiful.

To those who feel themselves far removed from the issue and believe it has nothing to do with them, let it be said that none of us are immune from the misfortunes that befall others. There is no such thing as the sick and the well. There are only the sick and the not yet sick.

A photograph in my office says it all. It is of a man sitting in his wheelchair at the bottom of a flight of steps, leading up to the entrance of the synagogue. Over its door, is emblazoned the sentence, "Open the gates of righteousness for me, I will enter through them." (Psalm 118:19)

The man sits with his back to the doors, unable to enter. As a Jewish community we have failed him. Our task is to learn from the ramps that led to the altar in the tabernacle. They teach that we must make sure that this man can face the door and be welcomed as he makes his way in. © 2011 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and President of Yeshivat Chovevei Torah Rabbinical School - the Modern and Open Orthodox Rabbinical School. He is Senior Rabbi at the Hebrew Institute of Riverdale, a Modern and Open Orthodox congregation of 850 families. He is also National President of AMCHA - the Coalition for Jewish Concerns

#### **RABBI DOV KRAMER**

### **Taking a Closer Look**

**“A**nd Yisro rejoiced over all of the good that G-d did for Israel” (Sh'mos 18:9). The term used for “rejoiced” is “vayichad,” from the word “chedvah.” Because the Torah uses this term, the Talmud (Sanhedrin 94a) says that there is a secondary meaning, on a “d'rash” level, based on other meanings of the root of “vayichad.” Rav is of the opinion that the additional reference is to the word “sharp,” as Yisro used a sharp instrument to undergo a circumcision as part of his conversion to Judaism (see Rashi), while Sh'muel is of the opinion that it refers to Yisro's skin becoming bumpy (or wrinkled, or full of wounds) upon hearing the gruesome details of what happened to the Egyptians. Although Rashi, in his commentary on Chumash, mentions both the “p'shat” and the “d'rash,” he only quotes Sh'muel's version. Why did Rashi ignore Rav's approach and only include Sh'muel's?”

There is a major issue with Rav's suggestion that Yisro first converted after Moshe told him the

details of the exodus, as there are several strong implications that Yisro had already converted before this conversation took place. For one thing, when they first greeted each other (18:7), the Torah uses the term "rayayhu," which connotes full halachic equals (see <http://www.aishdas.org/ta/5768/kedoshim.pdf>); if Yisro hadn't yet converted, he and Moshe would not be halachic equals. (As a matter of fact, Targum Yonasan says that this is where/when Yisro converted, with the commentators explaining that the term "rayayhu" is the basis for saying this is when Yisro converted.) Secondly, the Ananay HaKavod (clouds of glory) that surrounded the Children of Israel did not allow others in (which is why Yisro had to find a way to get a message to Moshe that he had arrived, see Midrash Aggada). Since Yisro was given the further details about the exodus after he was in Moshe's tent (18:7-8), he must have already converted; otherwise, how could he have been inside?

This issue might be enough of a reason for Rashi's preference of Sh'muel's approach over Rav's, but we would still need to explain Rav's approach, as well as that of Midrash Tanchuma (Yisro 7), which also says that the word "vayichad" is used to hint about Yisro becoming a Jew. If there is a satisfactory explanation for how Yisro could have first converted after being inside the Ananaim, we would then need to understand why Rashi rejected it.

"With three things Israel entered into a covenant (with G-d); with circumcision and immersion (in ritually purifying water) and an offering" (Rambam, Hilchos Isuray Biya 13:1). Rambam then gives the details of where and when the Children of Israel did these things (13:2-3) before concluding (13:4) that "so too for (future) generations, when a non-Jew wants to enter the covenant and be gathered under the wings of [G-d's] divine presence and accepts upon himself the yoke of Torah, he needs a circumcision, immersion and an offering." Even though circumcision was required from the time Avraham was commanded to become circumcised, the basis for it being a prerequisite for conversion is what was done before the nation entered the covenant at Sinai (see K'risus 9a). As opposed to conversion needing circumcision from the time Avraham became circumcised, with additional requirements added at Mt. Sinai, apparently the requirement to become circumcised before converting also started at Sinai, based on the nation having done so then. (If so, requiring Shechem to become circumcised must have been part of the ruse.)

Although Sh'mos Rabbah (18:10) says that the "Eirev Rav," the mixed multitude of converts that came out of Egypt with the Children of Israel, took part in the Korbon Pesach (Passover offering), and therefore must have also been circumcised (as no one uncircumcised can partake in the Korbon Pesach, see Sh'mos 12:48), the Chasam Sofer (Shabbos 135a, d"h R'ay) references a Midrash which says that Moshe circumcised those

who had worshipped the golden calf before he killed them. The group that sinned by the golden calf was the Eirev Rav (see Rashi on Sh'mos 32:7), which would mean that despite being referred to as "converts," they were uncircumcised. (Either this Midrash argues with the previously quoted Midrash Rabbah, or there were some that became circumcised in order to partake in the Korbon Pesach while others didn't.) This supports my suggestion that until the Torah was given on Mt. Sinai, circumcision was not a prerequisite for conversion, and just as Avraham and Sarah converted many to monotheism without a Jewish court and without circumcision, it was possible to convert to Avraham's religion without being circumcised even after Avraham was circumcised (until Sinai, anyway).

If it were possible to convert without becoming circumcised, Yisro could have converted to Avraham's religion when he greeted Moshe outside the Ananaim, could be called his halachic equal, and was able to enter within the Ananay Hakavod. Once inside, Moshe told him the details of what happened in Egypt and when they left, including the fact that the entire nation was now circumcised. Upon hearing that this was about to become a prerequisite for conversion, Yisro decided to complete the process, and become circumcised as well.

This possibility only works, however, if Yisro came before the Torah was given; if he arrived after the Torah was already given, he would have had to become circumcised before his conversion (et al). Although some maintain that Rashi was of the opinion that Yisro came before the Torah was given (because he doesn't mention it as one of the reasons why Yisro came), it seems clear to me that Rashi thought Yisro didn't arrive until after the Torah was given (see <http://www.aishdas.org/ta/5769/yisro.pdf>; the piece starts on page 2; I discuss Rashi's opinion on page 3). Since Rashi maintains that Yisro didn't arrive until after the Torah was given, he can't quote Rav's opinion that Yisro's circumcision occurred within the confines of the Ananay HaKavod, as that's only possible if Yisro arrived before circumcision was a prerequisite for conversion.

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#### MACHON ZOMET

## Shabbat B'Shabbato

by Rabbi Mordechai Greenberg

Rosh Yeshiva, Kerem B'Yavne

**T**his year the fourteenth of Adar will mark thirty years since the passing of Rav Tzvi Yehuda Kook. In this article we will note several aspects of the receiving of the Torah which he often discussed with his students.

First of all, the Rav often emphasized that the fact that Yisrael was chosen not as individuals but rather as an entire nation. It would be a mistake to think that "our unique essence is a matter for our individual personalities and not for our community as a whole. The

truth is that the main element of the uniqueness of Yisrael is the fact that it is separated from the other nations, in that the King of the Universe chose us from the other nations and gave us His Torah. He separated us from the nations, in order to be a nation for Him alone. He created the nation for Himself, for them to declare His praise, and fashioned them into an eternal nation." [L'Netivot Yisrael].

This leads to the conclusion that the Torah was not given to individuals, no matter how many they are, but was specifically given to us as a nation. The sages have taught us: "What is the meaning of the verse, 'What man is wise enough to understand this?' [Yirmiyahu 9:11]. The wise men and the prophets were all asked this question and they did not have an answer, and in the end the Holy One, Blessed be He, gave the reply. His answer was, 'G-d said, it was because they have forsaken my Torah' [Yirmiyahu 9:12]... that is, they did not recite a blessing before studying Torah." [Nedarim 81a]. Can it be that Bnei Yisrael were sent into exile because they did not recite a blessing? The answer is that in the blessing before Torah study we say, "He chose us from all the other nations and gave us His Torah." Before the destruction of the Temple we indeed studied the Torah, but not because of the unique traits of Yisrael as a whole, only as personal study.

And because of this, Rav Kook explained, oral study is very important, and especially the study of the Gemorra, even though many people wonder why we should be interested in the discussions, the rejected proposals and the conclusions, the questions and answers. Why do we not study the final decisions immediately, in the way that the Rambam and the Shulchan Aruch organized them?

With respect to the Oral Torah, it is written, "For according to these words I have made a covenant with you and with Yisrael" [Shemot 34:27]. The interpretation of the sages of this verse is, "the Holy One, Blessed be He, only made a covenant with Yisrael because of the Oral Torah." [Gittin 60b]. The TUR writes that this is the reason we say, "He planted eternal life within us" [daily prayers]. The Oral Torah is not merely another book on the Jewish bookshelf, rather it lives within us, the community of Yisrael, and it therefore exists within each and every one of us. When we study Gemorra we are not merely enriching our knowledge, we are enhancing our link to the source of life, to the One who gave the Torah. In this way we become filled with the flow of Divine life. Every Jew who studies Gemorra at the level which suits him best will thus experience an encounter with the word of G-d. "The more you fill up with these intellectual-ethical analyses, the more you perfect your own ethical-spiritual-Jewish personality. The purpose of studying Gemorra is not to be a rabbi but to be a healthy Jew. The closer you are to the Talmud, the closer you are to the eternal life which the Almighty planted within us."

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**RABBI YITZCHOK ADLERSTEIN**

## Room for Compromise

**“**If you do this thing, and G-d will command you, and you will be able to endure. This entire people as well will arrive at its destination in peace.”

With a flourish, Yisro concludes his proposal for his son-in-law to lighten the load upon him. After detailing a system of lesser courts and officials that Yisro would like to see instituted, he speaks to Moshe about the benefits that he can expect to see from these innovations. Our pasuk, according to Rashi, combines several "if...then" phrases. Rashi takes the second phrase, for example, to be one of the conditions. If Hashem concurs with all I advise you, and issues the command Himself, then and only then will our plan succeed.

We could suggest an alternative. We can see the entire pasuk as listing the advantages of Yisro's suggested administrative and legal system. Yisro calls attention to three consequences for Moshe:

The first is that "G-d will command you." By freeing up more time, Moshe would be in a position to receive more direct commands from Hashem about Torah she-b'al peh. Moshe was adept in the mechanics of the Oral Law. He was able to use its tools to arrive at important halachic conclusions. Often, he would retire to the Ohel Moed to review his learning. There, at the location of the in-dwelling of the Shechinah, he would benefit from the Divine Influence, receiving many fixed halachic conclusions through it. Thus, a benefit of having more time available for his learning would be receiving more Torah directly from Hashem.

Additionally, Moshe would "be able to endure" by instituting Yisro's plan. The weight of communal responsibility would be eased from his shoulders alone.

Finally-and perhaps most obviously-the people will "arrive at its destination in peace." Each person will find his tent in peace, not being compelled to wait endlessly on line, seeking answers to his questions.

So far, the plain meaning of the text. We can explore it, however, on a different level. The gemara (Sanhedrin 6b) considers an opinion that judges should not seek pesharah/compromise in place of accurate psak. It points to Moshe, who operated on the principle of "Let din pierce the mountain!" In other words, even when dealing with a litigant as formidable and intransigent as a mountain (see Maharsha there), the judges should not take the path of least resistance and look for a compromise to avoid miffing the strong party. They should allow the proper din and halacha to emerge, whatever the consequences. The gemara goes on to contrast Moshe with his brother Aharon, the quintessential man of peace, who did favor compromise.

The passage is troubling for a number of reasons. What is the source of the gemara's finding?

From where did Chazal deduce that Moshe's midah was fastidiousness in din? Must we assume that the gemara-which praises strict law over compromise-runs afoul of established halacha, since we maintain halachically that the court is supposed to urge the litigants to accept compromise rather than insist on pure din.?

"This entire people as well will arrive at its destination in peace." Yisro predicts that taking up his suggestion will usher in a period of peace upon the people. He speaks about judges who are not fully expert in the law. Such people need take counsel with others before arriving at a conclusion. Yisro tells Moshe that by delegating some of his authority, many of the new judges will favor compromise as a policy. Compromise is good, in that it brings peace to the litigants and to a community.

This could not be Moshe's way. Moshe's din-piercing-the-mountain meant that he quickly determined the law in his mind when he heard the opposing claims. While it may be true that we hold a preference for compromise, the halacha is also that judges may only suggest compromise in place of pure din before a determination of pure din has been made (Choshen Mishpat 12:2). Undoubtedly, this also means that pesharah is an option only prior to the point when they arrive at a conclusion even in their minds about what the pure law has to say. (He takes issue here with the Shach, *ibid.*) Because Moshe instantly grasped what the pure law was, he could never suggest compromise. Such a way of bringing peace to the people was closed off to him.

Indeed, it was closed off to the community as a whole as well-until the judges that Yisro urged upon Moshe were installed and operating. Then a new modality of creating peace through compromise came into being. (Based on Ha'amek Davar and Harchev Davar, Shemos 18:23) © 2011 Rabbi Y. Adlerstein & torah.org

#### RABBI LABEL LAM

## Dvar Torah

“**A**nd Yisro the minister of Midian, the father-in-law of Moshe heard everything that G-d did to Moshe and to Israel, His people-that HASHEM had taken out of Egypt." (Shemos 18:1)

"And Yisro heard: What report did Yisro hear that caused him to come (join the People)? The splitting of the sea and the war with Amalek!" (Rashi)

What did Yisro hear that caused him to take action and join the Jewish People? Rashi quotes the Mechilta that what he heard about was the splitting of the sea and the about the war with Amalek. The assumption is that he needed to hear about both events. If he needed absolute convincing about G-d then the splitting of the sea should have been sufficient.

In what way was the war with Amalek a motivational force that pushed him into action?

As Rabbi Asher Wade tells it, "Something happened on the way to church one morning." The spark that set off an explosive chain of events that would completely alter the life of this ordained pastor in the Methodist Church was the Commemoration of the 40th Anniversary of Kristallnacht. It was November 5, 1978 and Asher Wade, a native of Virginia, was attending the University in Hamburg in Germany working towards his doctorate in the field of Metaphysics and Relativity Theory. He had already earned a B.A. in Philosophy in America and a post-graduate degree in Philosophical Theory at the University of Edinburgh, Scotland. In addition, he had previously worked as an adolescent and marriage counselor at the U.S. Army Chaplaincy in Berlin while he was attending the Goethe Institute for Language Studies.

When Asher Wade and his German-born wife turned the page of the local newspaper that fateful morning in November, they were shaken out of their languid Sunday routine by the graphic pictures of the destruction of Jewish homes and stores of Hamburg during Kristallnacht. But the photograph they found most unsettling was the Great Synagogue of Hamburg during Kristallnacht. To their horror, they immediately recognized that the site where Hamburg's once thriving 180,000 member Jewish community had worshipped was now their university's parking lot.

How could this be? How could the country that had nurtured Beethoven and Goethe also be the incubator for such heinous acts of destruction? And so, their long journey began with a series of questions. "What was it like to be a student on Kristallnacht? What was it like being a scholar on Kristallnacht?" And finally, "What was it like being a Christian Kristallnacht?"

When they innocently posed these three questions to the respective authorities in their community, according to Asher Wade, he and his wife were shaken out of their nest, "that comfortable position of the Cambridge elite." As the representatives of their church, they were dismayed when they discovered that the first to join Hitler's ranks was the Medical faculty, followed by the Law faculty. Five out of eight students, they found out, had openly joined the Nazi party. As a result of their probing, he and his wife began to feel like "charter members of the Hamburg leper colony." They were further shocked and disillusioned with Western Civilization, he said, as they "stumbled across what apparently looked like the unbroken gunpowder trail from the Holocaust- to the six Crusades-to the 305 years of the church-sanctioned Inquisition."

But now that they were out of the nest, two more positive and upbeat questions focused their attention in a new direction. "Who was this strange troop of people known as the Jews?" they asked themselves, "who didn't have a country but yet

somehow survived with their own jurisdiction, their own laws and order, civil as well as religious, no matter where they went and no matter what language they spoke." And although he had it made in two worlds, academia and the world of religion, Reverend Wade withdrew from the church, left the ministry, converted to Judaism and he and his wife moved to the United States and eventually Israel.

What was it that sparked this minister to come join the Jewish People? Maybe it was a similar observation to that which alerted Yisro. The miracle of Jewish existence or a philosophical agreement about the notion of a Creator was not quite enough. The persistence of a dedicated evil that can coolly smile with civility cries out for an equal resolve and a final solution.

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### **RABBI YISSOCHER FRAND**

## **RavFrand**

*Transcribed by David Twersky;*

*Technical Assistance by Dovid Hoffman*

**W**hen Moshe explained to his father-in-law what took up so much of his time, Moshe says: "When they have a matter they come before me and I adjudicate between a man and his fellow man and I make known to them the statutes of the L-rd 'Chukei Elohim' and His laws 'v-es Torasav'". [Shmos 18:16] The Netziv, in the HaEmek Davar, explains why the Torah is referred to as 'Chukei Elohim'. The Netziv says that the most appropriate word to describe all of Torah is the word 'Chukim'. The Netziv sites as proof the pasuk "If you will walk in my chukos" Vayikra 26:3. In that pasuk, "chukos" refers to keeping the Torah. Chukim is the one word that encompasses all of Torah.

The connotation of the word 'Chukim' is those mitzvos whose reason evades us. We usually relate the term to those commandments where we do not understand why they were given. The classic 'chok' is the mitzvah of the Parah Adumah [Red Heiffer]. Shatnez [forbidden mixtures] is another famous example. However, when one thinks of Torah as a whole, the vast majority of mitzvos are not chukim. The Medrash in Bamidbar Rabbah says that there are only really four chukim in all of Torah.

If the chukim occupy such a relatively miniscule proportion of Torah, why is it appropriate to call Torah in general 'chukei Elokim'? It would seem more appropriate to call the Torah 'Mishpetei Elokim' or 'Eidosav shel Elokim'. 'Chukei Elokim' seems to color the whole majority of Torah with a terminology that applies to only a small minority of mitzvos.

Perhaps that which the Netziv had in mind can be derived from the following story involving Rabbi Meir Simcha of Dvinsk (the famous Or Sameach).

Rav Meir Simcha, as was the custom of many Rabbonim in Europe, had a Gabbai who was his personal assistant. The Gabbai would execute whatever

task or errand Rav Meir Simcha asked him to execute. Today, such a position would be called "Chief of Staff". He executed the orders of the Rav.

After a certain shaila came to the attention of Rav Meir Simcha, he instructed his Gabbai regarding what to do. The Gabbai objected to what he was being asked to do and told Rav Meir Simcha that he did not agree with the Rav regarding this issue. Rav Meir Simcha told him, "You never agree with what I have to say." The Gabbai was startled. The Gabbai said, "What do you mean I never agree with what you have to say? This is the first time that I ever disagreed with you!"

Rav Meir Simcha explained what he meant. "Why is it" he asked, "that you never objected before? It is because every other time you agreed with me. Therefore, you did what I said because you felt I was right. The first time you did not agree with what I had to say, you told me so. That means that you never really agreed with me. The only reason you did what I said in the past was not because you nullified your will to what I have to say. You did it because you felt that it was the right thing to do. That is not the role of a Gabbai. The role of a Gabbai is not a sounding board who is supposed to give the Rav validation. The role of the Gabbai is that I am the Rav, you are the Gabbai. You do what I tell you to do."

This is the same with Torah as well. True, the Torah contains a majority of Mishpatim and mitzvos that we understand. However, that is almost beside the point. We are not supposed to do mitzvos because we happen to agree and think it is right and proper, ethical and moral. The reason we are supposed to do mitzvos is for one reason: Because it is "Chukei haElokim", because that is the Will of the Creator. This is the "Higher Intelligence" (Daas Elyon). Whether we understand the mitzvos or do not understand them is really beside the point.

We do not need to do it because we agree and think it is the right thing. Ultimately, we need to do it because the Ribono shel Olam said so. That is why the appropriate title to address and define what all Torah is about is Chukei haElokim. That is why observance of the Torah in general is expressed as "If you will walk in my Chukim". [Vayikra 26:3] In the final analysis, that is why we keep every mitzvah.

Just as Rav Meir Simcha told his Gabbai about his job—Our job is not to "sign off" and acquiesce to G-d's commandments. Hashem does not need our approbations. We do it because He said to do it. © 2011 Rabbi Y. Frand & torah.org

