

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI LORD JONATHAN SACKS ZT"l**

### Covenant & Conversation

**F**irst in Yitro there were the Aseret Hadibrot, the “ten utterances” or general principles. Now in Mishpatim come the details. Here is how they begin: If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything . . . But if the servant declares, ‘I love my master and my wife and children and do not want to go free,’ then his master must take him before the judges. He shall take him to the door or the doorpost and pierce his ear with an awl. Then he will be his servant for life. (Ex. 21:2-6)

There is an obvious question. Why begin here? There are 613 commandments in the Torah. Why does Mishpatim, the first law code, begin where it does?

The answer is equally obvious. The Israelites have just endured slavery in Egypt. There must be a reason why this happened, for God knew it was going to happen. Evidently He intended it to happen. Centuries before He had already told Abraham it would happen: As the sun was setting, Abram fell into a deep sleep, and a thick and dreadful darkness came over him. Then the Lord said to him, “Know for certain that for four hundred years your descendants will be strangers in a country not their own and that they will be enslaved and mistreated there. (Gen 15:12-13)

It seems that this was the necessary first experience of the Israelites as a nation. From the very start of the human story, the God of freedom sought the free worship of free human beings, but one after the other people abused that freedom: first Adam and Eve, then Cain, then the generation of the Flood, then the builders of Babel.

God began again, this time not with all humanity, but with one man, one woman, one family, who would become pioneers of freedom. But freedom is difficult. We each seek it for ourselves, but we deny it to others when their freedom conflicts with ours. So deeply is this true that within three generations of Abraham’s children, Joseph’s brothers were willing to sell him into slavery: a tragedy that did not end until Judah was prepared to forfeit his own freedom that his brother Benjamin could go free.

It took the collective experience of the Israelites, their deep, intimate, personal, backbreaking, bitter experience of slavery – a memory they were

commanded never to forget – to turn them into a people who would no longer turn their brothers and sisters into slaves, a people capable of constructing a free society, the hardest of all achievements in the human realm.

So it is no surprise that the first laws they were commanded after Sinai related to slavery.

It would have been a surprise had they been about anything else. But now comes the real question. If God does not want slavery, if He regards it as an affront to the human condition, why did He not abolish it immediately? Why did He allow it to continue, albeit in a restricted and regulated way? Is it conceivable that God, who can produce water from a rock, manna from heaven, and turn sea into dry land, cannot change human behaviour? Are there areas where the All-Powerful is, so to speak, powerless?

In 2008 economist Richard Thaler and law professor Cass Sunstein published a fascinating book called *Nudge*. In it they addressed a fundamental problem in the logic of freedom. On the one hand freedom depends on not over-legislating. It means creating space within which people have the right to choose for themselves.

On the other hand, we know that people will not always make the right choices. The old model on which classical economics was based, that left to themselves people will make rational choices, turns out not to be true. We are deeply irrational, a discovery to which several Jewish academics made major contributions. The psychologists Solomon Asch and Stanley Milgram showed how much we are influenced by the desire to conform, even when we know that other people have got it wrong. The Israeli economists, Daniel Kahneman and Amos Tversky, showed how even when making economic decisions we frequently miscalculate their effects and fail to recognise our motivations, a finding for which Kahneman won the Nobel Prize.

How then do you stop people doing harmful things without taking away their freedom? Thaler and Sunstein’s answer is that there are oblique ways in which you can influence people. In a cafeteria, for example, you can put healthy food at eye level and junk food in a more inaccessible and less noticeable place. You can subtly adjust what they call people’s “choice architecture.”

That is exactly what God does in the case of slavery. He does not abolish it, but He so circumscribes it that He sets in motion a process that will foreseeably, even if only after many centuries, lead people to

abandon it of their own accord.

A Hebrew slave is to go free after six years. If the slave has grown so used to his condition that he wishes not to go free, then he is forced to undergo a stigmatising ceremony, having his ear pierced, which thereafter remains as a visible sign of shame. Every Shabbat, slaves cannot be forced to work. All these stipulations have the effect of turning slavery from a lifelong fate into a temporary condition, and one that is perceived to be a humiliation rather than something written indelibly into the human script.

Why choose this way of doing things? Because people must freely choose to abolish slavery if they are to be free at all. It took the reign of terror after the French Revolution to show how wrong Rousseau was when he wrote in *The Social Contract* that if necessary people have to be forced to be free. That is a contradiction in terms, and it led, in the title of J. L. Talmon's great book on the thinking behind the French revolution, to totalitarian democracy.

God can change nature, said Maimonides, but He cannot, or chooses not to, change human nature, precisely because Judaism is built on the principle of human freedom. So He could not abolish slavery overnight, but He could change our choice architecture, or in plain words, give us a nudge, signalling that slavery is wrong but that we must be the ones to abolish it, in our own time, through our own understanding. It took a very long time indeed, and in America, not without a civil war, but it happened.

There are some issues on which God gives us a nudge. The rest is up to us. ©2017 Rabbi Lord J. Sacks and [rabbisacks.org](http://rabbisacks.org)

### **RABBI SHLOMO RISKIN**

## **Shabbat Shalom**

**"**You must help repeatedly with him" (Exodus 23:5) And these are the mishpatim [laws of moral justice] which you [Moses] shall set before Israel.' These opening words of our portion join together our civil law with the Ten Commandments of last week's portion of Yitro, creating one unit of Divine demands for moral justice emanating from Sinai (Rashi ad loc). Additionally, it is the concept of "mishpatim" that directly links Moses to our first patriarch, Abraham.

You will remember that God "chose [and loved] Abraham because he commands... his household after Him to keep the way of the Lord, doing righteousness and justice" (Genesis 18:19).

These twin ideals of our nation come up again and again; the prophet Isaiah (1:27) insists that "Israel will be redeemed through justice, and those who return to her [after the exiles] through righteousness," and the prophet Jeremiah exhorts us to understand that neither wisdom nor power nor wealth ought be sought after and praised, but praise is only deserved by people who do the following: "Contemplate and know Me, for I am the

Lord who does loving-kindness, justice and righteousness on earth, for in these is My desire" (Jeremiah 9:23). And it is important to note that this teaching of Jeremiah is in the Prophetic portion chanted on Tisha Be'av, the memorial day for the destruction of our Temples and our loss of sovereignty over our land.

It is easy to understand the meaning and significance of moral justice; everyone realizes that without law and order it would be impossible for a just society and a free world to endure. But precisely what is the meaning of righteousness (tzedaka)? The Septuagint (Greek translation of the Bible) translates the word as *kharitas*, as in the Hebrew *chen* – graciousness, undeserved gifts; this is obviously the origin of our English word and concept, charity. But is that really a proper understanding of the Hebrew *tzedaka*, an undeserved handout? Is that what the Bible expects the Jews to teach the world to do?

As is necessary when attempting to understand the meaning of an ambiguous "key word," let us examine its usage in another central biblical passage.

We are commanded to demonstrate human sensitivity in all our interpersonal dealings. Therefore, we find in the Book of Deuteronomy (24:10-13): "When you make your fellow a loan of any amount, you may not enter his home to take a security pledge for it. You must stand outside and the man to whom you gave the loan shall bring to you the security pledge outside. And if the [borrower] is poor, you may not sleep with his security pledge [which would usually be a cloak]. He [the lender] must return the security pledge to the [borrower] as soon as the sun sets, so that the borrower will sleep in his garment and bless you. For you [the lender] it will be an act of *tzedaka* before the Lord your God."

The Hebrew word *tzedek* is usually translated as justice, precise and exact treatment of each side. *Tzedaka* is apparently a different noun, although certainly related to *tzedek*. The Talmud logically rules that the lender acquires ownership over the security pledge until the loan is repaid; hence, there is no legal obligation on the part of the lender to return the pledge to enable the borrower to cover himself with it on a cold night.

*Tzedaka* is therefore the amalgamation of loving-kindness with justice; it is compassionate righteousness.

The Bible does not believe in dealing with poverty by giving undeserved handouts. Yes, those who have more than they require are responsible to help the poor; but the poor are likewise responsible to help themselves. Hence, although there is a tithe for the poor twice in the seven-year sabbatical cycle, that is only a comparatively small amount; every landowner must put away a portion of land for the poor to plow and seed and nurture and reap, so that the poor in Israel can rise each morning to go to work and earn their daily bread. Witness the magnificent picture presented in the Scroll of Ruth,

and how the landless and poverty-stricken returnee immigrant mother-in-law and Moabite convert daughter-in-law respectably worked in gainful employment every day in the fields of Boaz.

This week's portion (23:5) teaches: "If you see the donkey of your enemy crouching under its burden, would you refrain from helping him? You must help again and again with him." Yes, stipulates the Talmud, you must help even your enemy, but only if he works together with you; you are responsible for him – he, too, is your brother – but no more than he is responsible for himself. Only if he is physically unable to help himself must you lift up the animal without his input (Mishna, Bava Metzia 32a).

The Mishna teaches that "One who says that 'mine is mine and yours is yours' travels the middle of the road, perhaps even the golden mean; 'mine is yours and yours is mine' is an ignoramus; 'mine is yours and yours is yours' goes beyond the requirement of the law; 'yours is mine and mine is mine' is wicked."

I would argue that a society in which the poor do not assume responsibility but only demand entitlement is destined to fail.

The only answer is compassionate righteousness, whereby the wealthy are entitled to the fruits of their grains and labor while at the same time encouraged – sometimes even mandated – to share their bounty; a society where everyone who wishes to help improve their lot is given the wherewithal to do so.

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### RABBI BEREL WEIN

## Wein Online

**T**he Torah prescribes that a Jewish servant who wishes to remain permanently in servitude -- he loves his master's home and his family -- is given a permanent mark, a hole in his ear, as an everlasting reminder of his choice. Rashi explains, based on the Talmud, that the ear that heard on Sinai that the Jewish people are God's servants and not to be servants to other humans is to be drilled with an awl as a stark reminder of his poor choice in life.

The Talmud taught us that a truly free person is someone whose guide in life is Torah. The choice of servitude over freedom is anti-Jewish and anti-Torah in its very makeup. In the ancient world and even in later times, slaves were branded so that all could see that they were the chattel of their owner.

The Torah's instruction to bore a hole in the ear of the Jewish servant was to remind everyone of just the opposite idea. That this slave belonged to no other human but rather was to be a servant of God -- that was the message of the drilled ear. Freedom and independence mean that we bow to no one but to our Creator alone.

Having other masters in life is a rejection of the Jewish mission and Judaism's true understanding of

life's purpose. Jews have often in our long history been made to serve in involuntary servitude and slavery. But voluntarily giving up one's freedom of action and behavior is abhorrent to Jewish ideals and tradition.

The ancient world, as well as much of the later worlds, was built upon the institution of slavery, forced labor and involuntary servitude. In our time governments that preached equality and nobility enslaved others simply because they suspected them of having different ideas.

The mocking slogan at the entrance to Auschwitz "Work makes one free" symbolized the ultimate form of slavery and murder. The Gulag was the place where millions succumbed doing useless work. The great White Sea Canal of Stalin was literally a canal that led to nowhere while myriads of people died in the process of building it, often only with their bare hands.

The Jewish people were coming forth from Egypt after centuries of slavery. One would have thought that having themselves experienced that type of servitude they would not wish to inflict it upon others. However Midrash teaches us that even in Egypt there were Jews who somehow owned other Jews as slaves. It would take millennia for Jews to be completely weaned from the practice of slavery.

Such is the dark side of human nature and behavior. But the process of drilling the ear of one who wishes to remain a permanent slave reminds the Jewish society of the inherent wrong in the deprivation of people's freedom. Only God has the right to ask us to be His servants. And those who truly serve God have no interest in depriving others of their freedom. The message of freedom that was heard on Sinai should reverberate in all of our ears constantly. ©2023 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

**J**ewish law is commonly divided into two groups: laws that govern our relationship with God (bein adam la'Makom) and laws that govern our relationship with our fellow person (bein adam l'chavero). Thus, many traditional commentators have suggested that the Ten Declarations can be split vertically.

The first five statements are associated with our commitment to God and the second five with our commitment to our fellow human beings. For some, this demarcation teaches that the laws connecting human beings with God predominate, as they are recorded first. According to this reasoning, our relationship with God is more important than our relationships with people.

Yet one rabbinic source takes an opposite approach: The Talmud comments on the verse describing Abraham being visited by God after his

circumcision when he sees three visitors. Running to greet them, he asks God to wait as he welcomes his guests (Genesis 18:3). "From here," the Talmud says, "we learn it is more important to attend to guests than to receive the presence of God." Concerned that *bein adam l'chavero* would be viewed as less important, the Talmud emphasizes its paramount nature (Shabbat 127a).

It can be suggested that there ought to be no demarcation between *bein adam la'Makom* and *bein adam l'chavero*, as these categories merge together. The Mechilta makes a similar point, insisting that the Ten Declarations be split horizontally rather than vertically. For example, "Thou shalt not murder" (declaration number 6) is opposite belief in God (declaration number 1), as murdering a person means that the image of God, as manifested in the victim, has been diminished – thus there is less of God in the world (Mechilta, Exodus 20:14).

Similarly, Jewish ritual, commonly associated with our relationship to God, connects us to other humans. Parashat Mishpatim reflects this idea: "Six days you shall do your work, but on the seventh day you shall rest, that your ox and your ass may have rest and the son of your handmaid and the stranger shall be refreshed" (Exodus 23:12). While Shabbat is often associated with imitating God, Who rested on the seventh day (Genesis 2:1–3), in this sentence, God is not at all associated with Shabbat – His name is not mentioned.

Shabbat teaches us something about human relationships and our responsibility to others. It tells us to rest on Shabbat so that all in our household will rest. Shabbat is the great equalizer involving all people, whatever their station in life. Logically, then, the human-to-God and human-to-human laws do not stand independently, but rather intersect, complementing and ennobling each other. © 2023 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 JONATHAN GEWIRTZ

### Migdal Ohr

**"D**o not revile a judge, nor a leader in your nation shall you curse." (Shmos 22:27) This verse warns us that we shall not badmouth a judge nor a king. The word used here for judge alludes to Hashem as well, Who we know sits with judges in judgment. What about cursing other people, is that OK? No, it is not.

In Parshas Kedoshim (Vayikra 19:14) we will read the *posuk*, "Do not curse the deaf man nor place a stumbling block before the blind..." There we learn that [even though the deaf man cannot hear you curse him, and you may think no harm is done,] just as he is alive and you are prohibited to curse him, so may we not curse anyone who is alive. (Cursing the dead is not a

prohibition.)

If that is the case, why do we need to speak of not cursing a judge or king? They already have a prohibition to curse them simply because they exist! The Torah apparently felt they needed an extra prohibition, above and beyond that of the issue with cursing anyone, and it makes perfect sense if we think about it.

True, we should not curse anyone. It's not a nice thing to do. But what if they deserve it? The judge ruled against me. I think he was unfair. The king passed a law that harms me. Perhaps in these scenarios, it would be permitted to express our feelings and curse them.

The Torah tells us, no; it is wrong. Not merely because it's not nice or refined to do, but because our perspective on wanting to curse them is wrong! We are angry with the judge or ruler because they've "done something to us," but we miss the point that they've really done something FOR us.

This is alluded to by the use of the word 'elohim' (mundane usage) for judges. This also refers to *Elokim* (holy usage), meaning that Hashem is involved in each judgment. Onkelos renders the word *t'kallel* not as "curse," but not to lighten your respect for the judge or his Partner, the Al-mighty.

The laws of the Torah were created by Hashem to guide our lives and if they say one must give a lender his only blanket, it's not cruel or unusual punishment. It is perfection in its essence. If someone loses a court case, he has not been wrong, but has been saved from wronging another.

To lose respect for a judge or leader to the point where we might curse them, reveals a lack of appreciation and understanding on our part. Therefore, the Torah had to establish an additional prohibition to help us see beyond our own personal biases to find the truth.

*R' Chaim Volozhiner once presided over a Din Torah (Rabbinical court case) in which one of the litigants was a Talmid Chacham we'll call R' Berel, and R' Chaim ruled against him. Berel was incensed. Some time later, R' Chaim had to travel out of town and approached R' Berel. He explained that he had a pending case that he would be unable to adjudicate and asked the Talmid Chacham to fill in for him. R' Berel agreed and conducted the Din Torah.*

*When R' Chaim came back, he asked about R' Berel's ruling, and agreed that it had been correct. He then showed him how the same principles applied in the earlier case, and were the basis for his ruling against Berel. Suddenly, R' Berel no longer felt resentment about his loss.*

*After R' Chaim passed away, R' Berel happened to meet one of the litigants in the case he had judged, who let him in on the secret that R' Chaim had engaged him and his "adversary" for the mock Din Torah for reasons unknown.*

*Berel well understood R' Chaim's reason for*

doing it, and he also recognized how important it was to R' Chaim to remove the resentment he had felt when he was blinded by his own bias. ©2023 Rabbi J. Gewirtz and Migdal Ohr

## ENCYCLOPEDIA TALMUDIT

### Fire

Translated by Rabbi Mordechai Weiss

"When a fire is started and spreads . . . the one who started the fire must make restitution" (*Shemot* 22:5). A number of scenarios can result in fire causing damage. In the three cases discussed below, the person lighting the fire or fanning the flame is responsible for the damage done.

1. A person lights a fire on his own property, and it spreads beyond the fence enclosing his property and damages his neighbor's property. The fence could not have been expected to stop the fire.

2. A person lights a fire on his own property and there is a fence which should have been able to stop the fire, but unfortunately did not.

3. A fire was already burning on a neighbor's property. Someone fanned the flames and the fire spread, ultimately destroying the neighbor's property.

Rav Yochanan and Resh Lakish disagree on the reason a person is liable if he starts a fire which causes damage.

Rav Yochanan states that he is liable because "his fire is like his arrows" (*isho mishum chitzav*). Someone who shoots an arrow is accountable for any damage the arrow does. Similarly, a person who starts a fire is accountable for any damage his fire causes. If this is correct, though, in Case 2 the person should be exempt. The fact that the fence should have stopped the spread of the fire should be the equivalent of his arrows having come to rest (*kalu lo chitzav*), at which point he is exempt from damages.

Resh Lakish disagrees. He maintains that fire cannot be compared to an arrow, because fire can spread on its own. Rather, the reason the fire-setter is liable is that just as a person is responsible for damage done by something he owns (like his ox), so too he is responsible for damage done by a fire he set. In other words, "his fire is like his property" (*isho mishum mammono*). If this is correct, though, then in Case 3 the person should be exempt since he did not set the fire. We can resolve this problem if we assume that it is the additional fire (which he caused by fanning the flames) which is considered his property that caused damage.

This disagreement is not absolute. For in some instances, Rav Yochanan agrees that one can become liable because the fire is deemed his property. For example, in Case 2, although *isho mishum chitzav* might not apply, the person is still responsible because *isho mishum mammono* applies.

If this is so, would Rav Yochanan assert that a person is liable if he fanned the flames of someone else's

fire, which then spread beyond a fence that should have been able to stop it? Commentators disagree. Some say that if neither *mammono* nor *chitzav* can apply, Rav Yochanan would exempt the person from liability. ©2017 Rabbi M. Weiss and *Encyclopedia Talmudit*

## RABBI DAVID LEVIN

### Helping One's Enemy

Immediately following the Revelation on Sinai, Moshe remained on the mountain for forty days and nights while Hashem expounded on the six hundred and thirteen commandments that included the essential Ten Commandments. Parashat Mishpatim speaks primarily of the Laws between Man and his Fellowman. These laws enable us to see the quality of Hashem's moral code of ethical behavior. Two of these laws are particularly evident of the extent to which one must exercise morality over emotion.

The Torah tells us, "When you will encounter an ox of your enemy, or his donkey wandering, you shall return it repeatedly to him. Perhaps you will see the donkey of someone you hate, lying under its burden, will you refrain from helping him? – you shall surely help it repeatedly along with him." Our Rabbis draw a distinction between these two cases based on the term used for enemy and someone you hate. Most agree that the Torah is speaking of a fellow Jew who is your enemy or the person you hate. The Rabbis also agree that the "enemy" is a stronger term than the "person you hate." A distinction is also made between the word "tifgah, you will encounter" and the word tir'eh, you will see."

In the first pasuk, the Hebrew term for an enemy is oyeiv. According to Ha'Eimek Davar, the term "oyeiv" applies to someone who hates you in his heart but is devoid of action. Ha'Eimek Davar continues by saying that the term used in the second pasuk, "son'echa" from the word soneh, someone you hate, also involves hating in one's heart. The difference is that the oyeiv shows his hatred but not in his actions.

HaRav Shmshon Raphael Hirsch disagrees and explains that oyeiv "designates hatred which shows itself in acts and deeds, where son'eh is more an inner enmity, hatred." In the case of a wandering, lost animal or object, one must return it to its owner even if the owner "has done you real harm." This differs from the response of a person who finds an animal struggling under its burden. Here, the animal is, "at the moment, only a difficulty in which he finds himself." Though the owner of the animal "may not wish you well," and would be pleased to see you have the same difficulty, you must control your glee at seeing him suffer. "You must leave all considerations which would keep you from helping him, and jump to help him." Hirsch, however, explains that the law only refers to unburdening the animal, not reloading the animal with the original burden. That is the reason for including "along with him [the one whom you hate]," so that the owner is there to reload the animal.

Hirsch also says that if the owner refuses to help unload the animal, one is still required to unload it himself, yet he may ask for compensation from the owner.

One question with which the Rabbis deal is the concept of "son'echa, someone you hate." We must keep in mind that this is referring to a Jew hating another Jew, an idea which is against the Torah's law, "You shall not hate your brother" (Vayikra, Leviticus 23:5). The Minchat Chinuch explains that the Torah is speaking of a Jew who sees another Jew committing a transgression and warns him. The person warned, then, continues to transgress in spite of the warning. It is accepted in law to hate someone like that in one's heart, only. One is not given permission to mistreat the sinner, but one may apply certain restrictions on him in order to encourage him to change his ways. This is why one is required to return objects to him and to unburden his animal even though he is a sinner. Perhaps the act of kindness will affect his future behavior and help him return to Hashem.

In Sefer Devarim (Deuteronomy), this mitzvah reads differently. "You shall not see the ox of your brother or his sheep or goat cast off, and hide yourself from them; you shall surely return them to your brother. If your brother is not near you and you do not know him, then gather it inside your house, and it shall remain with you until your brother inquires after it, and you return it to him. So shall you do for his donkey, so shall you do for his garment, and so shall you do for any lost article of your brother that may become lost from him, and you find it; you shall not hide yourself. You shall not see the donkey of your brother or his ox falling on the road and hide yourself from them; you shall surely stand them up, with him."

The Mei'am Lo'eiz explains that there are several differences that are notable between these two passages. In the first citing (our parasha), the animal is "wandering," which implies that the animal has become separated from the flock but is nearby. In Devarim the animal is "cast off," which implies that the animal has run away seeking freedom. This animal will be harder to subdue and its owner may be far away. We may not hide from our responsibility to the owner, even though we may not even know who it is. The Torah in Devarim also uses the term "your brother" instead of an "enemy" or "one whom you hate." This implies that even in the first case (our parasha), we are to treat our enemy or the one we hate as our brother. We are also admonished not to hide from our burden, even if our efforts will require a large amount of time and care. The Torah in both passages uses a double-word form which can be translated as either "surely" or "repeatedly." The terms "hasheiv t'shivenu, azov ta'azov, hasheiv t'shiveim, and hakeim takim," all follow the double-word pattern and indicate that as many times as the animal is lost or runs away or is in need of unburdening, one is required to assist each time. The section in Devarim also indicates that we may not hide from our responsibility even when that

responsibility becomes a serious inconvenience.

HaRav Hirsch explains that this section of the Torah comes to teach us that we must be prepared to assist others even outside of the court system. The sensitivity that one must have for the immediate needs of his fellowman as well as his fellowman's possessions is crucial to the functioning of society. It is not only a moral imperative, it has many ramifications which are difficult to see. While returning a lost object to a person who knows your distaste for him, or helping a person to unburden his struggling animal even though he suspects your disapproval seems a waste of effort, yet it can change a person's attitude and enable him to rethink his unacceptable actions. Friendship often comes from helping someone else. It not only changes that person's attitude towards you, but it can change your assessment of him also.

The success of the Ba'alei Teshuva Movement (the return to Hashem and His Laws) was predicated on the acceptance of people where they were, yet encouraging them to grow spiritually and morally through the Torah. May we also accept others and enable them to grow. © 2023 Rabbi D. Levin

**RABBI AVI SHAFRAN**

## Cross-Currents

**W**hen we think of the word na'aseh, "we will do," it is usually in the context of the phrase na'aseh vinish'ma, "we will do and we will hear" -- Klal Yisrael's statement of commitment to following the Torah's laws, whether they are understood by reason or not.

But the word naaseh appears in this week's (and last week's) parsha as an independent statement, without vinish'ma following it.

And it appears as well in the Torah's very first parsha, Bereishis, where it is Hashem Himself using it in the sense of "Let us make," with the words "man in Our image" following.

Intriguingly, in both places -- the creation of man and the revelation at Har Sinai -- we find the Gemara describing angels' opposition. In the first case, we are told of Hashem's asking an angelic entourage if man should be created. They say no and Hashem destroys them. A second group offers the same response as the first and it, too, is destroyed. A third one, noting its predecessors' fate, says: "The universe is Yours. Do with it as You wish." (Sanhedrin 38b)

At Sinai, similarly, we find angels opposing the offering of the Torah to human beings. Hashem asks Moshe to respond to them and he argues that the Torah's laws presuppose human inclinations. "Do you have a father and mother?" to honor, he asks, among other examples. "Have you jealousy and an evil inclination?" (Shabbos 89a). Only humans, in other words, can say "We will do."

In both cases, the angels' case seems

predicated on the inherent fallibility of human beings, the likelihood that they will sin and are unworthy of existence or being gifted with the Torah.

And sin and rebellion indeed ensued, right after Adam's creation and after the Torah was accepted by his distant descendants. So, in a sense, the angels were right. But they were wrong.

There can be no true win without the possibility of loss. No advancement without the potential for decline. No accomplishment of ultimate good without an accompanying possibility of evil.

The place where a ba'al teshuvah, a penitent sinner, stands, according to Rabi Abahu, "is a place where even the perfectly righteous cannot stand." (Berachos 34b).

An old Chassidic tune's words may say it best: "Why, oh, why has the soul descended? / From so high a place to so one so low? / Because the descent is necessary for ascending." ©2023 Rabbi A. Shafran and [torah.org](http://torah.org)

**DR. ERICA BROWN**

## The Torah of Leadership

In "How Leaders Should Handle Public Criticism" (HBR, December 12, 2022), Ron Carucci argues that the more public your role is and the more decisions you make, the more likely you are to get things wrong, and the more people will critique you in ways that are not always just or fair. "The cruel reality of leadership is that when things go wrong, you take a disproportionate amount of the blame." This can be a hard burden to carry because the rumor mill works overtime. "When you make mistakes, the scrutiny from the broader organization is intensified. Remember, the farther people are from the problem, the less context and understanding they have. They will fill in the blanks with conjecture, projection of their own trauma, and perceived motives for why you did what you did."

Carucci advises leaders to accept this reality and, as hard as it may be, try not to get sidetracked by the noise. Play the long-game of impact. At the same time, respond with humility and transparency and, when necessary, set the record straight with facts rather than emotions. Respond to the kernels of truth in what you hear, take action, and report back your results. Do not let snarky or malicious feedback make you thick-skinned or cold-hearted, Carucci warns. Be your best self even and especially when you feel crushed: "You have to be true to the values you want people to remember you by. If you don't want this moment to define you, then make sure it reveals who you intend to be." Moments of intense criticism can also be opportunities to share your deepest convictions.

I thought of Carucci's recommendations when reading a verse in Mishpatim, this week's Torah portion: "You shall not revile God, nor put a curse upon a leader (nasi) among your people" (Ex. 22:27). Cursing the

leader is mentioned in the same breath as cursing God because these are two sources of authority: Divine and human. The natural tendency to question or rebel against those who have control over us or constrain us is constant. The Torah reminds us to keep it in check.

On a surface level, this may be prudent advice. Cursing those in positions of influence can have unpleasant personal consequences, to say the least. Cursing someone in the ancient world (and in some parts of the modern world today) was taken very seriously, which explains the many prohibitions throughout Tanakh that warn against it. Ecclesiastes recommends that we silence negative thoughts against the king because the walls have ears; any public criticism may come back to bite the one who questions authority: "Do not revile a king even among your intimates. Do not revile a rich man even in your bedchamber; for a bird of the air may carry the utterance, and a winged creature may report the word" (Eccl.10:20). You don't know who you can trust or where anyone's ultimate loyalties are.

Who are the leaders the Torah tells us not to curse? R. Abraham ibn Ezra mentions judges, priests, and Levites -- all positions, he contends, that represent Torah. When you curse those who uphold the Torah, he is suggesting, you are, on some level, criticizing the Torah and God who gave us the Torah. Ibn Ezra adds that this law applies to speaking in secret or in public. In other words, the one who curses should try to shift his or her very mindset about the current leadership.

Ibn Ezra also helps us understand the context of this law. It appears immediately after the prohibition that one who lends money must return the garment that a poor person gave as collateral at night and adds a line of compassion amidst a listing of laws: "In what else shall [your neighbor] sleep? Therefore, if that person cries out to Me, I will pay heed, for I am compassionate" (Ex. 22:26). Ibn Ezra examines this juxtaposition and concludes: "The poor man, while in pain during the night, might revile the judge who ruled that the lender should take the pledge."

Sforno takes this prohibition in a different direction: "Even though you may feel that the judge has judged you unfairly, you must not curse him. The reason is that no individual can judge his own guilt or innocence objectively." Before we curse a leader, we have to look in the mirror to check if we judge others more harshly than we judge ourselves. We should interrogate our own subjectivity.

The medieval compilation of mitzvot, the Sefer HaChinukh (#71:1) adds that this law applies not only to a king but also to the head of the Sanhedrin, the ancient assembly of sages who determined Jewish law, "since the intention of the verse is about anyone who is the head authority over Israel, whether it is the government of the kingdom or whether it is the government of the Torah." He extended the application of this law beyond those in political positions of power to include the

authority of scholars.

So seriously was this law observed that the Talmud includes the strange and gruesome story of the sage Bava ben Buta to illustrate. King Herod called upon Bava ben Buta and placed a porcupine hide on his head to prick his eyes out. Herod sat before this blind scholar and cursed himself to see Bava ben Buta's reaction. He goaded the sage to join him. Bava ben Buta quoted our verse in Ecclesiastes -- "Do not curse the king, not even in your thoughts" -- but Herod pushed him further: "He is not a king since he rules illegally." Still Bava ben Buta would not concede. "And even if he were merely a rich man, I would not curse him, as it is written: 'And do not curse a rich person in your bedchamber' (Eccl.10:20). And even were he only a leader, I would not curse him, as it is written: 'And you shall not curse a leader among your people' (Ex. 22:27)" (BT Bava Batra 4a).

Bava ben Buta suffered greatly under Herod's rule, yet he still observed this commandment. Here it is important to make a distinction between criticizing and cursing. One is not forbidden to question a leader's rulings, policies or character to maintain the integrity of the office. Most ancient Israelite kings had a prophet to guide and chastise them precisely to keep the king's power in check and remind him to answer to the King of Kings. Saul had Samuel. David had Nathan. But there is a difference between the legitimate critique of power and a course, emotional and blasphemous challenge that invokes supernatural powers against the leader.

The word for leader in our verse is "nasi," and it is in defining this term that we may better understand the prohibition. The infinitive "Inasot" is used throughout Tanakh to refer to shouldering a burden, sometimes a very heavy one. Those who curse a leader add weight to an already heavy burden. Sometimes, in our anger or indignation, we fail to see all that a leader may be carrying. When adding to the load, we may inadvertently become the reason a leader walks away from the position. "What do I need this for?" Look around to see how many volunteers are not signing up for senior leadership roles because they don't want the constant criticism without much recognition or praise. It is a lot to carry.

But Nahmanides, in his interpretation of our verse, adds that the root of "nasi" also means to lift up. The role of the leader is to lift up the follower. Perhaps the word also reminds us that leaders themselves need to be uplifted. If we lift up leaders, and they lift us up, maybe more people would sign up for these unpopular jobs. When leaders make mistakes, it is incumbent upon us to bring them to public attention, but there is a difference between constructive solutions and reckless gossip, between offering respectful feedback and cursing the leader.

In his book, *Judaism's Life-Changing Ideas*, Rabbi Jonathan Sacks shares a personal story that may provide a small window into this complex issue. At the

beginning of his rabbinical career, he sought the approval of a senior rabbi and waited for a word of encouragement. He was working hard and taking risks. "You need support at such moments, because taking risks and suffering the inevitable criticism is emotionally draining. The encouragement never came. The silence hurt. It ate, like acid, into my heart." It was then that he had a shift in strategy. Instead of waiting for praise, he praised the rabbi he sought praise from. "I began to formulate it as an ethic. Don't wait to be praised: Praise others. Don't wait to be respected: Respect others. Don't stand on the sidelines, criticising others. Do something yourself to make things better."

So, consider ways you may have "cursed" a leader. What praise could you offer to lift up a leader who is lifting you? © 2023 Dr. E. Brown and Yeshiva University Sacks-Herenstein Center for Values and Leadership

### RABBI KALMAN PACKOUZ Z"l

## Shabbat Shalom Weekly

The Torah states: "If a person steals an ox or a sheep and slaughters it or sells it, he must pay five oxen for an ox and four sheep for the sheep" (Exodus 21:37). Why is the fine for stealing a sheep less than the fine for stealing an ox? What lesson can we learn from this for our lives?

Rashi, the great 13th century commentator, cites the Sages of the Talmud that the reason the thief pays less for a sheep is because he has to carry it on his shoulders to run away faster when stealing it. Running with a sheep on one's shoulders in public is embarrassing and this embarrassment is a partial punishment in itself. Rabbi Simcha Zissel of Kelm comments that if even a coarse thief experiences a slight embarrassment which lightens the punishment, then all the more so if one suffers embarrassment or humiliation while doing a good deed, the action is elevated and the reward will be very great!

Our lesson: According to the pain and difficulty of performing a mitzvah is the reward. If others mock or denigrate your efforts to do a mitzvah, then focus not on the temporal pain but the greatness and the eternity of the reward! *Dvar Torah based on Growth Through Torah by Rabbi Zelig Pliskin © 2016 Rabbi K. Packouz z"l & aish.com*

