

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

There are commands that leap o the page by their sheer moral power. So it is in the case of the social legislation in Mishpatim. Amid the complex laws relating to the treatment of slaves, personal injury and property, one command in particular stands out, by virtue of its repetition (it appears twice in our parsha), and the historical-psychological reasoning that lies behind it: "Do not ill-treat a stranger or oppress him, for you were strangers in Egypt." (Exodus 22:20)

"Do not oppress a stranger; you yourselves know how it feels to be a stranger [literally, 'you know the soul of a stranger'], because you were strangers in Egypt." (Ex. 23:9)

Mishpatim contains many laws of social justice -- against taking advantage of a widow or orphan, for example, or charging interest on a loan to a fellow member of the covenantal community, against bribery and injustice, and so on. The first and last of these laws, however, is the repeated command against harming a ger, a "stranger." Clearly something fundamental is at stake in the Torah's vision of a just and gracious social order.

If a person was a son of proselytes, one must not taunt him by saying, "Remember the deeds of your ancestors," because it is written "Do not ill-treat a stranger or oppress him."

The Sages noted the repeated emphasis on the stranger in biblical law. According to Rabbi Eliezer, the Torah "warns against the wronging of a ger in thirty-six places; others say, in forty-six places." (Bava Metzia 59b)

Whatever the precise number, the repetition throughout the Mosaic books is remarkable. Sometimes the stranger is mentioned along with the poor; at others, with the widow and orphan. On several occasions the Torah specifies: "You shall have the same law for the stranger as for the native-born." (Exodus 12:49; Leviticus 24:22; Numbers 15:16, 29) Not only must the stranger not be wronged; he or she must be included in the positive welfare provisions of Israelite/ Jewish society. But the law goes beyond this; the stranger must be loved: "When a stranger lives with you in your land, do not mistreat him. The stranger living with you must be treated as one of your native -- born. Love him as yourself, for you were strangers in

Egypt. I am the Lord your God." (Lev. 19:33-34)

This provision appears in the same chapter as the command, "You shall love your neighbour as yourself" (Leviticus 19:18). Later, in the book of Deuteronomy, Moses makes it clear that this is the attribute of God Himself: "For the Lord your God is God of gods and Lord of lords, the great God, mighty and awesome, who shows no partiality and accepts no bribes. He defends the cause of the fatherless and the widow, and loves the stranger, giving him food and clothing. And you are to love those who are strangers, for you yourselves were strangers in Egypt." (Deut. 10:17-19)

What is the logic of the command? The most profound commentary is that given by Nachmanides: "The correct interpretation appears to me to be that He is saying: do not wrong a stranger or oppress him, thinking as you might that none can deliver him out of your hand; for you know that you were strangers in the land of Egypt and I saw the oppression with which the Egyptian oppressed you, and I avenged your cause on them, because I beheld the tears of such who are oppressed and have no comforter...Likewise you shall not afflict the widow and the orphan for I will hear their cry, for all these people do not rely upon themselves but trust in Me.

"And in another verse he added this reason: for you know what it feels like to be a stranger, because you were strangers in the land of Egypt. That is to say, you know that every stranger feels depressed, and is always sighing and crying, and his eyes are always directed towards God, therefore He will have mercy upon him even as He showed mercy to you [and likewise He has mercy on all who are oppressed]." (Ramban, commentary to Exodus 22:22)

According to Nachmanides the command has two dimensions. The first is the relative powerlessness of the stranger. He or she is not surrounded by family, friends, neighbours, a community of those ready to come to their defence. Therefore the Torah warns against wronging them because God has made Himself protector of those who have no one else to protect them. This is the political dimension of the command. The second reason, as we have already noted, is the psychological vulnerability of the stranger (we recall Moses' own words at the birth of his first son, while he was living among the Midianites: "I am a stranger in a strange land," Ex. 2:22). The stranger is one who lives

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outside the normal securities of home and belonging. He or she is, or feels, alone -- and, throughout the Torah, God is especially sensitive to the sigh of the oppressed, the feelings of the rejected, the cry of the unheard. That is the emotive dimension of the command.

Rabbi Chayim ibn Attar (Ohr HaChayim) adds a further fascinating insight. It may be, he says, that the very sanctity that Israelites feel as children of the covenant may lead them to look down on those who lack a similar lineage. Therefore they are commanded not to feel superior to the ger, but instead to remember the degradation their ancestors experienced in Egypt. (Ohr Haayim, commentary to Exodus 22:20) As such, it becomes a command of humility in the face of strangers.

Whichever way we look at it, there is something striking about this almost endlessly iterated concern for the stranger -- together with the historical reminder that "you yourselves were slaves in Egypt." It is as if, in this series of laws, we are nearing the core of the mystery of Jewish existence itself. What is the Torah implying?

Concern for social justice was not unique to Israel. (See Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Jerusalem: Magnes Press, 1995).) What we sense, however, throughout the early biblical narrative, is the lack of basic rights to which outsiders could appeal. Not by accident is the fate of Sodom and the cities of the plain sealed when they attempt to assault Lot's two visitors. Nor can we fail to feel the risk to which Abraham and Isaac believe they are exposed when they are forced to leave home and take refuge in Egypt or the land of the Philistines. In each of the three episodes (Genesis chapters 12, 20, 26) they are convinced that their lives are at stake; that they may be murdered so that their wives can be taken into the royal harem.

There are also repeated implications, in the course of the Joseph story, that in Egypt, Israelites were regarded as pariahs (the word "Hebrew," like the term *hapiru* found in the non-Israelite literature of the period, seems to have a strong negative connotation). One verse in particular -- when the brothers visit Joseph a second time -- indicates the distaste with which they were regarded: "They served him [Joseph]

by himself, the brothers by themselves, and the Egyptians who ate with him by themselves, because Egyptians could not eat with Hebrews, for that is detestable to Egyptians." (Gen. 43:32)

So it was, in the ancient world. Hatred of the foreigner is the oldest of passions, going back to tribalism and the prehistory of civilisation. The Greeks called strangers "barbarians" because of their (as it seemed to them) outlandish speech that sounded like the bleating of sheep. (The verb *barbarizein* in ancient Greek meant imitating the linguistic sounds non -- Greeks made, or making grammatical errors in Greek.) The Romans were equally dismissive of non-Hellenistic races. The pages of history are stained with blood spilled in the name of racial or ethnic conflict. It was precisely this to which the Enlightenment, the new "age of reason," promised an end. It did not happen. In 1789, in revolutionary France, as the Rights of Man were being pronounced, riots broke out against the Jewish community in Alsace. Hatred against English and German immigrant workers persisted throughout the nineteenth century. In 1881 in Marseilles a crowd of ten thousand went on a rampage attacking Italians and their property. Dislike of the unlike is as old as mankind. This fact lies at the very heart of the Jewish experience. It is no coincidence that Judaism was born in two journeys away from the two greatest civilisations of the ancient world: Abraham's from Mesopotamia, Moses' and the Israelites' from Pharaonic Egypt. The Torah is the world's great protest against empires and imperialism. There are many dimensions to this protest. One dimension is the protest against the attempt to justify social hierarchy and the absolute power of rulers in the name of religion. Another is the subordination of the masses to the state -- epitomised by the vast building projects, first of Babel, then of Egypt, and the enslavement they entailed. A third is the brutality of nations in the course of war (the subject of Amos' oracles against the nations). Undoubtedly, though, the most serious offence -- for the prophets as well as the Mosaic books -- was the use of power against the powerless: the widow, the orphan and, above all, the stranger.

To be a Jew is to be a stranger. It is hard to avoid the conclusion that this was why Abraham was commanded to leave his land, home and father's house; why, long before Joseph was born, Abraham was already told that his descendants would be strangers in a land not their own; why Moses had to suffer personal exile before assuming leadership of the people; why the Israelites underwent persecution before inheriting their own land; and why the Torah is so insistent that this experience -- the retelling of the story on Passover, along with the never-forgotten taste of the bread of affliction and the bitter herbs of slavery - - should become a permanent part of their collective memory.

It is terrifying in retrospect to grasp how seriously the Torah took the phenomenon of xenophobia, hatred of the stranger. It is as if the Torah were saying with the utmost clarity: reason is insufficient. Sympathy is inadequate. Only the force of history and memory is strong enough to form a counterweight to hate.

The Torah asks, why should you not hate the stranger? Because you once stood where he stands now. You know the heart of the stranger because you were once a stranger in the land of Egypt. If you are human, so is he. If he is less than human, so are you. You must fight the hatred in your heart as I once fought the greatest ruler and the strongest empire in the ancient world on your behalf. I made you into the world's archetypal strangers so that you would fight for the rights of strangers -- for your own and those of others, wherever they are, whoever they are, whatever the colour of their skin or the nature of their culture, because though they are not in your image, says God, they are nonetheless in Mine. There is only one reply strong enough to answer the question: Why should I not hate the stranger? Because the stranger is me. *Covenant and Conversation 5779 is kindly supported by the Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl z"l ©2019 Rabbi Lord J. Sacks and rabbisacks.org*

RABBI SHLOMO RISKIN

Shabbat Shalom

"These are the statutes which you must place before them." (Exodus 21:1) If two religiously observant Jews are engaged in a disagreement which has financial ramifications, are they permitted to go to a secular court to arbitrate their dispute or must they go to a religious court or bet din? Is the law different in Israel, which has a religious as well as a secular court system, but where even the secular court judges are Jewish? And if indeed Jews are religiously ordained to go to religious courts exclusively, why is this the case? After all, secular courts in the Diaspora are certainly fair and equitable!

The Torah portion of Mishpatim provides interesting responses to all three questions. It opens with the command: "These are the statutes which you [the Israelites] shall place before them [the religious judges]" (Ex. 21:1).

Rashi immediately cites the Talmudic limitation (Gittin 88b): "Before the religious judges and not before gentile judges. And even if you know that regarding a particular case, they [the gentile judges] would rule in the exact same way as the religious judges, you dare not bring a judgment before the secular courts. Israelites who appear before gentile judges desecrate the name of God and cause idols to be honored and praised." (Tanhuma Mishpatim 3)

According to this passage, it would seem that

the primary prohibition is to appear before gentile judges who are likely to dedicate their legal decision to a specific idol or god; it is the religion of the judge rather than the content of the judgment which is paramount. From this perspective, one might legitimately conclude that Israeli secular courts – where the judges are all Jewish – would not be prohibited. Moreover, secular courts in countries where there is a clear separation between religion and state in the judiciary may very well likewise be permitted.

However, the great legalist and philosopher Maimonides would seem to support another opinion. Although he begins his ruling, "Anyone who brings a judgment before gentile judges and their judicial systems...is a wicked individual" – emphasizing the religious or national status of the judge rather than the character of the judgment – he then concludes, "...and it is as though he cursed and blasphemed [God], and lifted his hand against the laws of Moses." (Laws of the Sanhedrin 26:7)

Apparently, Maimonides takes umbrage at a Jew going outside the system of Torah law, thereby disparaging the unique assumptions and directions of the just and righteous laws of God.

In order for us to understand exactly what is unique about the Jewish legal system, permit me to give an example of the distinctive axioms of Torah law from another passage in this Torah portion, the prohibition against charging or accepting interest on a loan.

"If you will lend money to my nation, to the poor person with you, you may not be to him as a creditor, you may not place upon him an interest rate [neshekh]; and if you accept from him your friend's cloak as security for the loan you must return the cloak to him before sunset. Because, after all, it may be his only cloak and [without it], with what [cover] will he lie down? And if he cries out to Me, I shall hear because I am gracious." (Exodus 22:24–26)

In addition to noting the touching poignancy of the latter portion of the passage, I would like to ask four questions, one on each of the four earlier phrases of the commandment. First of all, the prohibition against interest begins, "If you will lend money to my nation." Although Rashi cites the teaching of Rabbi Yishmael that this is one of the three biblical instances where the usage of the Hebrew *im* is not to be understood as being volitional – if – but is rather to be taken as an imperative – "When you lend money to my nation," as you should do – nevertheless, one might legitimately query why the Bible chooses to use such an ambiguous term for an act of lending, when it is clearly God's desire that we perform this act!

Second, the Bible seems repetitious: "...to my nation, to the poor person with you." One or the other of these two phrases would have been sufficient to teach the point! Third, "You may not be to him as a creditor,"

says the Torah. This is interpreted by our sages to mean that not only is it forbidden for the creditor to remind the debtor of the loan, but the creditor must go out of his way not to cause the debtor embarrassment; if the creditor sees the debtor walking towards him it is incumbent upon the creditor to change direction. Why? After all, the debtor took money from the creditor, didn't he? Why not remind the debtor that the loan must be repaid?

Fourth and finally, the specific prohibition against interest itself seems problematic. The Hebrew word used in the Bible for interest – “neshekh” – also means the bite of a snake, which our sages compare to interest since the serpent initially injects his venom painlessly but it ultimately consumes the entire individual and takes his very life! Maimonides goes so far as to codify: “Anyone who writes a contract with an interest charge is writing and causing witnesses to testify that he denies the Lord God of Israel...and is denying the exodus from Egypt.” (Laws of Lenders and Borrowers, 4:7)

What is the logical reason for the prohibition against interest – and why the hyperbolic comparisons? After all, there is no prohibition against charging rent for the use of my house! Why should there be a prohibition against charging rent for the use of my excess funds?

Rabbi Haim ibn Attar, in a most brilliant illumination, beautifully explains this passage in his commentary *Ohr Hahayim*. In an ideal world, he maintains, there ought to be no rich and no poor, no lenders and no borrowers; everyone should receive from the Almighty exactly what they require to live. But, in His infinite wisdom, this is not the manner in which the Lord created the world. He provides certain individuals with excess funds, expecting them to help those who have insufficient funds, appointing them His “cashiers” or “ATMs.” Hence you must read the verse as “If you have [excess] money to lend to my nation, [understand] that what ought have gone to the poor individual is with you.” You were merely given the poor person's money in trust, your extra funds actually belong to him!

If you understand this fundamental axiom – that the rich person is actually holding the poor person's money in trust as an agent of the divine – then everything becomes clear. Of course, the lender may not act as a creditor, because she is only giving the poor man what is in actuality his. And of course one dare not charge interest, because the money you lent out was never yours in the first place. This is the message of the exodus from Egypt, the seminal historic event which formed and hopefully still informs us as a nation: no individual ought ever be owned by or even indebted to another individual. We are all owned by and must be indebted only to God. This fundamental truth is the foundation of our traditional legal system which is uniquely just and equitable: it is especially considerate

of the needs of the downtrodden and enslaved, the poor and the infirm, the orphan and the widow, the stranger and the convert, the “chained wife” and the indigent forced to sell their land. From this perspective, not only must we submit to Jewish law, but it is crucial that our judges be certain that Jewish law remains true to its ethical foundations. ©2019 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

Wein Online

It is difficult, in the extreme, to understand the concluding part of this week's Torah reading. It is recorded that the noble people of Israel somehow gazed and saw the likeness of heaven and they were not immediately punished nor struck down for having done so. The Torah has made it abundantly clear in many places that no human being while alive can see, so to speak, a corporeal vision of the Lord.

If this be the case, then what is this verse and the Torah telling us? What does it mean that these noble people were able to gaze upon the Divine presence? As is the case in almost all the narratives that appear in the Torah, there are various interpretations of this issue that have been advanced over the ages. Most of these opinions reflect the idea that these great and noble people gazing upon the Divine presence is to be understood in a metaphorical sense and not literally.

After having experienced the revelation at Sinai and the granting of the Torah to the Jewish people, this cadre of special people now attempted to understand the methodology by which God runs the world. They thought that they had achieved such a level of spirituality that they were able to do so. They somehow combine the idea of physical reality in their understanding of God and for this they would later suffer negative consequences. Their ambition, even for spirituality, was a reach too far.

In the Torah reading that we will hear in a few weeks, we will see that our great teacher Moshe also attempted this leap of understanding the Divine completely. God will tell Moshe of the impossibility of his request. Being human, no matter how great one is, automatically limits one's understanding and true appreciation of the Creator. It is a line that no human being can cross and retain life, as we understand it to exist.

The Midrash seems to indicate that Moshe did have such an opportunity at the beginning of his mission, at his encounter with God at the burning bush. Moshe was not willing to avail himself of that opportunity then and the Lord informs him now that it is far too late for that opportunity to be revised. Nevertheless, Moshe has the strongest relationship with Heaven that any human being ever experienced or could experience. But even that relationship -- the face-

to-face conversations, so to speak, with God -- is to be viewed as not achieving a complete understanding of the Divine and of the methodology employed by Heaven to guide the world and human events.

Perhaps that is what the rabbis of the Talmud meant when they said, "simply let them ignore and disassociate themselves from Me and just observe the Torah that I have granted them." Much of the world at various times confuse human beings with God or as being God. Judaism comes to tell us that there is an indelible line between the two that can and never will be crossed. ©2019 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. For more information on these and other products visit www.rabbiwein.com

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Treifa

Translated by Rabbi Mordechai Weiss

"You shall not eat flesh of an animal that was torn in the fields" (Treifa- Shmot 22;30) A "Treifa" is defined as any animal that has an injury or a sickness that would cause it to die. The list of what is considered as a "Treifa" was passed down as an indisputable law from Moshe at Sinai (Halacha L'Moshe M'sinai") and we cannot add or delete from this list. Thus if an animal swallowed poison, though its death is imminent, it is not listed as a "Treifa" and therefore the advice to the owner in such a case by our Sages is to quickly slaughter the animal by a "Shochet" (a Rabbi who received ordination to slaughter animals in a Kosher way) so that it can be eaten. The Raivad adds that a "Treifa" cannot be cured but an animal with any other sickness can be cured.

On the other hand the Gaonim (Rabbis who lived approximately from the sixth until the tenth centuries) and the Rishonim (Rabbis who lived from approximately the tenth until the thirteenth centuries) added to the list of "Treifot" that an animal would likely die from. Maimonides indeed raises that question on animals that are considered as "Treifa" but they could survive. He answers that "All we have is the list that our sages enumerated as it says in the Torah "According to the Torah that they teach you (Al pi Hatorah Asher yorucha").

The Acharonim (Rabbis who lived approximately from the fifteenth until the eighteenth centuries) explain the Rambam that these laws were established based on the knowledge at the time of the giving of the Torah and the redacted laws of the Mishna and the Talmud and any later additions are not considered "Mishna" and we do not follow them.

In addition, if over the centuries there was a physical change in a species of animal and yet there might be an animal that retains the original physical structure, that animal would not be excluded from being kosher.

What do we do with a "Treifa?" The Torah states that you should feed it to the dogs ("Lakelev tashlichun oto"). Some view this as only a suggestion and one is allowed to derive pleasure from it. Others see this as a warning that one who eats a "Treifa" transgresses both a negative and positive commandment. Still others say that it is a Mitzva to preferably give this "Treifa" to a dog to consume before a human being (a non-Jew), to teach one to show appreciation to a dog, the dedicated friend of man. ©2018 Rabbi M. Weiss and *Encyclopedia Talmudit*

RABBI AVI WEISS

Shabbat Forshpeis

Jewish law is commonly broken down into two groups, laws which refer to the link between humanity and God (bein adam la-Makom) and laws which govern interpersonal relationships (bein adam le-havero).

For this reason, many traditional commentators have suggested that the Ten Declarations (Aseret Ha-dibrot) can split vertically. The first five statements are associated with our commitment to God, the second five with our commitment to our fellow human beings.

The tradition of this demarcation raises concerns for it seems that the laws connecting human beings with God pre-dominate. According to this line of reasoning, relating to God seems to be more important than the way we interact with other people.

Yet, there are several Rabbinic sources that take the opposite approach. For example, the Midrash comments on the verse describing Avraham (Abraham) being visited by God after his circumcision. As the famous story in Bereishit (Genesis) tells us, he sees three visitors. Running to greet them, he asks God to wait as he welcomes his guests. (Genesis 18:3) "From here," the Midrash says, "we learn it is more important to attend to guests than to receive the presence of God." Concerned that bein adam le-havero would be viewed as less important, this Midrash emphasizes its paramount nature.

So while there are opinions on both sides, there exists a third option. This position claims that there, indeed, exists no demarcation between bein adam la-Makom and bein adam le-havero -- each of these categories complement one another.

Bearing in mind that every human being is created in God's image (tzelem Elokim), it follows that the way we conduct ourselves towards our fellow person, impacts directly upon God. If I bring joy or sorrow to another, I bring joy or sorrow to the tzelem Elokim within that person.

Kli Yakar (Rabbi Ephraim Luntshitz, Poland, 16c.) makes this point in his unique approach which insists that the Aseret Ha-dibrot be split horizontally rather than vertically. For example, "Thou shalt not murder" (Declaration #6) is opposite belief in God

(Declaration #1), as murdering the other means that the image of God, as manifested in the victim, has been obliterated.

The flip side is also true. Jewish ritual, commonly associated with our relationship to God, invariably connects us to other humans and in fact is the pathway to Torah ethicism. Proof of this phenomenon is the fact that before prayer, an act associated with the relationship to God, there is a tradition to give charity, an act associated with our relationship to fellow humans. Additionally, virtually all our prayers are in the plural to teach that even as we participate in a very personal encounter with the Divine, we must express concern for those in need, and pray not only for ourselves, but for others as well.

Our portion clearly reflects this idea. It states: "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) Here, the Torah deflects from its prior reasoning for Shabbat presented in the Ten Declarations. The first two times Shabbat is mentioned in the Torah it is associated with recognizing that God created the world in six days and rested on the seventh. (Genesis 2:1-3, Exodus 20:8-11) Shabbat seems to be a law that resides solely in the realm of our acknowledgement of the rule of God.

But here, in our portion, God is not at all associated with Shabbat, His name is not mentioned. In our text, Shabbat teaches us something about human relationships and our responsibility to others. It tells us to rest on Shabbat so that all in your household will rest. In other words, Shabbat is the great equalizer - all people whatever their station, must rest. Here the Torah is displaying the important priority of giving dignity to all. Extraordinary. Shabbat, which heretofore is only mentioned as describing our relationship to God, is here fashioned in terms of interpersonal ethics.

By loving our fellow person, we learn to love God; and through loving God and doing His ritual, we can achieve love of his fellow human being. From this perspective, the human-God and human-human laws do not stand as opposing forces, they stand as perfect complements, leading to an increased ability for us all to help achieve unity between heaven and earth.

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RABBI YITZCHOK ADLERSTEIN

Mei Marom

"These are the laws that you shall place before them." Don't even think of skimping on the teaching, HKBH tells Moshe. That's what this pasuk tells Moshe, according to Chazal. (Eruvin 54B, cited by Rashi here.) In case you think that teaching

them each section a handful of times should be sufficient, think again. You've got to make them understand, says Hashem, the full meaning of each section, and all its details. You must teach it so well, that your presentation will be like an elegantly prepared meal, set before them and ready for consumption.

It is a beautiful thought, but why would Moshe, the teacher par excellence of Klal Yisrael, need to be told this? Why would he hold back? Why would he think of taking a minimalist position towards his teaching obligation?

We will understand Moshe's reasoning only after first exploring some of the deeper significance of studying Torah. "It is time to act for Hashem; they have abrogated Your Torah." (Tehillim 119:126) The gemara (Gittin 60A) sees this verse as granting a license for the chachamim to overturn part of the Torah in order to save the rest of it. Specifically, this was the basis for permitting committing the Oral Law to a written, published form. Because Roman persecution diminished the ability of people to gather together and study, much Torah would have been lost to us had Chazal not found a way to preserve it in writing.

This fixing of the Torah into written form is called acting for Hashem. Indeed, it most certainly is a significant action, not just permission to violate the halachah against disseminating the Oral Law in text. There are two reasons for this. First, many have pointed out that osiyos machkimos (Migdal Oz, Ishus 4:9), that we gain extra wisdom when we fix our sight on the letters that express an idea. Besides acting as an aid to memory, a more metaphysical explanation is at work. The Divine oros, lights, that are sourced in Torah contract themselves and attach themselves to the letters. Therefore, when we engage those letters, we interact with the oros that are resident within them.

There is, however, a second reason that goes much further. Letters make thought possible. They are the building blocks of thought; we can't really imagine thought that is completely removed from the ability to build letters into words and phrases. There are ideas, however, that completely transcend the ordinary world of thought. Those higher-level oros also contract themselves and become available to us in Torah.

We can think of the difference this way. In the first, lower level, the letters become the vehicles for the oros to express thought. In the second level, the oros are the cause of the letters themselves!

We note a parallel distinction in two ways of relating to Hashem. On one level, He expresses Himself through His world. The variegated phenomena of the observed cosmos are like the letters. His wisdom speaks through them. But there is another, higher, manner of perceiving Hashem that has nothing to do with this world. The Torah preceded Creation; it speaks to us from a higher place, not sourced in the "letters" of Nature. The Oral Law was not intended to be fixed into

recorded letters, because that diminishes it from its place of transcendence that is above the world of letters.

Alas, it became necessary to commit the Oral Law to written form -- to bind it to the world of letters. Moshe, who represents the Written Law, believed that by teaching Klal Yisrael each parshah several times, the main aspects of Torah content would become clear to them. They would know halacha, or how to live their lives. The higher forms of knowledge would be theirs to access through their own study, their own immersion in Torah she-b'al peh.

Moshe was essentially correct. The effort, the chiddush of Klal Yisrael would release the higher-level understanding to them. Moshe did not realize, however, that in every generation this understanding would require the involvement of the tzadikim of that time. They would serve as the conduit for those Divine oros to descend; their presence would be necessary and would shape the process.

Moshe's involvement, therefore, had to accompany their partaking of the heavenly meal of Torah. He had to place Torah before them like a set table. (Based on Mei Marom, Shemos, Maamar 52)
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RABBI DAVID LEVINE

Challenge of Imprecision

There is a basic problem which the Rabbis encounter when dealing with the Torah. There are places within the Torah in which the order appears to be askew. Some Rabbis consistently go through great efforts to minimize these discrepancies and maintain the chronological order of the Torah whereas other Rabbis insist that the Torah was not written in chronological order and some sections are out of order to present a message to the reader. The term for this concept is *ein mukdam u'm'uchar baTorah*, there is no later time or earlier time to the events of the Torah, namely, there is no chronological order in the Torah. Both sets of scholars offer explanations for their position which enable us to learn many ideas and concepts that might otherwise not be evident to us.

The Torah tells us, "And to Moshe He said, 'Go up to Hashem, you Aharon, Nadav and Avihu, and seventy elders of Yisrael, and you shall prostrate yourselves from a distance. And Moshe will approach by himself toward Hashem, but they will not approach, and the people shall not go up with him.' Moshe came and told the people all of the words of Hashem and all the laws, and the entire people responded with one voice and they said, 'all the words that Hashem has spoken, we will do.' Moshe wrote all the words of Hashem, he arose early in the morning and built an altar at the foot of the mountain and twelve standing stones for the twelve tribes of Yisrael. He sent the youths of the B'nei Yisrael and they brought up olah

offerings and they slaughtered bulls to Hashem as peace-offerings to Hashem. And Moshe took half of the blood and placed it in basins and half of the blood he sprinkled on the altar. And he took the Book of the Covenant and he read it into the ears of the people and they said, 'all that Hashem has spoken, we will do and we will listen.' And Moshe took the blood and sprinkled it upon the people and he said 'Behold this is the blood of the covenant of Hashem that Hashem has sealed with you concerning all these matters.'"

The Midrash tells us that Hashem offered the Torah Laws to all of the nations of the world. Each found that the Law did not fit with its own culture and so rejected the Torah. The Jewish nation accepted the Torah sight unseen by saying, "All that Hashem has spoken, we will do and we will listen." This implies that the People would obey Hashem no matter what will be commanded. Previously, however, the wording does not include "and we will listen." This seems to imply that the people would accept the Torah but only after hearing what it contained. We must ask whether this is a contradiction which changes the very understanding of the people's eagerness to obey Hashem's commandments. The Torah also contains a phrase which is similar to these statements in last week's parasha which occurred before the giving of the Torah, "All that Hashem has spoken, we will do." Because these statements contain the same basic language, our Rabbis were forced to decide whether they were said at the same time as one statement and whether that time preceded the giving of the Torah. Did the Jews accept Hashem's Laws unequivocally?

HaRav Shmshon Raphael Hirsch offers an answer to our problem. The law that was written down, namely, the Ten Commandments and the other Laws given on Mt. Sinai which are found in this parasha, bound the people to Hashem by the words "we will do." "The Law had been fully explained to them in all its details and meaning. To that, all they had to promise was 'to carry it out', to 'do it.' But the written Law contained the Law only in its short basic formula, as we have the Torah before us today, the detailed meaning and explanation remained for verbal teaching, and that entails applying one's mind by listening. The vow "we will do" to the written, readable Torah, would only refer to the literal Word, quite incomplete without the verbal tradition. Hence here they added "we will listen" and thereby declared: Everything that Hashem has spoken, not merely these basic principles which have been read to us here, will we carry out, and to accomplish this end we will also 'listen', i.e., by getting to know and to keep that which has remained verbal, we will get ourselves in the condition of being able to carry out the Will of Hashem really and completely."

The Ba'al HaTurim suggests a mystical reason for both phrases of acceptance, "all the words that Hashem has spoken, we will do" and "all that Hashem

has spoken, we will do and we will listen." Each contains six Hebrew words on purpose, thus the combination of the two phrases equals twelve, the number of the tribes of Yisrael. He then explains that the traditional statement of this commitment to Hashem by the people and its answer: (a) "Shema Yisrael Hashem Elokeinu Hashem Echad, Hear, O' Israel, the Lord our G-d the Lord is One," and (b) Baruch Sheim k'vod malchuto l'olam va'ed, blessed is the Name of his Holy Kingdom forever and ever," also contain six words which combine to mirror the twelve tribes. The Ba'al HaTurim is not simply playing games with the number of words in phrases but explaining that each tribe equally committed itself to the Covenant which Moshe arranged between Yisrael and Hashem. This equal commitment solidified the tribes together as a people.

We are left with a simple question: Why is the Torah imprecise in its chronology? That is Hashem's conversation with us. Our Rabbis delve into these imprecisions and discover the hidden messages in our passage as evidenced by Hirsch and the Ba'al HaTurim. The Torah is our conversation with Hashem and He enables that conversation through the seeming imprecisions of the text. Every year we reapproach the same reading and discover something new which we missed on previous occasions. Every year we are challenged to find the deeper levels of this conversation with Hashem. That is both a joy and a burden which we willingly approach. Perhaps that is the message of the final wording of our acceptance, namely, that "we will do and we will listen." Our challenge is not only the observance of the Law (we will do) but the discovery of the many levels of conversation that we can have with Hashem (we will listen). May we always be open to this challenge. ©2019 Rabbi D. Levine

RABBI YAAKOV BERNSTEIN



Haaros

Mechanical systems and computer systems have backup procedures in place in order to avoid catastrophe. Let's say an aircraft has three engines. This is an example of a redundant system. Even if an engine or two fails, there remains a third.

Redundant systems are carefully designed to avoid catastrophic failure. Yet, we hear of catastrophes -- the type that should never occur -- often.

It seemed to me that the protective mechanism itself is not enough to prevent failure. The system doesn't run automatically, but needs operators and maintenance people. Failure can only be prevented if the operators and maintenance people follow protocol and procedure. If the people operating and maintaining the system are not fully responsible -- if they're not yirei shomayim -- redundant systems may also fail.

A little research reveals that my idea is one element of an entire theory of systems and accidents. Charles Perrow held that the protective mechanism

itself is liable to cause failure! Several reasons are given; one of them is that workers tend to be less responsible within a redundant system. (Normal Accidents: Living With High Risk Technologies, 1984)

Years ago, a jetliner ran out of fuel midflight. With a great deal of skill and open miracles, the pilots were able to bring the aircraft down without casualties.

How could it possibly happen that a airplane runs out of fuel midflight? Answer: the fuel-gauge wasn't working! Obviously, one is not allowed to fly without a working fuel-gauge. The pilots decided to overlook this formality, feeling confident that the plane had already refueled. To their surprise and horror, the jet ran out of fuel...

Yiras Shomayim -- fear of heaven -- in its simplest manifestation, is to be concerned about consequences. After the giving of the Torah, the people were terribly frightened. Moshe told them, "Don't be afraid. Hashem revealed Himself to you in order to train you, and so that the fear of Hashem should be on your faces, that you not sin." (Shmos, 20:17) The meaning seems to be: "There's no point in simply being afraid to approach. But fear of Hashem deeply implanted within your being, motivated by the concern for consequences, will have long-reaching effects."

The Rabbis explain (Nedarim 20a): "Fear of Hashem on your faces' refers to shame. This teaches that shame brings to fear of sin. From here they said, 'A good sign for a person is that he is embarrassed.' Others say, 'Anyone who is embarrassed will not quickly come to sin, and one who has no shame -- it's known that his fathers did not stand at Har Sinai.'"

Rebbenu Bachya writes (Shmos 20:17) that shame is visible upon the face.

Moshe Rebbenu seems to say, "Don't be afraid. He is not trying to hurt you, just to impress upon you your responsibilities, which cause you shame."

In Baba Metzia (58b), the Gemara says that shaming a person is considered akin to killing him. Some are of the opinion that this is a legal comparison: Just as one must give his own life rather than kill another, one must give up his life rather than shame another person.

Rav Nachman Bar Yitzchak added, "I've seen it -- the face is drained of color until it appears white."

"One who spills the blood of man -- by man his blood will be spilled, because man was made in the image of Hashem." (Bereishis 9:6) By killing man, the image of Hashem is lost; therefore the punishment for the killer is extreme. Devarim 12:23: "The blood is the soul." This means that the connection between the body and the life-force is dependent on the flow of blood. "Fear of Heaven causes a person to flee from sin due to the pain that will result. On the other hand, fear of heaven due to embarrassment makes him flee sin due to shame and reproach." ©2019 Rabbi Y. Bernstein & torah.org