

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI LORD 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: "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. . . 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 the 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).

The 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 where there is strict justice, there is no peace, and where 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.



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Ingeniously applying this principle to the Israelites in Moses' day, the Netziv points out that – as the Talmud says – Moses preferred strict justice to peace. He 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 the 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, the 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 the 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 the 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 us has something to give.

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**RABBI SHLOMO RESSLER**

## Weekly Dvar

**T**he last sentence of this week's Parsha states that ramps should lead to the altar (Exodus 20:23).

Why are ramps used and not steps? Rashi says the issue is one of modesty. If there were steps, the robe of the priest would be upset while he climbed them, revealing the nakedness of his limbs. With ramps, this would not occur.

Rabbi Avi Weiss offers another idea. 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. In the world of the spirit, one can either ascend or descend, never can one stand still. © 2017 Rabbi S. Ressler & LeLamed, Inc.

**RABBI SHLOMO RISKIN**

## Shabbat Shalom

**"Y**ou shall not climb up My altar with steps, so that your nakedness will not be revealed on it." [Ex. 20:22] In the time when the Torah was given, all religions were intimately connected with sexuality, temple prostitutes, and orgiastic rites. One of the great moral revolutions that Judaism brought to the world is the notion that holiness requires modesty in the realm of sexual matters and, by extension, all areas of life.

The Torah forbids the use of steps in ascending the altar, instead mandating the more gradually ascending ramp, in order that the priest's nakedness not be revealed. This underscores the lesson that worship of G-d and sexual immorality are incompatible.

The significance of the ramp leading up to the altar can also be understood in another way. One of my mentors, Rabbi Moshe Besdin, z"l, explained to me that

with a ramp you can either go up or go down, progress or regress. However, with steps, you can rest. The Torah may well be teaching us that, when ascending G-d's altar, you cannot stop to rest; you dare not fall into the trap of self-satisfaction and complacency. Judaism asks for constant examination, self-criticism and growth.

The Tzemach Tzedek, one of the great Chabad rabbis, once asked his students: Who stands higher on the ladder, the individual on the third rung or the individual on the tenth rung? The individual on the tenth rung, they all responded. Not necessarily, he qualified. If the individual on the tenth rung is going down or standing still, and the individual on the third rung is going up, the individual on the third rung stands higher than the individual on the tenth rung!

I would like to add an additional interpretation to this verse. The Torah uses the word ma'alot, usually translated as steps, but which can also be translated as "good character qualities." So now the verse reads, "Do not climb up to My altar with your good character qualities; so that your nakedness will not be revealed on it."

According to this reading, G-d warns us that if we ascend to the altar of G-d flashing our good qualities, proud of our achievements and self-satisfied about all that we know, then the danger is that our nakedness—our weaknesses, our vulnerabilities, our flaws—will be revealed. The altar cannot be a center for self-aggrandizement, a stage of religious worship from which we let others know how great we are; if we fall into this trap, G-d tells us that ultimately our nakedness—not our greatness—will be revealed.

The altar of G-d must be approached with a sense of humility, with full awareness of our inadequacies; it dare not become a center of self-satisfaction, religious one-upmanship, and arrogance.

The following Hassidic tale illustrates this point. In a town in pre-war Europe, there lived two Jews: One, named Reb Haim, a great scholar, and the other, also called Haim, an indigent porter who could barely read the Hebrew letters. The scholar married well: the richest man in town came looking for the most brilliant mind in the yeshiva as his son-in-law, and gladly supported him generously.

The two Haims, such very different people, crossed paths frequently. Haim the porter would pray early in the morning so that he could start working as soon as possible in order to earn his meager living. Rushing out after the service, he would invariably run into the great Reb Haim arriving early for another minyan, since he stayed up until the early hours of the morning learning Torah. In this way they "met" nearly every day.

Reb Haim the scholar would always dismissively sneer at Haim the porter, ignoring the deprivations faced by the other Haim. Haim the porter,

in contrast, would look upon the scholar with yearning, feeling sad and unworthy that he couldn't spend his life studying the holy Torah.

Many years later, both Haims died on the same day, and went to face judgment in the Heavenly Court. Haim the scholar was judged first. All of his good deeds, years of long study, and righteous acts were placed on one side of the scale, and on the other side his daily sneer of self-satisfaction. The sneer outweighed all the good deeds. Haim the porter then submitted for judgment. On one side of the scale were placed his sins, and on the other side of the scale his daily sigh of yearning. When the scales finally settled, the sigh outweighed the sins and the sneer outweighed the merits.

Ultimately, in our worship of G-d, humility triumphs over all. ©2017 Ohr Torah Institutions & Rabbi S. Riskin

### RABBI BEREL WEIN

## Wein Online

The idea of a multilayered judicial system is advanced in this week's Torah reading by Yitro, the father-in-law of Moshe. As it appears in the Torah, Moshe originally envisioned himself as being the sole judge of the Jewish people and that all matters, great and petty, should be brought before him for judgment and decision.

Yitro advises him that neither he nor the people would survive under such a system. The Jewish people by nature are argumentative and litigative. It is impossible for one human being to bear such a burden, by one's self. Therefore the result was that tens of thousands of judges and administrators were chosen to service the judicial needs of the people of Israel.

Almost one-sixth of the entire adult male population of the Jewish people at that time was engaged in a type of judicial civil service. Because of this inordinate ratio of judges to people, every ten Jews had their own local judge, so to speak. Even in later times when this ratio of judges to people was no longer maintained, it seems from the Mishna and the Talmud that there were many local courts present even in villages and towns of rather limited population.

Resolving disputes and rendering justice was always seen as a basic requirement for any Jewish community, even for those that had a very small population base. In later times throughout the Exile the local rabbi served as the arbiter of disputes and the dispenser of justice, oftentimes suffering insult and injury thereby. A Jewish community that does not have some sort of court system based on Torah law is a complete rarity in the Jewish world.

Unresolved matters that the lower courts were not able to satisfactorily handle were brought to higher courts and eventually to the great Sanhedrin. In the desert of Sinai during most of their forty years of

wandering, the Jewish people recognized Moshe, by himself, as being the great Sanhedrin. It was only at the end of his life and mission that Moshe created the great Sanhedrin of seventy elders.

This court and system of justice persisted in Jewish life throughout First and Second Temple times and even for centuries after the destruction of the Second Temple. It only lapsed in about the fifth century of the Common Era when the ordination necessary to be a member of the Sanhedrin was no longer exercised and granted.

There have been attempts in Jewish history to somehow renew that ordination and create a Sanhedrin to solve outstanding judicial and halachic issues. All such attempts have failed, none of them having been able to pass the test of time. Because of this lack of central authority that would be binding on all sections of Jewry, many difficult and basic issues are still unresolved in our time.

It seems that we need another Yitro to step forward and suggest an approach to restore the essential judicial system that would operate for the benefit of all of Israel. Let us hope that such a bold and wisely charismatic person will yet emerge in our days. ©2017 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**

**W**atching Moshe (Moses) judge the Jews from morning to night, Yitro (Jethro), Moshe's father-in-law, offers sound advice. He tells Moshe that if you continue trying to judge everyone, you surely will wear away—it is too difficult a task. Yitro suggests that Moshe appoint other judges, who will share the burden.

In advising Moshe to share judicial responsibility, Yitro insists that lower courts handle less important matters, and matters of greater magnitude would go to Moshe. "And it shall be," Yitro concludes, "that every major (gadol) matter they shall bring to you, but every minor (katan) matter they shall judge themselves." (Exodus 18:22)

Moshe listens to Yitro's advice with one deflection. Rather than dealing exclusively with major matters, Moshe tells Yitro that he will judge the most difficult (kasheh) cases. (Exodus 18:28).

Hatam Sofer notes that Yitro uses the term gadol because he believes that only the more important people, only the large "tycoon" type companies should be judged by Moshe. The less important people, the small corporations, regardless of the complexity of the judicial issue, would automatically come before the lower courts.

Moshe rejects this division insisting that he would deal with the complex questions, no matter where they come from—the lower courts would handle the easier questions, no matter their origin.

Here the Torah accentuates the importance of every individual problem. No matter how low one is seen by society, his or her problem is of great importance. For this reason, depending upon the complexity of the question, every person can potentially come before Moshe.

It is ironic that Moshe teaches his father-in-law this particular lesson. According to some commentators, Yitro converts to Judaism. (See Ramban, Numbers 10:29) Unfortunately, it's not uncommon for the convert to be treated as a secondary citizen. Moshe informs Yitro that no one's claims would be overlooked, everyone, including Yitro, is given equal attention.

An important message surfaces: The test of a community, is not the way it treats the most powerful. Rather it is the way it treats the little people, those whose problems, on the surface, seem to be insignificant.

As much as Yitro teaches Moshe by proposing the division of judicial responsibilities between higher and lower courts, Moshe teaches Yitro that even the lowly, even those who seem to be insignificant, are entitled to supreme consideration. ©2017 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

#### **ENCYCLOPEDIA TALMUDIT**

## **Halacha L'Moshe M'Sinai**

*Translated by Rabbi Mordechai Weiss*

**T**he statement of "Halacha L'moshe M'sinai (the undisputed law from Sinai) expresses the belief that these laws were given by word to Moshe at Sinai and though not specifically enumerated in the Torah, were passed down by tradition (mesorah) by word of mouth from generation to generation. According to Maimonides these laws are undisputed.

What is the difference between a law that was passed down by Moshe and those that are specifically stated in the Torah? Laws openly written in the Torah but there are questions to its interpretation are decided stringently (l'achumra). On the other hand if the law is Rabbinic in nature and there are doubts to its interpretation, then we decide leniently (l'akula). What would be the law regarding doubt when dealing with "Halacha l'moshe m'sinai"?

For example all the measurements (shurim) are "halacha l'Moshe m'sinai" (Measurements such as an Ammah or a Tefach). However the controversy arises as to what the exact length of these measurements are (the Chazon Ish or Rav chaim Naeh), or how long

should the Lulav be or how thick should the Matzah on Pesach be?

According to the interpretation of Maimonides by the Ramban and the Rivash, in a situation of doubt with "halacha l'moshe m'sinai" we decide leniently. However both the Ramban and the Rivash themselves believe that the stringent way should be followed (L'chumra).

The explanation according to the Rambam might be that when there is a question regarding a Torah law one really should be lenient. It was the Rabbis who stated that one should go l'chumra when there is a question of Torah law. However when we are interpreting Halacha l'amoshe m'sinai, we would follow the lenient view. Thus in the case of the Lulav for example (which according to Jewish law the taking of the Lulav on the first day is dictated from the Torah), we would be permitted to choose the lenient view.

However this interpretation is difficult. For the Rambam himself states, in his interpretation of the Mishnayot (perush Hamishnayot Mikvaat 6,6), that if the Mitzvah stems from the Torah and if one is in doubt as to the "Shiur" (the amount) which is Halacha l'moshe M'sinai", one should follow the stringent view.

#### How can we derive laws written before revelation at Sinai?

The reason anything is forbidden or permitted in Judaism is only because Hashem gave us these laws at Sinai through Moshe. We are commanded to circumcise because we received this charge at Sinai. It was not because Abraham our forefather circumcised himself and his family members but rather because this commandment was passed to Moshe (perush Mishnayot Maimonides Chulin). The Torah was given at Sinai and Jewish law was established then and what Avraham our forefather did, he did on his own.

As a result, though G-d said to Avraham "your name shall be Avraham" and our sages derive from this that anyone who calls Avraham by his former name "Avram" transgresses a positive commandment (Aseh), in actuality this Mitzvah is not included in the two hundred and forty eight positive commandments of the Torah because it occurred before the giving of the Torah at Sinai.

However if this is so, how is it that our sages derive that one must be quick to perform a Mitzvah (zriut) from the episode of Avraham arising early in the morning to fulfill the directive of G-d to sacrifice his son Yitzchak? - How did our sages learn from Lavan who waited a week (male shavua zot) before allowing Jacob to marry Rachel, that we don't mingle Smachot (ein mearvin simcha b'simcha)? - How did our sages learn of the commandment that one must use a knife to slaughter an animal from the Akeidah (near sacrifice of Yitzchak) when the Torah states "and he took the knife to sacrifice his son"?

Some solutions to these questions might be:

1. We don't derive the actual Mitzvah from our forefathers rather just how to fulfill them.
2. We only derive laws that have a reason not a heavenly decree (gezerat Hakatuv)
3. If we have no other way to derive the law and it does not appear amongst the laws given at or after Sinai, we may derive the law from those laws that appear before the giving of the Torah.
4. We only derive the law in an instance where we can only explain it because of its appearance before Sinai.
5. We study the meaning of these words and they only provide explanations. ©2017 Rabbi M. Weiss and Encyclopedía Talmudit

#### RABBI DOV KRAMER

### Taking a Closer Look

“**A**nd you shall not climb stairs onto My altar, so that your nakedness is not revealed upon it” (Shemos 20:23). Because of this prohibition, the top of the altar was accessed via a ramp rather than a staircase. As Rashi points out, the Kohanim wore pants under their cloaks, so there was no real "nakedness" that might be "revealed" had stairs been used instead of a ramp. Nevertheless, taking a larger/wider step puts the legs in a position inappropriate for the sanctity of the altar. For this reason, taking large steps even when walking up the ramp (without climbing any stairs) was forbidden. "Rathewh, ren he ascends the rebe should walk calmly and in awe, [the] heel (of one foot) next to [the] big toe (of the other foot)" ((Chinuch, Mitzvah #41). By putting one foot right next to the other (heel to toe) at each step, the legs are never in a compromising position, a position that occurs when climbing stairs.

Last year, my then-six-year-old daughter asked me how, if climbing stairs in the Mishkan (and Temple) was forbidden, could there be stairs leading to the menorah? Indeed, there was a three-step staircase or stepstool that the kohain would use to climb up to the menorah in order to set up and light it. Like every good father, I told her what a great question it was, and that even though I didn't know the answer I would try to find out. In fact, the Moshav Zekainim (a compilation of commentaries from the Baalei Tosfos) asks why the altar was different than other vessels in this regard, but provides no answer.

The mystery actually deepens, as the Mishna (Yuma 22a) tells us that there used to be a race up the ramp to see which kohain would get the privilege of clearing away the ashes from the top of the altar. How could they "run" up the ramp if each step had to be taken by putting the heel of the lead foot next to the big toe of the other foot? So not only do we have necessarily inappropriate steps taken as the kohain climbs up to the menorah, but we have totally avoidable

(by deciding ahead of time who would clear away the ashes, as it was eventually changed to after an accident during one of the races caused a broken leg) "larger" steps being allowed on the ramp too!

If we examine the difference between the purpose of the altar's ramp and the stairs leading to the menorah, we may have the first step (pardon the pun) towards answering our question(s). The offerings were brought on the altar itself, with the kohanim walking on top of it. The ramp was the means to get onto the altar. The final step, from what would have been the staircase onto the altar, would have meant taking that larger step onto the altar (even if once on it they could limit their steps to the "heel to toe" type). By using a ramp, even that last step could be "heel to toe." On the other hand, the kohain didn't climb onto the menorah, but used the stepstool to reach it. By the time he reached the top step and had to set up and light the menorah, his feet could be (and had to be) together. At the time he was doing the actual service, his feet were not positioned inappropriately. If the problem was not taking less appropriate steps anywhere in the Temple area, but taking them on the altar itself, we can understand the difference between the stairs leading to the menorah and the stairs that would have led onto the altar. And why running up the ramp itself wasn't the problem, only that last step from the ramp onto the altar. And, in fact, the Mishna tells us that the "finish line" of the race was four cubits before the altar, so that final step could be taken "heel to toe."

The wording of the Torah, verified by the Mechilta, also indicates that what was to be avoided was taking such steps on the altar itself. We are told not to climb stairs "onto" the altar, not "to" the altar, so that we should not reveal our nakedness "upon it." This extra level of respect was required to avoid taking larger steps in a way that would compromise the sanctity of the altar itself, but not other areas of the Temple. Why was the altar singled out? We have already seen that the altar was unique in that the kohanim walked on it, putting them in a position where wider steps would be less respectful than standing next to it. This is especially relevant according to the Rambam (Moreh Nevuchim 3:45), who says that we are forbidden to climb onto the altar in an inappropriate manner to counter the modes of idol worship (such as Peor) that used promiscuity in their service. It would be precisely on the altar, where the actual service was done, that anything that might seem inappropriate would be avoided.

But what about the ramp? Couldn't there have been a staircase with its top step on the same level as the altar, serving as a platform from which to walk "heel to toe" onto the altar, thereby avoiding taking any large step onto the altar itself? Was the entire ascent made on a ramp, and made stepping "heel to toe," just in case the kohain forgot to change from regular steps to

"heel to toe" steps at the top?

The Mishna in Midos (3:4) equates the stones used for the altar with the stones used for the ramp, indicating that the ramp is considered part of the altar. As Rabbi Peretz Steinberg, shlita, points out (on our verse), if it is considered part of the altar, then it would be included in the prohibition of taking large steps "upon it." Yet, the Talmud (Zevachim 87a) needs a source to equate the ramp with the altar regarding contact with a disqualified offering, just as it needs a source for contact with all vessels (klay shareis). If the ramp were considered part of the altar, it should have the same status even without this source. (And if this source makes it the same, shouldn't that now apply to all vessels, not just the ramp?) So which one is it? Is the ramp like the altar, which is why its stones can't be hewn (etc.) or is it considered a separate entity?

When describing the offerings brought on the altar (Hilchos Temidin u-Musafin 6:3), the Rambam writes that salt was put on the ramp so that the kohanim shouldn't slip when they bring the firewood up to the altar. "And even though the salt becomes a barrier between their feet and the ramp, since this bringing (of the wood) is not part of the service, we are not concerned about it." It would seem, then, that there are times when the ramp is used as part of the service (such as bringing the actual offering up), and times when it is just an access ramp (see Radvaz on Hilchos Beis Habechirah 1:16). It is therefore possible that it was considered part of the altar when it was used for the actual service (thereby necessitating being made from altar-ready stones), but not at other times (thereby allowing a salt barrier).

Ascending the ramp to clean the ashes was not part of the service (see Tosfos Yeshanim), so the ramp was not considered part of the altar during the "race." Bringing the offerings up was, so every step, from the bottom of the ramp to the last step at the top - and especially the step onto the altar itself - had to be "heel to toe."

Bringing the oil to the menorah was preparation for the menorah service, but the service itself was only performed once atop the last step. Therefore, the kohain could climb stairs to get to the spot where he did the service, but needed a ramp while doing the service by the altar. ©2006 Rabbi D. Kramer

**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) ©2012 Rabbi Y. Adlerstein & torah.org

#### **RABBI DANIEL TRAVIS**

### **Integrity**

"Do you know Nachor's grandson Lavan?" asked Yaakov. "We know him," they replied. "HaShalom lo?" retorted Yaakov. "Shalom!" they responded, "and here is his daughter Rachel coming with the sheep." (Bereshith 29:5-6)

Although this appears to be merely an innocent conversation, much was happening behind the scenes in this dialogue. When Yaakov asked regarding Lavan, "HaShalom lo?" he wasn't merely inquiring about Lavan's welfare; he was trying to determine whether Lavan was a man of peace (shalom), or whether he was prone to arguments and fights. The other shepherds did not wish to lie by saying that Lavan was a man of peace, yet neither did they want to tell the truth, for it was not a pleasant truth they had to tell. Therefore they responded with a single word, "Shalom," implying that a general state of peace reigned in the world. Immediately thereafter they changed the subject, pointing out that Rachel was coming. (Moshav Zekeinim on Bereshith 29:5-6.)

When people meet someone who lives in the same town as their friends or relatives, it is common to inquire about the current spiritual situation of those they know there. The answer one may give to such inquiries depends on the intention of the person asking. If he hopes, through the information he receives, to be able

to help or correct the person about whom he is inquiring, then one is obligated to respond truthfully, even if the response involves derogatory information. If he is asking only out of curiosity, it is forbidden to say anything derogatory about the subject of the question. One must try to find some way to avoid answering the question without casting the subject of the question in a negative light. (Chofetz Chaim 4:11, footnote)

If we are aware that someone has stolen from or otherwise injured another person, we are obligated to display a passion for the truth, revealing the facts to those who are in a position to rectify the situation. (Sha'arei Teshuvah 3:221) However, in a case in which one person has refused to do a favor for another, but no one has actually been damaged, it is forbidden to tell others what happened, for that would be considered lashon hara. (Chofetz Chaim 5:1) ©2009 Rabbi D. Travis & torah.org

### **RABBI LABEL LAM**

## **Dvar Torah**

The Midrash Aggadah records the following exchange: "The wicked Tornosrofus asked Rabbi Akiva, "For what reason is the name of the Holy One mentioned in the first five of the Ten Commandments and not in the latter five?" Rabbi Akiva went to the Palace of Tornosrofus and in particular to the room designated for his weapons of war and there he showed him his entire magazine of armaments. Then he went with him to his bathroom, and Rabbi Akiva asked him, "Why do you not put here some of your weaponry?" Tornosrofus answered, "It would be a disgrace to put them in such a disgusting place!" Said Rabbi Akiva, "So it is with the first five commandments which is an honorable context but the latter five that speak of murder, adultery, theft, false testimony, and lusting, The Holy One Blessed Be He, did not want His Name to be directly associated with them..."

We can learn not only from the content of Rabbi Akiva's answer but by the style of his reply. "Answer the fool according to his foolishness..." King Solomon, the wisest of all men advises in Mishle'. It's a daily challenge that comes with the territory for those of us who darn the garb.

I was entering a prison to visit and a guard asked me, "Why do you guys wear hats and dress like that?" I pointed out to him that the identifiable difference between a prisoner and guard is just a piece of cloth. You have a couple of stripes on your gray khaki shirt and the prisoners wear beige khakis. Everybody wears a uniform of some kind. Even those who think they don't wear a costume of non-conformity manage to dress alike. Yours uniform says, "You're a guard!" Mine declares, "I'm a guard, of a different sort!"

A man I was seated next to, at a local Simcha, started to lecture loudly about evolution. Everyone sat

politely, without reacting. Then he turned to me and said, "I don't expect you to agree because you are religious!" I told him, "I'm not as religious as you!" He answered me, "I'm not religious!" I insisted, "Every Jew is religious! You happen to be religious about evolution. I was not preaching to you but you were sure trying hard to convince or convert me and my friends! You're even more religious than I am."

A Russian Bubby went looking for an apartment for her daughter in Russia and had to face an Anti-Semitic Communist party bureaucrat who promptly accused her of having killed his lord. She challenged him, "Why didn't you stop me?" He retorted, "I wasn't there!" Then she told him pointedly, "Neither was I!" She got the apartment!

A Chassidic friend of mine was on a plane to Israel and was eating his kosher meal while carrying on a casual conversation with the secular Israeli gent seated next to him. He offered to share his meal or to try to get him a kosher meal too. The man refused with the reply, "I'm a Jew in my heart!" As the plane ride and the conversation continued, the topic turned to politics and things got heated. The Israeli asked my friend with full animation, "Why don't you serve in the army?" The Chassid insisted he was in the army? The fellow was extremely skeptical and when pressed the Chassid confessed, "I'm in the army - "in my heart!"

The Mishne insists, "Know what to answer to a heretic!" We need not always answer but it is important to know "what to answer" and to know that there is "what to answer!" ©2006 Rabbi L. Lam & torah.org

