

Potomac Torah Study Center
Vol. 8 #17, February 5, 2021; Yitro 5781; Mevarchim HaHodesh

NOTE: Devrei Torah presented weekly in Loving Memory of Rabbi Leonard S. Cahan z"l, Rabbi Emeritus of Congregation Har Shalom, who started me on my road to learning almost 50 years ago and was our family Rebbe and close friend until his recent untimely death.

Devrei Torah are now Available for Download (normally by noon on Fridays) from www.PotomacTorah.org. Thanks to Bill Landau for hosting the Devrei Torah.

The Blumenthal family sponsors the Devrei Torah this week in loving memory of wife and mother Susan Blumenthal, a"h, Shoshana Frumah bat Arya Lev, a"h, whose yahrzeit is 29 Shevat.

LEARNING TO LIVE WITH COVID-19: PANEL DISCUSSION

https://www.dropbox.com/s/xrv4t49hvr9rhk9/Covid19Event_1-23-2021.mp4?dl=0

Rebroadcast available now at link above! One of the highest rated programs the Bikur Cholim of Greater Washington has produced.

We read about Yitro's visit to Moshe between Shirat HaYam and Aseret Dibrot – between the fireworks of God destroying the Egyptian army, horses, and weapons and the dramatic revelation at Har Sinai. Why does the Torah break up the fireworks with a family reunion?

Rabbi David Fohrman teaches us to read 18:1, 8-12 carefully. Yitro brings Moshe's family to him after hearing of all the wonders that God had performed – taking three million people out of Egypt and defeating the entire Egyptian army. Yitro realizes that Hashem is clearly the most powerful deity, far more powerful than any of the seventy "gods" that Paro knew. Moshe then tells his father-in-law about the events, and Yitro is "blown away." Something in Moshe's telling the story impressed Yitro far more than the stories of God's immense power, enough that Yitro offered sacrifices to Hashem and then returned to Midian to convert his family. What was so much more impressive?

Yitro could relate to Hashem being the most powerful deity in the world. But Moshe emphasized that God is a Creator who wants a personal relationship with each Jew and performs miracles daily, specifically to take care of the Jews. A God who shows love for each Jew by stopping the waters of the Sea of Reeds, brings food from the sky six days a week, and makes rocks release water whenever the Jews are thirsty – this kind of God was unique in history. In a religion based on polytheism, each of the gods has a specific function and controls certain items (the Nile, sheep, sun, etc.). What is unique about monotheism is that there is one Creator responsible for everything. Judaism adds the concept that this unique God created the world for man and cares for each Jew enough to want a personal relationship with each of us. When Moshe relates this concept to Yitro and gives examples of the loving care that Hashem shows the Jews every day, he opens Yitro's eyes to an entirely new concept of deity.

This lesson, the loving care of the Jewish God, ties Aseret Dibrot to Beshalach, the loving way that God saves three million Jews from the Egyptian tyranny and provides for their needs every day. Moshe relates this message of God's love for each Jew so Yitro can understand that God is a lot more than the most powerful deity in any religion.

In his shiur, attached by E-mail, Rabbi Eitan Mayer extends the connections by examining Yitro's advice to Moshe. Moshe was spending every waking hour listening to questions and disputes among the people. Yitro observes that no one could judge all the disputes of millions of people. Yitro's recommendation is that Moshe set up the court system that remains the basis of the legal system in our country. Moshe, however, responds that his role is not really operating as a court system. Rather, the people see him as a bridge between each Jew and God. The people would come to him as a way to feel closer to God. Yitro's system, however, can help the people come closer to God as well as obtain legal advice. The way to have the system reinforce closeness with Hashem is to select as judges leaders with the best religious feelings and training – rather than look for leaders with legal expertise. Later, in Behaalotecha, when Moshe feels overwhelmed with his task, God shares some of his divine spirit with seventy elders. Two of the elders start prophesying. Yehoshua is horrified and tells Moshe. However, Moshe's reaction is joy – he would like all the Jews to be prophets (and thus feel close to Hashem) (Bemidbar 11:25-29). Moshe realizes that the optimal situation would be for every Jew to feel a close personal relationship with God. Rosh HaYeshiva Rabbi Dov Linzer makes similar points in his Dvar Torah (below).

In these days, when most Jews attend secular schools and universities, we must learn how to see Hashem's hand in our lives. The lesson of Parashat Yitro is that a God who loves each of us is here, operating Hester Panim, behind the scenes (without suspending the laws of nature), providing paths that we can follow to make the best of our lives. I remember numerous conversations with my beloved Rebbe, Rabbi Leonard Cahan, z"l, teaching me this lesson that Moshe taught to his father-in-law 3533 years ago. As we approach Purim and Pesach in the coming several weeks, we should keep in mind the Jewish world view – that a loving God cares for us, sends us messages that we must learn to understand, that we can develop a personal relationship with this God, and that doing so will improve our lives.

Shabbat Shalom,

Hannah & Alan

Much of the inspiration for my weekly Dvar Torah message comes from the insights of Rabbi David Fohrman and his team of scholars at www.alephbeta.org. Please join me in supporting this wonderful organization, which has increased its scholarly work during the pandemic, despite many of its supporters having to cut back on their donations.

Please daven for a Refuah Shlema for Menachem Mendel ben Chana, Eli ben Hanina, Yoram HaKohen ben Shoshana, Gedalya ben Sarah, Mordechai ben Chaya, Baruch Yitzhak ben Perl, David Leib HaKohen ben Sheina Reizel, Zev ben Sara Chaya, Uzi Yehuda ben Mirda Behla, HaRav Dovid Meir ben Chaya Tzippa; Eliav Yerachmiel ben Sara Dina, Amoz ben Tziviah, Reuven ben Masha, Moshe David ben Hannah, Meir ben Sara, Yitzhok Tzvi ben Yehudit Miriam, Yaakov Naphtali ben Michal Leah, Ramesh bat Heshmat, Rivka Chaya bat Leah, Zissel Bat Mazal, Chana Bracha bas Rochel Leah, Leah Fruma bat Musa Devorah, Hinda Behla bat Chaya Leah, Nechama bas Tikva Rachel, Miriam Chava bat Yachid, and Ruth bat Sarah, all of whom greatly need our prayers.

Hannah & Alan

Drasha: Yisro: Man Over Moses
by Rabbi Mordechai Kamenetzky © 1998

[Please remember Mordechai ben Chaya for a Mishebarach!]

Parshas Yisro begins by relating how impressed its namesake, Yisro, (Jethro) is upon hearing the amazing events that transpired to the nation led by his son-in-law, Moshe. He decides to convert to Judaism. Yisro sends word to Moshe that he will soon be arriving at the Israelite camp. Yisro wants Moshe to leave his post and greet him in the desert before he arrives at the Israelite camp. The Torah tells us that Moshe did go out to greet Yisro: "the man bowed and kissed him and asked the peace of his dear one." (Exodus 18:8)

Rashi is bothered by the ambiguity. "Who bowed to whom? Who kissed whom? Who was the one to make the gesture? Was it Yisro, the father-in-law, who kissed Moshe, or did Moshe, the son-in-law, leader of millions of people, run to greet his father in-law a Midianite priest, and bow and kiss him?"

Rashi quotes the Mechilta which refers us to Bamidbar (Numbers 12:3) where Moshe is called "the man Moshe" obviously the words, "the man bowed and kissed him" in our portion must mean that same man – Moshe.

Why, however, did the Torah choose a seemingly convoluted way to tell us that Moshe prostrated himself before his father-in-law? Would it not have been easier to tell us that "Moshe man bowed and kissed him and asked the peace of his dear one"? Why did the Torah use the words "the man" and send us to the Book of Numbers to learn who "the man" was?

Last year my brother, Rabbi Zvi Kamenetzky of Chicago, tried to contact a friend who was vacationing at Schechter's Caribbean Hotel in Miami Beach, Florida. After about 15 rings, the hotel operator, an elderly, southern black woman, who worked at the hotel for three decades politely informed my brother that the man was not in the room. "Would you like to leave a message?" she inquired.

"Sure," responded Reb Zvi, "tell him that Rabbi Kamenetzky, called."

The woman at the other end gasped. "Raabbi Kaamenetzky?" she drawled. "Did you say you were Raabbi Kaamenetzky?" She knew the name! It sounded as if she was about to follow up with a weighty question, and my brother responded in kind. "Yes." He did not know what would follow. "Why do you ask?"

"Are you," asked the operator, "by any chance, related to the famous Rabbi Kamenetzky?"

There was silence in Chicago. My brother could not imagine that this woman had an inkling of who his grandfather, the great sage. Dean of Mesivta Torah Voda'ath to whom thousands had flocked for advice and counsel, was. She continued. "You know, he passed away about ten years ago at the end the wintah?" She definitely had her man, thought Reb Zvi. Still in shock, he offered a subdued, "Yes, I'm a grandson."

"YOOOU ARE?" she exclaimed, "well I'm sure glad to talk to ya! Cause your grandpa — he was a real good friend of mine!"

My brother pulled the receiver from his ear and stared at the mouthpiece. He composed himself and slowly began to repeat her words, quizzically. "You say that Rabbi Kamenetzky was a good friend of yours?"

"Sure! Every mornin' Raabbi Kaaamenetzky would come to this here hotel to teach some sorta Bible class (It was the Daf-Yomi.) Now my desk is about ten yards from the main entrance of the hotel. But every mornin' he made sure to come my way, nod his head, and say good mornin' to me. On his way out, he would always stop by my desk and say good-bye. Oh! Yes! He was a great Rabbi but he was even a greater man. He was a wonderful man. He was a real good friend of mine!"

The Torah could have told us the narrative an easier way. It could have told us that Moshe bowed before, and kissed Yisro. It does more. It tells us that it was a man who kissed Yisro. True, it was Moshe that performed those actions. But they were not the actions of a Moses, they were the actions of a mentch!

Often we attribute acts of kindness, compassion, and extra care to super-human attributes of our sages and leaders. The Torah tells us that it is the simple mentch that performs them. Inside every great leader lies “the man.” Little wonder that the words “and the man Moses” that Rashi quotes from the Book of Numbers begin a verse that fits our explanation quite well. The verse reads “and the man Moses was the exceedingly humble, more than any one on the face of the earth.” (Numbers 12:3) It was the man Moses, who was exceedingly humble, more than any one on the face of the earth.

Good Shabbos!

Yitro: The Discernment of Outsiders

by Rabbi Dov Linzer, Rosh HaYeshiva, Yeshivat Chovevei Torah © 2021

Can someone from the outside see better than those on the inside?

The word that introduces and is the catalyst for Yitro’s advice to Moshe is *va’yar*, to see – וַיַּרְא חֶתֶן מִשְׁׁמָךְ – Moshe’s father-in-law saw.” (Exodus 18:14) This seeing is not merely observing. When Moshe later implores Yitro to stay with the people, he says “And you will be for us as eyes.” (Numbers 10:31). Clearly, there is something in the seeing of Yitro that is not accessible to the people themselves.

Yitro’s seeing is one of discernment. As an outsider, he was able to see something that Moshe could not. Moshe, working from within a system, took the system for granted. He didn’t even realize that he was operating within any system at all! It was reality as he knew it.

David Foster Wallace famously gave the following parable to illustrate this point:

There are these two young fish swimming along, and they happen to meet an older fish swimming the other way, who nods at them and says, “Morning, boys. How’s the water?” And the two young fish swim on for a bit, and then eventually one of them looks over at the other and goes, “What the heck is water?”

An outsider however, or perhaps a wise old fish, knows of other systems, knows that there is both water and dry land. He knows that there are systems in which one takes all the responsibility on himself, and those in one delegates authority and responsibility. This is the *וַיַּרְא* of discernment.

At the beginning of the Exodus story, we encounter another “*וַיַּרְא*” which is likewise the catalyst for significant action. It is the *וַיַּרְא* of Moshe, himself an outsider to the slavery and suffering of the Israelites. He encounters an act of oppression: “*וַיַּרְא* אֱלֹהִים מִצְרַי מֹשֶׁה אִישׁ עָבָד” – and he saw the Egyptian smiting the Hebrew.” (Exodus 2.11). Moshe’s “seeing” was the discernment of an outsider. The Israelites themselves knew that they were being oppressed, but just took it as the reality of their lives. An Israelite being beaten? Just another day at the office. Moshe, however, was outraged. He saw the indignity of their treatment, the injustice of enslavement. And this discernment, and his acting upon it, led to all the events that eventually culminated in the redemption of the people from slavery. Because he, and eventually they, could realize that another reality was possible.

What, then, was Yitro able to discern, what was the essence of his advice to Moshe? Two things. First, not just to delegate, but to know what to delegate. To understand what the role that you are meant to do, and what is the role that others can do.

Yitro spells out to Moshe what his unique task is. Moshe is to bring the people to God: “*תִּהְיֶה אֶתְתָּה לְעֵם מֹלֵךְ-לְהָיִם וְהַבָּא תָּקִרְבֶּן אֶל-הָאֱלֹהִים* – You shall represent the people before God, and bring their words to God.” (Exodus 18:19). As a leader you must internalize and represent the struggles and success, the yearnings, complaints and desires, that people have in their relationship to God. You must bring the people close to God. Alongside this, you must bring God to the people. “*וְהִזְמְרֹתָה אֶת-הַמִּצְוֹת לְפָנֵי מֹשֶׁה בְּרִיךְ בָּה וְאַתָּה* – you shall tell them the mitzvot, and the way the path they must go on, and the actions that they shall do.” The other stuff – the judging of the people – leave that to others. Know what your unique role is and focus solely on that.

This is an essential message for all of us, not just for religious leaders. As a student of mine said, “There are things that have to get done in the world. Very important things. My task is to know what are the ones that I must do, and what are the ones that must be done, but not by me.” This plays out in terms of our lives and in terms of our work. We can get caught up in a million things, but a good manager will say, “Hey, your time is valuable. We don’t pay you to do all this busywork. Let someone else do that. You focus on what you can uniquely contribute to the company.”

Yitro’s second discerning was – surprisingly – about Torah itself, and was key in preparing the people for receiving the Torah at Mt. Sinai. He was, in essence, saying to them: You are about to get all the mitzvot, the thundering commandments from God, followed by scores of mitzvot and civil laws in Mishpatim. You are about to be terrified by God’s commanding voice, and respond – “We will do and we will listen.” But as someone coming from outside this world of Divine commandment, I have something to tell you: A religious life is not limited to observing the specific and concrete mitzvot.. Moshe, teach them the laws and the mitzvot,” – yes, but also “teach them the path on which they should walk.” The Rabbis (Baba Kamma 100a) tell us that “the path” refers to gemilut chasadim, bikkur cholim, and burying the dead. It is a life lived with care and concern for others. And observe not just the action, but “the act as it should be done” – acting beyond the letter of the law, guided by the spirit of the law.

This is our job in life. First, to be able to step outside our bubble and to be able to ask ourselves: What are we assuming to just be the way things are, when alternatives are genuinely available? If we’re having trouble taking this stance from the outside, we can bring in somebody who can help us. We can hire a coach to help us see differently, to tell us what other possibilities exist, and to guide us as to what we are doing right, where we are using our talents most effectively, and where we are going wrong. And an outside can help us identify when we are paying so much attention to the concrete acts that we are doing, that we are losing sight of the bigger picture. We are doing the acts, but not as they should be done.

This was the advice that Yitro, as an outsider, was able to give. And from a religious perspective, as a precursor to Matan Torah, the advice of bringing values and human connection into our life of mitzvot is a one that we, as insiders, can so often lose sight of. Let us never forget the need for the discernment of an outsider, and the enduring advice of Yitro.

Shabbat Shalom!

Yisro: Are You a Helper?

by Rabbi Mordechai Rhine* © 2021 Teach 613

Moshe was a leader. He acted with faith and fortitude to redeem the Jewish people from Mitzrayim. He guided them through the splitting of the sea, and into the great journey towards the promised land. When Amaleik attacked, Moshe ascended a nearby mountain and raised his hands in a pose of prayer and inspiration that ensured victory for the Jewish people. Then Yisro came. The commentaries say that there is a great connection between Yisro and the story of Amaleik. Yisro recognized the events of the Exodus as globally monumental. The redemption of the enslaved from the ranking world power was astounding. The unleashing of a moral code and legacy was unprecedented. A life choice had been created: either one would be against the newly formed nation of Israel, like Amaleik was, or the only other choice was to be supportive. The Jewish people simply could not be ignored.

Delving deeper into the connection of Amaleik and Yisro, I believe there is an actual description of how to be supportive.

You see, although we tend to view Moshe as the accomplished personality and leader that he indeed was, there is another dimension of Moshe that we must be aware of. In both the story of Amaleik and in the story of Yisro, Moshe needed help. The Torah tells us that Ahron and Chur ascended the mountain with Moshe during the battle with Amaleik. They first served as an honor guard for Moshe, much as the dignitaries of a shul will stand adjacent to the Chazzan during Kol Nidrei, setting the tone for the holiest day of the year. Then, we are told, Moshe could not sustain the position of his raised arms on his own. He needed help. So Aharon and Chur stood at his sides supporting him, until the battle was won.

Yisro, too, saw that Moshe needed help. Yisro observed Moshe trying to service the entire Jewish people without delegating authority. He respectfully suggested that authority be delegated to responsible people so that Moshe could effectively cope with the responsibilities of his position. The story of Yisro is not just a lesson to come and be supportive of the Jewish people. Together with the story of Amaleik, the Torah describes three specific examples of how to be

supportive. First, Aharon and Chur stand by Moshe in what might be described as moral support. Then, Aharon and Chur stand by Moshe easing his burden in a very personal way. Finally, the story of Yisro is presented, describing how Yisro was able to ease the burden of this great leader by sharing the responsibilities.

In our time as well, we tend to view our leaders in the Jewish community as indefatigable. Perhaps they are. Indeed, they lead, and they labor tirelessly for the benefit of the people and the community.

And then came COVID.

I know of no leader who has not been hit with an overwhelming burden. From Rabbis, to principals, from Bikur Cholim heads, to Chesed Committee chairs, from health care professionals to people in food service, the emotional toll and the logistical responsibilities have grown enormously. I cannot imagine, at this time, a leader that does not need our help. And like in the time of Moshe, all of us have stepped up, in our own unique way, to be supportive.

Perhaps, like Aharon and Chur initially did, we might only be able to offer a kind word. Or maybe we have been physically supportive as Aharon and Chur later were. Or, perhaps, we chose to emulate Yisro's approach, and strategically share the burden of the many Mitzvos that need to be attended to with great tact and sensitivity. No matter how, the Jewish people sense the urgency of the moment. We recognize the losses we have taken from this pandemic.

There is another road, a road we must not take. That is the road of criticism and fragmentation. We are living in an era of confusion, and we may feel moments of uncertainty. When people feel uncertain, they can be tempted to enter the peanut gallery of comment, criticism, and bitterness. Indeed, questions abound: How careful must we be? How do we balance being careful, with critical mental health, business, and religious needs? These are good questions. They are questions that will be answered differently by different people and different communities.

What we do know is that we need to stick together. We need to find ways to be supportive of each other. It is by being supportive that we emulate the supporters of Moshe. It is through support that we will endure.

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The Ongoing Revelation: Thoughts for Parashat Yitro

by Rabbi Marc D. Angel *

The Revelation at Mount Sinai was a national experience for all the people of Israel—but it also was very personal. Each Israelite heard the same words—but in different ways!

The Midrash teaches (Shemot Rabba 29:1) that God spoke “bekoho shel kol ehad ve-ehad,” according to the individual abilities of each listener. The universal message of Torah was made direct and personal. The miracle at Mount Sinai was not only the Revelation of God to the nation of Israel, but the individualized Revelation to each and every Israelite man, woman and child.

The message of this rabbinic teaching goes further. It does not merely refer to the receptivity and ability of Israelites at the moment of Revelation at Mount Sinai. It also recognizes that each individual's koah—strength of understanding—is not stagnant. As we grow, deepen our knowledge, expand our sensitivities and open our minds and hearts—our koah evolves. In a sense, we receive the Revelation anew at each stage in life—actually, every day and every moment of life. This is the wonder and glory of Torah: it speaks to us directly and personally throughout our lives.

The foundational experience of the Revelation has an ongoing impact on how we confront life. Among the lessons is the importance of interiority, of being strong within ourselves.

The Me'am Lo'ez, the classic Ladino biblical commentary (Turkey, 18th century), notes that the original Revelation on Mount Sinai was a highly dramatic episode. Moses ascended the mountain as the people of Israel gathered below with great anticipation. The scene was marked by thunder and lightning and the sound of the shofar. The voice of God was

heard by all. Yet, shortly afterward, the Israelites were dancing around a golden calf! When Moses came down the mountain and witnessed this idolatrous behavior, he threw down and shattered the tablets of the law.

Later, Moses ascended the mountain again. This time, there was no public fanfare, no miraculous sounds and lights. God told Moses that he himself would have to carve out the stone on which the Ten Commandments would be inscribed. The second set of the tablets of the law--received by Moses alone and through his own hard labor--was preserved.

The first tablets of the Ten Commandments, given with so much drama, were destroyed. The second tablets, given privately and quietly, survived and became the spiritual foundation of the people of Israel.

The Me'am Lo'ez points to the moral of this story: the really important and lasting things in life are often done by individuals in privacy, through their own exertions. Things done with much publicity may not be as permanent. We ought not judge the value of a person or an event based on external glitter and fame. Rather, we ought to realize that greatness and permanent value are often found in obscurity, in seemingly small and unnoticed acts of kindness or spiritual insight.

External fame, power, and popularity do not necessarily correlate to internal worth. What is truly important is what we do through the sweat of our own brow, quietly, without seeking publicity or glory. What is valuable and lasting in us are those things which are authentic, honest and good in the eyes of God, and which bring goodness and kindness to our fellow human beings.

Another lesson of the Revelation is that the Torah provides a grand and universal religious vision. A famous Midrash teaches that the Revelation at Sinai was split into 70 languages i.e. contained a message for the 70 nations of the world (understood to refer to all humanity). The Torah is not to be understood or limited as being a narrow message intended for a small sect. The Torah is not to be limited to a reclusive people living in self-contained ghettos; rather, it is to provide spiritual insight to all humanity. The great 19th century Rabbi Eliyahu Benamozegh stressed Israel's role as the most universal of religions, a religion that provides the moral framework for civilization a whole.

The Revelation accounts in the Torah also provide guidance on how to live as full, real people, with a healthy and wholesome sense of self. The Talmud reports (Berakhot 8b) that the holy ark in the Tabernacle contained the two sets of the Tablets of the law: the broken pieces of the first set, and the complete tablets of the second set. "Luhot veshivrei luhot munahot ba-aron."

A lesson from this is: we each have "complete" and "broken" tablets within ourselves. We have our greatest strengths and achievements; and we also have our failures and shortcomings. If we only focus on the "complete" aspects of our lives, we may tend to become arrogant and egotistical. If we focus on the "broken" aspects of our lives, we may become demoralized and crushed. To be whole and strong human beings, we need to value both sets of tablets within us. We need to draw on our strengths and learn from our failings. We need to balance self-confidence with honest awareness of our limitations and weaknesses.

The awesome Revelation at Mt. Sinai was a singular experience that took place thousands of years ago. The ongoing revelation continues within each of us, for all generations.

* Angel for Shabbat; Institute for Jewish Ideas and Ideals, <https://www.jewishideas.org/ongoing-revelation-thoughts-parashat-yitro> **The Institute for Jewish Ideas and Ideals has experienced a significant drop in donations during the pandemic. The Institute needs our help to maintain and strengthen our Institute. Each gift, large or small, is a vote for an intellectually vibrant, compassionate, inclusive Orthodox Judaism. You may contribute on our website [jewishideas.org](https://www.jewishideas.org) or you may send your check to Institute for Jewish Ideas and Ideals, 2 West 70th Street, New York, NY 10023. Ed.: Please join me in helping the Institute for Jewish Ideas and Ideals at this time.**

Review of the Koren Mikraot Hadot – an Impressive Torah Volume

By Rabbi Dr. Israel Drazin *

While most books containing commentaries on the bible either focus on all five books of the Torah or just one of the five books, and then gives only the commentaries of about a dozen commentators as well as that of the author of the volume, Koren Mikraot Hadot offers much more. It is part of a forthcoming series of 55 volumes. Five of the books of Exodus have been already been published, including this one on the portion read in synagogues on Shabbat February 6, 2021, called Yitro, as well as part of it is read in synagogue services during the evening of January 30 and the morning services of February 1 and 4. Each volume contains abridged excerpts from more than forty commentators from Philo (25 BCE-50 CE} and the early Midrashim until the present day.

The books are divided in to two parts. Opening the Yitro book from the right side are 43 pages with the Hebrew Torah text of Yitro, a new much improved translation of the Torah portion by the late Rabbi Lord Jonathan Sacks, the commentary of Rashi in Hebrew with a new very readable English translation by Rabbi Sacks, such as rendering eyl kana in 20:5 not as “a jealous God,” but as “for I the Lord your God demand absolute loyalty,” a three-page discussion on the translation of Rashi, a page with the Ten Commandments with Taam Elyon (an alternate version for how the musical notes are in the prior Hebrew text), and the haftarah for Yitro in Hebrew and English translation. Readers will be delighted to find that Rabbi Sack’s translations make the biblical and Rashi texts clearer than in other volumes because Rabbi Sacks often adds words to clarify what the Bible and Rashi are saying. For example, Rashi’s Hebrew explanation why God stated He rested is unclear. Rabbi Sacks adds in brackets a clarifying sentence: “If God, who neither requires nor takes any respite, nevertheless is said to rest, then certainly people who strive and toil to exhaustion should rest on the Sabbath.”

Opening the book from the left side readers will find an additional 216 pages divided into four sections. (1) Commentaries from the early time of the sages. (2) The classic commentators. (3) Confronting modernity. (4) Three essays surveying some of the previously mentioned remarks. Each of the first three sections begins with a chart showing the dates of the commentators. The commentaries are translated by Rabbi Jonathan Mishkin.

The first section has the ideas of 17 commentators from Philo, the Talmuds, and over a dozen different Midrashim from the beginning of the Common Era until the thirteenth century. Among the many comments is the view of Midrash Lekah Tov that the Torah was revealed to the Israelites at Sinai on a Shabbat. This Midrash also says that Mount Sinai was given this name because nations of the world were jealous and hated (sina) Israel who received the Torah while they did not. Mekhilta Derabbi Shimon states that there are two distinct prohibition in the Ten Commandments, one forbidding craving and another desiring. Philo contends that male and female servants must be given a rest on the Sabbath to teach them not to despair of better times that lay ahead when they will be free.

The second section contains interpretations from 14 sources from 1040 until 1619 such as Ramban (Nachmanides) saying that the opening words of the Ten Commandments “I am the Lord your God” is a positive command to know about God. Sforno writes that the Decalogue’s prohibition against making an image exists even if the image is not worshipped. Maimonides’ son explains “six days you shall work” does not require people to work, it only gives them permission to do so.

The third section has commentaries from ten sources from the eighteenth century to the present time. Rabbi Samson Raphael Hirsch, for example, states that when the Decalogue says “six days you shall work” the work should be viewed and performed as divine service. Rabbi Joseph B. Soloveitchik writes that the temple altar must not be made of hewn stones; it must contain imperfections that reflect the people offering sacrifices upon it.

In summary, this new series offers readers what could be called an encyclopedia of abridged interpretations from over 40 sources on a single biblical portion. While the original more detailed version of each source would give even more information, and it would have even been nicer if some other sages such as the teachings of the great Maimonides was included, and readers will not always agree with the comments of the sages who are included, what we are given is an enormous gift that will undoubtedly open our eyes and minds to the many ideas in the Torah and Jewish tradition, and will give us a delightful book to read on Shabbat.

* Rabbi Dr. Israel Drazin served for 31 years in the military and retired as a brigadier general. He is the author of more than 45 books, mostly on the Torah, and the acclaimed five books on Targum Onkelos.

Parshas Yisro

by Rabbi Yehoshua Singer*

Rash"i quotes an astounding Medrash relating a conversation between Moshe and G-d prior to the giving of the Torah. After our ancestors stated their readiness to accept the Torah, Hashem explains to Moshe how the Torah would be given. Hashem tells Moshe, "Behold, I will come to you in the thickness of cloud in order that the nation will hear when I speak with you and they will also believe in you forever." The Torah then tells us that Moshe told Hashem the nation's words, but does not tell us what those words are. (Shemos 19:9)

Rash"i quotes a Mechilta which explains that Moshe was responding to G-d's plan for the giving of the Torah. As Rash"i says, "I heard an answer from them regarding this. They want to hear from You -- it is not the same to hear from a messenger as it is to hear from the king. 'Our desire is to see our King.'" Moshe was telling Hashem that the Jewish people would not be happy to listen and watch as G-d gave Moshe the Torah to teach them. They wanted to receive the Torah directly from Hashem. They desired a higher level of closeness with their King and a clearer understanding of their responsibility to Him.

In the next verse, Hashem tells Moshe to go to the nation and sanctify them over the next days and to wash their clothing. Rash"i explains that this command was in response to Moshe. Hashem was accepting our desire and telling Moshe that if G-d would be speaking to the entire nation then they would need to prepare themselves for that experience. Hashem was accepting our desire and changing the arrangement He had planned for the giving of the Torah! These instructions were for the Torah to be given the way we wanted!

This concept is astounding and hard to fully understand. The giving of the Torah was a foundational event in the very existence of the world. Our Rabbis teach us that when Hashem created the world, He made a condition for all of creation – He would only maintain and continue the world if we would accept the Torah. (See Rash"i Bereshis 1:31) The acceptance of the Torah was establishing an eternal relationship between G-d and His beloved nation. Certainly, the appropriate procedure and arrangement for the giving of the Torah was predetermined and defined. Yet, when Moshe expressed that we wanted something different, G-d was willing to incorporate our desires and adjust the plans for what may have been the most pivotal moment in the history of the world.

When we consider the details of our request, it is even more difficult to understand. The reason we wanted to hear the Torah directly from Hashem was because one has a different level of commitment when hearing instructions directly from the King. Seeing the King and hearing His direct instructions creates a deeper sense of connection and a deeper sense of responsibility to fulfill His commands. Nonetheless, it appears that in G-d's infinite wisdom, He determined that it was not necessary to include this added measure of connection to Him and commitment to Torah and mitzvos in the giving of the Torah. G-d had determined that He would not be allotting us with that added measure of spirituality. Yet, when Moshe explained that we wanted it, G-d changed our destiny and gave us that level of connection and closeness. In response to our desire, G-d gave us more than He had intended for us.

We sometimes think that our spiritual lot in life is predetermined. Some people are destined to be great scholars, some have great character traits, some are community builders. But if I was not born that way, then my life was not intended for spiritual greatness. This Medrash gives us an insight into a very different reality. If we truly wish for greater opportunities, G-d will change our destiny and increase our capacity. If we ask, G-d may even rearrange His plans for the giving of the Torah itself to help us.

* Rabbi, Am HaTorah Congregation, Bethesda, MD.

Dvar Torah for Yitro: The First Commandment and Gamestop

by Rabbi Moshe Rube*

Sometimes current events collide so well with the weekly Torah portion that the Dvar Torah just writes itself.

And sometimes it's off by a week.

Next week we will read the Torah portion of Mishpatim, where we get into the nitty gritty of Jewish civil law. If this whole Gamestop debacle would have happened next week, we would have focused on how Robinhood's actions comport with halachic civil law.

But now that we will read about the Giving of the Torah, I think we can give a much less obvious take on this whole situation.

I've always wondered about the First Commandment. It's not really a mitzvah as much as it is a declaration. "I am Hashem your God who took you out of Egypt."

All the other commandments speak in the directive. Don't Murder, Remember the Sabbath, Don't Covet. The first commandment seems out of place in this lineup. What's it doing here?

I will quote two of my teachers:

Rabbi Yechiel Perr: *"We must do what's right not just what's legal"*

Rav Joseph Soloveichik: *"Halacha is the floor not the ceiling."*

Both follow Maimonides, who says in his works that the whole point of the Torah is to bring our hearts, minds, and actions in line with the Divine will.

That needs to be the central question behind all our actions and our judgments of these situations. Is this in line with the Divine will? To that end, we employ all of our highest human faculties of reason, heightened sense of morality and Torah tradition. Even if an action is permitted halachically/legally, it does not mean it's right and we should do it.

That's why the first commandment talks explicitly about God. We can't do any directives if we don't put the Divine Will at the center of all our deliberations. The Ten Commandments really are one central statement and nine calls to action (or inaction in the case of a negative commandment).

So forget about the law for a moment. Next week we can think about that. For now, we have to make sure we're centered on the Divine will and using all the faculties that make us uniquely human to come to a conclusion. "A man is commended by his intelligence" says Proverbs 1:8. Was Robinhood's actions in line with the Divine will? I'm not offering my take here or an analysis of the issues. My purpose here is only to frame the question in the right way.

This doesn't just apply to Robinhood but to any issue that we come across. Even just bringing the phrase "The Divine Will" into our deliberations ennobles and enables us to work through what we're thinking about in a much more intelligent way

Give it a try.

Shabbat Shalom!

* Rabbi, Knesseth Israel Congregation, Birmingham, AL. We joined KI when our son Evan lived in Birmingham while attending the University of Alabama Medical School. **Above is Rabbi Rube's Dvar Torah for Holocaust Remembrance Day, January 27, 2021.**

Rav Kook Torah

Yitro: The Lesson of Mount Sinai

What does the name Sinai mean? The Talmudic interpretation is surprising — and somewhat shocking:

“What is Mount Sinai? The mountain that brought enmity (sin’ah) upon the nations of the world.”
(Shabbat 89b)

What is the nature of this animosity? What does it have to do with Mount Sinai?

Why Sinai?

Where would one expect that God would reveal His Torah to the Jewish people? The logical place would be on the holiest mountain in the world — Jerusalem’s Mount Moriah, the site of the Binding of Isaac, Jacob’s holy “gate to heaven” (Gen 28:17), the spot where both Temples stood. Why did the revelation of the Torah take place outside of the Land of Israel, in the middle of the desert?

The fact that the Torah was not given to the Jewish people in their own land, but rather in a desert, in no-man’s land, is very significant. This indicates that the inner content of the Torah is relevant to all peoples. If receiving the Torah required the special holiness of the Jewish people, then the Torah should have been given in a place that reflects this holiness. Revelation on Mount Sinai attests to the Torah’s universal nature.

This idea is corroborated by the Talmudic tradition that “God offered the Torah to every nation and every tongue, but none accepted it, until He came to Israel, who received it” (Avodah Zarah 2b). This Midrash is well known, but it contains an implication that is often overlooked. How could God offer the nations something that is beyond their spiritual level? It is only because the Torah is relevant to all peoples that their refusal to accept it reflects so harshly on them.

The Torah’s revelation on Mount Sinai, as a neutral location belonging to none and thus belonging to all, emphasizes the disappointment and estrangement from God that the nations brought upon themselves by rejecting the Torah and its ethical teachings. It is for this reason Mount Sinai “brought enmity upon the nations of the world.”

In the future, however, the nations will recognize this mistake and correct it:

“In those days, it shall come to pass that ten men from all the languages of the nations will take hold of every Jew by a corner of his cloak and say, ‘Let us go with you, for we have heard that God is with you.’” (Zachariah 8:23)

(Gold from the Land of Israel, pp. 133-134. Adapted from Ein Eyah vol. IV, pp. 219-220.)

http://www.ravkooktorah.org/YITRO_65.htm Emphasis added.

Justice or Peace? (Yitro 5777)

By Lord Rabbi Jonathan Sacks, z”l, Former Chief Rabbi of the U.K.*

The 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 God be with you... Select capable men from all the people—men who fear God, 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 God 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, chayim, 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 God’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 6b. The passage is about what the sages called bitzua, or what later became 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.

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 God. 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.

* Note: because Likutei Torah and the Internet Parsha Sheet, both attached by E-mail, normally include the two most recent Devrei Torah by Rabbi Sacks, I have selected an earlier Dvar. Emphasis added. See <https://rabbisacks.org/justice-peace-yitro-5777/>

Moses the Egalitarian: An Essay on Parshat Yitro

By Adin Even-Israel (Steinsaltz) * © Chabad 2021

Yitro's counsel

When the celebrations in honor of Yitro's arrival come to a close, Moses returns to his regular work of judging the people. Upon seeing this, Yitro counsels him that his system is inefficient: It is impossible to continue managing the people if Moses alone judges every person individually. An orderly judicial system must be established.

That it was necessary for Yitro to offer this counsel is puzzling. Our ancestors were not desert-dwelling bedouins who knew nothing about administration and judicial systems. The People of Israel did not come from the desert; they spent many years in Egypt, an organized country with a good deal of bureaucracy and a government with hundreds of years of experience in state administration. When a primitive tribal people form a state, it is unsurprising that they are unfamiliar with administration and judicial systems. Even when the State of Israel was established, only a few members of the first Knesset had parliamentary experience. Moses, however, grew up in Pharaoh's palace. Throughout his childhood, he wandered around the royal court. He knew how to run a state, and Yitro's advice was not new to him. Why, then, when he became the leader of the People of Israel, did Moses create a situation that was bound to fail? Why did he wait until Yitro came and gave him counsel to institute an organized legal system that was obviously necessary?

From a practical standpoint as well, it is not clear how Moses thought he would manage the people. After all, he had to lead an entire nation and guide millions of people in their individual lives, not to mention the special problems that inevitably arise. The reality of life is that people are bound to have difficulty sorting things out on their own, creating the need for an effective legal system. Yet under Moses' leadership, the people had only one address for all of their problems. Life without quarrels is an impossibility, then as now. People will always find a way to fight with one another, even for no special reason.

In addition, Moses served not only as the people's judge, but as their rabbi as well. Even without all the quarrels and disputes and even without all the monetary cases, it still would have been impossible for him to answer all of the people's halakhic questions. Almost everyone has something to ask: whether a pot can be used for meat or for milk; whether a certain activity is prohibited or permitted on Shabbat; whether the text of a mezuza was written properly, etc. Even if one were to sit down to answer these questions day and night, it would not suffice.

There is a story about the daughter of the rabbi of a small community who, upon getting married, requested that a condition be added to the ketubah stating that her husband would not serve as a rabbi. Why? Because in her father's home, from early in the morning until the middle of the night, there were always people around, and she did not want to go on living that way.

At the time of Parshat Yitro, the People of Israel numbered over 600,000 people. Even if each person only needed to ask a question once in a while, it would still add up to an enormous number of questions. Even if Moses were to answer each question with only a "yes" or a "no," when this is multiplied by thousands, it still becomes impossible. In light of this great task that Moses accepted upon himself, it is hard to understand how he found time for anything else; even to greet his father-in-law, as he did at the beginning of the parshah, would have taken away precious time from his busy schedule.

Needless to say, such a situation is intolerable from the standpoint of the people as well. One can easily imagine the long line of people standing before Moses, and the interminable waiting time that we often associate with municipal offices.

How, then, could Moses have run things in this way?

"Would that all of G d's people were prophets"

Apparently, Moses was not motivated by practical considerations but by a consideration stemming from an essentially different outlook. This case reflected a matter of principle for Moses. Moses and Yitro do not differ on the practical question of which method is more effective. Rather, they differ on whether it is at all appropriate to build a kind of hierarchical system within the Jewish people.

The implication of Yitro's suggestion is the establishment of a system of ranks within the Jewish people: When a person has a question or problem, he must turn to the person who is in charge of him. This person, in turn, has his own superior in charge of him, and so forth through the hierarchy until the chain reaches Moses himself. Thus, a situation is created where there are people of higher rank and people of lower rank.

Moses, however, is not interested in such a structure – neither from the standpoint of his personal inclination nor in consideration of the matter itself.

We see Moses' opposition to dividing the people by class or rank in other cases as well, such as the revelation at Sinai, when the People of Israel beckon to Moses, "You speak to us, and we will listen; but let not G d speak to us, lest we die."¹ In Deuteronomy this episode is described in greater detail, and there we see that this request is not a simple matter at all for Moses. In order to accept this idea, he had to receive confirmation from G d that indeed "they have spoken well."² For Moses, every Jew should aspire to the highest level. Ideally, Moses believes, every member of Israel should receive the Torah directly from the Almighty, as perfectly as he himself received it.

Moses responds similarly when Joshua runs to tell him that Eldad and Medad were prophesying in the camp. Moses responds, "Would that all of G d's people were prophets."³ He responds this way not out of politeness or humility, but because this is the way he sees things. Just as Eldad and Medad prophesied, Moses would like for there to be 600,000 such prophets.

This is not just Moses' personal desire; the Torah itself describes the Jewish people as follows: "This great nation is certainly a wise and understanding people."⁴ The notion of an entire people that is "wise and understanding" is a basic tenet of our belief system. In almost every society and culture, a class distinction exists between the learned and the ignorant, and often is even considered an ideal social framework. The aspiration of the Jewish people, however, is quite the opposite. We believe that, ideally, everyone should be wise and understanding. Every member of Israel should reach the highest level possible. From this standpoint, there is a fundamental difference between the Jewish people and other societies. There is no point at which a Jew is told that he is no longer permitted to learn and understand more of the divine will. Even at Sinai, where G d spoke with Israel face to face, all of Israel were present, without any distinctions.

This principle appears frequently in our traditional texts, in various forms. Thus, for example, in Tanna DeVei Eliyahu: "I call upon heaven and earth to witness that whether it be a man or a woman, a servant or a maidservant, the holy spirit will come to rest on each of them according to his or her deeds."⁵ Every human being, according to his deeds, can merit to attain a level at which the holy spirit rests upon him.

Moses' policy is the principle that all the people are equal. In his view, a system of hierarchical rule would spell the ruin of the Jewish people's equality. If, as none other than Korah proclaimed, "All the people in the community are holy, and G d is in their midst,"⁶ how can the people be divided into different ranks? Moses insisted on judging the people by himself because he thought that no person should be barred from approaching him directly as a result of a perceived inferiority. Why should any person be relegated to the "leaders of fifties" or the "leaders of thousands"?⁷ Every person is important enough to go directly to Moses. Moses does not set up an organized structure not because it does not occur to him, but because he does not want one. His argument is that if ranks are formed among the people, then although some people would become newly exalted leaders, many others would be rendered insignificant commoners, lowered and debased. All this runs counter to the view that "all the people in the community are holy, and G d is in their midst."

Belief in the soul

The idea of establishing ranks within the Jewish people is so problematic to Moses that he is willing to bear not only his own personal suffering – "you will surely wear yourself out"⁸ – but also the system's inevitable collapse. It is obvious that such a judicial and governmental system cannot endure; yet Moses tries to keep it going for as long as possible, because it is a matter of principle for him.

In practice, Yitro's suggestion is implemented. Yitro thinks much more practically, and he recognizes that what Moses is trying to do is impossible. Behind his view, there is a great deal of common sense: How is it possible to create a nation where everyone is on the same level? The whole idea of equality is impractical. Similarly, an examination of the concept of democracy, which is based on the notion of equality, reveals that in fact it is illogical.

This is an important point because in today's Western world, "democracy" is taken for granted as an ideal that is prized over anything else. Yet the truth is that democracy is an unrealistic system, an illogical ideology. When a person has a stomach ache, he does not ask three different people for their opinions or go to the Knesset and take a vote in order to determine what to do. There could be 120 people sitting in the Knesset, all of whom are wise and discerning, but if they are opposed by one doctor, one relies on the doctor, not on the Knesset members. Common sense dictates that the opinion of the expert should be valued over the opinion of the masses.

This is true not only of medical questions, but of much larger questions as well. The idea that any ordinary person can decide complicated questions of international diplomacy or economic policy is fundamentally illogical. The idea that people are equal to one another in wisdom or ability is clearly false. People are not alike, whether in their height, in their appearance, or in their intelligence.

Nevertheless, in Moses' case, the principle of equality springs from his belief in the soul, which is unconnected to the intellect or to reason. A soul is something abstract, spiritual, and above all, holy. On the plane of the soul there can be no criterion by which to determine who is higher and who is lower. As a result, it can truly be said that "all the people in the community are holy."

No one is immune from question

The delegation of authority that results from Yitro's counsel is basically technical, and the divisions between higher and lower judges are practical, not essential. It is true that the People of Israel are now arranged in different ranks. But when someone becomes a "leader of thousands," this does mean that he is a hundred times wiser than a "leader of tens"; it could be that he is not wiser at all. In practice, we must establish ranks, because otherwise there will be chaos – "you will surely wear yourself out, as well as this people."

One lesson we can learn from this is that, according to the Torah, there is no person who cannot be questioned; no one is immune. The Talmud says, "Even father and son, master and disciple – when they are engaged in Torah study, they become each other's enemies."⁹ The Talmud could have cited a much simpler example of this – that of two friends who study Torah together and begin arguing until the roof shakes. Yet the example cited is precisely that of father and son, or master and disciple, to teach us that although the son is obligated to honor his father, and although the disciple is obligated to honor his master, he does not have to agree with him. A person's duty to honor his father and teachers means only that he must show them respect, not that he cannot question them.

Respect means that one must ask questions in a courteous manner, and if it is a public setting one must take care not to cause shame to the other. But this does not mean that there is anyone, in this generation or in any other generation, who is immune from question.

There is a famous dispute between Hillel and Shammai regarding the quantity of drawn water that renders a mikveh unfit for use, a dispute that was resolved only when two weavers entered from the Dung Gate and testified that Shemayah and Avtalyon had prescribed yet a third quantity.¹⁰ In this anecdote, the law was decided not in accordance with the views of the generation's two leading sages, but with the opinion cited by two lowly weavers who came from the Dung Gate, one of the most contemptible places in Jerusalem.

Thus, the verse, "This great nation is certainly a wise and understanding people," takes on a practical meaning. Everyone can ask questions, and no one is immune from them. Even if someone studies the Torah diligently, with understanding and in holiness for seventy years, this still does not mean that the Torah is in his hands and his hands alone.

In this respect, even after Yitro's counsel was adopted, it established only a practical framework, not an essential one. Ultimately, the principle that Moses advocated remained the true philosophical construct underlying the essential framework of our society. If only it were possible, Moses' original method of judging and answering questions would be implemented practically as well. All questions would come directly to Moses, whether it is a young child who found a piece of candy and wants to know if he must return it, or a tribal prince who seeks resolution for a territorial dispute. Reality has its limits and does not allow for such a system to survive. Nevertheless, this does not negate the intrinsic value of Moses' system, only its practical viability. Even after the dust settled and Yitro's system was put into place – and rightfully so – it is clear to us that, in truth, Moses' way was right all along.

FOOTNOTES:

1. Ex. 20:16.
2. Deut. 5:25.
3. Num. 11:29.
4. Deut. 4:6.
5. Seder Eliyahu Rabbah 10.
6. Num. 16:3.
7. Ex. 18:21.
8. Ex. 18:18.
9. Kiddushin 30b.
10. Shabbat 15a.

* Rabbi Adin Even-Israel (Steinsaltz) (1937-2020), one of the leading rabbis of this century and author of many books, was best known for his monumental translation of and commentary on the Talmud. © Chabad 2021.

https://www.chabad.org/parshah/article_cdo/aid/5007477/jewish/Moses-the-Egalitarian.htm

Yitro: Shock and Awe

An Insight by the Lubavitch Rebbe Menachem Mendel Schneerson, z"l *

**And it came to pass on the third day as morning dawned, there was thunder and lightning.
. . and the entire nation that was in the camp shuddered. (Exodus 19:16)**

Why was the giving of the Torah accompanied by thunder and lightning? Was the revelation of G-d Himself not frightening enough, hence requiring a storm to drive home the awesomeness of the moment? The fright caused by physical thunder and lightning seems to pale in comparison to the profound sense of awe that Bnei Yisrael experienced as a result of the G-dly revelation on its own.

Evidently, the dramatic storm at Sinai was not an external cause of fright intended to accompany the giving of the Torah, but an effect and reflection of the awesome revelation that took place then. The physical storm reflected the shocking and earth-shattering spiritual discovery that Bnei Yisrael and the world at large experienced at that great moment.

The Midrash (Tanchuma, Va'eira 15) describes G-d's revelation at Sinai as the "annulment of the decree" that separated "the higher realms and the lower realms;" i.e., the divide that separated between the spiritual reality and the physical world that derives from it was breached. Until the revelation at Sinai, the "truth" of the physical reality was unquestionable. At the giving of the Torah, that perception was shattered. We were shown that the truth of all existence is not its tangible matter, but its derivation from G-d, the One and Only true Being, who constantly generates its existence.

Now imagine the shock and inner upheaval of a person who discovers that everything he knew until now was a gross distortion of the truth, and that reality is in fact opposite of what he perceived it to be.

Such was the blow that the G-dly revelation at Sinai dealt to the world's consciousness. Accordingly, the startling thunder and lightning at the giving of the Torah were merely the physical reflection of the spiritual storm that swept and shocked all of existence at that amazing moment.

— from Lightpoints *

* New publication of insights by the Lubavitcher Rebbe

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Kehot Publication Society
291 Kingston Ave., Brooklyn, NY 11213

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Covenant and Conversation

Rabbi Jonathan Sacks, z"l

A Nation of Leaders

This week's parsha consists of two episodes that seem to constitute a study in contrasts. The first is in chapter 18. Yitro, Moses' father-in-law and a Midianite Priest, gives Moses his first lesson in leadership. In the second episode, the prime mover is God Himself who, at Mount Sinai, makes a covenant with the Israelites in an unprecedented and unrepeatable epiphany. For the first and only time in history God appears to an entire people, making a covenant with them and giving them the world's most famous brief code of ethics, the Ten Commandments.

What can there be in common between the practical advice of a Midianite and the timeless words of Revelation itself? There is an intended contrast here and it is an important one. The forms and structures of governance are not specifically Jewish. They are part of *chochmah*, the universal wisdom of humankind. Jews have known many forms of leadership: by Prophets, Elders, Judges and Kings; by the Nasi in Israel under Roman rule and the Resh Galuta in Babylon; by town councils (*shiva tuvei ha-ir*) and various forms of oligarchy; and by other structures up to and including the democratically elected Knesset. The forms of government are not eternal truths, nor are they exclusive to Israel. In fact, the Torah says about monarchy that a time will come when the people say, "Let us set a king over us like all the nations around us," – the only case in the entire Torah in which Israel are commanded (or permitted) to imitate other nations. There is nothing specifically Jewish about political structures.

What is specifically Jewish, however, is the principle of the covenant at Sinai, that Israel is the chosen people, the only nation whose sole ultimate king and legislator is God Himself. "He has revealed His word to Jacob, His laws and decrees to Israel. He has done this for no other nation; they do not know His laws, Halleluyah." (Psalm 147:19-20) What the covenant at Sinai established for the first time was the moral limits of power.^[1] All human authority is delegated authority, subject to the overarching moral imperatives of the Torah itself. This side of heaven there is no absolute

power. That is what has always set Judaism apart from the empires of the ancient world and the secular nationalisms of the West. So Israel can learn practical politics from a Midianite but it must learn the limits of politics from God Himself.

Despite the contrast, however, there is one theme in common to both episodes, to Yitro and to the revelation at Sinai, namely the delegation, distribution and democratisation of leadership. Only God can rule alone.

The theme is introduced by Yitro. He arrives to visit his son-in-law and finds him leading alone. He says, "What you are doing is not good." (Ex. 18:17) This is one of only two instances in the whole Torah in which the words *lo tov*, "not good", appear. The other is in Genesis (2:18), where God says, "It is not good [*lo tov*] for man to be alone." We cannot lead alone. We cannot live alone. To be alone is not good.

Yitro proposes delegation:

You must be the people's representative before God and bring their disputes to Him. Teach them His decrees and instructions, and show them the way they are to live and how they are to behave. But select capable men from all the people—men who fear God, 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. (Ex. 18:19-22)

This is a significant devolution. It means that among every thousand Israelites, there are 131 leaders (one head of a thousand, ten heads of a hundred, twenty heads of fifty and a hundred head of tens). One in every eight adult male Israelites was expected to undertake some form of leadership role.

In the next chapter, prior to the revelation at Mount Sinai, God commands Moses to propose a covenant with the Israelites. In the course of this, God articulates what is in effect the mission statement of the Jewish people:

You yourselves have seen what I did to Egypt, and how I carried you on eagles' wings and brought you to Myself. Now if you obey Me fully and keep My covenant, then out of all nations you will be My treasured possession. Although the whole earth is Mine, you will be for Me a Kingdom of Priests and a holy nation.' (Ex. 19:4-6)

This is a very striking statement. Every nation had its priests. In the book of Genesis, we encounter Malkizedek, Abraham's contemporary, described as "a priest of the most high God." (Gen. 14:18) The story of Joseph mentions the Egyptian priests, whose land was not nationalised. (Gen. 47:22) Yitro was a Midianite priest. In the ancient world there was nothing distinctive about priesthood. Every nation had its priests and holy men. What was distinctive about Israel was that it was to become a nation every one of whose members was to be a priest; each of whose citizens was called on to be holy.

I vividly recall standing with Rabbi Adin Steinsaltz z"l in the General Assembly of the United Nations in August 2000 at a unique gathering of two thousand religious leaders representing all the major faiths in the world. I pointed out that even in that distinguished company we were different. We were almost the only religious leaders wearing suits. All the others wore robes of office. It is an almost universal phenomenon that priests and holy people wear distinctive garments to indicate that they are set apart (the core meaning of the word *kadosh*, "holy"). In post-biblical Judaism there were no robes of office because everyone was expected to be holy^[2] (Theophrastus, a pupil of Aristotle, called Jews "a nation of philosophers," reflecting the same idea.^[3]).

Yet in what sense were Jews ever a Kingdom of Priests? The Kohanim were an elite within the nation, members of the tribe of Levi, descendants of Aaron the first High Priest. There never was a full democratisation of *keter kehunah*, the crown of priesthood.

Faced with this problem, the commentators offer two solutions. The word *Kohanim*, "Priests," may mean "princes" or "leaders" (Rashi, Rashbam). Or it may mean "servants" (Ibn Ezra, Ramban). But this is precisely the point. The Israelites were called on to be a nation of servant-leaders. They were the people called on, by virtue of the covenant, to accept responsibility not only for themselves and their families, but for the moral-spiritual state of the nation as a whole. This is the principle that later became known as the idea that *kol Yisrael arevun zeh ba-zeh*, "All Israelites are responsible for one another." (Shavuot 39a) Jews were the people who did not leave leadership to a single individual, however holy or exalted, or to an elite. Instead, every one of them was expected to be both a

By Marion and Bernard Muller
to commemorate the yahrzeits of
Marion's mother, Yehudis bas Reuven Chaim
and Fruma Fayga, a"h, (Juliet Scher Dere) and
Bernie's Father, Shimshon Zeev ben Yitzchak
and Ita, a"h, (Alexander Muller)

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prince and a servant; that is to say, every one of whom was called on to be a leader. Never was leadership more profoundly democratised.

That is what made Jews historically hard to lead. As Chaim Weizmann, first President of Israel, famously said, "I head a nation of a million presidents."

The Lord may be our shepherd, but no Jew was ever a sheep. At the same time, this is what led Jews to have an impact on the world out of all proportion to their numbers. Jews constitute only the tiniest fragment – one fifth of one per cent of the population of the world – but they make up an extraordinarily high percentage of leaders in any given field of human endeavour.

To be a Jew is to be called on to lead.^[4]

[1] For the original illustration of this idea, please see Rabbi Sacks' comments on Shifrah and Puah in "Women as Leaders" (Shemot 5781).

[2] This idea reappeared in Protestant Christianity in the phrase "the priesthood of all believers," during the age of the Puritans, the Christians who took most seriously the principles of what they called the Old Testament.

[3] See Josephus, Against Apion 1:22.

[4] In the upcoming essay for parshat Kedoshim, we will delve further into the role of the follower in Judaism.

Shabbat Shalom: Rabbi Shlomo Riskin

"Remember the Sabbath day to keep it holy. Six days shall you work and do all acts of physical creativity; but the seventh day is a Sabbath unto the Lord your God, on which you shall not do any act of physical creativity" (Ex. 20:8-10)

Undoubtedly the greatest gift of the Jews to the world is our Bible, the 24 books from Genesis to Chronicles, the quintessential centerpiece of which is the Decalogue, or the Ten Commandments.

If enlightened Western culture emerged from the twin influences of Greco-Roman and Judeo-Christian literatures, the "mother of human and humane morality" is the "Ten Utterances" (Aseret Hadibrot in Hebrew) expressed by an invisible and ineffable God from atop a desert mountain before a newly freed slave people, who adopted these ethical norms as the Declaration of Independence of their newly forming nation.

Indeed, in the past 3,500 years, no philosopher or theologian has come up with a more inclusive or trenchant moral code which says it better than the Divine Words uttered at Sinai: "Honor your father and your mother..." (basic gratitude to those who gave you life and nurture)

"You shall not murder."

"You shall not commit adultery."

"You shall not steal."

"You shall not bear false witness against your neighbor."

"You shall not covet" (that which belongs to another).

Here, in very few words, is set down the basic inviolability of every human being; if society would only adhere to these principles, the world would become a Garden of Eden.

But I must ask two important questions. I have listed the last six commandments; the fourth commandment, "Remember the Sabbath day to keep it holy," the prohibition of "working" on the Sabbath, with which I opened this commentary, doesn't seem to belong with the rest. What transgression against the integrity of another human being do I commit by opening up my business on Saturday morning? Moreover, if the essence of what was commanded at Sinai was principles of morality, why must the first three commands deal with God, the God who took us out of Egypt, the God who demands exclusivity of fealty, and the God whose name dare not be taken in vain? Is it not possible to be ethical or moral without necessarily believing in God?

Let us begin with the first of the "Ten Utterances," not so much a commandment as it seems to be almost a definition of God's "essence": "I am the Lord who took you out of the land of Egypt, the house of bondage," I am the Lord who insists that every human being be free! We must remember that the Book of Exodus emerges from the Book of Genesis, where God describes the creation of the world and creation of the human being. And what is remarkable and unique about the creation of the human is that he/she—unlike all other creatures of the universe—is created in God's image, is inspirited with the soul of Divine life, is endowed with a portion of essence from God on High (Gen. 1:27, 2:7).

This means further that the human being was created to have freedom of choices, to be empowered to do even that which God would not have wanted him to do (Seforim ad loc, and the story of the eating of the forbidden fruit). Yes, God charges the human to develop and take responsibility for the world, to perfect the imperfect world which God created (Gen. 2:15; Isa. 45:7) and God believes that the human, created after all in His image, will eventually succeed in doing that (Isa. 2; Mic. 4). But let no one dare enslave the human, whom God made to be free, and let no one dare to violate the human created in the Divine image (Gen. 9:7). Herein lies the force of these three "commands."

This Divine basis for human freedom and inviolability—for our biblical morality, if you will—is not at all self-evident. It was not only the Greek pagans who modeled the gods of Mount Olympus after humans, but it was also the Greek philosophers who accepted the right of the conqueror to acquire slaves, the right of the victor to take the spoils, the justice of the powerful controlling the weak. But it was Moses and the later prophets who articulated

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the responsibility of the rich and powerful to care for the poor and the weak, it was Abraham who articulated "God's path of compassionate righteousness and moral justice," and it was the author of the Book of Job who reminded the Jewish master to remove the injustice of owning a gentile slave; after all, "did not the one who made the Jewish master in His belly also make the gentile slave, did not the womb of the same One prepare them both?" (Job 31:15 and Maimonides, Laws of Slaves, last law).

Now we can understand the majestic significance of the prohibition of working on the Sabbath; the Sabbath reminds us that God created the world, that God created the human being in His Divine Image, and that the human being is inviolate and free. Herein lies the ultimate value and equality of every human being, in both a moral as well as a political sense.

God demands that no totalitarian ruler may enslave his subject, may reduce him to slave labor seven days a week, may control his thoughts and beliefs.

God is our Ultimate Employer, who guarantees our ultimate freedom, who doesn't allow us to work on the seventh Sabbath day! This is why, when Moses repeats the Decalogue in the Book of Deuteronomy, he links the Sabbath rest not to the creation of the world but rather to our exodus from Egypt: "Observe the Sabbath day... in order that your male gentile servant and your female gentile servant may rest like you, so that you remember that you were a slave in the land of Egypt and the Lord your God freed you from there..." (Deut. 5:12-15).

It is the necessity of Sabbath rest which precludes slavery and thereby ensures universal freedom!

The Person in the Parsha Rabbi Dr. Tzvi Hersh Weinreb

Redemption

She was the daughter of Holocaust survivors, but she was not Jewish. Her parents were Polish citizens who, heroically, and at the risk of their own lives, rescued Jews from certain death. Her parents are no longer alive, but their memories are enshrined in Yad Vashem, the Holocaust memorial museum in Israel, in the pavilion reserved for righteous Gentiles.

She was a psychotherapy patient of mine about thirty years ago. I learned many things from her, including an answer to a question which arises in this week's Torah portion, Parshat Yitro (Exodus 18:1-20:23).

The question appears in the commentary of Rabbi Abraham Ibn Ezra on the very first verse of the Ten Commandments. The verse begins, "I am the Lord thy God who brought you out of the land of Egypt, the house of bondage: you shall have no other gods besides Me."

In his commentary, Ibn Ezra cites as the source of this question his famous predecessor, Rabbi Yehuda Halevi, perhaps the greatest poet in all of Hebrew literature and the author of one of the most indispensable works of philosophy in our tradition, the *Kuzari*.

The question is simply this: "Why would God, about to reveal the very basis of the Torah, introduce Himself to those assembled at the foot of Mount Sinai as the one who 'brought you out of the land of Egypt?' Wouldn't it be more appropriate and more awe inspiring for Him to proclaim, 'I am the Lord thy God who created heaven and earth?'" Does not the creation of the entire universe precede the Exodus from Egypt chronologically, and does it not supersede the Exodus as a wondrous and marvelous event? Would not people be more moved to obey the commandments of a God who created the entire world than they would be motivated to obey the commandments of He who merely freed a group of slaves?

There have been several attempts to answer this question. Traditional Jewish commentators have struggled with it, and Christian students of the Bible have been hard put to justify the relevance of the Ten Commandments to all humanity, when it was addressed by God only to those whom He delivered from the land of Egypt.

Whatever forms these many answers take, one thing is undeniable. Two aspects of God pervade the first two books of the Bible. One is the aspect of God as Creator, and the other is the aspect of God as Redeemer. Genesis emphasizes that God is the Lord over Nature, while Exodus stresses His role as the Lord of History.

This column is not the place to discuss the central dynamic of the world of nature. But it is the place to identify the central dynamic of human history: the concept of redemption, or in Hebrew, *geulah*.

But what is "redemption?" It is a common word in the religious lexicon not just of Judaism, but of its so-called daughter religions, Christianity and Islam. But what does it mean?

It was from my psychotherapy patient; let's call her Catherine, that I first fully understood the significance of the word "redemption," and why it was in His role as Redeemer that God chose to begin the Ten Commandments, and not in His role as Creator.

It was during a particularly emotionally charged psychotherapy session. Catherine was recounting the tragedy of her father's life. He had been a prominent attorney in pre-war Poland. He had been interned in Auschwitz as a political prisoner because of his participation in the Polish resistance against the Nazis. After the war, he returned to his hometown, but instead of being given a hero's welcome, he

was shunned as a traitor for saving Jews. He was unable to return to his former prestigious position and chose instead to emigrate to the United States. But here he found himself unable to master a new language and was compelled to earn his livelihood as a janitor. He lived the rest of his life vicariously through his children, whom he helped obtain advanced professional educations.

As she recounted the story with great sadness, I expressed my empathy for her and spoke of individuals within my family who had had similar stories to tell after the Holocaust—to which she retorted sharply, "For you Jews, it was different. You have had a redemptive experience. You have rebuilt your culture, your religious communities, your educational institutions. My father had no such redemptive experience. He regained nothing of his glorious past. He died unredeemed."

Ever since that conversation, the word "redemption" has been replete with meaning for me. It is a process by which a slave becomes free, individuals become a nation, and those who were condemned to lives of emptiness become enabled to live lives of immense significance. If God the Creator brought forth *yesh me'ayin*, something from nothing, then God the Redeemer brought forth a people from the depths of the 49th level of degradation to the exalted summit of freedom and faith.

Hence, my personal response to Yehuda Halevi's question. The Almighty prefaced the Ten Commandments with the assurance that personal redemption is a real possibility—a possibility, though, only for those who absorb the ethical and moral lessons He was about to teach in those Ten Commandments. He redeemed us once from the land of bondage, and He offered us the tools to redeem ourselves again and again throughout our lives.

Torah.Org: Rabbi Yissocher Frand

Midos Tovos Are The Key

The pasuk says, "Yisro, the minister of Midyan, the father-in-law of Moshe, heard all that G-d did to Moshe and to Israel, His people – that Hashem took Israel out of Egypt." [Shemos 18:1] Rashi teaches: Yisro had seven names – Reuel, Yeser, Yisro, Hovav, Heber, Keini, and Putiel. Rashi adds that he was called Yeser (meaning extra) because he caused one more passage of the Torah to be written. Which passage did he add to the Torah? The passage beginning "V'Ata Sechezeh" (and you shall see) [Shemos 18:21], in which he advises Moshe to seek out "men of means, G-d fearing people, men of truth, people who despise money" and to appoint them "leaders of thousands, leaders of hundreds, leaders of fifties, and leaders of tens" to judge the people at all times, thereby easing the burden on Moshe and on the people. (The previous procedure in which all questions and disputes came to Moshe caused long lines

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for the people and weariness on the part of their leader.)

Why does Rashi need to teach us that this is the parsha added to the Torah in Yisro's honor? Is this not obvious? Even more to the point, "Yisro's parsha" that he is responsible for adding to the Torah does not begin with the words "V'Ata Sechezeh," which is his proposal for the solution to the problem. It begins several pesukim earlier when he first noticed the problem: "It was on the next day that Moshe sat to judge the people, and the people stood by Moshe from the morning until the evening. The father-in-law of Moshe saw everything that he was doing to the people, and he said, 'What is this thing that you do to the people? Why do you sit alone with all the people standing by you from morning to evening?'" [Shemos 18:13-14].

Why does Rashi not say that the parsha that Yisro added to the Torah for which he is called Yeser is the parsha beginning with the words "The father-in-law of Moshe saw everything that he was doing to the people..."?

Rav Meir Shapiro (who as we all know had a profound influence on Klal Yisrael by proposing the Daf Yomi system of Talmud study) says an interesting thought on this question: The reason the additional parsha which earned "Yeser" his name begins with Yisro's proposal for a solution (rather than his recognition of the problem) is because criticism is never an addition. Anyone can criticize. Anyone can come along and say "That is not a good idea." "What you are doing does not work. You are ruining yourself; you are ruining the people!" There are always people to say "It's no good!"

The addition, the "Yeser," is when you give a creative idea of what should be done to solve the problem. That is why Rashi says the passage that Yisro added for which he was given an added name was the passage beginning with his solution: "V'Ata Sechezeh...."

This leads to a more fundamental question: Why did it take Yisro, who was a Gentile, and who had been a High Priest for Idolatry in Midyan – why did it take him to teach Klal Yisrael that they needed a judicial system of lower courts and medium courts and higher courts and a supreme court? Could we not have figured this out on our own?

The Ohr HaChaim haKadosh raises this question. He suggests that this is a statement to the Jewish people in all generations that there are among the nations of the world people who are very intelligent and to whom it we should listen. There is such a thing as a "very smart Gentile!"

There is a tendency in some parts of our society to think that Gentiles lack intelligence. That is not true. There have always been

extremely bright Non-Jews. Galileo was a Gentile. Michelangelo was a Gentile. Benjamin Franklin was a Gentile. Thomas Jefferson was an extremely bright guy. He was a Gentile. Bill Gates is a Gentile. Steve Jobs was a Gentile. Steve Jobs changed the world. Warren Buffet – also a Gentile. He is the richest man in the world. These people are not stupid!

The Ohr HaChaim HaKadosh says that by including this passage in the Torah, the Ribono shel Olam was making a statement: "...And you will be for me a Segulah (treasure) from all the nations..." [Shemos 19:5] (a pasuk from this week's parsha). This is not because you are so smart! We were not chosen for being smart. The introduction to Kabalas HaTorah (receiving the Ten Commandments) is that Hashem did not pick us for our brains; He picked us because He loved our Patriarchs – Avraham, Yitzchak, and Yaakov. He did not love them because they were geniuses, but because they were good people. They were ba'alei midos (people with outstanding personal character traits).

To emphasize this idea, the preamble to Kabalas HaTorah is the story of the Gentile who was able to find the flaws in the process and suggest corrective measures. It was not by merit of "Jewish brains" that we were given the Torah, it was by merit of the righteousness of our forefathers.

Yisro illustrates for us that sometimes it is worthwhile for us to turn to the wise men of the nations of the world regarding good ideas and creative thinking.

Rabbeinu Bechaye writes in Sefer Shemos: Come and see the great status of character traits. For the great men of the Torah, such as Noach, Avraham, Yaakov, Moshe and others were never praised for their intelligence and wisdom. The Torah never praises their genius. They are always praised in terms of their midos tovos (positive character traits). This teaches that the main thing is not wisdom, but integrity and righteousness. That is our claim to fame. We were chosen because we come from good stock, not because we come from smart stock.

That is why the parsha is "parshas Yisro" – the whole judicial system comes from a Gentile. It is because Gentiles are smart. They are very smart. There have always been smart Gentiles. Brains are not our claim to fame. We are the "Am Segulah" (G-d's treasured nation) because of the integrity and righteousness of our patriarchs. So says the holy Ohr HaChaim.

Go IN Peace or TO Peace?

After Yisro proposes his court system of graduated levels, he tells Moshe Rabbeinu: "They shall judge the people at all times, and they shall bring every major matter to you, and every minor matter they shall judge, and it will ease from upon you, and they shall bear with

you. If you do this thing – and G-d will command you – then you will be able to endure, and this entire people, as well, shall arrive at its destination in peace." [Shemos 18:22-23]

The Chofetz Chaim asks a very interesting question in Parshas Shemos. The above cited expression "shall arrive at its destination in peace" (al mekom yavo b'shalom) is a very peculiar one. Earlier, in Parshas Shemos, when Moshe took leave of Yisro in Midyan (to go to Egypt on his Divine mission) the pasuk states that Yisro told Moshe "Lech l'Shalom" (literally, go to peace) [Shemos 4:18]. The Talmud on the last Daf of Tractate Brochos [64a] remarks that when someone bids their friend goodbye, he should not say "Lech b'Shalom" (go in peace); rather he should say "Lech l'Shalom" (go to peace). The Gemara cites as a proof text the fact that Yisro told Moshe "Lech l'Shalom" and his mission was successful, whereas King Dovid told his son Avshalom "Lech b'Shalom" and he wound up being killed.

There is only one occasion in life where we tell a person "Lech b'Shalom" and that is at his funeral.

The Chofetz Chaim asks: The same Yisro who told Moshe in Shemos 4:18 "Lech l'Shalom" says in our parsha [Shemos 18:23] "al mekom yavo b'Shalom." How do we explain this?

He analyzes the matter as follows: What does "Shalom" mean, and why do we say that l'Shalom is good and b'Shalom is not good? The Maharal in Nesivos Olam explains that Shalom means perfection (from the expression shalem – completeness). As long as a person is alive in this world, he has not reached perfection. The bracha we give another person when we part from his company is "Lech l'Shalom" – meaning, you should meet your perfection, your shleimus. You are not done yet! There is only one occasion when we can say "Lech b'Shalom" (go in peace) – because when a person is already dead, he is as complete as he is ever going to be. We then tell him, "Lech b'Shalom" – go with the "completeness" you already reached; we hope you have reached perfection in your life.

The Chofetz Chaim, quoting Kabbalistic sources, writes that if a person leaves this world and has not paid back all his debts, he needs to return to this world as a "gilgul" (transmigrated soul). That means if someone dies owing money to people, the first thing he should do in his will is to instruct his heirs to take care of all his unpaid debts. Someone who has not paid up all his debts will need to come back to this world to repay them.

Sometimes, the Chofetz Chaim writes, someone does not return as a person but as a horse or a mule or a squirrel or worse. I am always hesitant to talk about soul

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transmigration – but there is such a concept in Judaism. In Europe, there was an incident where a person bought a healthy horse and he worked with his horse for a couple of weeks. Suddenly, the horse dropped dead. The owner of this "healthy horse" went to a Kabbalist who told him that the soul of this horse owed him money in a previous life. He came back through the mechanism of "gilgul" in the form of a horse. He worked for this person to whom he owed money to for two weeks, he paid off his debt, and then he was allowed to return to the world of the souls.

The Chofetz Chaim says, when Yisro saw the people standing in front of Moshe waiting for their Din Torah, he was worried that the long queues would frustrate people. Rather than waiting seven hours in line to resolve their Din Torah (monetary case), they would give up and go home – leaving their Din Torah unresolved and thereby perhaps leaving a debt they owed their fellow man unpaid. When Yisro saw that, he worried that the ultimate outcome would be that people would leave this world with unpaid debts, and the consequences of that are grave. Therefore, Yisro told Moshe he must ensure that everyone will have a proper Din Torah and a proper resolution to their monetary disputes. Someone who is "Chayav" will know he needs to pay and will take care of his debt while he is still alive. Someone who is "Patur" can rest assured that his debt has been paid. The upshot of all this will be "al mekom yavo b'Shalom" – every one (in their proper time) will leave this world b'Shleimus, with perfection.

That is why Yisro used this expression. He was not talking about "in this world b'Shalom." In this world it is "l'Shalom." However, if someone leaves this world owing different people money, it is not going to be "b'Shalom." This was the impetus behind Yisro's plan of how important it is to solve this issue so that people leave this world b'Shalom." That is what Yisro was saying the second time in Shemos 18:23.

The takeaway lesson for us is "Pay your debts." People borrow money, they sometimes do not pay them back. People buy on credit, they owe merchants, they do not pay them. People owe caterers. People owe schools. They owe tuition. This is also a debt. We are not talking about great righteousness. We are talking about simple justice. We must pay off our debts.

Then, when they say the "Kel Maleh" (prayer for the departed) for us, after 120 years, they can recite in truth "VaYanuch al Miskavo b'Shalom" (he will rest on his resting place in peace), and let us say Amen. It will be b'Shleimus. We have completed our mission, we do not owe any debts, and we can rest in peace in Gan Eden.

Don't just complain about everything that's wrong. We learn this in Parshat Yitro. Rashi tells us that one of Yitro's seven names was 'Yeter', which means additional. That is because Yitro provided an additional passage in the Torah with key lessons for us. Rashi says that this passage begins with the words 'V'ata techazeh' – and you shall seek out, from the midst of the people, suitable leaders who will guide the people with you. It's a great lesson, but the Likutei Yehoshua points out that actually, the section starts four verses earlier when Yitro says to Moshe, "lo tov hadavar asher ata oseh" – "the matter that you are doing is not good". Not good for you, and not good for the nation. Why didn't Rashi refer to the passage starting then?

The likutei Yehoshua explains it beautifully. He said when Yitro said to Moshe that the matter was 'not good', he was doing what many people do: Complaining. Highlighting the negative. However, Yitro went on to say "V'ata techezeh." Moshe, I have a solution for you! This is the way forward.

A great person is somebody who is not only able to tell you what's wrong but who can provide a constructive solution for you.

Now, there is a hint about Yitro's great ability as an advisor right at the beginning of our Parsha within the very first word. So many passages start with 'Vayedaber' – 'and he spoke' or 'Vayomer' – 'and he said'. The Parsha of Yitro says 'Vayishma' – Yitro listened. If you're going to be well placed to assist other people you need to listen. You need to understand the context. You need to have a deep appreciation of what is really taking place. Only then will you be in a position to help and to advise objectively. This was Yitro's greatness. He listened. He understood. He highlighted what was negative and he gave the way forward. Yitro serves as a role model to this day.

Just like him, let us not only talk and speak. Let us also listen. And just like him, let us not highlight what is wrong let us try our best to provide the way forward for those around us.

OTS Dvar Torah

Rabbi Nadav Nizri

Eyes that see, a nose that smells and a heart that listens

Yitro, the Midianite priest, comes to Mount Sinai after hearing of the splitting of the Red Sea and the war between Amalek and the Israelites, and when he gets there, he meets Moses, his son-in-law. The following day, Yitro sees Moses judge the people from morning to night, prompting him to offer a few suggestions, including a recommendation to select several judges in order to lighten some of Moses' caseload. Immediately afterwards, the Torah tells us about the giving of the Torah

on Mount Sinai, when the commandments and laws of the Torah were handed down.

Jewish law is based primarily on the sense of sight. Judges only have their own eyes to rely on (as we read in Tractate Bava Batra 131a), and the witnesses in a person's trial can only rely on what their eyes have seen. We also see that the episode concerning the establishment of the legal system precedes the giving of the Torah. Notably, when the Torah describes Yitro's departure (in chapter 10 of the Book of Numbers), Moses tries to persuade Yitro to stay with him, saying: "Please do not leave us, inasmuch as you know where we should camp in the wilderness and can be as eyes for us." Yitro, like the judicial system he wanted to establish, is also represented by a set of eyes.

It is clear, however, that the judicial system is limited in its ability to judge truthfully. One such limitation is the case of framing. If individuals bear false witness in a particular case, the judges will need to make a ruling that isn't just, because the judicial tools they have available are limited, by virtue of the fact that they are flesh and blood, and because there are laws that can be bypassed. Sure enough, the Gemara, in Tractate Chagiga (Jerusalem Talmud) tells us of the son of Rabbi Shimon Ben Shetach, who was executed by a court of law because someone had framed him for murder.

I'd like to propose that on a certain level, the giving of the Torah can complement the statutes Yitro wanted to introduce into the judicial system. In other words, he was trying to include "the nose", i.e., the sense of smell, which complements the sense of sight. Let's begin with a short midrash on the giving of the Torah:

And Rabbi Yehoshua ben Levi said: What is the meaning of that which is written: "His cheeks are as a bed of spices"? From each and every utterance that emerged from His cheeks, i.e., the mouth of the Holy One, Blessed be He, the entire world was filled with fragrant spices. (Babylonian Talmud, Tractate Shabbat, 78b)

Earlier, we described the handing down of the laws of the Torah as an act that was tied to the "world of sight", but Rabbi Yehoshua Ben Levi understands that the giving of the Torah is tied to the "world of scents" – the world of "fragrant spices". The world of scents isn't tied just to the giving of the Torah, which covers all aspects of life, in their totality. It is also tied to the domain of Jewish jurisprudence. In the future, when the Messiah arrives, the judicial tools of King Messiah (who will be able to judge) will involve judging using the sense of smell. This is how the Gemara, in Tractate Sanhedrin (93b), describes Bar Kokhva:

...and it is written: "And his delight shall be the fear of the Lord". Rava says that 'his delight' teaches that the Messiah will smell and then judge on that basis, sensing who is right,

Likutei Divrei Torah

as it is written: "And he shall neither judge after the sight of his eyes... and with righteousness shall he judge the poor, and decide equity for the meek of the earth". Bar Kokhva, i.e., bar Kokhva, ruled for two and a half years. He said to the Sages: I am the Messiah. They said to him: With regard to the Messiah it is written that he is able to smell and judge, so let us see ourselves whether he, bar Kokhva, is able to smell and judge. Once they saw that he was not able to smell and judge, the gentiles killed him.

Therefore, the sense of smell can discern certain things to which the sense of sight is oblivious. It can comprehend the intent and the inner nature of the words being said. People can utter certain words but have entirely different ideas in mind, which might even be antithetical.

The people of the Torah must use both of their sensory organs – their noses and their eyes. Our eyes reflect accuracy and efficiency, while our noses perceive the subtext, which often turns out to be no less effective than understand the content of what is being set. As human beings connected to the world of Torah, we need to remember the laws of the Torah, but we mustn't forget it's pleasant fragrance. We must keep in mind that the Torah could be the "spice of life", but it may also, heaven forbid, become the "spice of death". Those who suffice in knowing the laws of Torah without trying to investigate it's deeper meaning and intent will never comprehend its greatness and perfection.

As a young boy, King Solomon asked Hashem for a "hearing heart", to use when judging the people of Israel. According to the Zohar, King Solomon merited to be a morach vada'in, a judge with a sense of smell. This may help us understand how these things interrelate: by being attentive, careful and perceptive, we can develop a new type of listening ability as we hear the arguments voiced by those standing before us, leading us to a more accurate understanding of that individual's feelings and desires. This kind of heart can understand the world better, and through this, our Torah and way of life will be even more complete.

May we merit a heart that listens, and a nose that smells the pleasant fragrance of the Torah.

Torah.Org Dvar Torah by Rabbi Label Lam

Against the Law

You shall not murder. You shall not commit adultery. You shall not steal. You shall not bear false witness against your neighbor. You shall not covet your neighbor's house. You shall not covet your neighbor's wife, his manservant, his maidservant, his ox, his donkey, or whatever belongs to your neighbor." (Shemos 20:14)

These are the contents of the entire second side of the Tablets. They represent all the Mitzvos

between man and man. The first side contains Mitzvos between man and G-d! Both sides are intimately connected. Every Mitzvah between man and man is also a Mitzvah between man and G-d. What is the connection between the first and the last of “The Ten

Commandments”? How does “I Am HASHEM...” relate to “You shall not covet”?

Reb Wolbe said that the last is the final exam on the first. If one firmly understands that HASHEM is the author of all existence and it is He Who delivers “the goods”, then there is no reason to be busy studying what others have. I do not look into anyone else’s medicine cabinet jealously. If I wore your glasses and you wore mine we would both be visually impaired. I get what’s meant for my good and you get what’s meant for your good. We are not in competition with anyone else except our own potential.

This may help us to understand the other of the Commandments between man and man. Let us take one for example. When the Satmar Rebbe, Reb Yoel Teitelbaum was yet a small boy of three he was very precocious. He entered Shul one day and found a huge commotion. He was curious and he inquired as to what’s going on. They tried to dismiss him but he insisted to know what had happened. So they told him, “Someone stole the Pushka!” He declared, “That’s impossible!”

They all looked at him with wonder. How did this little three year old boy know it’s impossible? He said, “It says in the Torah, ‘Don’t steal!’”

Obviously to his innocent ears it meant that it is impossible to imagine how someone could steal. There is a steel wall between one person’s possessions and another’s. To the less innocent mindset those same words imply resisting the temptation to steal. To the thief it means to stop stealing and to return what you already stole.

There may however be a deeper meaning to the Rebbe’s innocent perspective. The Talmud in Tractate Taanis states, “No person can encroach upon what has been prepared for his friend within even a hair’s breadth.” In a certain sense, in the ultimate scheme of things no one can steal. It’s impossible! Yet we do find that there are thousands of details of laws that govern private possessions and ownership. Why would we need any of them?

I do believe that the answer is that we do not give philosophical answers to practical questions. True everyone gets exactly what they deserve but that cuts both ways. Nobody who knowingly tries to take what has been granted to another will get away with it either. Neither can he enrich himself or nor will diminish the other. Eventually everything is evened out and the thief is still judged as a thief.

He cannot offer a philosophical excuse for his selfish behavior. The victim can gain comfort but the aggressor does not gain cover. While it may be true that it is impossible to steal, it is not impossible to be a thief!

It was Cecil B. Demil who made the movie, “The Ten Commandments” who famously stated, “You cannot break the law. You can only break yourself against the law!”



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Rabbi Dr. Abraham J. Twerski

The Power of Belief

Rather recently, books have appeared advocating "positive imagery," suggesting that if you imagine the scene that you wish to occur, this will make it happen. The first tendency is to dismiss this almost derisively. "I was laid off eight months ago. I have repeatedly imagined myself happily employed at a new job, but I am still unemployed." It is quite difficult to counter such observations. Magical thinking is juvenile, one says, and wishing it will happen does not bring it about.

Logically, I would go along with this observation. However, I came across an essay in the sefer Ohev Israel, by the Chassidic master, Rebbe Avraham Yehoshua Heschel of Apt. He cites Rashi's statement (Genesis 7:7) that Noah vacillated in his belief that there would indeed be a flood, and did not enter the ark until the rising waters forced him to. The Rebbe of Apt asks, "How can one say that Noah, whom the Torah describes as a perfect tzaddik, was lax in his belief in Hashem's words?"

The Rebbe explains that the word emunah, faith, is related to the word omein, which means "to raise up," as in the Book of Esther, which uses the word omein in the sentence that Mordechai reared Esther. This connotation, the Rebbe says, means that emunah can "raise" things, i.e., bring them about. Therefore, Noah did not allow himself to have a strong belief that the flood would occur, because he feared that this might actually cause the flood to materialize. Noah still held out hope that the people might do teshuvah that might avert the flood, and his intense emunah might hasten it. Thus, Rashi's comment is not an aspersion on Noah.

We have the principle that a positive middah is more powerful than a negative middah. If, as the Rebbe says, a strong belief (emunah) may result in a negative result, then certainly, a strong positive belief may bring about a desired result.

However, the belief must be genuine and complete, which may be difficult to achieve.

Rebbe Yitzhak Meir of Gur cited the Midrash, that before offering the Torah to the Jews, Hashem offered it to other peoples. The Moabites asked, "What does the Torah say?" and Hashem said, "You shall not commit adultery." The Moabites rejected the Torah because, "We are a lustful people. We cannot accept that restriction."

Hashem then offered it to the Edomites, who asked, "What does the Torah say?" and Hashem said, "You shall not commit murder." The Edomites rejected the Torah because, "Our father, Esau, was blessed 'to live by the sword.'

Why did Hashem offer the Torah to other nations? So that they should not say, "You favored the Jews. If you had given us the Torah, we would have been the chosen people." Now Hashem can say, "I offered it to you, but you rejected it."

"But," Rebbe Yitzhak Meir asked, "how does that address the charges of the Moabites and the Edomites. They will still say, 'You quoted us "You shall not commit adultery." and "You shall not commit murder," but to the Jews You said, "I am the Lord your G-d." Had you told us that, we would have accepted the Torah."

Rebbe Yitzhak Meir explained, "The Torah is intended to help a person overcome his physical drives. The primary physical drive of the Moabites was lust, and that of the Edomites, bloodshed. These are not the primary drives of the Jews. The Jews' primary drive is skepticism. Other nations could believe that idols, rivers and mountains were gods. Jews, on the other hand, witnessed many supernatural miracles, yet as the Torah relates and our history confirms, continued to doubt Hashem. Therefore, Hashem approached each nation with what would be the greatest challenge for them. For the Moabites it was restraint of lust, for the Edomites it was restraint of killing, and for the Israelites, it was to believe in Hashem.

Emunah is indeed a powerful force and may make things happen. However, sincere and complete emunah is difficult to achieve.

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Rabbi Yissacher Frand - Parshas Yisro

Dedicated to the speedy recovery of Mordechai ben Chaya

Yisro Connected the Dots

There is a famous pasuk and a famous Rashi at the beginning of Parshas Yisro. The pasuk says, "And Priest of Midian, father-in-law of Moshe heard all that Elo-kim did for Moshe and for Israel His nation, for Hashem took Israel out of Egypt." [Shemos 18:1] Rashi [based on Zevachim 116a] explains that Yisro heard about the Splitting of the Sea and the War with Amalek. When he heard about these great miracles, he thought to himself: "I need to check this out for myself and see what is going on with these miraculous people."

We have asked many times over the years: Why did only Yisro come? The Az Yashir song states "nations heard and they trembled; fear gripped those who dwell in Philistia." [Shemos 15:14]. The whole world heard about these events and shook in their collective boots. Why was there only one man who felt he had to show up and check this out for himself?

We can ask a second question: This man was known by seven names. (Rashi lists these seven names.) One of the seven names was Yeser (Yud-Taf-Reish). Rashi said they added a vov to his name (to make it Yisro) because a parsha was added to the Torah through him (i.e. – the section where he advised Moshe to set up a hierarchical system of courts, rather than to single-stream all disputes through himself). Question #2: Why was specifically the letter Vov added to his name? Why not yud? Why not another letter? Why the letter Vov?

We can ask a third question: Why is the letter Vov called the letter of truth? What does that mean? There is an interesting Zohar that says the letter Vov is what is called the "os emes" (the letter of truth). What does that mean? We read in the Book of Yehoshua that when the spies came into Yericho, they went into the house of Rachav haZonah, who helped them out and hid them.

She asked for something in return as a reward. She asked that when the Jews come into Canaan to conquer Eretz Yisrael, they should spare her and her family. The pasuk states, “And now swear to me in the Name of Hashem, for I have done a kindness for you. You should do a kindness for my family like I did for you, and you should give me an ‘os emes’ (true sign).” The Zohar says that the letter Vov is called the “os emes.”

Ironically, we see an application of this principle, that the letter Vov is an “os emes,” in a very incongruous location in Tanach. There is a chapter (#34) in Tehillim that is quite familiar to us because we say it Shabbos morning.

“When David changed his behavior before Avimelech...” Dovid HaMelech feigned insanity when he was caught by the soldiers of Gath and brought before their king. He acted like a deranged person, so that the king would not believe that this was really Dovid Melech Yisroel, and would let him go.

Dovid’s plan worked. “Achish [Avimelech is the generic title given to the kings of Gath] said to his servants, ‘Behold – you see the man is mad; why do you bring him to me? Do I lack madmen that you have brought this one to carry on madly before me? Should this person enter my house?’” [Shmuel I 21:15-16]. Achish-Avimelech let Dovid go free. This chapter in Tehillim is written as an alphabetic acrostic. Each of the pesukim of the Psalm begin with ascending letters of the Aleph-Beis. However, there is one letter of the Hebrew alphabet that does not begin a pesuk in that chapter – the letter Vov!

The reason is that the letter Vov represents truth (it is the os emes).

Since the whole chapter deals with Dovid HaMelech deceiving Avimelech by feigning insanity, the letter of truth does not begin any of those pesukim!

But still, we must analyze – what does the Zohar mean by saying that the letter Vov is the letter of truth?

To review, we have stated three questions: 1) Why did only Yisro show up? 2) Why was the letter Vov added to the name of Yeser. 3) We see in Chazal that Vov is called the letter of truth – why is that the case?

I saw in the sefer Darash Mordechai from Rav Mordechai Druk what I think is a very beautiful explanation. When the Ribono shel Olam came to Klal Yisrael to give them the Torah, something happened in the world that never happened before, and has not happened since: The world stopped...to the extent that there was not a peep heard in the world. No bird chirped. No dog barked. The world was silent. Something was happening. The Gemara states [Zevachim 116a] that the world’s population was amazed at this phenomenon and could not figure out what was happening. They all gathered around the wicked Bilaam and asked him: “What is going on? Is this the beginning of another Flood?” It was like right before a Tsunami – all the animals were quiet. Everyone wanted to know what was about to occur. Bilaam (citing another pasuk in Tehillim [29:10] “Hashem L’Mabul Yashav...”) assured them that Hashem promised He would never bring another Flood to the world. The nations were afraid and they asked Bilaam “Perhaps Hashem’s oath was not to destroy the world by water, but He might yet destroy the world again by fire or earthquake.” Bilaam again reassured them that the Divine Oath was a guarantee that the entire civilization of the world would never again be destroyed. They persisted: “What then is this great sound that we are hearing?” Bilaam told them “The Ribono shel Olam has this great treasure which He has kept hidden in His safe for 974 generations before the world was created. He now is preparing to give this great treasure to His People. That is what is happening! This is a momentous event, as it is written “Hashem gives power to His people...” [Tehillim 29:11].

What was the reaction of all the Nations of the World? They immediately responded “...Hashem should bless His people with Peace.” [ibid.]. In other words, “Gezunte Heit!” – Fine and dandy, let Hashem give His people the Torah, He should just let us alone and we will be fine. As long as it is not going to affect us, we will go back along our merry way, doing what we were doing and not be concerned about this Torah.

In that reaction we find the difference between Yisro and the Nations of the World. They saw things happening, but as long as these events – as miraculous as they might have all been – didn’t affect them, their reaction was “I don’t want to know about it. It’s none of my business!” No reaction.

Yisro’s strength was that (in today’s parlance we would say) he connected the dots. After 9/11 when everybody wondered: “Where was the CIA? Where was the FBI? Where was the Defense Intelligence Agency? Why didn’t they see this coming? Everybody said, “Well they knew there was something called Al-Qaeda, they knew there was someone call Osama bin Laden, they knew there was this, they knew there was that... but they didn’t connect the dots!” If you don’t connect the dots you don’t see the connection.

Yisro was a person who connected the dots. He saw the pattern. He saw an event and he saw another event and another event. He noticed something dramatic was happening. “The Ribono shel Olam is trying to tell us something here.” That is why, out of all the letters of the alphabet, they gave him the Vov, because Vov (which is a prefix meaning AND) is the “Vov haChibur” – the letter that connects. Yisro’s power was to look at things not in isolation, but to see the pattern and put all the pieces together to see and understand the big picture. That is why it was the Vov they added to his name.

That is also why Vov is the “letter of truth” (os haEmes). If one wants to find the truth, one must connect the dots. The way to find out the truth is not to look at incidents in isolation, but to see the pattern and put all kind of isolated incidents together into a big picture.

We are not that far away from Purim. The end of the Megilla states that Achashverosh placed a tax on the islands at sea. It is interesting to note that the name of the king in this verse is spelled differently than every other place in Megillas Esther. It is spelled without a Vov separating the last two letters! One would think that after the entire Megilla and all that happened and the irony of the whole story – Achashverosh would wake up and say “You know what? This was the Hand of G-d!”

Achashverosh doesn’t do that. He is interested in one thing: Taxes! Things can happen. The world can be turning upside down. “Let me go back to my life. Business as usual!” Achashverosh followed in the footsteps of the Nations of the World. Earth shattering events made no impression on them or on him!

It struck me to connect this thought with an incident in the life of Rav Gifter, zt”l, about which I was not 100% clear. I called Rebbetzin Eisenberg, Rav Gifter’s daughter, and she was a bit fuzzy on the details as well, so she called a couple of her brothers. They also could not swear to exactly what happened.

However, this is my recollection of the story: When Rav Gifter [1915-2001] went in the 1930s from the United States of America to Telshe in Lithuania to study in the famous European Yeshiva, he went by boat. He did not travel first class. He went steerage. Above him on one of the nights of the trip they were having a big dance, and everyone was having a good time. People were dancing, drinking, and enjoying themselves immensely. All of a sudden, the boat hit a storm. “And the boat was about to break apart.” [Yonah 1:4]. You have to realize this is not all that many years after the sinking of the Titanic. People had that tragedy fresh in their minds. People were scared and frightened. But then the storm passed. The people went back to dancing. This incident made a great impression on the young Mordechai Gifter. He said it was a moment when one’s life flashes in front of him. One inevitably thinks “I could drown in the North Atlantic.” And then in a moment, the danger passes and you are saved! What do people do? They go back to dancing!

This is a rerun of the story of the frightened Nations of the World who anxiously asked Bilaam to explain to them what was happening. Is it a Flood? Is it a Fire? Is the world coming to an end? “No! The Jews are being given the Torah!” “Fine. Let it be like that. I am going right back to doing my own thing!”

This is what separated Yisro from the rest of the Nations of the World, and that is what separates thinking people from people who just go on with their life after experiencing earth-shattering events as if nothing happened. There are such events that occur in everybody’s life. The trick is to utilize the “Vov

haChibur" – to connect the dots and try to figure out "What is G-d telling us" (Vos zogt der Ribono shel Olam?)

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date: Feb 4, 2021, 10:00 PM

subject: Rabbi Hershel Schachter - COVID and Derech Halimud

Rabbi Hershel Schachter

COVID and Derech Halimud

Just a few days ago there was a long article in the New York Times about Rav Chaim Kanievsky and the COVID situation in Eretz Yisroel. I was very saddened to read the statistic that although the Chareidim make up only 12% of the Jewish population in Eretz Yisroel, 28% of those infected with COVID were from the Chareidi circle. What a tragedy! More than twice as much as it should have been.

Every morning in the davening we speak about the value of human life. We comment that all human activities are so trivial that to a certain extent, humans are not more consequential than animals. However, we go on to say, the B'nai Yisroel, the followers of Avraham, Yitzchak, and Yaakov who keep mitzvos are in a very different category.

The opening passuk in the Torah tells us, "בראשית ברא אלהים" and Rashi in his commentary quotes from the Midrash that the word "בראשית" means "בשביל ראייה", i.e. for the Jewish people, that are referred to by Yirmiyahu (2:3) as **ראוי** and for the Torah which is referred to in Mishlei (8:22) as **ראוי**. The passuk is telling us that the world was created on behalf of the Jewish people who are going to keep the Torah. This was the whole purpose of creation.

The simple reading of the mishnah in Pirkei Avos (3:14) is that all men were created *btzelem Elokim*. The Jewish people have a greater degree of *tzelem Elokim*, which is referred to as *bonim laMakom* (since children always carry the DNA of their parents). The *Meiri* in his introduction to shas quotes an interesting Midrash that maintains that the first five of the *Aseres Hadibros* were written on the first *luach* and the second five were written on the second *luach*, and there is a correspondence between the first set of five and the second set of five. Specifically, the sixth of the *Aseres Hadibros* is related to the first; the seventh to the second, etc. The connection between the first and the sixth *dibros* is that the Torah prohibits murder because man was created *btzelem Elokim* and one who kills is demonstrating that he does not believe that there is such a thing as *Elokim*. Because we believe that B'nai Yisroel have a greater degree of *tzelem Elokim*, we are always much more careful regarding *safeik sakonah* (possible danger) than all of the medical doctors. For example, when a *bris* has to be postponed because the infant is not well, even after the doctors release the baby from the hospital and say that he is up to having the circumcision, the halacha in the *Gemarah* tells us that we still have to wait additional days. And, in recent years, the *mohalim* have established a *minhag* regarding the *bilirubin* count that is also more stringent than what the doctors would say.

Halacha tells us that even if there is a *safeik sfeika*, a very slight risk, of *sakonah*, still that slight *safeik* is sufficient to be *docheh Shabbos* and *Yom Kippur* and most of the *mitzvos* of the Torah. So the question begs itself, how could it possibly be that the number of infections in the Chareidi community due to COVID is twice as high as what it should have been, proportionally?

My impression is that part of the explanation is a result of the *derekh halimud* adopted in many of the yeshivas. There is a big emphasis on *pilpul*, *sevoros*, *chakiros*, and *ha'veh a'minas* in the *Gemarah*. The *Gemarah* considers the highest level of learning to be one who learns *l'asukei sh'meitzah aliba d'hilchosa* - to reach a final conclusion as to what the halacha is. When I was a student in the *Yeshiva*, one of the *talmidim* asked a *rebbe* after we learned a whole piece of *Gemarah* that was relevant to halacha *l'meisa* - halachic practice, "so how do we *pasken*?" The *rebbe*, who was a European, responded in *Yiddish*, "call up the *Agudas Harabonim* and ask them". In the

Lithuanian yeshivas in Europe learning halacha *l'meisa* was frowned upon. They misinterpreted the idea of learning Torah *l'shmo* to mean that one should not focus his learning arriving at a conclusion as to what the halacha is. It is well known that the *Chazon Ish* worked hard to correct this misunderstanding and influence the yeshivas to concentrate more on halacha *l'maaseh*.

Many students in the yeshivas today are trained to raise all logical possibilities about the halacha - maybe it's like this and maybe it's like that; on the one hand and on the other hand, etc.. Rav Avigdor Nevenzal pointed out that the *Malbim* (in his commentary on *Mishlei* 1:7) understands that "איל" is a specific type of a fool who is always raising questions and doubts, that maybe it's like this and maybe it's like that.

When I was a student in college, there was a popular British philosopher by the name of Bertrand Russel. One day, one of my classmates brought with him a copy of Russel's "dictionary of philosophy". As I seem to recall, for every letter of the alphabet Russel has a word and a cartoon to convey the meaning of the word. Under the letter "A" you find the word "arithmetic" and the cartoon depicts a priest with the collar around his neck in a backward position, teaching young children arithmetic. The priest writes on the blackboard $1+1+1=1$. They believe in the Trinity but the bible says "Hashem Echad", so they assume that one plus one plus one equals one. Of course, we all know that that does not correspond to reality.

Chazal always believed in experimentation. It is generally assumed today in all of the yeshivas that it does not make any sense to have a *machlokes* in the *Gemarah* regarding *metzius* - a factual point. The *Ramban* points this out, quoting a passage in the *Talmud Yerushalmi* which asked, how can there be a disagreement between Rav Yochanan ben Nuri and the *chachomim* whether *orez* and *dochena* can become *chometz*, why didn't the *Tanaim* test it out and ascertain what the reality is? Halacha cannot contradict reality!

In the *shailos u'teshuvos* literature, there is a serious discussion between the *Chasam Sofer* and the *Maharam Schick* regarding to what extent do we rely on medical knowledge. One thing is for sure, though: with respect to *sakonah nefashos* we certainly follow what the doctors say at least to the extent of considering it a *safeik sakonah* which is *docheh* almost *kol ha'Torah kula*. This entire attitude that many otherwise very observant Jews have to totally ignore the recommendations of the medical community regarding the risks of COVID is in total contradiction to the Jewish tradition of *psak halacha*. The religious Jews always placed more value on human life than doctors did. The *Beis Ha'Levi* explains that when the Jewish people responded, "כל אשר דבר יהוה נעשה ונשמע" (*Shemos* 24:7) at Har Sinai, *na'aseh* meant that we committed ourselves to observe the *mitzvos*, and *nishmah* meant that we committed ourselves to learn Torah. What does it mean to learn Torah? The *Chumash* tells us "ולימודם אתה ושמרתם לעשיהם" - "you should learn them (the 613 *mitzvos*) and observe them." It is for this reason that the *Rambam* authored the *Sefer Ha'mitzvos* as an introduction to the *Mishnah Torah*. At the beginning of each section in *Mishnah Torah*, he gives you a list of the *mitzvos* that will be covered in this section. By the time you complete the entire *Mishnah Torah* you have covered all of the 613 *mitzvos*.

The basic *mitzvah* of *talmud Torah* is to be familiar with all of the 613 *mitzvos* and all of their details. Answering a question *Rav Akiva Eiger* has on a *Tosofos* is comparable to eating the icing on a second piece of cake as part of dessert. The primary goal and focus of *limud ha'Torah* is to know halacha *l'maaseh* how to keep all the *mitzvos ha'Torah*. In my opinion much of the tragedy of the high infection rate among the Chareidi population is due to the faulty *derekh halimud* which eschews focusing on the correct thing to do halacha *l'maaseh*, and instead focuses on *pilpul* and *ha'veh a'minas*.

Let us all return to the traditional style of learning that was practiced for so many centuries and merit the promise of the Torah, "וחי בהם" וְאַשְׁרָתָ בָּהּ More *divrei Torah* on *Parshas Yisro* Copyright © 2021 by TorahWeb.org. All rights reserved.

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from: Office of Rabbi Sacks <info@rabbisacks.org>

subject: Covenant and Conversation

A Nation of Leaders (Yitro 5781)

Rabbi Sacks zt'l had prepared a full year of Covenant & Conversation for 5781, based on his book Lessons in Leadership. The Office of Rabbi Sacks will continue to distribute these weekly essays, so that people all around the world can keep on learning and finding inspiration in his Torah.

This week's parsha consists of two episodes that seem to constitute a study in contrasts. The first is in chapter 18. Yitro, Moses' father-in-law and a Midianite Priest, gives Moses his first lesson in leadership. In the second episode, the prime mover is God Himself who, at Mount Sinai, makes a covenant with the Israelites in an unprecedented and unrepeatable epiphany. For the first and only time in history God appears to an entire people, making a covenant with them and giving them the world's most famous brief code of ethics, the Ten Commandments.

What can there be in common between the practical advice of a Midianite and the timeless words of Revelation itself? There is an intended contrast here and it is an important one. The forms and structures of governance are not specifically Jewish. They are part of *chochmah*, the universal wisdom of humankind. Jews have known many forms of leadership: by Prophets, Elders, Judges and Kings; by the *Nasi* in Israel under Roman rule and the *Resh Galuta* in Babylon; by town councils (*shiva tuvei ha-ir*) and various forms of oligarchy; and by other structures up to and including the democratically elected *Knesset*. The forms of government are not eternal truths, nor are they exclusive to Israel. In fact, the Torah says about monarchy that a time will come when the people say, "Let us set a king over us like all the nations around us," – the only case in the entire Torah in which Israel are commanded (or permitted) to imitate other nations. There is nothing specifically Jewish about political structures.

What is specifically Jewish, however, is the principle of the covenant at Sinai, that Israel is the chosen people, the only nation whose sole ultimate king and legislator is God Himself. "He has revealed His word to Jacob, His laws and decrees to Israel. He has done this for no other nation; they do not know His laws, Halleluyah." (Psalm 147:19-20) What the covenant at Sinai established for the first time was the moral limits of power.^[1] All human authority is delegated authority, subject to the overarching moral imperatives of the Torah itself. This side of heaven there is no absolute power. That is what has always set Judaism apart from the empires of the ancient world and the secular nationalisms of the West. So Israel can learn practical politics from a Midianite but it must learn the limits of politics from God Himself. Despite the contrast, however, there is one theme in common to both episodes, to Yitro and to the revelation at Sinai, namely the delegation, distribution and democratisation of leadership. Only God can rule alone.

The theme is introduced by Yitro. He arrives to visit his son-in-law and finds him leading alone. He says, "What you are doing is not good." (Ex. 18:17) This is one of only two instances in the whole Torah in which the words *lo tov*, "not good", appear. The other is in Genesis (2:18), where God says, "It is not good [*lo tov*] for man to be alone." We cannot lead alone. We cannot live alone. To be alone is not good.

Yitro proposes delegation:

You must be the people's representative before God and bring their disputes to Him. Teach them His decrees and instructions, and show them the way they are to live and how they are to behave. But select capable men from all the people—men who fear God, 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. (Ex. 18:19-22) This is a significant devolution. It means that among every thousand Israelites, there are 131 leaders (one head of a thousand, ten heads of a hundred, twenty heads of fifty and a hundred head of tens). One in every eight adult male Israelites was expected to undertake some form of leadership role.

In the next chapter, prior to the revelation at Mount Sinai, God commands Moses to propose a covenant with the Israelites. In the course of this, God articulates what is in effect the mission statement of the Jewish people: You yourselves have seen what I did to Egypt, and how I carried you on eagles' wings and brought you to Myself. Now if you obey Me fully and keep My covenant, then out of all nations you will be My treasured possession. Although the whole earth is Mine, you will be for Me a Kingdom of Priests and a holy nation.' (Ex. 19:4-6)

This is a very striking statement. Every nation had its priests. In the book of Genesis, we encounter *Malkizedek*, Abraham's contemporary, described as "a priest of the most high God." (Gen. 14:18) The story of Joseph mentions the Egyptian priests, whose land was not nationalised. (Gen. 47:22) Yitro was a Midianite priest. In the ancient world there was nothing distinctive about priesthood. Every nation had its priests and holy men. What was distinctive about Israel was that it was to become a nation every one of whose members was to be a priest; each of whose citizens was called on to be holy.

I vividly recall standing with Rabbi Adin Steinsaltz zt'l in the General Assembly of the United Nations in August 2000 at a unique gathering of two thousand religious leaders representing all the major faiths in the world. I pointed out that even in that distinguished company we were different. We were almost the only religious leaders wearing suits. All the others wore robes of office. It is an almost universal phenomenon that priests and holy people wear distinctive garments to indicate that they are set apart (the core meaning of the word *kadosh*, "holy"). In post-biblical Judaism there were no robes of office because everyone was expected to be holy^[2] (Theophrastus, a pupil of Aristotle, called Jews "a nation of philosophers," reflecting the same idea.^[3]).

Yet in what sense were Jews ever a Kingdom of Priests? The *Kohanim* were an elite within the nation, members of the tribe of Levi, descendants of Aaron the first High Priest. There never was a full democratisation of *keter kehunah*, the crown of priesthood.

Faced with this problem, the commentators offer two solutions. The word *Kohanim*, "Priests," may mean "princes" or "leaders" (Rashi, Rashbam). Or it may mean "servants" (Ibn Ezra, Ramban). But this is precisely the point. The Israelites were called on to be a nation of servant-leaders. They were the people called on, by virtue of the covenant, to accept responsibility not only for themselves and their families, but for the moral-spiritual state of the nation as a whole. This is the principle that later became known as the idea that *kol Yisrael arev in zeh ba-zeh*, "All Israelites are responsible for one another." (Shavuot 39a) Jews were the people who did not leave leadership to a single individual, however holy or exalted, or to an elite. Instead, every one of them was expected to be both a prince and a servant; that is to say, every one of whom was called on to be a leader. Never was leadership more profoundly democratised.

That is what made Jews historically hard to lead. As Chaim Weizmann, first President of Israel, famously said, "I head a nation of a million presidents." The Lord may be our shepherd, but no Jew was ever a sheep. At the same time, this is what led Jews to have an impact on the world out of all proportion to their numbers. Jews constitute only the tiniest fragment – one fifth of one per cent of the population of the world – but they make up an extraordinarily high percentage of leaders in any given field of human endeavour.

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subject: Rabbi Riskin on the Weekly Torah Portion

Shabbat Shalom: Yitro (Exodus 18:1 – 20:23)

Rabbi Shlomo Riskin

Efrat, Israel — "Remember the Sabbath day to keep it holy. Six days shall you work and do all acts of physical creativity; but the seventh day is a

Sabbath unto the Lord your God, on which you shall not do any act of physical creativity' (Ex. 20:8-10)

Undoubtedly the greatest gift of the Jews to the world is our Bible, the 24 books from Genesis to Chronicles, the quintessential centerpiece of which is the Decalogue, or the Ten Commandments.

If enlightened Western culture emerged from the twin influences of Greco-Roman and Judeo-Christian literatures, the "mother of human and humane morality" is the "Ten Utterances" (Aseret Hadibrot in Hebrew) expressed by an invisible and ineffable God from atop a desert mountain before a newly freed slave people, who adopted these ethical norms as the Declaration of Independence of their newly forming nation.

Indeed, in the past 3,500 years, no philosopher or theologian has come up with a more inclusive or trenchant moral code which says it better than the Divine Words uttered at Sinai: "Honor your father and your mother..." (basic gratitude to those who gave you life and nurture)

"You shall not murder."

"You shall not commit adultery."

"You shall not steal."

"You shall not bear false witness against your neighbor."

"You shall not covet" (that which belongs to another).

Here, in very few words, is set down the basic inviolability of every human being; if society would only adhere to these principles, the world would become a Garden of Eden.

But I must ask two important questions. I have listed the last six commandments; the fourth commandment, "Remember the Sabbath day to keep it holy," the prohibition of "working" on the Sabbath, with which I opened this commentary, doesn't seem to belong with the rest. What transgression against the integrity of another human being do I commit by opening up my business on Saturday morning? Moreover, if the essence of what was commanded at Sinai was principles of morality, why must the first three commands deal with God, the God who took us out of Egypt, the God who demands exclusivity of fealty, and the God whose name dare not be taken in vain? Is it not possible to be ethical or moral without necessarily believing in God?

Let us begin with the first of the "Ten Utterances," not so much a commandment as it seems to be almost a definition of God's "essence": "I am the Lord who took you out of the land of Egypt, the house of bondage," I am the Lord who insists that every human being be free! We must remember that the Book of Exodus emerges from the Book of Genesis, where God describes the creation of the world and creation of the human being. And what is remarkable and unique about the creation of the human is that he/she—unlike all other creatures of the universe—is created in God's image, is inspirited with the soul of Divine life, is endowed with a portion of essence from God on High (Gen. 1:27, 2:7).

This means further that the human being was created to have freedom of choices, to be empowered to do even that which God would not have wanted him to do (Seforno ad loc, and the story of the eating of the forbidden fruit). Yes, God charges the human to develop and take responsibility for the world, to perfect the imperfect world which God created (Gen. 2:15; Isa. 45:7) and God believes that the human, created after all in His image, will eventually succeed in doing that (Isa. 2; Mic. 4). But let no one dare enslave the human, whom God made to be free, and let no one dare to violate the human created in the Divine image (Gen. 9:7). Herein lies the force of these three "commands."

This Divine basis for human freedom and inviolability—for our biblical morality, if you will—is not at all self-evident. It was not only the Greek pagans who modeled the gods of Mount Olympus after humans, but it was also the Greek philosophers who accepted the right of the conqueror to acquire slaves, the right of the victor to take the spoils, the justice of the powerful controlling the weak. But it was Moses and the later prophets who articulated the responsibility of the rich and powerful to care for the poor and the weak, it was Abraham who articulated "God's path of compassionate righteousness and moral justice," and it was the author of the Book of Job

who reminded the Jewish master to remove the injustice of owning a gentile slave; after all, "did not the one who made the Jewish master in His belly also make the gentile slave, did not the womb of the same One prepare them both?" (Job 31:15 and Maimonides, Laws of Slaves, last law).

Now we can understand the majestic significance of the prohibition of working on the Sabbath; the Sabbath reminds us that God created the world, that God created the human being in His Divine Image, and that the human being is inviolate and free. Herein lies the ultimate value and equality of every human being, in both a moral as well as a political sense.

God demands that no totalitarian ruler may enslave his subject, may reduce him to slave labor seven days a week, may control his thoughts and beliefs. God is our Ultimate Employer, who guarantees our ultimate freedom, who doesn't allow us to work on the seventh Sabbath day! This is why, when Moses repeats the Decalogue in the Book of Deuteronomy, he links the Sabbath rest not to the creation of the world but rather to our exodus from Egypt: "Observe the Sabbath day... in order that your male gentile servant and your female gentile servant may rest like you, so that you remember that you were a slave in the land of Egypt and the Lord your God freed you from there..." (Deut. 5:12-15).

It is the necessity of Sabbath rest which precludes slavery and thereby ensures universal freedom!

Shabbat Shalom!

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Insights Parshas Yisro - Shevat 5781

Yeshiva Beis Moshe Chaim/Talmudic University

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

This week's Insights is dedicated in loving memory of Malka ben Rav Kalman z"l. Sponsored by Kalman & Chana Finkel. "May her Neshama have an Aliyah!"

Struggling to Accept

Yisro, the minister of Midian and father in law of Moshe, heard all that God did for Moshe and Yisroel... (18:1)

This week's parsha opens with Yisro reacting to the news of what Hashem had done for Moshe and Bnei Yisroel. The first words in the parsha are, "וַיַּשְׁמַע יְהוָה" and both Targum Onkelos and Targum Yonasan translate the words as "and Yisro heard." Later on in the parsha, when Yisro offers a management solution to the overburdened justice system, the Torah says "וַיַּעֲשֶׂה מֹשֶׁה" which both Targumim translate as "וַיַּקְרְבֶּל מֹשֶׁה" — and Moshe accepted."

This difference in the translation of the word "עָשָׂה" is only natural. When it occurs by Yisro, it is referring to the accounting of the incidents that Yisro had heard. By Moshe the word is referring to his reaction to the solution that Yisro had proffered to resolve an overworked justice system; therefore the Targumim translate it as "accepted" because the Torah means to inform us that Moshe valued Yisro's solution and agreed to implement his innovative design for the court system.

Yet in Aramaic the word "קָרְבָּן" has another meaning, "to complain."

Meaning, the word for accepting and complaining is the same. This is difficult to understand. A complaint is a personal rejection of an idea or situation; it is the opposite of acceptance. So what is the relationship between these concepts that allows one word to have two seemingly opposite meanings?

As discussed in prior editions of INSIGHTS, Aramaic is the language of understanding another perspective. Perhaps we can discern from here the process of accepting a new idea. In other words, if one just "hears" an idea, it likely will simply pass through his or her mind with little long term effect. In order to really internalize an idea, especially one that is personally challenging, we must first begin by resisting it.

If we don't start the process of consideration of a new concept by intensely questioning and struggling to see if it's right for us, we aren't really opening ourselves to fully incorporating the concept into our lives in a meaningful

way. Once we overcome our resistance, we are then open to acceptance. This is the process known as free will. Meaning, this struggle to decide what we want to do is the process of exercising of our free will, which is a key element in the purpose of creation. This is why the story of Hashem giving Bnei Yisroel the Torah is called *Kabolas HaTorah*.

Highly Pleasurable

Yisro, the father in law of Moshe, took a burnt offering and a peace offering for God; and Aharon and all the elders of Yisroel came to eat bread with the father in law of Moshe before God (18:12).

Rashi (ad loc) comments on the last words of this possuk (i.e. “before God”): From here we see that one who partakes of a meal at which Torah scholars participate is as if he has taken pleasure from the splendor of the Divine presence.

Rashi here is consistent with his commentary on the Talmud (Berachos 63b). The Gemara there states that King Shaul, on the eve of attacking the nation of Amalek, warns the nation of Keinites to withdraw from the midst of the Amalekites or risk being eradicated along with the Amalekites. The Gemara quotes Shaul who explains the reason he allowed them to escape the fate of the Amalekites: “For you have done a kindness with the entire nation of Yisroel.” The Gemara goes on to explain that their forefather Yisro had hosted Moshe and that was their merit. In fact, the Gemara concludes with, “Yisro, who only connected himself to Moshe for his own personal honor, receives such a great merit (that his descendants are spared), how much more so an individual who hosts a Torah scholar in his home and provides him with food and drink and benefits him from his possessions, how much more so!”

Rashi (ad loc) explains the kindness that Yisro did refers to the story in our parsha whereby Yisro invites Aharon and the elders to partake in his meal. Maharsha (ad loc) questions Rashi’s interpretation by noting that, in this week’s parsha, Yisro had actually come to visit Moshe. In other words, Yisro was a guest himself, not a host! Maharsha therefore gives an alternate explanation: Yisro’s merit was actually from hosting Moshe when he was an escaped convict from Egypt. The kindness that Yisro showed him at that time was later repaid by King Shaul to his descendants. In truth, Maharsha’s explanation also seems to fit the simple reading of the Gemara, for it makes no mention of Aharon and the elders of Yisroel. Why does Rashi feel compelled to explain Yisro’s merit from the story in our parsha?

Rambam in the *Yad* (Hilchos Dayos 6:2) rules: “There is a mitzvah to cleave to Torah scholars and their students so that one may learn from their actions, as the verse states, ‘and to Him you shall cleave.’ By cleaving to Torah scholars, one cleaves to Hashem.” In other words, socializing with Torah scholars is a specific commandment that is related to cleaving to Hashem. Maharsha seems to understand that the Gemara is referring to the mitzvah of *hachnosas orchim* – hosting guests. But this is difficult to understand. The mitzvah of *hachnosas orchim* is derived from Avraham Avinu hosting the “three Arabs” that he found on the road outside his tent. We don’t find that there is a bigger mitzvah for welcoming guests who are Torah scholars.

In fact, a careful reading of the Gemara reveals why Rashi doesn’t agree with Maharsha’s interpretation. The Gemara makes a very clear statement about the value of hosting a Torah scholar and benefitting him from one’s possessions. This doesn’t fall under the category of hosting guests, this falls under the mitzvah of cleaving to Hashem. That is why the verse in our parsha ends with the words “before God.” When Yisro invited Aharon and the elder of Yisroel to partake in his meal he was displaying his desire to be connected with Hashem.

On the other hand, when Yisro offered Moshe refuge by inviting him into his home when he was a stranger in Midian, it was a mitzvah of *hachnosas orchim*. At that time, Yisro wasn’t inviting Moshe as a means of connecting to Hashem. In our parsha, Yisro becomes a convert. Thus the significance of this message is conveyed specifically through Yisro, for a convert is uniquely positioned to attest to the Torah’s ability to transform a person into a Godly being. He himself has become a new person through his commitment to Torah. Therefore, he is the most sensitive to the changes in

others through Torah study. He understands that Torah scholars become Godly through their commitment to Torah, and cleaving to them is the way to cleave to Hashem.

Did You Know...

This week’s parsha contains one of the most memorable events in Jewish history – that of our people standing at the base of Mount Sinai and receiving the Torah. Many incredible events transpired on that day, and perhaps the greatest of them all was when Hashem spoke to us and started telling us the Ten Commandments.

1. Rashi, in this week’s parsha (24:12), tells us something quite fascinating. He quotes a Midrash (Bamidbar Rabbah 13:16) and says that included within these Ten Commandments, are all 613 mitzvos. How you ask? Well, we aren’t entirely sure, but the very same Rashi (24:12) points us in the direction of R’ Saadia Gaon – who actually showed how each and every mitzvah fits into these Ten Commandments in the *Azharos* (poems written by Geonim on the 613 mitzvos) he composed.
2. The Midrash (ad loc.) further tells us that there are actually 620 letters within the Ten Commandments, 613 of them alluding to the 613 mitzvos, and the remaining seven as an allusion to the seven days of creation. This connection to creation is to show that the world was created for Torah.
3. The gematria (numerical value) of the word Torah is 611. This alludes to the verse “Torah Tziva Lanu Moshe – Moshe charged us with the Torah,” referring to the fact that the first two of the Ten Commandments were said to us by Hashem Himself. Unfortunately, Bnei Yisroel couldn’t handle that level of revelation of Hashem (their souls left them as they yearned to return to connect to their Creator). So Moshe taught Bnei Yisroel the rest – 611 mitzvos (the numerical value of Torah).
4. Regarding the *luchos*, the Gemara (Nedarim 38a) tells us that their dimensions were six *tefachim* by six *tefachim*, and three *tefachim* thick. In today’s measurements, this would be approximately two feet by two feet, and one foot thick. Visually, this would be two completely square blocks that would actually form a perfect cube if combined. This should dispel the common misperception that the *luchos* were rounded off on top – a mistake probably brought into our cultural consciousness by uninformed artists.
5. The *luchos* were made of sapphire, making them incredibly heavy. Of course, we cannot know exactly how much they weighed, as we don’t know exactly how much was carved out for the words, but together they would have weighed somewhere around 640 pounds, making lifting them a mighty feat indeed.
6. There is some discussion that the first *luchos*, being from Hashem, had the entire Torah on it, while the second ones simply had the Ten Commandments (Beis Halevi Derush #18). However, there is an opinion in the Midrash (quoted ad loc.) stating that even in the second *luchos*, after each commandment, every parsha and detail regarding that commandment was written.

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Ohr Somayach :: Torah Weekly :: Parsha Insights
For the week ending 6 February 2021 / 24 Shvat 5781
Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

Parshat Yitro

Moshe-San

“You shall not recognize the gods of others in My presence.” (20:4)
As every believing Muslim knows, “Eid al-Adha, the Feast of Sacrifice dates from the historic event when Prophet Abraham was commanded by God, in the form of a dream vision, to sacrifice his son, Ishmail. But while he was in the act of sacrificing his Ishmail, God sent the angel Gabriel with a huge ram. Gabriel informed Abraham that his dream vision was fulfilled and

instructed him to sacrifice the ram as a ransom for his son." Sound familiar? But it's not just Islam that has a rather different version of world history than us. Are you familiar with the belief that Moses actually came to Japan to learn the wisdom of ancient Shinto during the forty days that the Bible says he was on Mount Sinai, receiving the Torah from God? Or that the Japanese are one of the ten 'Lost Tribes' of Israel?

The supposed common ancestry of the Jews and the Japanese makes fanciful reading but maybe Hashem allowed this idea currency to rescue His People from what could have been a murderous encounter.

In Tokyo in 1941, Rabbi Moshe Shatzkes and the Amshenover Rebbe sat facing four Japanese admirals in dress uniforms. Heads shaven, arms folded stiffly across their chests, they sat motionless. The opening formalities were brief. In fact, considering the usual time-consuming graciousness that customarily began such formal encounters, they were just short of insulting. "We appreciate your coming today; we appreciate your cooperating with us..." Then, suddenly, the opening shot. "What is the inherent evil of your people that our friends the Germans hate you so much?" None of the admirals, not even the one who had spoken, deigned to look at the objects of the question. The Amshenover Rebbe said to the translator in Yiddish, "Tell him the Germans hate us because we are Orientals."

Scarcely three seconds had passed between the posing of the question and this calm response. The admiral involuntarily shifted his eyes to look directly at the rebbe. "What does this mean? You are Asians? We are Asians!" "Yes," the rebbe agreed. "And you are also on the list. In Berlin, not many years ago, perhaps three or four, a young German girl fell in love with a fine young man, a Japanese man who was working at the Japanese Embassy. Naturally enough, the two young people wanted to marry, but such a marriage was forbidden by the laws of 'racial purity' that prohibit a fine German girl from marrying a Japanese person."

"You are lying," the first admiral said. "No," the rebbe said calmly. "Consider for yourself: What is the image of Hitler's 'master race'? How does he describe it? In films, documentaries, newspapers, who is shown bringing victory home to the German fatherland? Always, always, the so-called Aryans. Tall, broad-shouldered, blond hair, blue eyes. I am not six feet tall. I do not have blue eyes. I don't have blond hair — even before it turned white. The reason they hate me, the reason they hate all of us, is because we don't fit the image of the Aryan master race."

He said no more. There was no need to point out the scarcity of tall, broad-shouldered, blond, blue-eyed Japanese. Silence. Then one of the admirals said, "Tell our Jewish guests there will now be a brief recess. Tell them we have been inexcusably inconsiderate in not allowing them time to rest from their long trip and in not offering proper refreshments. Tell them we will meet in two hours' time in a more comfortable place."

When, several hours later, the Jews were shown into a large conference room lined with windows — the atmosphere was entirely different. Again, the four admirals were lined up proudly on one side of a table but now, seated beside them were two newcomers, resplendent in long white robes and tall stiff black hats tied decorously under their chins. They were high-ranking Shinto priests. The discussion centered almost exclusively on religion: comparisons and contrasts between Shinto and Judaism, extended explanations of the theory of common origin that the Japanese were descended, in part, from one of the "ten lost tribes" that had come to Japan, and the theory that Moses had actually come to Japan to learn the wisdom of ancient Shinto during the forty days when he was on Mount Sinai, receiving the Torah from G-d. For over an hour, Rabbi Shatzkes described the basic principles, ideas and ceremonies of the Jews.

It was late afternoon before the meeting drew to a close. As a final note, the Amshenover Rebbe repeated the gratitude of the refugees to the Japanese for taking them in and treating them so well. "Go back to your people," said one of the admirals. "Tell them they have nothing to fear. We Japanese will do our utmost to provide for your safety and peace. You have nothing to fear while in Japanese territory."

Apart from receiving the Torah on Sinai, Moshe was incidentally providing a scenario, which thousands of years later would rescue his great-grandchildren from the Nazi inferno — even if the Japanese got their geography a bit wrong and mistook Mount Sinai for Mount Fuji.

Source: "The Fugu Plan: The Untold Story Of The Japanese And The Jews During World War II" by Marvin Tokayer

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<http://www.israelnationalnews.com/Articles/Author.aspx/1199>

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Dvar Torah Yitro: What is the antidote to jealousy?

What is the antidote to jealousy?

In Parshat Yitro the Torah tells us how Moshe's father in law Yitro arrived at the Israelite camp in the wilderness. He immediately noticed how exhausted Moshe was. This was because the nation's great leader had taken all authority into his own hands.

So Yitro gave Moshe some advice. He told him to establish a system of legislature through which he would share the governance of the nation with appointed judges. They would be officers of thousands, officers of hundreds, of fifties and of tens, and of course the most serious and difficult cases would come before Moshe himself. Moshe heeded this advice and the new system was commenced.

The Kotzker Rebbe asks a great question: surely this system was a recipe for intense jealousy? After all, there were so many judges of the more minor courts dealing with petty issues, with small numbers of people — surely they would become jealous of those who had been chosen to more senior positions?

Yet according to the Kotzker Rebbe, that wasn't the case. He explained that when Yitro gave his advice to Moshe, he suggested that Moshe should look for four qualities in each appointed judge:

Anshei chayil — Men of valour,

Yirei Elokim — Believers in Hashem,

Anshei emet — People of truth, and

Sonei vatza — People who hate unjust gain.

The Kotzker Rebbe highlights the quality of 'anshei emet' — 'people of truth'.

When it comes to dispensing honour, if we look around us, who are those who are given honour? Is it a just system? Is it a true system? Is it always fair? Not at all. Because it is not a system which comes from Hashem. But the person of truth knows that honour is not important in this world. People of truth know that what is important in this world is your values, your attributes, what kind of person you are, how you deal with others, how truthful you are in this world and not how much honour you get from others. So indeed the antidote to jealousy is truth. And from Parshat Yitro we learn that when it comes to honour, what counts is not how much honour I have but rather, as the Ethics of the Fathers teaches,

"Eizehu mechubad?" — "Who is truly honourable?"

"Hemechabed et habriot." — "It's the person who gives honour to others."

Shabbat shalom

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Parsha Parables By Rabbi Mordechai Kamenetzky

Drasha Parshas Yisro

Dedicated to the speedy recovery of Mordechai ben Chaya

Rabbi Mordechai Kamenetzky

Shabbos Speak

This week we read the Aseres HaDibros, known throughout civilization as the Ten Commandments. Most of the commandments are well known, and even observed, albeit in varying degrees by manifold societies. One command, however, begs for

correct observance by the Jewish nation, “Zachor es yom haShabbos l’kadsho — Remember the Shabbos to keep it holy.” This commandment has a sister command stated in the second set of Luchos in Deuteronomy, “Shamor es yom haShabbos l’kadsho, Observe the Shabbos to keep it holy.”

The laws of Shabbos observance fills an entire tractate and myriad pages of commentaries. There are 39 melachos, categories of creative work, that are prohibited on Shabbos. That is observance. But what does “remember the Shabbos to keep it holy” mean? Obviously if one observes the Shabbos, he remembers it!

Though the Talmud derives from this verse the mitzvah of kiddush, at which we remember the Shabbos with an open declaration of its sanctity, it seems to be telling us something more than declaring its entry over a cup of wine. But how does the command of remembering Shabbos add to the mitzvah of observing it?

The next verse reads: “Six days shall you work and accomplish all your work: but the seventh day is Shabbos to Hashem” (ibid 20:9)

Shouldn’t the order of the two p’sukim be reversed? First the Torah should tell us to accomplish our work in six days, then tell us that the seventh is Sabbath, and only then tell us to sanctify it by remembering it? After all, we stop work before we say kiddush?

The prophet Isaiah tells us, “If for Shabbos you restrain your feet (from going) and if you honor it by not doing your ways, or seeking your needs, or speaking the forbidden, then you shall be granted pleasure from Hashem. (Isaiah 58:13-14).

The Talmud derives that Shabbos talk, like Shabbos action, should be distinguished from weekday actions or speech. Just as one does not perform business on Shabbos, he should not talk about doing business either.

Thus some Jews who unfortunately are unable to contain themselves from discussing the mundane on Shabbos, preempt their mundane banter with the useless caveat, “nit oif Shabbos geredt,” meaning, “this really should not be discussed on Shabbos.”

Unfortunately some do not heed their own precursory and continue their irreverent discussions.

A fable I heard years ago, personifies a sad state of spirituality, but, perhaps shines a meaningful explanation for our question.

It was amazingly quiet, during the laining in the small shul on 43rd Street one Shabbos, when Cohen sauntered over to Finkelstein and in a hushed tone asked, “Nit oif Shabbos g’redt, do you know anybody who has a car for sale? My old clunker died on Thursday.”

Finkelstein was surprised. “You know,” he admitted, “Nit oif Shabbos g’redt, I am thinking of selling my ’96 Chevy!”

“Really?”, responded Cohen in delight, “Nit oif Shabbos g’redt, how does it run?”

Nit oif Shabbos g’redt, it runs great! It has only 43,000 miles and I just put in a new transmission!

Suddenly, they heard a klop on the bimah. They turned to see the icy stares of the gabai.

They nuzzled their noses into the chumashim as the Ba’al Koreh continued to read from the Torah.

A few minutes later, Cohen crept back toward Finkelstein. “Nit oif Shabbos g’redt what color is it?”

As the stares began anew, Cohen answered in a low whisper, “Nit oif Shabbos g’redt, its blue.”

Cohen realized that he forgot to ask a most pertinent question. “Nit oif Shabbos g’redt, how much do you want for it?”

Finkelstein responded, “Nit oif Shabbos g’redt, \$4,200. Cash.”

A few minutes later Cohen countered, “nit oif Shabbos g’redt, how about 3,500?”

“Finkelstein snapped back. “Nit oif Shabbos g’redt nothing less than 4,000!”

Cohen was quiet. “I’ll think about it.”

Cohen was the first one in shul for Mincha that afternoon. The moment Finkelstein walked in Cohen ran over to him.

“Nit oif Shabbos g’redt, you know the car you told me about this morning, It’s a deal! I’ll take it for four thousand!”

Yankel, shrugged. “Too late. Nit oif Shabbos g’redt I sold it during musaf!”

Perhaps with the words, “remember the Shabbos to keep it holy,” the Torah tells us more than just to make kiddush. It qualifies our Shabbos by defining the proper approach to its observance! Shabbos was created for sanctity! Remember it, and speak about it in holy terms. Shabbos should not be a frame of reference in which we set our mundane plans. Rather it should be the central focus of holiness.

Often we hear people use Shabbos as a reference point for their weekly activities.

“After Shabbos we are going to a party.” “I have a great stock tip, I’ll tell you about it after Shabbos!” “What time is Shabbos over? I have to catch a plane.”

Shabbos, and remembering it should be mentioned and remembered in the context of sanctity and appreciation! It must be associated with all the wonderful benefits we derive from it! That is what the Torah means by the words, “Remember the Sabbath day to keep it holy!” We should cherish the Shabbos, prolong it, savor it, and bask in

its holiness. Therefore the Torah follows its charge with the formula, “Six days shall you work and accomplish all your work,” When one feels that his work was accomplished during the previous six days, then Shabbos will not be just a stepping stone in planning the next six! He no longer will associate the Shabbos with what he can not do, but rather he will associate Shabbos with the amazing spirituality that it bestows upon Israel.

Dedicated by Michael & Rikki Charnowitz in memory of Ephraim Spinner Ephraim

Yitzchak ben Avraham ob”m — 17 Shevat

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Rav Kook Torah

Psalm 41: God Sustains the Ill

Chanan Morrison

ה' יסענו על-ערש דוו; כל-משבכו הפקת בדלו. (תהלים מא:ד)

“God will sustain him on his sickbed;

You will transform his bed in his illness.” (Psalms 41:4)

In what way does God come to the aid of those who are ill?

The Shechinah dwells over the sick

There is a clear connection between body and soul. Positive feelings, such as love, equanimity, and faith, bolster our psychological and physical health. On the other hand, negative feelings, such as jealousy, anger, resentment and fear, have a detrimental impact on our health.

When we are ill, the body’s forces are greatly weakened and we may fear that death is near. At precisely this point, our spiritual side gains strength and renewed energy. Positive forces are awakened from within. A critical, jealous heart may be transformed into a heart full of compassion and generosity. We are drawn to holy aspirations, even though we felt estranged from such sentiments while healthy, due to preoccupation with worldly pursuits. Reliance in God grows, hope and faith flower. With this renewal of spiritual life, the ill person discovers an unexpected resource of strength. The Talmud describes this phenomenon with an intriguing statement: “The Shechinah dwells above the head of the person who is ill” (Shabbat 12b). Why specifically the sick person’s head?

When a person is fit and preoccupied with physical pleasures, his head - his thoughts and desires - can be a dark and lowly place. But when the body is weak, worldly pursuits lose their powerful allure. Freed from their grip, an inner purity is awakened, and one’s perception of reality becomes clearer. The sick person may find within himself a latent love of God and a yearning to follow God’s ways - on a level beyond that of healthy individuals. The head, the center of thought and reflection, becomes a vessel for God’s Divine Presence.

In order to impress upon us awareness of the potential holiness of those who are ill, the Sages taught that one who visits the sick should not sit on their bed. Rather, he should sit reverently before them, like a disciple who sits humbly before his master.

This strengthening of spiritual life - that is the assistance that God provides to the sick. “God will sustain him on his sickbed.” In fact, this is a basic purpose of illness. When our physical world comes crashing down, we are driven to reevaluate life, to look beyond the superficial appeal of physical pleasures and free ourselves from the shackles of worldly distractions.

Illness can become a transformative experience, a time of heightened spirituality, an opportunity for deep teshuvah and forgiveness. As the Sages taught, “A person does not recover from illness unless he has been forgiven for all of his sins” (Nedarim 41a).

(Adapted from Ein Eyah vol. III, p. 32 on Shabbat 1:50)

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Peninim on the Torah - Parshas Yisro

פרק י"ה תשפ"א

וְאַתָּה תָּחֹזֶה מִכֶּל הָעָם אֲנָשֵׁי חַיל יְרָאֵי אֱלֹקִים אֲנָשֵׁי אַمְּתָה שְׁנָאֵי בְּعֵד

And you shall discern from among the entire people, men of accomplishment, G-d-fearing people, men of truth, people who despise money. (18:21)

Yisro advised Moshe Rabbeinu to seek Judges who possessed four exemplary attributes; most important, they were seeking *anshei chayil*, men of accomplishment. *Rashi* interprets accomplishment as referring to men of means who would not be swayed, who could resist pressure, thus enabling them to render their judgment not subject to external influence. *Sforno* interprets *chayil* to mean men who possess good judgment, common sense, and the ability to recognize when truth is being related and when it is not. Interestingly, after sifting through the ranks of the people, he found numerous *anshei chayil*, which is a strong indication of the overriding significance to be attributed to the ability to judge with common sense. This in no way ignores the other attributes. How far can one get in life, however, without *seichel*, common sense?

The *Mechilta* interprets *anshei chayil* to mean *baalei avtachah*, men upon whom one can rely, trustworthy people who are always there when needed (author's extended definition). What connection does *anshei chayil* have with reliability? *Chayil* is defined as valorous, with the various synonyms that fall under the rubric of valor. Reliability is not one of them. *Horav Baruch Dov Povarsky, Shlita*, quotes from *Shlomo HaMelech*'s magnum opus on the *Eishes Chayil*, Woman of Valor (*Mishlei* 31:10), in which he describes the various exemplary attributes of the woman who has achieved this distinction. *Shlomo HaMelech* begins with his famous question: *Eishes Chayil mi yimtza*, "A woman of valor, who can find?" a question that indicates that such a woman is truly a rarity. Toward the end of the homily on womanhood, however, he states: *Rabos banos asu chayil*; "Many daughters have done valiantly, a statement that indicates that many women are capable – and achieve the distinction – of *chayil*.

The *Rosh Yeshivah* distinguishes between *asu chayil* and one who has earned the right to the appellation, *eishes chayil*. One who performs acts of valor, good deeds, is to be commended, but, for all intents and purposes, it might be a one-time deal or based upon convenience or comfort. It does not define the identity (so to speak) of the woman until she is to be relied upon to act in this manner always. It is who she is. Her essence is *chayil*. Such a person is *mi yimtza*, rare to be found.

With this idea in mind, the *Rosh Yeshivah* approaches *anshei chayil* as *baalei avtachah*, men of reliability. They do not come to the fore consistently, only when it is convenient. They are consistent in their *chayil*. A leader must be consistent, decisive, never vacillating and unambiguous. *Moshe Rabbeinu* discovered that men of quality who maintain consistency throughout, have indeed a vital, but rare, attribute. Such men must comprise our leadership, because one who is not reliable is incapable of leading.

Virtually, this quality is related to Hashem. *Chosamo shel HaKadosh Baruch Hu emes*, "The seal of Hashem is truth." We are used to translating *emes* as true/truth in the narrow western vernacular to mean that something which is conformable to an essential reality is considered to be true. In Hebrew vernacular, *emes* means being true to one's word (trustworthy, reliable), adhering to a commitment. In his commentary to *Shemos* 6:3, *U'Shemi Hashem lo nadaati lahem*, "But through My Name Hashem, I did not become known to them," *Rashi* interprets this as: "I was not recognized by them in My aspect of truth, because of which I am named Hashem, which implies *ne'eman l'ameis Devarai*, "I am faithful to uphold My word." We derive from *Rashi* that *emes* means to uphold one's word. This is an essential quality that must be part and parcel of leadership, without which one is deficient in the *middah*, attribute, of *emes*, truth.

וְאַתָּה תָּהֹיו לִי מֶמֶלֶת כָּהֲנִים וָגוֹי קָדוֹשׁ

You shall be to Me a kingdom of ministers/priests and a holy nation. (19:6)

The Torah hereby informs us of our mission statement, the identity which we must strive to achieve as members of *Klal Yisrael*. The *Kohanim* stand at the spiritual helm of the nation as mentors and paradigms of moral/spiritual perfection. They have dedicated their lives to the service of Hashem – a mission which the Torah expects all of us to complete. Second, we are to become a *goy kadosh*, holy nation. Holiness is achieved via separation and removal of oneself from the moral temptations and conflicts that would destroy our spiritual ascent. One can hardly live a life of abandon, of moral profligacy and material excess, and expect to be close to Hashem. *Kedushah* requires devotion. One's devotion must be focused on Hashem if he hopes to achieve holiness. Thus, the Jewish People are charged with a dual mission: to serve as the aspiration and inspiration for an entire world to recognize Hashem and to strive for spiritual perfection; to have their own intrinsic value of sanctity and moral perfection, so that they can fulfill their own spiritual potential. One can hardly mentor others if he himself is deficient.

The appellation *goy kadosh* is not exclusive to Torah leadership. *Mi k'amcha Yisrael*, "Who is like Your People *Yisrael*?" applies to all Jews, regardless of lineage or erudition. Torah-observant Jews whose commitment to Hashem is unequivocal, whose *mitzvah* observance is without fanfare, and who do what is right without seeking accolades and tributes, earn the title *goy kadosh* for their many meaningful acts of *chesed*, lovingkindness. The following three examples (quoted by *Horav Shlomo Levenstein, Shlita*) are about Jews who exemplify *mi k'amcha Yisrael*.

On December 4, 2010, a deadly forest fire in the Carmel Forest of northern *Eretz Yisrael* snuffed out 44 lives and consumed much of the Mediterranean forest covering the region. Among its victims was a young, unmarried 26 year-old man, by the name of Yakir Suissa. An observant Jew who was meticulous in his *shul* attendance, he made a point to attend a daily *Torah shiur*. As he was a friendly fellow, people thought they knew him, until after his death when it was discovered that he had performed an extraordinary act of *gemillas chesed* to help a *kollel* fellow who was strapped with overwhelming debt.

Yakir was standing in line at the *makole*, grocery store, when a young *kollel* fellow in front of him asked the owner of the *makole* to charge his present purchases. "I cannot do this anymore. Your balance is far beyond the standard credit that I allow. You will have to pay cash today," the owner said to the young man. The *kollel* fellow asked for one more chance at leniency: "Please, I am very short this month, and, if I cannot purchase these items, we will not have food at home. My children must eat. I promise that next week I will have payment." The owner was a good person who just did not want to go broke: "Fine. This one time, I will allow it, but you must bring me some money next week."

When the young man left, Yakir turned to the owner and said, "I am his relative. Tell me, how much does he owe you?" "Twenty-five hundred *shekel*." Immediately, Yakir took out his credit card and said, "Charge his bill to my card." A week passed, and the fellow returned with payment on his account. The storekeeper told him, "It is not necessary. Your relative paid up your entire bill." "What do you mean?" he asked. "I have no relatives here." Yakir had paid the bill without fanfare, because he saw a young *ben Torah* straining under his debt. He was never heard from again, until his name and picture were posted in the paper as one of the victims of the deadly blaze. *Mi k'amcha Yisrael?*

A *rav* visited one of his students who was sitting *shivah* (seven-day mourning period) for his late mother. He asked his student to tell him something about his mother (whom he had heard was a special woman and who, although unable to attend a mainstream *Bais Yaakov*, grew up observant and raised a family of exemplary *bnei Torah*). "My mother would bake 24 *challos* every Friday in honor of *Shabbos*. We lived with this custom, but never understood why she picked the number 24. When I grew up I asked her, 'Imma, why do you bake 24 *challos*?' She explained that it was in honor of the 24 times its says *ki l'olam Chasdo*, 'His mercy is for all eternity.' But *Imma*, it actually says this (*ki l'olam Chasdo*) 26 times.' His

mother answered, 'I will not bake *challo*s for Sicho and Og (two pagan kings whom Hashem smote).'" This was a simple Jewish woman and the manner in which she paid tribute to Hashem.

Horav Chizkiyahu Mishkovsky, Shlita, relates that a Jew by the name of *Rav Goldstein* lived in Yerushalayim. He was a devout Jew who loved the Torah and was erudite in his teachings. While many Jews possess a love of Torah, his love was almost palpable. He was once asked who had inspired his extraordinary *ahavas Torah*. He related the following story.

"I was in Hungary at the outbreak of World War II. My father was taken from us during one of the early transports to the extermination camps, leaving my mother alone with all the children. One day the Nazi murderers came, rounded us up and threw us onto cattle cars; Auschwitz was our destination. For some reason, the engineer erred and took the wrong track, our destination miles away from Auschwitz. The Nazis jumped at the opportunity to degrade and persecute us more, making us walk the distance to Auschwitz. My mother lifted up one child in each arm and, without food or drink, broken in body but not in spirit, she began the long trek to Auschwitz.

"A gentile woman who lived along the road took pity on my mother trudging along carrying two children, and quickly ran over. She was about to place a few potatoes in my mother's arms. The Nazi sensed this and screamed at the woman, 'One more move, and I will shoot you!' The woman pulled back the bag, but, nonetheless, kept on walking alongside my mother. Suddenly, she saw that the Nazi had averted his eyes, and she quickly put the bag in my mother's arms and ran away. As soon as we stopped marching, we all begged for a bite of the raw potato. My mother raised her hand and said, 'Not so fast. Do you see that man up front? That is *Horav Moshe Stern*, the *Rav* of Debrecyn. You know that a *talmid chacham* takes precedence.' She walked over to the *Rav*, gave him a piece of potato, then returned and gave to the rest of us.

"From that day on, it was entrenched in my psyche that the apex of Judaism is the *talmid chacham*. He precedes everyone due to the Torah that is absorbed within him. Nothing – absolutely nothing – supersedes the Torah."

Rav Goldstein's mother was an *ishah peshutah*, ordinary woman, not learned, no degrees, who did not carry a briefcase. She was unsophisticated in matters of Jewish philosophy, ethics and law, but she was sincere, committed and filled with faith in the Almighty and love for His Torah. *Mi k'amcha Yisrael!*

והגבלה את העם סביב... כל הנוגע בהר מות יומת

You shall set boundaries for the people roundabout...Whoever will touch the mountain will surely die. (19:12)

*Noge*a means to touch inappropriately or to reach up/out. It is the act of going beyond one's domain into that of another. One may extend himself indecorously or even correctly, but, in any event, he goes beyond himself into another otherwise inaccessible area. He reaches/touches elsewhere. The Jewish People were warned not to touch the mountain. It was off-limits to them. It was theoretically beyond their reach, out of the sphere of their purview. The *Chafetz Chaim*, *z*l, cited this *pasuk* in a letter admonishing the head of a medical conference against tampering with the Torah-study of *yeshivah* students. Apparently, a medical conference had been convened, with the primary issue on the agenda the poor health of *yeshivah* students. Rather than find ways to augment their situation by providing better, more nutritious food and living quarters, their goal was malicious: to diminish the amount of time devoted to Torah by assigning more time for recreation and physical exercise, anything that would remove them from the *bais hamedrash*. They sought to decrease the number of students per class, which would close the doors of the *yeshivah* to the many students who were cut from the student roster.

The *Chafetz Chaim* began his letter to the physician who led the conference, "Since I heard that a medical conference under his leadership is convening in Vilna, I am sending my blessing that the Healer of all flesh send you His Divine assistance and blessing from Above. I heard of your

concern for the *yeshivah* students, and I would like to inform you that, *baruch Hashem*, the *yeshivos* are doing quite well, providing their students three nutritious meals daily. The young men take walks during the course of the day, thus availing themselves of the requisite exercise. They are all healthy, which I am certain you will be happy to hear."

Following the *Chafetz Chaim's* signature, he added a postscript. "I would like to remind your honor of a *pasuk* in the Torah, *Kol ha'noega ba'har mos yumas*; 'Whoever will touch the mountain will surely die.' If just touching this will incur the penalty of death (and the mountain is merely the platform upon which the Torah was given), certainly one who touches (appends) the Torah itself will surely become subject to this punishment."

The *Chafetz Chaim* gave *mussar*, admonished, in a subtle – almost respectful – manner. While he did not seek to offend the individual to whom he was speaking, he did not want to downplay the severity of the incursion. The Torah was off-limits. Anything that represented *negiah*, inappropriate touching, overreaching the boundaries of Jewish law, was playing with a fierce response from the Almighty.

Secular movements that have developed within Judaism have proposed that *mitzvos* be appended to conform to the spirit of the times. In nineteenth-century Germany, when the gates of the ghetto came crashing down and Jews were granted the right to participate fully in society, the desire to assimilate was (for some) overwhelming. *Horav S.R. Hirsch*, *z*l, who was the preeminent *Rav* and valiant fighter to preserve our *Mesorah*, Tradition, countered that only through traditional Jewish education and commitment to Torah observance will we survive as a nation. Otherwise, we will have nothing. Indeed, those who assimilate, renege Judaism, have never really been accepted by the gentile society. To them, we will always be Jews.

The Torah instructs us to set boundaries around the mountain, so that no one will touch it. *Horav S.R. Hirsch* explains the purpose of *Hagbalah*, establishing a perimeter, as the Torah's way of teaching us that the Torah came (from Hashem) to the People. It neither developed from within the people, nor was it intuited by *Moshe Rabbeinu*. It, with the Oral Law, is Divine in origin, and Hashem is its Author. Thus, the Torah's whole character is eternal, immutable and inviolable. Indeed, the same *Hagbalah* was continued when *Klal Yisrael* encamped in the wilderness. *Machane Kehunah* and *Leviyah*, the encampment of the *Kohanim* and *Leviim* surrounded *Machaneh Shechinah*, where the *Mishkan*, Sanctuary, was, so that the people were kept at a distance from the Sanctuary. Thus, the superhuman origin and validity of the Torah as being independent of time and place were established for all time. The *Kohanim* and *Leviim* were to protect the Torah from the incursion of the earlier and ever-present deviant movements. Those movements have taken upon themselves the "responsibility" to transform the Torah and Orthodoxy to a "kinder," more "attuned to the times," form of Judaism – a religion that will tear down the perimeter established around the Torah, so that it will conform to the values and morals of the surrounding culture, Heaven forbid.

כבד את אביך ואתה אםך לנצח יאריכון ימיך
Honor your father and mother so that your days shall be lengthened. (20:12)

Kibbutz av v'eim is a difficult *mitzvah* to fulfill properly because there is no *shiu*l, measurement, to it. The *mitzvah* has no limits, because one can always do more. Indeed, the great *Amora*, *Abaye*, who was an orphan (his father died before he was born, and his mother died in childbirth), considered himself fortunate, since he never transgressed this *mitzvah* (*Kiddushin* 31b). Why is *arichas yamim*, longevity, the stated reward for *Kibbutz av v'eim*? Each generation is a link in a continuum that goes on until the advent of *Moshiach Tzidkeinu*. This link is as strong as the relationship one has with his past. By honoring one's parents, he forges and concretizes his relationship with the past, thus "lengthening" his days. We always think as "lengthening" as going forward to the future. We forget that, more importantly, we can lengthen our days by going backward and connecting to the past. Indeed, we have no present, because every moment that passes

transforms the present into the past. Without a past, the future has no foundation and is destined to be short-lived.

The *Strikover Rebbe*, zl, was walking down the street when he chanced upon a young man pushing his wheelchair-bound father. It was a hot, humid day, and the sweat was dripping profusely from the young man's face. It was obvious that pushing his father's wheelchair was no easy task. The young man was demonstrating extraordinary *mesiras nefesh*, devotion, to the *mitzvah* of *Kibbud av*. The *Rebbe* later remarked to the young man, "The Heavenly angels immerse themselves in the River of Dinor. (The river is comprised of fire, and it separates this world from the World-to-Come. A soul must pass through the River of Dinor in order to cleanse itself of any residue of this material world before it can gain access to *Olam Habba*. The Heavenly angels release spiritual sweat from their great fear of Hashem. This sweat is the source of the 'water' which makes up the River of Dinor.) *Chassidim* immerse themselves in a *mikvah* (a natural collection of water, a living spring or ground water well). Your *tevillah*, immersion (in the sweat produced in the performance of the *mitzvah* of *Kibbud av*), finds greater favor in my eyes."

Kibbud Av can take on a different form, one that, to the superficial observer, might be difficult to understand. (This is why he remains a superficial observer. His view of a subject or issue is perfunctory and lacks depth.) In the summer of 1942, the Nazi murderers were on the prowl for the *Bobover Rebbe*, zl, *Horav Shlomo*, who, with the aid of false papers, was able to cross the Hungarian border into Neimark. It was there that the *Rebbe* and his son, *Horav Naftali*, zl, were taken into captivity and subjected to cruel persecution. They spent *Shabbos Kodesh* together as captives, waiting to be executed. It was only a matter of time. It was at this point that the *Rebbe* embraced his son and said, "Naftali, my precious son, you know that the body of a Jew is nothing more than physical matter, comprised of earth from the ground. The body can be persecuted and even destroyed. The other component of the Jew, his *neshamah*, soul, cannot be touched. It is eternal, untouched by these beasts.

"I am your father, and you are my son. You still have one more *mitzvah* which you can fulfill before they separate us: the *mitzvah* of *Kibbud Av*. I ask of you to fulfill the *mitzvah* of honoring your father. Please listen to what I am going to tell you. Tomorrow, they will take us out to be executed. It will be our opportunity to sanctify Hashem's Name. When the murderers kill us, remember to say, *Ki alecha horagnu kol ha'yom*; 'For You, we will die every day.' I have no doubt that the murderers will do everything to make me suffer as much as possible until that moment that my soul leaves my body. I will cry out loudly to Hashem, 'Shema Yisrael! You, too, will cry out, *Shema Yisrael!* My last request of you, my dear son, is please do not cry when they torture me, because your weeping will befuddle me and restrict my *kavanah*, devotion." (I want to give up my life for Hashem and need to remain completely focused on this *mitzvah*.)

At the last moment, just before they were about to be executed, they were miraculously saved. They survived the war, came to this country and were instrumental in changing its spiritual panorama. I relate this story to underscore how far the *mitzvah* of *Kibbud av* can extend and to show what coursed through the mind of a saintly *Rebbe* minutes before he thought he would die.

I conclude with a powerful comment from *Horav Chaim Brim*, zl, concerning the *mitzvah* of *Kibbud av v'eim*. "If you want to determine if a person possesses *yiraas Shomayim*, fear of Heaven, watch to see how he shows respect for his parents." My take on this is: One who does not go all out in his *Kibbud av v'eim* will not go all out in his fear of Hashem; alternatively, if he does manifest fear of Hashem, but does not act appropriately toward his parents, his fear of Hashem is a sham, because the two go hand in hand. We should honor our parents as a result of our sense of *yiraas Shomayim*. This is what Hashem asks of us.

ובכל הרים ראים את הקולות

The entire people saw the thunder. (20:15)

Thunder is a sound which one hears, not sees. Yet, the nation was able to see the thunder: *Ro'im es ha'nishma*, "They saw what is (ordinarily only) heard." This indicates that during the Revelation, the nation transcended human/normal physical limitations, rising to the level of superhuman comprehension, whereby they could see what had otherwise only been heard. *Horav Tzvi Hirsch Ferber*, zl, writes (*Kerem HaTzvi*) that he came across an innovative satirical explanation of *ro'im es ha'nishma*. At that time (early 20th century England/Europe) Jewish observance was hemorrhaging, decreasing with each passing day. One of the obvious reasons for this sad development was inconsistency. The children experienced a marked discrepancy between what they were hearing in school and *shul* and what they were observing at home. They went to school, where they heard all about the importance of Jewish commitment and Jewish observance. They heard it in *shul*, and it was drummed into them at their *bnei mitzvah*. At the end of the day, however, these were mere words which were superficial expositions, without any examples in real life. What they heard in school and what they saw at home were incongruous with one another, total contradiction. When children grow up hearing one thing but seeing another, they will usually adhere to what they see.

At *Har Sinai*, things were quite different. The nation was committed. What *Klal Yisrael* heard on *Har Sinai* was evident in the way they lived day by day. In other words: They saw what they heard.

Va'ani Tefillah

שִׁים שָׁלוֹם – Sim Shalom. Establish Peace.

When people gather together, it could be for one of two distinct reasons. They fear someone. Strength is in numbers. Perhaps, if they all combine and work with one another, they might together triumph over the adversity which would otherwise destroy them. A second type of gathering is for the purpose of peace. Enduring peace is established when all participating parties maintain their conviction, commit to the same positive purpose and values in life: *Va'yichan sham Yisrael*; "The nation camped there (*Shemos* 19:2), *k'ish echad b'lev echad*, "As one man with one heart" (*Rashi*). The level of *achdus* realized by *Klal Yisrael* as they prepared to receive the Torah was unlike any form of previous unity. This time it was not out of fear or negative purpose, it was because they were all on the same page in their belief and trust in Hashem and their commitment to His Torah. They were in this together as one, because they all believed in it as one. This is what is meant by peace.

Sponsored in loving memory of Vivian Stone

חיה לאה בת שמיעון ע"ה נפטרה ח"י שבט תשס"ט

By her children Birdie and Lenny Frank and Family

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Weekly Parsha YITRO 5781

Rabbi Wein's Weekly Blog

One of the basic lessons learned from this week's Torah reading, though barely discussed by the commentators, is that there is no perfect system of justice if it involves human beings and judges. After the granting of the Torah to the Jewish people at Mount Sinai, our teacher Moshe allows himself to become the sole judge regarding disputes that arise in the camp of the Israelites. He is besieged by claimants and litigants from early morning until sunset. Naturally, anyone who had the ability to appear before such a judge as Moshe would wish to take advantage of that opportunity. Though Moshe possesses supernatural wisdom and insight, he is known to be incorruptible, fair, equitable and decisive. What other qualities can one expect or hope for in a human judge? None. Nevertheless, as his father-in-law Yitro points out to him, the judge may be as perfect as can be, but the judicial system that Moshe has instituted is far from perfection. Yitro warns

that by being the sole judge and having everyone wait their turn to have their claims adjudicated by him alone, both Moshe and the people will eventually become exhausted and wither away. What is needed is a tiered system of judges, courts, police, and other officials of the judicial system that must be appointed and empowered.

This signifies the creation of a bureaucracy, with all the attendant fields that it contains and necessarily entails. But it is the only practical way of dealing with this issue of sustainability that will allow Moshe and the people of Israel to continue to function. In effect we are being taught that attempting to achieve perfection in this instance will lead to exhaustion and eventual destruction.

One of the great lessons of the Revelation at Sinai was and is a simple basic understanding of the true nature of human beings, both individually and in society. The Lord is perfection, while humans are doomed to operate within an imperfect and frustrating world. Sometimes better is the enemy of good, in the attempt to achieve perfection, and only leads to greater imperfection, frustration and even violence.

Moshe aspired to give every Jew who came before him a perfect answer, a judgment that would harmonize with ultimate truth and nobility. He realized that this could not be done through the establishment of a bureaucracy. Within that system, there would be many cooks in the kitchen, and power would be diffuse. Personal interests could govern all decisions, no matter how noble the intent of the persons involved. His father-in-law agreed with Moshe's goal, but Yitro told Moshe, based upon his own life experience as being the chief executive priest of Midian, that Moshe's goal was unachievable in this world.

In this world one can only deal with practicalities, and practicalities always spell imperfection, compromise and the possibility for error and wrong decisions. But that is the human condition, and one must operate within that condition and accept imperfection as one of the basic tenets of human life and society.

Shabbat shalom

In My Opinion MUTATIONS

Rabbi Wein's Weekly Blog

Because of the Coronavirus pandemic, I am certain that all of us have become knowledgeable regarding the subject of mutations. It seems that all viruses regularly mutate in order to be able to survive. The efforts of epidemiologists are intended to stay ahead of the curve, anticipate the mutation, and make certain that the preventive vaccine is operative even against the new form of the virus after it has mutated. In my opinion, mutations are not strictly limited to viruses. The truth is that all societies continually mutate, adapt, change and attempt to renew themselves. It seems that this is part of the natural law instilled within our world by its Creator. In thinking along this vein, we can view the effects of mutations in Jewish and Israeli society over the past half-century of our turbulent story.

Every section of Jewish society has mutated, so to speak, to meet the needs and demands of issues and problems that were not foreseen a half-century ago. Like all mutations, some of these have been very successful while others have been abject failures. Those that have failed become extinct and disappear. This is an inexorable law of nature. Nature is never forgiving of mistakes and wrong decisions. As such, it behooves us to look at the mutations that have occurred in Jewish society, and to attempt (to the extent that humans can) to assess current trends and future events.

The secular Jewish society in the United States has mutated in an unfortunate direction. Fifty or sixty years ago, a vast majority of that society still had connections to tradition and Jewish observance, even though they were not fully observant, and in their public and private life, they did not claim to be Orthodox Jews.

But both the Reform and Conservative sections of American Jewry have mutated further and further away from any connection with Jewish tradition and Torah observance. Influenced by the general trend of American academia, the media. With the drift towards the political left, they have become less and less Jewish, and more and more progressive. They demand to change society but are unwilling to change the individual Jew. Instead, there is almost herd instinct continuing down this path of assimilation, intermarriage, and eventual alienation from the Jewish people, and, certainly, from the State of Israel.

In Israel, the mutation has gone in a different direction. Israel, overall, is much more Jewish, if not completely observant in everyday life and values than it was when it was founded in the middle of the last century. There is an element of Jewish pride that

exists amongst the Israeli population that I find lacking or at least nonassertive amongst Jews living in the Diaspora.

It is not that everyone in Israel has suddenly become observant – far from it. However, it is clear to those of us who have been here for several decades that Israeli society has mutated, and that the trend towards tradition is much stronger than it was at one time. The left in Israel no longer writes the script for the country, politically, diplomatically, or socially.

The Orthodox world has also undergone mutation. The norms of Orthodox society today are not the same ones that existed 60 or 70 years ago and are certainly not the norms that existed in Eastern Europe before the Holocaust. Though Orthodoxy always claims that it never has deviated from the practice and outlook of previous generations, the truth is that a great mutation has taken place.

There is a stress upon Talmudic study for the masses, and not just for the elite. Everyone should attend yeshiva or seminary, and be able to spend further years in study, even after marriage, with the expectation of being financially supported by the government or by family. There is a much greater emphasis upon externals, and upon the drive for wealth and luxury, that did not exist before. Expectations are high in the Orthodox world for financial success, home comforts, vacations and trips, large family events and extravagant weddings and other celebrations. Whether or not this type of mutation can be maintained is, in my mind, questionable. But perhaps such a mutation is necessary and is successful, specifically because it is what the times demand for Orthodoxy to survive. I believe this issue is beyond my ken of expertise. So, I leave it to you to decide for yourself about the nature of mutations in our Jewish world today.

Shabbat shalom

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Pulling Teeth

Rabbi Yirmiyahu Kaganoff

Question #1: Pulling Teeth

May I pull teeth on Shabbos?

Question #2: Clipping Fingernails

Does clipping fingernails on Shabbos involve a Torah prohibition?

Question #3: Digging Up

On Yom Tov, may I dig up earth to perform the mitzvah of kisuy hadam?

Introduction:

Each of our opening questions involves a complicated and often misunderstood concept of the laws of Shabbos, called melacha she'einah tzericha legufah. This topic is the subject of a machlokes between the tanna'im Rabbi Yehudah and Rabbi Shimon, as to whether it is forbidden min haTorah or miderabbanan: Rabbi Yehudah contends that it is prohibited min haTorah, and Rabbi Shimon rules that it is prohibited only as a rabbinic decree. I deliberately did not yet translate the term melacha she'einah tzericha legufah, since this might bias the reader toward one interpretation over another.

What we do need to understand is that the laws of Shabbos and Yom Tov are qualitatively different from most other mitzvos and prohibitions of the Torah; regarding these laws the motive is a factor as to whether an action is prohibited.

At this stage, the basic questions we must resolve include:

- What is the definition of melacha she'einah tzericha legufah?
- Since all opinions agree that melacha she'einah tzericha legufah is prohibited, what difference does it make whether the prohibition is min haTorah or miderabbanan?

Some examples

As is typical, the Gemara does not define melacha she'einah tzericha legufah, but does provide numerous instances of the principle. This article will present some of the cases and endeavor to illustrate how some rishonim explain the concept. I will then explain some of the halachic differences that result.

Here are some cases that the Gemara cites of melacha she'einah tzericha legufah. In all of them, Rabbi Yehudah ruled that they are prohibited min haTorah, whereas Rabbi Shimon prohibited them only miderabbanan.

- Carrying a corpse out of a building so that a kohen may enter (see Mishnah Shabbos 93b).
- Extinguishing a fire to help someone fall asleep (Mishnah Shabbos 29b and Gemara Shabbos 30a). In modern times, we would talk about turning off a light for the same purpose.

There are also some cases that most, but not all, authorities consider to be cases of melacha she'einah tzericha legufah:

- Lancing an infection to allow the pus to drain (Shabbos 107a).

- Catching a snake to prevent it from biting someone (Shabbos 107a). All agree that this is permitted if it is a life-threatening emergency. The case in question is where the snake bite cannot kill, but may be very painful. In the last two cases, some contend that these are permitted only in a life-threatening emergency, whereas others contend that the prohibition is only rabbinic, and therefore permit it. This is because, when the prohibition is only a rabbinic injunction, Chazal permit these measures for safety or medical reasons, even when the situation poses no threat to life.

Tosafos' definition

At this point, I will provide three approaches to explain melacha she'einh tzericha legufah. Tosafos (Shabbos 94a s.v. Rabbi Shimon; Chagigah 10b s.v. meleches) explains that melacha she'einh tzericha legufah means that the activity was performed for a purpose that is different from the purpose of this melacha when the Mishkan was built. For example, in the Mishkan, all carried items were transported because they were needed in the place to which they were brought. Thus, carrying an item in order to remove it from its current place, and not because you want it in its new location, qualifies as a melacha she'einh tzericha legufah. Therefore, when you want a kohen to be able to enter a building and, to allow this, you carry the meis outdoors, that is a melacha she'einh tzericha legufah. Your reason for moving the meis is not so that it will be outdoors, but rather so that it will not be in the house.

Clipping fingernails

Clipping fingernails and all other cases of removing something from a living thing are prohibited on Shabbos because of the melacha of gozeiz, shearing sheep; building the Mishkan required wool. In the Mishkan, sheep were shorn in order to use the wool. Therefore, removing the horn of a rhinoceros or the tusks from an elephant, in order to use them, is prohibited min haTorah as a form of gozeiz. (There is discussion among halachic authorities whether gozeiz applies if the animal is dead. According to those who contend that it does not, you would be in violation of gozeiz only by removing horns or tusks from living rhinos or elephants -- probably not such a good idea, even on a weekday.)

In the case of clipping nails, the melacha "benefits" the body, not the nails, which is different from the melacha of gozeiz as performed in the Mishkan. Therefore, Tosafos explains that, according to Rabbi Shimon, clipping fingernails on Shabbos is prohibited only miderabbanan, but not min haTorah. (We should note that another rishon, the Rivosh, agrees with Tosafos' definition of melacha she'einh tzericha legufah, but disagrees with this application. He contends that clipping fingernails is prohibited min haTorah, even according to Rabbi Shimon, because some cases of gozeiz in the Mishkan involved benefit to what is being shorn and not exclusively to the item being removed – Shu't Harivosh #394.)

According to Tosafos, the words melacha she'einh tzericha legufah mean a melacha that was not for the purposes of the Mishkan.

Ramban's approach

Although some rishonim understand melacha she'einh tzericha legufah the way Tosafos does, most do not. The Ramban (Shabbos 94b) explains melacha she'einh tzericha legufah as: you are not interested in the specific result. In the case of carrying the meis out of the house, although you are carrying it from an enclosed area (a reshus hayachid) to an open area meant for public use (a reshus harabim), your goal is to remove the meis from the house. If you could have it disappear completely, your immediate needs would be addressed. You are carrying the meis into a reshus harabim only because this is the simplest way to resolve the issue, not because you have any interest in performing an act of carrying into a reshus harabim on Shabbos.

The subtle difference between Tosafos and the Ramban can perhaps best be explained by providing an example: According to the Ramban, clipping fingernails is prohibited min haTorah, even according to Rabbi Shimon, because your goal is to remove the nails from your fingers, and that is what you are doing. The fact that, in the Mishkan, this melacha was performed to use the item clipped off is not relevant. According to the Ramban, the words melacha she'einh tzericha legufah mean that the person doing the melacha she'einh tzericha legufah gains nothing from the result of the melacha activity. He is doing the act of the melacha to remove a problem, not because he has any need for the result.

Here is another case in which Tosafos and the Ramban would disagree: Let's say someone picks a fight with an enemy on Shabbos and mauls him with a mean uppercut, drawing blood. According to the Ramban, this is prohibited min haTorah, according to all opinions. The reason is that his goal when he punched was to draw blood, and he successfully accomplished his purpose. However, according to Tosafos, this is a melacha she'einh tzericha legufah, since in the Mishkan the purpose of drawing blood was to make the animal into a useful "implement," which is a different intent from that of the puncher.

Here is a case where both Tosafos and the Ramban agree on the halacha, but disagree as to why this is a melacha she'einh tzericha legufah. Building a fire or burning wood, according to both of them, does not qualify as a melacha she'einh tzericha

legufah; it is prohibited min haTorah, even according to Rabbi Shimon. The reasons Tosafos and the Ramban conclude this are slightly different. According to Tosafos, the reason is because kindling and burning were performed in the Mishkan in order to process the vat dyes that were used: techeiles, argaman, and tolaas shani. Therefore, burning wood to cook is a similar activity to what was performed in building the Mishkan. According to the Ramban, Rabbi Shimon considers this a melacha min haTorah because the goal when performing the melacha is to burn the wood, and that is the forbidden outcome.

Opinion of the Baal Hama'or

A third opinion, that of the Baal Hama'or (Shabbos 106a), is that melacha she'einh tzericha legufah means a melacha performed when the improvement occurs not to the item on which the melacha is performed, but to a different item. In his opinion, the words melacha she'einh tzericha legufah mean an act in which the item upon which the melacha is performed does not improve because of the action.

Thus, clipping one's nails is a melacha she'einh tzericha legufah and, according to Rabbi Shimon, is not prohibited min haTorah, since the nails are not improved by the clipping. Thus, in this particular case, the Baal Hama'or agrees with Tosafos and disagrees with the Ramban.

On the other hand, here is a case that the Baal Hama'or and the Ramban agree that even Rabbi Shimon considers a violation of Shabbos min haTorah, whereas Tosafos disagrees. Among some populations, livestock are used for an interesting harvesting operation. The owners draw blood, which is a highly nourishing beverage, from their livestock, in a way similar to the method in which we humans donate blood. They then drink the blood, either straight or mixed with milk. (By the way, it is permitted for a non-Jew to harvest and drink blood this way, which is a topic for a different time.) Our question is whether this action would violate melacha on Shabbos min haTorah or only miderabbanan.

According to Tosafos, since blood was not drawn for this purpose in the Mishkan, it is prohibited miderabbanan, according to Rabbi Shimon. However, according to both the Baal Hama'or and the Ramban, this is prohibited min haTorah even according to Rabbi Shimon, although there is a subtle difference as to why. According to the Baal Hama'or, this is prohibited min haTorah because the melacha is performed on the blood, and this is a positive result (from a human perspective) because you now have access to the blood. According to the Ramban, this is also prohibited min haTorah, because the perpetrator's goal is to have blood at his disposal, and he has accomplished this.

Bad odor

Here is an example where all the opinions quoted agree that it is a melacha she'einh tzericha legufah: Moving an item that has a bad odor from a reshus hayachid, an enclosed area, into a reshus harabim, an open area meant for public use. Although moving something from a reshus hayachid into a reshus harabim constitutes the melacha of carrying, moving the foul-smelling item from a house to a reshus harabim does not constitute a melacha min haTorah, according to Rabbi Shimon, because the purpose of the carrying for the Mishkan was to move the item to an accessible location. However, when removing a foul-smelling item, there is no significance attached to the place to which the item is moved; one's goal is only to distance it from its current location. The public area does not constitute the goal of one's act, but rather a convenient place to deposit unwanted material. I note that although all three rishonim that I have quoted are in agreement regarding this ruling, there is at least one early authority, Rav Nissim Gaon (Shabbos 12a), who disagrees and considers this action to be a Torah prohibition even according to Rabbi Shimon.

Clipping fingernails

At this point, we can address one of our opening questions: Does clipping fingernails involve a Torah prohibition on Shabbos?

According to Tosafos' understanding of Rabbi Shimon's opinion, and also according to the Baal Hama'or, this is prohibited only miderabbanan. However, according to the other opinions we have mentioned, this is prohibited min haTorah, even according to Rabbi Shimon.

In practical halacha, the question is: When there is a pressing but not life-threatening need to clip or trim nails on Shabbos, is it permitted to have a non-Jew do so? (See Nekudos Hakesef, Yoreh Deah 198:21; Biur Halacha 340:1 s.v. vechayov.)

I am limiting this discussion about melacha she'einh tzericha legufah to these three approaches, notwithstanding that there are many opinions how to explain the concept, with many differences in halacha (see, for example, Rav Nissim Gaon, Shabbos 12a; Tosafos Rid, Shabbos 107b and 121b; Meginei Shelomoh, Shabbos 94a; Mirkeves Hamishneh, beginning of Hilchos Shabbos; Yeshu'os Yaakov, Orach Chayim 319:1). How do we rule?

Does the halachic conclusion follow Rabbi Yehudah or Rabbi Shimon? This, itself, is a major dispute among the rishonim. The Rambam and others rule that melacha she'einh tzericha legufah is prohibited min haTorah, following Rabbi Yehudah, while others rule that melacha she'einh tzericha legufah is prohibited only miderabbanan,

following Rabbi Shimon. It is even unclear which way the Shulchan Aruch and the later poskim rule.

What difference does it make?

We find that Chazal were lenient in several halachic issues that involve melacha she'einah tzericha legufah. For example, under certain circumstances, because of pain or illness, they permitted performing a melacha she'einah tzericha legufah. (Those who rule that melacha she'einah tzericha legufah violates a Torah law permit this only when the situation is life threatening, or because of a different halachic reason).

Here is another situation in which many halachic authorities are lenient. As we are aware, most food preparation activities are permitted on Yom Tov, at least min haTorah. We may find it strange, but it is permitted to shechט on Yom Tov. Prior to the discovery of refrigeration, this was the easiest way to supply fresh meat for Yom Tov. (Although this may sound a bit pessimistic, life is the world's best preservative.) The halachic question we will address is the following: When shechting fowl or deer (or any other species of chayah), the halacha requires that we perform a mitzvah called kisuy hadam, which means covering the blood of the shechitah, both below and above, with earth or something similar, such as sawdust. The question is whether it is permitted to dig up earth, under certain circumstances, in order to perform kisuy hadam on Yom Tov.

If melacha she'einah tzericha legufah is prohibited min haTorah, as is the opinion of Rabbi Yehudah, or if the act does not qualify as a melacha she'einah tzericha legufah but is a regular melacha activity, it is prohibited to dig up earth in order to perform the mitzvah of kisuy hadam. However, if we rule according to Rabbi Shimon, one would be allowed to dig up earth (which is a melacha she'einah tzericha legufah) to perform the mitzvah of kisuy hadam, at least under certain circumstances (Maharsha, Beitzah 8a s.v. Tosafos ve'eno; Machatzis Hashekel 498:25; Nesiv Chayim ad loc.).

At this point, we can return to our opening question:

Pulling Teeth

May I pull teeth on Shabbos?

Let us first analyze whether this is a melacha she'einah tzericha legufah. According to Tosafos' opinion, the melacha in the Mishkan this would fall under is gozeiz, and gozeiz was performed only to use the item being shorn. In my experience, a tooth is never pulled in order to use it. Therefore, this is a melacha she'einah tzericha legufah and prohibited only miderabbanan according to Rabbi Shimon. However, should the market price on tooth enamel go through the roof, and someone choose to remove his tooth for his huge resale value, pulling the tooth would be prohibited min haTorah.

According to the Ramban, the tooth is being pulled because it is painful, not because I want the tooth itself. If I could get the tooth to disappear, that would be even more helpful, since I would avoid the pain and risk of infection that pulling it entails. Thus, the Ramban also categorizes this as a melacha she'einah tzericha legufah.

According to the Baal Hama'or, no benefit is gained from the tooth, and so, just as we explained according to the Ramban, this is a melacha she'einah tzericha legufah. As mentioned above, should circumstances change such that the removal of the tooth is performed for financial benefit, the act would become Torah prohibited also according to the Ramban and the Baal Hama'or.

Thus, all three rishonim we quoted do not consider pulling a tooth on Shabbos to be a Torah violation. Therefore, in a situation where a dentist wants to pull a tooth and the patient is in intense pain, all three of these rishonim would agree that this is permitted, according to Rabbi Shimon, even if the dentist is Jewish.

We also need to deal with the bleeding that will, undoubtedly, result when pulling a tooth. Again, according to Tosafos, this bleeding is not comparable to the reason that this melacha was performed in the Mishkan. According to both the Baal Hama'or and the Ramban, this would also qualify as a melacha she'einah tzericha legufah.

Thus, it would seem that according to those rishonim who rule that melacha she'einah tzericha legufah is prohibited only miderabbanan, this should be permitted (Mishnah Berurah 316:30; Birur Halacha ad loc.; Nimla Tal, Shochet #53; however, cf. Magen Avraham 328:3).

In conclusion

Rav Samson Raphael Hirsch (Shemos 20:10) notes that people mistakenly think that work is prohibited on Shabbos, in order for it to be a day of rest. He points out that the Torah does not prohibit doing avodah, which connotes hard work, but melacha, activities or actions that achieve purpose and accomplishment. The concept of melacha she'einah tzericha legufah bears this out. It is no harder to perform a melacha hatzericha legufah, which is prohibited min haTorah according to all opinions, than to perform a melacha she'einah tzericha legufah. Yet, according to Rabbi Shimon, the latter is prohibited only because of a rabbinic injunction. This is because this action is not considered to provide "purpose," as explained above.

Shabbos is a day when we refrain from altering the world for our own purposes, and the melacha she'einah tzericha legufah type of activity is not considered our own purpose. The goal of Shabbos is to allow Hashem's rule to be the focus of creation, by refraining from our own creative acts.

Parshat Yitro: Moshe's Management Consultant

by Rabbi Eitan Mayer

Our parasha splits neatly into two parts. It's easy to guess which part has all the action, and therefore usually gets all the attention:

- 1) The visit of Yitro, Moshe Rabbeinu's father-in-law, to the camp of the Bnei Yisrael.
- 2) The revelation of the Decalogue (the so-called "Ten Commandments").

There's no question that the Decalogue has all the action: it's not every day that Hashem descends on a mountain amid lightning and thunder to deliver life-instructions to three million people! Besides the drama of the scene, this part of the parasha is the "fireworks" in other senses: theologically, religiously, and nationally, Matan Torah (the giving of the Torah) changes our nation and the course of world history.

You've got to feel some 'sympathy' for the other half of the parasha, the half for which the parasha is named, which tells a story with no "fireworks": no juicy story of conflict, no dramatic divine revelation, no eloquent speech. The story of Yitro's visit doesn't excite us much. It doesn't even seem very important. Distracted by the fanfare of the revelation, we tend to neglect Yitro's visit. Perhaps the parasha is named after Yitro just to remind us that this part of the parasha exists!

As parasha-contrarians, always looking for neglected areas of the Torah, we will be looking away from the dramatic scene of the giving of the Torah to see what we can learn from the story of Yitro's visit.

YITRO'S VISIT:

The Torah focuses on three separate themes in recounting Yitro's visit:

- 1) Yitro returns Moshe's family (wife and two sons) to him, after an unspecified period of apartness.
- 2) Yitro reacts joyfully to the news of the miracles Hashem has performed for Bnei Yisrael.
- 3) Yitro suggests setting up a judicial system / government to share the burden of leadership with Moshe.

We will focus on the last of these themes: Yitro's suggestion to set up a system resembling a government. At this point, it is crucial to read through the text of the section:

SHEMOT 18:13-27 --

The next day [i.e., the day after Yitro's arrival at Bnei Yisrael's camp], Moshe sat to judge the people. The people stood before Moshe from morning till night.

Moshe's father-in-law saw what he was doing to the people and said, "What are you doing to the people? Why do you sit alone, and all of the people stand before you from morning till night?"

Moshe said to his father-in-law, "The people come to me to seek Hashem ["Elokim"]. If they have a matter, they come to me; I judge between man and his fellow, and I teach the laws of Hashem and His instructions."

Moshe's father-in-law said to him, "What you are doing is not good. You will tire yourself out -- you and the people with you, because it is too much for you. You cannot do it alone! Now, hear me, let me advise you, and may Hashem be with you: you should represent the people before Hashem and bring matters to Hashem [when necessary]. Warn them of the laws and instructions, teach them the path they should follow and what they should do."

"Choose from among the entire nation men of valor who fear Hashem, men of truth, haters of ill-gotten profit, and appoint them as officers of a thousand [men], a hundred, fifty, and ten. They should judge the people at all times; they should bring all important matters to you, but they should judge all minor matters."

"Lighten your load -- they will bear it with you! If you do this, and Hashem commands you so, then you will be able to stand, and all of these people will get to where they are going in peace!"

Moshe listened to his father-in-law and did all that he said. Moshe chose men of valor from among the whole nation and placed them as heads of the people -- ministers of a thousand, a hundred, fifty, and ten. They judged the people at all times; they brought the difficult matters to Moshe and judged the small matters themselves. Moshe sent off his father-in-law, and he went to his land.

THE CORPORATE METAPHOR:

If you're familiar with the business world, you may recognize Yitro as a "management consultant" and Moshe as the CEO (of a not-for-profit organization, of course). The consultant is supposed to be an outsider to the company, just as Yitro is not a member of Bnei Yisrael. The Torah notes Yitro's outsider status at the beginning of the parasha by referring to him not just as Moshe's father-in-law, but as the "Kohen Midyan," the Priest of Midyan; his own loyalties are elsewhere. This is important: sometimes it takes an outsider to notice things insiders don't notice. Once you're part of an environment, you begin to see its problems as part of "the way things are around here." It can take an outsider's fresh perspective to awaken insiders to problems which can be solved and motivate them to act. Also, insiders are often part of the problem! And an outsider can be more effective as a consultant because he or she may feel more comfortable offering criticism (and will not suffer consequences later from vengeful coworkers or superiors).

Just to string the "corporate metaphor" along a bit further, Sefer BeMidbar (10:29-33) tells us that Moshe invites Yitro to join Bnei Yisrael in the march to Eretz Yisrael. Moshe promises that if he joins them, he will share in all the benefits Bnei Yisrael receive from Hashem. In corporate terms, this is what happens when the CEO is so pleased with the management consultant's work and so impressed with his insight that he offers him a permanent job at the company. The CEO promises that the consultant will enjoy all the benefits that the most privileged company employees receive. Yitro's decision not to join Bnei Yisrael is the management consultant's demurral to change loyalties and tie himself to the company for which he has consulted. He does his job and goes home; he is impressed by Bnei Yisrael's

support system -- Hashem and His miracles -- but he doesn't want to join the team. (Note, however, that some commentators assume that Yitro does accept the offer in the end and does join Bnei Yisrael.)

INTERVIEWING THE CEO:

Yitro, the "management consultant," opens the conversation reported above. He 'interviews' the 'CEO' and asks him how he would describe his job:

"Moshe's father-in-law saw what he was doing to the people and said, 'What are you doing to the people? Why do you sit alone, and all of the people stand before you from morning till night?'

One way for the consultant to understand the organization and its problems is to hear conflicting understandings of the roles individuals are supposed to play. What does the executive, the leader, think his job is? What are the needs of the employees, and are they being met?

Yitro observes Moshe judging the people and asks what he is doing. Well, obviously, Moshe is judging the people -- so what does Yitro really want to know? There seem to be two components to his question:

1) Focus on Moshe: "Why do you sit alone? Why don't you share the burden? Why do it all yourself?"

2) Focus on the people: "Why do the people have to wait all day? Why set up your system in such an inefficient way that people are forced to wait from morning till night to get a hearing?"

THE CENTRAL PROBLEM:

Here we come to the central problem in this story: Is Moshe somehow unaware that things are running very inefficiently? Can't he see the mob of people clamoring for his attention from dawn to dusk? Can't he figure out himself that appointing more judges would alleviate the problem? Abravanel articulates this question sharply:

ABRAVANEL, EXODUS 18:

"Concerning the advice of Yitro to Moshe about appointing judges: certainly, Yitro's words were good and correct. But even the simplest [intellect] should have understood that it was foolish to have one person judge from morning to night, for the judge and the judged would surely grow faint and fatigued! How could Moshe Rabbeinu and all the Elders of Israel not have realized that appointing [more] judges over the people would have lightened the load?"

This question makes Yitro's question particularly problematic: what is his assumption? If it's so obvious that the present way of organizing the judicial system is not good for either Moshe or the people, what does he think Moshe has in mind? Does he think Moshe is so egotistical that he believes no one else can do an adequate job? Does he think Moshe is so power-hungry that he refuses to share authority?

The Torah tells us in Sefer BeMidbar (12:3) that Moshe is the humblest person walking the face of the Earth. Could Yitro have missed this quality in his son-in-law? Many stories throughout the Torah demonstrate Moshe's willingness to share power, as well as his general humility. Yitro may not know all of these stories, and some of them haven't even happened yet, but they say something important about Moshe's character, something Yitro could not have missed.

For instance: Yitro could not have missed the humility which made his son-in-law attempt to reject Hashem's command to serve as His messenger in taking Bnei Yisrael out of Mitzrayim. He could not have missed that Moshe was the kind of person who felt able to approach Paro only if he could share that role with someone else, with Aharon, because of his belief in his inability to express himself properly. He could not have missed the quality that enabled Moshe and Aharon to cooperate perfectly as a team in performing the plagues in Mitzrayim without even a hint that Moshe resented Aharon's taking part of the spotlight or that the brothers were competing for supremacy. He could not have missed the quality which made Moshe wish (BeMidbar 11:29) that all of Bnei Yisrael could share with him in the gift of prophecy, the quality that made him dismiss a threat to his virtual monopoly on communicating with Hashem.

Well, how does Moshe *himself* understand Yitro's question? We can tell from his answer. It seems that Moshe understands that Yitro has asked him, "What is it about the way you think about your role as a leader, your responsibility to the people, which makes you believe that things can *only* be this way, and that you can't share the burden with others?" This question prompts Moshe to describe what he believes is his role.

MOSHE'S "JOB":

The first thing Moshe says is that the people come to him to seek "E-lohim." In some contexts in the Torah, "Elohim" does not mean "God," it means "judges." For example:

1) SHEMOT 21:6 -- (the beginning of Parashat Mishpatim) if a male Jewish slave does not want to leave servitude at the end of his term of slavery, his ear is pierced and he serves a longer term. The ear-piercing ceremony takes place before a court; the Torah uses the term "Elōhim" to refer to the court.

2) SHEMOT 22:7-8 -- in a dispute between the owner of an object and someone who was supposed to watch it for him, the parties are to bring the matter "before Elohim" -- before a court.

Is this what Moshe means by "Elohim" in this context? On the one hand, it is tempting to think that he is using "Elohim" to mean "judges," since this whole discussion centers on his function as a judge. Moshe would be saying, "People come to me to seek judgment ['Elōhim']." But there is evidence that Moshe probably does not mean "judges," and that "Elōhim" means "Hashem":

1) First of all, in almost every instance during Yitro's visit in which Hashem is mentioned, the word "E-lohim," the more universal term for Hashem, is used instead of the more Bnei-Yisrael-specific name for Hashem, "Y-HVH." "Y-HVH" appears a few times at the beginning,

but "E-lohim" quickly becomes predominant. So there is reason to think that "E-lohim" in Moshe's sentence means "Hashem" as well.

2) A stronger indication: Moshe finishes this very sentence by using the word "E-lohim" in a way that can only mean "Hashem" -- "I teach the laws of 'E-lohim' and His instructions." It is possible that Moshe is playing a little word game, using "Elohim" in different ways in the same sentence, but I think the stronger possibility is that both mentions of "E-lohim" refer to Hashem.

After telling Yitro that the people come to him to seek Hashem, Moshe goes on to explain that when people have a dispute, they come to him and he does two things: he judges them and he teaches them Hashem's laws (the Torah).

MOSHE: DIVINE CONDUIT:

Yitro had asked Moshe why he felt compelled to sit alone to judge the people. Moshe's response tells Yitro that Moshe does not see himself as just a functionary of a judicial system; he does not see himself as just a judge. Moshe sees himself as the intermediary between the people and Hashem. The way he sees it, the people come to him seeking not just justice, not just a judge -- they come seeking "E-lohim" -- seeking Hashem! The reason no one else can do this job is because Moshe does not want to turn the people's encounter with Hashem into an encounter with a judicial system. The current system is a religious one: people bring their problems and questions to Hashem's closest representative. Yitro is suggesting that Moshe turn the system into a judicial one. Instead of walking into the presence of God -- into shul, so to speak -- the people will now walk into a courtroom. Instead of meeting an intermediary to Hashem, people will bring their troubles to legal scholars who have studied law codes. This is what Moshe wants to avoid, why he feels he is the only one who can do the job, for Moshe is Hashem's right-hand man.

Yitro does not try to argue with Moshe. He agrees that the legal system should be a bridge to Hashem rather than a set of static statutes. And he does not tell Moshe to stop his work -- "You should represent the people before Hashem and bring matters to Hashem." All he says is that Moshe is being too religiously ambitious. It is simply impossible to try to turn every legal question and dispute into an encounter with Hashem's chief representative: "You will tire yourself out . . . it is too much for you!" Moshe must relinquish this goal of continuous Matan Torah, this continuous Mosaic revelation. He must appoint others to judge along with him.

It would be great if the CEO himself (or herself) would answer the customer relations phones at IBM or Microsoft or GM or Merck to help you figure out why your modem or your word processor or your mini-van or your hypertension pills weren't doing what you needed. You'd be very impressed! In seconds, the CEO would cut through all the red tape and solve your problems with no delay. But the reason no CEO answers the public relations phones is that "navol ti-bol, gam ata, gam ha-am ha-zeh": he would sit from morning till night answering customer calls, ignoring larger and more important responsibilities, like deciding where the company is headed in the future and what its role is in the global market . . . and how to make money from the Internet. Also, customers would have to wait for weeks on "hold." No one would be happy.

The same is true here: Moshe wants to give everyone his attention and provide a direct line to Hashem. But he can't handle the sheer volume himself, and even if he could, he would have to ignore the more important duties of leading the nation. Meanwhile, the people would wait in lines winding around the block ten times.

HASHEM SHOWS UP IN COURT:

Ultimately, Moshe remains the source of revelation: Yitro encourages him to continue to be the one to teach the people the laws of the Torah; he remains "Moshe Rabbeinu," "Moshe, our Teacher," but he gives up most of the day-to-day functions of "Moshe, our Judge." This does not mean that from this point on, the Jewish legal system has nothing to do with approaching Hashem. Since Torah law is divinely given, one who submits to Torah law and the Torah's courts submits to Hashem. But more immediately, Hashem Himself maintains a presence in court. One manifestation of Hashem's presence in a Jewish court is that the Supreme Court -- the Sanhedrin He-Gedola -- meets in the Beit HaMikdash (Temple) itself. We all know that Hashem is present in the Mikdash as a focus for worship, but the fact that the Supreme Court meets there means that Hashem is also there in order to meet the people who come to seek His instructions.

In addition, the Midrash understands the pasuk, "E-lohim nitzav ba-adat e-l," "E-lohim stands among the congregation of God," to mean that Hashem is present in Beit Din (Jewish court). Rashi and Ramban also develop this idea in several places (see Rashi Bereshit 18:1 and Tehillim 82:1; Ramban Shemot 21:6 and BeMidbar 11:16).

Nowadays, many of us think of court as the domain of slick lawyers, biased juries, and crooked or inobjective judges. Maybe we think of it as Judge Wapner's territory, or material for a nighttime soap opera, or the forum for a celebrity murder trial, or the stage for a tawdry Presidential scandal. But ideally, Jewish court is something like shul -- it is a place to meet Hashem and bring our problems to Him. (When I say "shul," I mean what shul *should* be, not the place some people go to yak with their friends and see what everyone is wearing.)

SAME OLD SAME OLD:

Often, the Torah reports several different versions of an event. The most common location for repeated stories is Sefer Devarim, "Deuteronomy," the "Repeated Torah," called "Mishneh Torah" by Hazal (the rabbis of the Talmud). Our story -- the story of Moshe's appointment of judges to serve under him -- appears just nine pesukim (verses) from the beginning of Sefer Devarim. Moshe narrates the story to Bnei Yisrael, who are assembled to hear their leader's final speech before his death and their entry, without him, to Eretz Cana'an:

DEVARIM 1:9-18 --

At that time I said to you, "I cannot carry you alone -- Hashem, your Lord, has increased you, and you are today numerous as the stars of the sky. May Hashem, Lord of your fathers, add to you a thousand times your number, and bless you, as He said [He would]. But how can I alone carry your troubles, burdens, and disputes? Select for yourselves wise and understanding men, known to your tribes, and I will appoint them as your heads." You answered me and said, "What you have said to do is a good idea." I took the heads of your tribes, wise and well-known men, and made them heads over you: officers of a thousand, a hundred, fifty, and ten, and police for your tribes. I commanded your judges at that time, "Hear [disputes] between your brothers and judge justly between each man and his brother, and between the stranger. Do not 'recognize faces' in judging: listen to the small as to the great. Do not fear any man, for justice is Hashem's.

Whatever is too hard for you, bring to me and I will hear it." I commanded you at that time all the things which you should do.

How is this story different than the story in Parashat Yitro?

1) In Parashat Yitro, the idea for the new judicial system comes from Yitro; in Parashat Devarim, it seems to be Moshe's idea. Yitro does not even merit an honorable mention in Devarim. Whose idea was it really?

2) In Parashat Yitro, it is Moshe who approves the idea for the new system; in Parashat Devarim, Bnei Yisrael approve the idea. Who really approved the idea?

3) In Parashat Yitro, Moshe selects leaders and appoints them; in Parashat Devarim, the people select leaders and Moshe appoints them. Who really made the selection?

4) In Parashat Yitro, the judges to be selected must be "men of valor" who "fear of Hashem," "men of truth," "haters of ill-gotten gains"; in Parashat Devarim, the judges to be selected must meet a decidedly different set of criteria: men who are "wise" and "understanding," "well-known to the tribes." The actual selection as described in Yitro and Devarim follows the specific criteria for each account: in Yitro, those selected are indeed "men of valor from all of Yisrael," while in Devarim, those selected are "heads of tribes" who are "wise" and "well-known." Put slightly differently, Parashat Yitro projects a judicial meritocracy, in which even non-leaders may be selected if they bear the qualities of impartiality and incorruptibility specified by the Torah; Parashat Devarim projects a judicial "old boy network," in which those who are already leaders -- wise leaders, to be sure -- will be appointed as judges.

[By the way, "anshei hayyil," literally, "men of valor, does not mean "brave warriors" or "fearless heroes," it means "judges who will be strong and brave enough to remain honest [=valor] even when it is difficult to do so" -- like when they are threatened or bribed by the litigants, or when they feel emotionally inclined to sympathize with one side. Perhaps some judges currently on the bench might be described as "cowboys," but it seems to me that the Torah is not advocating swashbuckling jurisprudence.]

The above discrepancies between the two versions leave us with two questions:

A) WHAT REALLY HAPPENED?

1) Who initiates the new judicial system? Does Yitro tell Moshe that his task is too much for him (Parashat Yitro), or does Moshe realize on his own that his burden is too great (Parashat Devarim)? Both can be true without contradiction: Yitro notices the problem and takes the initiative in alerting Moshe. But when reviewing the event in Parashat Devarim for the benefit of the assembled, Moshe leaves out Yitro's role. In a moment we will speculate about Moshe's rationale.

2) Who approves the system? Does Moshe approve it (Parashat Yitro), or do Bnei Yisrael agree to the plan (Parashat Devarim)? Both can be true without contradiction: Moshe approves Yitro's suggestion, and when Moshe presents the plan to the people, they approve as well.

3) Who selects the leaders, Moshe (Parashat Yitro) or Bnei Yisrael (Parashat Devarim)? Both can be true without contradiction: Moshe does indeed do the choosing, in a sense, since he approves or rejects the candidates nominated by the people. On the other hand, the people do the choosing, since they nominate leaders for appointment by Moshe.

4) What are the criteria for the judges, honesty/impartiality/incorruptibility (Parashat Yitro) or wisdom/wide reputation/current leaders (Parashat Devarim)? Both can be true without contradiction (or without much!): Parashat Yitro tells us that those chosen are honest, while Parashat Devarim tells us that they were also wise, well-known, and already occupied leadership positions. Each story emphasizes a different aspect of the judges for a particular reason. [Alternatively, perhaps, by "from all of Yisrael," Yitro means to advocate a complete meritocracy, which would select judges just on the basis of their qualifications -- men of valor, truth, honesty -- but Moshe realizes that the nation and its leaders would be completely destabilized by replacing the current leadership with new people. He takes Yitro's suggestion, but perhaps he understands the words "from all of Yisrael" to mean that the leaders should come from all of the tribes, not just those currently ascendant in leading the nation. In choosing local political and judicial leaders, Moshe realizes that only leaders chosen from each tribe will be accepted as leaders by that tribe. So in Devarim, he accepts the leaders of the tribes as judges; they are the leaders chosen "from all of Israel."]

B) WHY DOES THE TORAH REPORT DIFFERENT VERSIONS IN DIFFERENT PLACES?

Now we come to our second question: granted that we can reconstruct what actually happened [either my version above, or one you might propose] -- but why does the Torah give us two different versions? Perhaps another way to ask this question is, what is the focus of Sefer Shemot and what is the focus of Sefer Devarim?

Sefer Shemot traces the development of Bnei Yisrael into a nation and Moshe Rabbeinu into a leader. Sefer Devarim's narrative section reviews the trip through the desert and makes explicit the lessons to be learned from the journey. Since Moshe knows he is to die soon, he must prepare the people to 1) keep the Torah without his guidance and 2) function as a nation without his guidance.

Since Shemot is partly about Moshe's development, the focus of the visit with Yitro is how *Moshe* reacts, not how the people react. The Torah tells us nothing about the people's role in selecting the judges and nothing about their approval of the whole process because the focus is on Moshe and his developing role as leader of the nation. But since Devarim is about Moshe's attempt to strengthen the people's commitment to the Torah and the authority structure so they can "make it" religiously and politically without him, the Torah focuses in Devarim on Moshe's interaction with the people in putting the new system into play:

1) Yitro is left out of the story because he is external to the relationship between Moshe and the people, and certainly external to perpetuating the authority structure beyond Moshe's demise. Moreover, the reminder that an outsider invented this system might make the people feel it had been imposed on them from the outside, while Moshe aims in Sefer Devarim to emphasize to the people the role they themselves played in creating the system and appointing its authorities.

2) Moshe mentions only that the people approve the plan, leaving out his own approval, for the same reason: if he wants to give the

authority structure the best chance of surviving his death, it is best to minimize his own role in imposing the system on the people. The more they perceive it as their own creation, the more they will be inclined to accept its authority.

3) Moshe stresses that the people suggested candidates: again, Moshe emphasizes that the authority structure is not something imposed by him, but something in which the people participated.

4) The judges chosen are "wise" and "known to your tribes": as mentioned above, Moshe knows that the traditional tribal leadership cannot simply be rejected and replaced by a complete meritocracy. This would destabilize the nation and encourage it to reject the whole system (besides creating a disgruntled class of former leaders who would eagerly aid efforts at a rebellion which would return them to their former positions of authority). Instead, the people nominate those leaders they feel fit the bill, and Moshe approves them and appoints them officially. Once these leaders are nominated, Moshe makes sure -- as Parashat Devarim reports -- to deliver to them detailed instructions about maintaining impartiality and honesty in the face of obstacles (echoing the description in Parashat Yitro of "haters of ill-gotten gains," "men of truth," etc.).

The comparison between the two versions, then, reveals the purpose and character of Sefer Shemot and Sefer Devarim, as well as teaching sophisticated strategies for leadership and diplomacy.

Shabbat Shalom

Parshas Yitro: Aseret Hadibrot: The Ten Commandments

By Rabbi Yitzchak Etshalom

I. ASERET HA'DVARIM

The 'Aseret haDibrot ("Ten Commandments", as they are [inaccurately] called [see below]), have always been a source of tension and conflict in Judaism. On the one hand, the Torah explicitly states that the 'Aseret haDibrot comprise the covenant between God and the B'nei Yisra'el (see Sh'mot 34:28, D'varim 4:13). Yet, throughout our history, we have fought those religious approaches that maintain that only these "Ten Commandments" were Divinely given and continue to maintain that the entire Torah, from the Bet of B'resheet, is from God. (This difficulty is what led to the abandonment of the daily public reading of the 'Aseret haDibrot – see BT Berakhot 12a and JT Berakhot 1:5. See also the famous Response of Rambam [#233] to the question of standing up for the public reading of the 'Aseret haDibrot).

Before moving on, a word about the faulty translation of Aseret haDibrot – "Ten Commandments". First of all, this group of Divine commands is not referred to by any numerical grouping until later in Sh'mot (34:28) – where it is called 'Aseret haD'varim – the Ten Statements. The other references in the Torah use the same wording and Rabbinic literature constantly refers to 'Aseret haDibrot (Rabbinic Dibrot being roughly equivalent to the Toraic D'varim).

The word Commandment – (Heb. Mitzvah) implies a Divine directive which either obligates or restricts us. Eating Matzah on Pesach night, avoiding stealing, studying Torah and avoiding eating impure animals (e.g. pigs) are all Mitzvot – Commandments. Each separate action which is obligated or forbidden constitutes an independent Mitzvah (although there are significant debates as to the number of Mitzvot included in some commands which have two separate actions; e.g. hand and head T'fillin, morning and evening K'riat Sh'ma); several Mitzvot may be included in one paragraph, even in one sentence or phrase in the Torah. When we read through the first section of the 'Aseret haDibrot, we find four or five distinct commands (depending on whether we reckon the opening statement as a Mitzvah – see Ramban and, alternatively, Avrabanel on Sh'mot 20:2). It is not only a poor translation to render this group of statements as Ten Commandments – it is also inaccurate. There are between 13 and 15 Mitzvot within the 'Aseret haDibrot. In order to avoid inaccuracies or clumsiness, we will just refer to these verses as 'Aseret haDibrot throughout this shiur.

II. COUNTING UP TO "TEN"

Once we have established the proper translation and understanding – we need to analyze the numeric reality here: If there are ten statements here, where does #1 end, where does #2 end etc.? Convention maintains the following breakdown [I suggest that you follow with a Humash open]:

I. I am Hashem...house of slaves; II. You shall have no other gods...my Mitzvot. III. You shall not take the Name...in vain. IV. Remember...and made it holy. V. Honor...gives you. VI. Don't murder. VII. Don't commit adultery VIII. Don't steal/kidnap (see below) IX. Don't commit perjury X. Don't covet.

This breakdown, which is familiar to us (e.g. the common references to murder as "the sixth commandment [sic!]" and which is thematically strong (each statement is a different idea or theme), has one difficulty. First, a bit of terminology. The word "Parashah", which we commonly use to denote a particular week's Torah reading, actually means "paragraph". The Torah, in its Halakhically valid format (in a scroll), is not written with vowels or punctuation – but the Parashiot are separated. Some Parashiot are separated by a partial-line space (Parashah S'tumah), others by a skip to the next line (Parashah P'tuchah).

After being informed that there were Ten Statements that we heard at Sinai (34:28), if we look back at this group of statements we see ten Parashiot – as follows:

I. I am Hashem...my Mitzvot II. Do not take...in vain. III. Remember...and made it holy. IV. Honor...gives you. V. Don't murder. VI. Don't commit adultery VII. Don't steal/kidnap (see below) VIII. Don't commit perjury against your fellow IX. Don't covet your fellow's house X. Don't covet your fellow's...all that belongs to your fellow

The difference is telling – the first statement includes the command to believe in God (as most Rishonim understand the first line) and the prohibitions against idolatry. Oddly enough, coveting, which is the most difficult Mitzvah to explain here, becomes 2 of the 10 statements!

There is yet a third possibility – which I will sketch briefly.

In BT Makkot 23b, we read the famous passage: R' Simlai expounded: We were given 613 Mitzvot at Sinai; as is says: Torah tzivah lanu Mosheh... – and the numeric value of Torah is 611 – (meaning, Moshe commanded us 611 Mitzvot) – and Anokhi vLo Yih'hey lekha ("I am..." and "you shall have no other...." we heard from the Almighty. (= 613)

This distinction, between the first two Dibrot (or first statement – as above) and the rest seems to be based on the grammatical difference – the first two Dibrot are phrased in the first person – "I am Hashem your God...You shall have no other gods before Me..."; however, this distinction obtains throughout the entire second statement. Based on the grammar, we heard this section from God directly – but there are 4 or 5 Mitzvot (depending on your position on "I am..." as Mitzva or not -see Avrabanel, question 7 on this section) in these Dibrot:

1) belief in God 2) not to maintain idols (or beliefs in other gods) 3) not to fashion them 4) not to worship them 5) not to bow down to them.

Which means that besides the 611 taught to us by Moshe, we heard another 4 or 5 from the Almighty Himself. This difficulty might be sidestepped if we break down the statements a bit differently – but it would mean ignoring the grammar of the rest of the "you shall have no other..." statement. (see Ramban s.v. Lo Tisa (20:7) for an explanation of the grammatical switch in the middle of the Dibrot). I. I am Hashem...before Me; II. You shall make no image...my Mitzvot. III.-X (as above)

In any case, we often refer to the "Ten Commandments" as if their meaning and structure is obvious – and, as noted, it is anything but. There are at least three different ways to break the statements down and we have various ways of interpreting the meaning and import of the various statements.

III. 10 → 613?

That these 'Aseret haDibrot hold a special place in our historic and religious consciousness goes without saying; the two stone tablets, carved by God and including a graphic version of these Ten Statements were placed in the central vessel of the Mishkan (Sanctuary) – see Sh'mot 25:16. The question must be asked – why these ten? What is so special about these ten statements (and the 13-15 Mitzvot included therein) which merit their unique and sanctified place in revelation and on the tablets?

There have been many approaches which suggest that these ten statements serve as an outline for the Torah; that each of them is a super-category under which other Mitzvot are subsumed – such that all 613 Mitzvot are included (conceptually) in these 'Aseret haDibrot. See, for instance, JT Shekalim 6:1, Rashi on Sh'mot 24:12, R' Sa'adiah Ga'on's Azharot, Ralbag on Sh'mot 20 following v. 14. Perhaps the earliest source for this idea is Philo's *De Decalogo*.

Although these approaches have much to recommend them, there are some obvious difficulties they generate. In order to "include" all of the commands relating to forbidden foods, the Mishkan, the Kehunah (Priesthood), agricultural laws etc. – we have to utilize a lot of exegetical imagination. Besides this difficulty, the inclusion of "coveting" here is problematic – since it is no way a "category of Mitzvot". There are no Mitzvot which command a limitation of desire – just self-restraint against acting on that desire. (The entire subject of coveting is problematic – see MT *Hilkhot Gezelah va'Avedah* 1:9).

I would like to suggest another approach to understanding the 'Aseret haDibrot which explains the inclusion of specifically these Ten Statements in the revelation and on the tablets. There are three premises which must be established regarding the 'Aseret haDibrot:

IV. PREMISE A: UNDERSTANDING THE MESSAGE MEANS UNDERSTANDING THE CONTEXT

We study Torah in great depth and with passion not only because we are commanded to do so, but also (and perhaps chiefly) because we believe that the Torah, although 3000+ years old addresses and directs us here and today. (I am referring to the non-Halakhic sections of Torah; it goes without saying that the behavior which we are duty-bound to fulfill by virtue of our participation in the Sinaitic covenant is relevant to us at all times. Even those commandments which are not practically implementable today have great significance.) If we are to understand the Torah properly, we have to begin by understanding the time-frame, circumstances and original target audience to whom it was addressed. Just like it is impossible to understand the import of Yeshayahu's message without understanding the background of court-sanctioned oppression in Yehudah, or Eliyahu's message without understanding the nature of Ahav's monarchy and syncretistic worship – similarly, we cannot understand the impact and "message" of the Torah without taking into account the reality of the B'nei Yisra'el at this time in history. By integrating what we know about them and their circumstances at this specific point in time, we can grasp the "ur- message" and learn to apply it to our own lives. [We might consider this a parallel to understanding Halakhic concepts in order to apply them to modern appliances]. It is therefore incumbent upon us to take into account the situation and knowledge of the B'nei Yisra'el prior to their arrival at Sinai in order to understand the 'Aseret haDibrot more fully.

V. PREMISE B: THE DIBROT WERE "INTERRUPTED"

If we look at the verses immediately following the 'Aseret haDibrot, we see that the B'nei Yisra'el could not take the intense experience of direct Divine revelation and asked Moshe to go up to God to get the rest of the Torah and relay it to them:

When all the people witnessed the thunder and lightning, the sound of the trumpet, and the mountain smoking, they were afraid and trembled and stood at a distance, and said to Moshe, "You speak to us, and we will listen; but do not let God speak to us, or we will die." Moshe said to the people, "Do not be afraid; for God has come only to test you and to put the fear of him upon you so that you do not sin." Then the people stood at a distance, while Moshe drew near to the thick darkness where God was. (20:15-18) In other words, the original plan was for the people to hear more than just these 'Aseret haDibrot; whether they should have heard the entire Torah or just the rest of Sefer haB'rit (through 23:19) is unclear. What is implicit in these verses is that it was the people's fear that interrupted the revelation and "changed the rules" such that Moshe would receive the rest of the revelation alone and transmit it to the people. This would also explain an interesting switch in terminology in the Torah relating to the Tablets. Whereas they are called *Luchot haB'rit* – "the Tablets of the Covenant" in one section of Sefer D'varim (9:9-15), they have a different name in reference to their placement in the Mishkan:

You shall put into the ark the Edut (testimony) that I shall give you. (25:16). These tablets are called Edut because they testify to the Revelation. In other words, these 'Aseret haDibrot were not committed to graphic representation on the tablets because of their inherent importance, but rather as a testimony to the Revelation which every member of the B'nei Yisra'el had experienced (see the S'forno on 24:12). Had the B'nei Yisra'el "withstood" the fear and heard more of the Torah directly from God, perhaps the whole Torah would have been given in stone by the Hand of God – or perhaps none would have been carved (there would be no need for a physical representation of the Revelation – whose purpose may be to validate the rest of the Moshe-only Revelation – if all of the Torah had been given directly to the B'nei Yisra'el). This – we will never know.

One conclusion we can draw from this is that instead of viewing the 'Aseret haDibrot as categories or an "outline of Torah", we may view them as the FIRST ten statements to be given to the B'nei Yisra'el. In other words, instead of seeing the 'Aseret haDibrot as (the) ten chapter headings of the covenant, let's see them as the "first ten pages" of that covenant.

VI. PREMISE C: TWO VERSIONS MUST BE INTEGRATED

As we all know, there are two versions of the 'Aseret haDibrot in the Torah. Besides those appearing in our Parashah (20:2-14), they are "repeated" by Moshe to the new generation in D'varim (5:6-18). Although the two versions are structurally alike, there are some significant differences between them – especially in the Dibber about Shabbat. Rabbinic tradition – and a simple reading of the text – mandates that both versions were given at Sinai. For example, the notion that Shamor (D'varim) and Zakhor (Sh'mot) were said in one voice is not only p'shat – it is also Halakhically meaningful (see BT Berakhot 20b). In order to fully understand the impact of the 'Aseret haDibrot, we have to integrate both versions. [A modern-day analogy to this would be taking a stereo recording and isolating each channel – first listening to the left channel with the strings and horns, then listening to the right channel with the percussion and vocals; God gave us "stereo" at Sinai (at least), and each "channel" was written separately. The harmonic "reality" can only be understood when integrated.]

In summary: We must understand these 'Aseret haDibrot through the eyes and ears of the B'nei Yisra'el at that time; we must understand them as the "opening" of the covenant as opposed to its "outline" and we must integrate both versions in order to comprehend the impact and import of this Revelation.

VII. THE FIRST DIBROT: INTRODUCTION TO GOD

Although there are some (relatively minor) differences between the two presentations of the first few Dibrot (I am...you shall have no other gods...you shall not take the Name...in vain), we are on fairly safe ground examining them as one consistent unit (see Ramban s.v. Zakhor). As the "first page" in the covenant, it is clear that the two parties to the contract need to be introduced. The B'nei Yisra'el have seen God as a warrior (see 15:3) and have been witness to His power in Egypt and on the sea – but could have been misled (based on their experience with Egyptian culture and religion) to believe that there is one God who fights for them, another who meets them in this cloud of glory etc. Therefore – the first statement for them to hear is "I am Hashem who took you out of Egypt" – the same God who fought your wars and fed you in the desert. (See Ibn Ezra on this verse and his explanation of why the introduction isn't "Who created heaven and earth").

As part of this introduction, a sharp divide must be made between the way the gods were worshipped in Egypt and the way Hashem is to be served. Images, physical representations of any sort – even those resembling His noblest creations – are absolutely forbidden. God's glory is represented not through an image or representation – but through His Name. You must not only avoid any syncretism (worship of other gods along with Hashem), you must also avoid trying to represent or depict God – He is beyond imagery. The only way to understand Him is through His Name (however that is to be understood – perhaps it means that just as a Name is purely for external interaction, so the only way to understand God is through His actions with us. We refer to Him as "merciful" not because that's who He is, but because that is how He manifests Himself to us).

This pattern – the obliteration and impossibility of idolatry and fetishes followed by a deep reverence for God's Name – is found in the opening verses of D'varim 12.

VIII. TWO ASPECTS OF SHABBAT

As mentioned above, the two versions of the "Shabbat Statement" vary greatly:

(Sh'mot): Remember the sabbath day, and keep it holy. Six days you shall labor and do all your work. But the seventh day is a sabbath to Hashem your God; you shall not do any work; you, your son or your daughter, your male or female slave, your livestock, or the alien resident in your towns. For in six days Hashem made heaven and earth, the sea, and all that is in them, but rested the seventh day; therefore Hashem blessed the sabbath day and consecrated it.

(D'varim): Observe the sabbath day and keep it holy, as Hashem your God commanded you. Six days you shall labor and do all your work. But the seventh day is a sabbath to Hashem your God; you shall not do any work; you, or your son or your daughter, or your male or female slave, or your ox or your donkey, or any of your livestock, or the resident alien in your towns, so that your male and female slave may rest as well as you. Remember that you were a slave in the land of Egypt, and Hashem your God brought you out from there with a mighty hand and an outstretched arm; therefore Hashem your God commanded you to keep the sabbath day.

* Difference #1: Zakhor – "remember" (Sh'mot) / Shamor – "observe" (D'varim);

* Difference #2: "...as Hashem your God commanded you." (D'varim only)

* Difference #3: "...so that your male and female slave may rest as well as you." (D'varim only)

* Difference #4: Commemoration of Creation (Sh'mot)/Commemoration of Exodus (D'varim)

In order to understand these differences – and the propriety of Shabbat following the "introductory" dibrot – let's begin by focusing on the second difference. In D'varim, we are told that Shabbat was already commanded by God. To what is this referring? It certainly can't be referring to the earlier version of the 'Aseret haDibrot, since that statement would be true for all Ten Statements. If this is the case – then "...as Hashem your God commanded you" should have either appeared in all ten statements or at the very beginning or end of the series.

Some of the Rishonim cite the well-known Gemara (BT Sanhedrin 56b) that we were commanded regarding Shabbat at Marah (Sh'mot 15:22-26); however, if this is the case, why doesn't the Torah make the same statement in the Sh'mot version of the 'Aseret haDibrot? I believe that what these Rishonim – and the Gemara itself (in the name of R. Yehudah) intend is as follows:

There are two aspects to Shabbat. On the one hand, Shabbat is a day of cessation of labor – set up in a special way to reflect a humane approach to those who work with and for us. The Torah commands us not only to avoid working, but to make sure that our servants "rest as well as you". This is commemorative of an overt experience of the Exodus – that even though we were enslaved to the Egyptians, we must not fall prey to the human tendency to "pass on the pain" and inflict the same bad treatment upon our (future) servants. This particular aspect was already commanded – in the desert, regarding the Mahn (Mannah). We were commanded to only take enough Mahn for one day for each member of our household – reflecting a sensitivity to others (if we took more than our share, someone else would suffer) and a faith in God that He would provide. On Friday of that week, we found a double portion and were commanded to prepare today everything we would need for these two days and not to go out and collect it on the morrow. In other words, Shabbat is a day of cessation of social and financial competition and accumulation – and this had already been commanded. (See R. Hirsch's comments in D'varim and at the end of Sh'mot 16:20).

There is another side to Shabbat, which also relates to the Exodus – although more covertly than the first aspect. Shabbat is not only a commemoration of the Exodus and a behavioral reminder and guide to proper and dignified treatment of others – it is also a commemoration of creation. The entire debate/polemic between Mosheh and Pharaoh that led to our Exodus was about God's ultimate power and control over His world. The commemoration and remembrance of Shabbat (Zakhor) is a weekly testimony to God as creator, as evidenced by the plagues in Egypt. (Note that this version open up with virtually the same wording as the Mitzvah to commemorate the Exodus (13:3); from here our Rabbis learn that the Exodus must be mentioned in the Kiddush of Shabbat – BT Pesahim 117b) In other words, as we move to the next stage of the B'rit, we are not receiving a "new" command; on the one hand, an older Mitzvah

(dating back two to three weeks to the first week of the Mahn) is being reinforced while another aspect, one which is also part of our most recent experience of the Exodus, is being integrated into that same day of cessation/commemoration.

IX. TWO ASPECTS OF KIBBUD AV VA'EM

Regarding the next Statement (honoring parents), we have two problems: Why is this statement here at all, and why is it given the same "...as Hashem your God commanded you" as Shabbat – again, only in D'varim?

I'd like to suggest that not only are there two underlying motivations for Kibbud Av va'Em – as we defined regarding Shabbat – but that both of them have direct associations with the Exodus. As such, this Mitzvah quite properly belongs at the beginning of the B'rit. When we were first commanded to celebrate the Pesach and thereby save the B'khorot (firstborn), God commanded us to take a lamb for each family, a lamb for each household. This celebration was commanded to be done by families. This may not seem very noteworthy to us, but keep in mind the Halakhah that Eved ein lo hayyis (a slave has no Halakhically meaningful family relationships – BT Kiddushin 69a), and that slave life does not admit to family as a priority. The notion that we were commanded to celebrate with our families indicates an obligation to recognize the fact of family as a unique and special circle around us – which was not necessarily the norm in Egypt. In this sense, we were very much commanded to honor parents – for the most basic level of honor is the recognition that our relationship with them goes beyond the biological and genetic. (See the Gemara in Sanhedrin ibid. where the same Marah-association is made with Kibbud Av va'Em – I believe that our explanation fits nicely with that and is not a challenge to it. Perhaps at Marah, but most certainly at the Mahn, we gathered water and food by families and households!)

There is another underlying motivation for parental honor which is most certainly part of the Exodus – but which is more covert in the experience. Almost anyone standing at Sinai was the product of several generations of slaves – generations which could easily have given up in despair and ceased reproducing. Much as the brave stories from the ghettos of WWII, the faith and tenacity with which the B'nei Yisra'el continued to raise families was heroic – and was the direct cause for the Exodus. God could never have taken a non-existent people out of Egypt! For them to be "redeemable", they had to exist and that debt of gratitude had to be paid to parents. So far, we have seen two areas of Mitzvah (Shabbat includes at least three Mitzvot between the two versions) which directly build upon commandments or experiences of the recent past. We will now see that the rest of the Statements came to deflect the B'nei Yisra'el from behavior which was most likely for them to be drawn to – again, as a result of their most recent experiences.

X. MURDER-ADULTERY – KIDNAPPING/STEALING

The B'nei Yisra'el had not only been the victims of genocide, seeing their own babies thrown into the Nile, but they had also been witness to the destruction and murder of much of Egyptian society. The Torah is sensitive to the notion that our environment affects us and that our (even necessary) involvement in war can lead to a significant lowering of our moral compass. Witness the specific commands regarding the sanctity of the Mahaneh – war camp (See Ramban's commentary on D'varim 23:10). We had just arrived at Sinai fresh from our first war (against Amalek) – and had to be warned that in spite of what was done to us and in spite of what we had just been commanded to do (defend ourselves), human life is still sacred and we must never lose that awareness: Lo Tirtzach – Do Not Murder.

It is often the fate of slaves (or any "lower class") that they dream of overturning the oppressive class and allowing themselves the freedoms enjoyed by their overlords (Orwell's Animal Farm is a good example). As we are told in Vayyikra (Leviticus) 18, Egyptian society was promiscuous in the extreme and practiced every kind of sexual abomination. Coming from this type of society, it is reasonable to assume that at least some of the B'nei Yisra'el would have thought about "enjoying" such activities. After commanding us regarding proper respect for parents, the Torah commands us about the sanctity of the marital bond. Therefore, the next step in the B'rit is: Lo Tin af – Do Not Commit Adultery.

[Parenthetical note: The "Halakhic p'shat" of the next Statement is "Do Not Kidnap". This is learned from context (see Rashi ad loc.); since the other statements all carry the possibility of capital punishment, this one must also include a capital crime. The only type of "stealing" which involves the potential for capital punishment is kidnapping.]

People who have been treated badly usually have one of two reactions (and often both at the same time) – they either wish to continue to be subjugated (note the difficulty that many long-term prisoners have with managing their own lives) or they wish to subjugate others. This would be especially true of slaves, who have been used for material gain with no regard for their humanity. We might have reacted in one of these ways, subjugating others or looking for others to subjugate us. Whereas God prohibits the latter – after a fashion – in its earlier prohibition of idolatry, He prohibits the former here. Therefore, the Torah commands us to restrain ourselves from using others for our own material gain: Lo Tignov – Do Not Kidnap.

XI. THE NEW SOCIAL CIRCLE: RE'AKHA'

In the final Dibrot, we are introduced to a new term: Re'akha – your fellow. This word obviously plays a significant role here as it shows up four times within these last couple of lines. I believe that both the significance of this word and of the mention of these Mitzvot at the beginning of the B'rit may be understood in light of an event that took place several months earlier in Egypt:

[God tells Mosheh:] ..."Tell the people that every man is to ask Re'ehu (his neighbor) and every woman is to ask R'utah (her neighbor) for objects of silver and gold." (Sh'mot 11:2)

We were commanded to "borrow" the gold and silver of the Egyptians, who are called, ironically, our Re'im. This act constituted both deception and coveting. [A note about coveting: To covet something does not mean that you see your neighbor with a new car and you want one just like it – that may just be good taste. Coveting is when you want THAT car – his car. It relates more to your appreciation – or lack thereof – of his ownership and property than about what you want.] We weren't told to get gold – but to get it from the Egyptians. It wasn't as much an issue of having great possessions (see B'resheet 15:14) as much as "emptying Egypt out" (Sh'mot 3:22, 12:36). Now we are commanded that our new Re'im – every other member of the Covenant – must be treated differently. Besides being a Kingdom of Kohanim, we are also slated to be a "Holy Nation" (see 19:6). In order for this to take place, we have to reshape our attitudes towards neighbors and fellows and create a just society based on law: Lo Ta'anah v'Re'akha Ed Shaker – Do Not Bear False Witness Against Your Fellow.

We must also respect the rights and property of our fellows: Lo Tahmod...v'Khol Asher l'Re'ekha: "Do Not Covet...nor Anything Which Belongs To Your Fellow."

It is most poignant that these 'Aseret haDibrot conclude with that key word – Re'akha, reminding us of how differently we need to behave towards our covenantal fellows than we did to our neighbors in Egypt.

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PARSHAT YITRO - Ma'amad Har Sinai

A wedding ceremony? Well, not exactly; but many sources in Chazal compare the events at Ma'amad Har Sinai to a marriage between God (the groom) and Am Yisrael (the bride). [See for example the last Mishnah in Mesechet Taanit!]

In this week's shiur, as we study the numerous ambiguities in Shmot chapter 19, we attempt to explain the deeper meaning of this analogy, as well as the underlying reason for those ambiguities.

INTRODUCTION

Thus far, Sefer Shmot has discussed the story of Yetziat Mitzraim, and hence - how God had fulfilled His covenant with the Avot. However, that covenant included not only a promise of redemption, but also the promise that Bnei Yisrael would become God's special nation in Eretz Canaan. As Bnei Yisrael now travel to establish that nation in that 'Promised Land', God brings them to Har Sinai in order to teach them the specific laws [mitzvot] that will help make them His special nation.

Therefore, the primary purpose of Bnei Yisrael's arrival at Har Sinai was to receive God's LAWS. Nevertheless, the Torah describes in no less detail the 'experience' of how those laws were given. In the following shiur, we undertake a careful reading of Shmot chapter 19 (i.e. the events that precede the Ten Commandments), highlighting its complexities, in an attempt to better appreciate Chazal's understanding of Ma'amad Har Sinai.

[Before you continue, it is highly recommended that you quickly review chapters 19 and 20 to refresh your memory, noting its flow of topic. (While doing so, try to notice how many psukim are difficult to translate.) For a more comprehensive preparation, see the Questions for self-study (sent earlier this week).]

THE 'PROPOSAL'

Shmot chapter 19 opens as Bnei Yisrael arrive at Har Sinai - presumably, to receive the Torah. However, before the Torah is given, God first summons Moshe to the mountain, instructing him to relay a certain message to the people. As you review these psukim (19:3-6), note how they form a 'proposal':

"Thus shall you say to Beit Yaakov and tell Bnei Yisrael:

You have seen what I have done to Egypt... so NOW:

IF - you will OBEY Me faithfully and keep My COVENANT...and be my treasured nation, for all the Land is Mine.

THEN: You shall be for Me a 'mamlechet Kohanim v'goy kadosh' [a kingdom of priests and a holy nation]..." (19:4-6)

The 'if / then' clause proves that these instructions constitute a proposal (and not just a decree) - to which Bnei Yisrael must answer either 'yes' or 'no'. And that's exactly what we find:

"And the people answered together and said, 'Everything that God has spoken we shall keep,' and Moshe brought the people's answer back to God." (see 19:7-8)

Clearly, Moshe Rabeinu acts as the 'middle-man' - who must relay the people's answer to this 'proposal' back to God.

[In regard to what would have happened had Bnei Yisrael answered 'no', see the Further Iyun section.]

Let's take a minute to discuss the meaning of the two sides of this 'proposal'.

The first part of the '**IF**' clause - "if you will OBEY Me" - makes sense, as God must first clarify if Bnei Yisrael are indeed now ready to follow His laws; in contrast to their previous 'refusals' (see

Yechezkel 20:5-9, Shmot 6:9 & 15:26). However, the precise meaning of the second clause - "and if you will keep My COVENANT" is uncertain, for it is not clear if this 'covenant' refers to something old - i.e. 'brit Avot'; or something new - i.e. 'brit Sinai'.

SOMETHING 'OLD' or SOMETHING 'NEW'

It would be difficult to explain that the word 'covenant' in this pasuk refers to 'brit Avot', for brit Avot doesn't seem to include any specific action that Bnei Yisrael must keep. More likely, it refers to 'brit Sinai' - whose details will soon be revealed, should Bnei Yisrael accept this proposal.

However, this ambiguity may be intentional, for this forthcoming "brit Sinai" could be understood as an 'upgrade' of "brit Avot". In other words, 'brit Avot' discusses the very basic framework of a relationship (see Breishit 17:7-8), while 'brit Sinai' will contain the detailed laws which will make that original covenant more meaningful.

If so, then the proposition could be understood as follows: Should Bnei Yisrael agree to obey whatever God may command, and to remain faithful to this covenant, and act as His treasured nation (see 19:5) - **THEN**, the result will be that Bnei Yisrael will serve as God's 'model' nation, representing Him before all other nations [a "mamlechet kohanim v'goy kadosh" / see 19:6].

As a prerequisite for Matan Torah, Bnei Yisrael must both confirm their readiness to obey God's commandments while recognizing that these mitzvot will facilitate their achievement of the very purpose of God's covenant with them.

Whereas a covenant requires the willful consent of both sides, this section concludes with Bnei Yisrael's collective acceptance of these terms (see again 19:7-8).

MAKING PLANS (and changing them)

Now that Bnei Yisrael had accepted God's proposal, the next step should be for them to receive the specific MITZVOT (i.e. the laws that they just agreed to observe). However, before those laws can be given, there are some technical details that must be ironed out, concerning **HOW** Bnei Yisrael will receive these laws. Note how the next pasuk describes God's 'plans' for how He intends to convey these mitzvot

"And God said to Moshe, 'I will come to you in the thickness of a CLOUD, in order that the people HEAR when I SPEAK WITH YOU, and in order that they believe in you [i.e. that you are My spokesman] forever..." (19:9)

It appears from this pasuk that God plans to use Moshe Rabeinu as an intermediary to convey His laws to Bnei Yisrael, consistent with Moshe's role as His liaison heretofore. Nonetheless, God insists that the people will 'overhear' His communication with Moshe, so that they believe that these laws truly originate from God, and not from Moshe.

At this point, in the middle of pasuk 9, we encounter our first major difficulty in following the flow of events. Note that God has just informed Moshe of **HOW** He plans to convey His laws. Hence, we would expect Moshe to convey this message to Bnei Yisrael (just as he did in 19:7). However, when we continue our reading of 19:9, something very strange takes place:

"...Then Moshe reported the PEOPLE'S words to God." (19:9)

What's going on? The second half of this pasuk seems to omit an entire clause - for it never tells us what the people responded. Instead, it just says that Moshe relayed the people's response back to God, without telling us **WHAT** the people said!

BE PREPARED!

This question is so glaring (and obvious) that Rashi, taking for granted that the reader realized this problem, provides an answer based on the Midrash that fills in the 'missing details'.

"Et divrei ha'am" [the words of the people]... The people responded: 'We want to hear from YOU [God] directly, for one cannot compare hearing from a "shaliach" (a messenger) to hearing from the King himself, [or they said,]: We want to SEE our King!' (see Rashi on 19:9)

Note how Rashi adds an entire line to this narrative. According to his interpretation, Bnei Yisrael don't accept God's original plan that they would hear the MITZVOT via Moshe. Instead, they demand to hear them directly - from God Himself!

What allows Rashi to offer such a bold interpretation?

Rashi's interpretation is based on an apparent contradiction between God's original plan in 19:9 and what appears to be His new plan, as described in the next two psukim:

"And God told Moshe, 'Go to the people and get them ready... for on the third day God will reveal Himself IN VIEW OF ALL THE PEOPLE on Har Sinai.' (see 19:10-11)

Note how God commands Bnei Yisrael to ready themselves, for in three days time they will actually SEE God. This declaration that He plans to reveal himself before the 'eyes of the entire nation' suggests that God now plans to convey His mitzvot DIRECTLY to the people. These instructions appear to describe a NEW PLAN for Matan Torah (in contrast to His original plan that Moshe will act as an intermediary - as described in 19:9).

For the sake of clarity, from now on, we refer to the God's original plan (Dibrot via Moshe) as PLAN 'A' (based on 19:9), and to the new plan (Dibrot Direct) as PLAN 'B' (based on 19:11).

Rashi claims that God's suggestion of Plan 'B' stems from the people's unwillingness to accept Plan 'A' - for Bnei Yisrael want to hear the Commandments DIRECTLY.

This 'change of plan' can explain why the people now require THREE days of preparation. In order to prepare for this DIRECT encounter, Bnei Yisrael must first attain a higher level of spiritual readiness, as reflected in the three-day preparation period. Note how the details of this 'preparation' continue until 19:15.

In 19:12-13, Moshe is commanded to cordon off the entire area surrounding the mountain. In 19:14-15, Moshe relays these commands to the people. Hence, from now on, we refer to this section (i.e. 19:9-15) as 'PREPARATION'.

Are Bnei Yisrael capable of reaching this level? Are they truly ready to receive the DIBROT directly from God?

If so, why did God not suggest this direct encounter in the first place? If not, why does God now agree to their request?

[As you may have guessed, we have encountered a 'dialectic'.]

To answer these questions, we must analyze the psukim that follow to determine which of these two divine plans actually unfolds.

RUNAWAY BRIDE

According to the new plan, on 'day three' God should reveal Himself on Mount Sinai and speak the DIBROT directly to the entire nation. Let's continue now in chapter 19 and see what happens: "And it came to pass on the third day in the morning, and there were loud sounds and lightening, and a THICK CLOUD on the mountain, and the SHOFAR sounded very strong, and the people in the CAMP all became frightened." (19:16)

If you read this pasuk carefully, you will most probably be startled by the fact that Bnei Yisrael never came to Har Sinai that morning! Instead, they were so frightened of God's "hitgalut" [revelation] that they remained in the CAMP.

[Our minhag to stay up (and learn Torah) the entire night of Shavuot is based on the Midrash that Bnei Yisrael 'slept in' on that morning. Note how that Midrash is based on this pasuk.]

This background explains the next pasuk, where Moshe goes back to the camp, and brings everyone back to the foot of the mountain (see 19:17). Now it's time to 'try it again'. Let's see what happens: "And Har Sinai was full of smoke, for God had DESCENDED upon it in FIRE, and its smoke was like a furnace, and the entire mountain shook violently..." (see 19:18)

This pasuk certainly describes God's "hitgalut", and it appears to follow according to PLAN 'B'. Note how God's descends onto the mountain (note the word "va'yered" in both 19:11 and 19:18). Nevertheless, one could also understand the intense smoke as reflective of the protective 'cloud' described in 19:9 (Plan 'A').

The stage has now been set for Matan Torah. The people are standing at the foot of Har Sinai and God has revealed Himself - He has descended upon Har Sinai. Therefore, the next pasuk should describe God's proclamation of the Ten Commandments.

Let's examine that pasuk (19:19) carefully:

"The sound of the shofar grew louder and louder; as Moshe would speak, God would answer him with a KOL." (19:19)

This pasuk is quite ambiguous, for it does not give us even a clue as to WHAT Moshe was saying or what God was answering. It is not even clear as to WHOM Moshe is speaking, to God or to the people!

If Moshe is speaking to the people, then this pasuk would be describing how he conveyed the DIBROT. If so, then Moshe speaking and God responding with a "kol" - implies that the DIBROT were given according to PLAN 'A', as Moshe serves as the intermediary. [Compare with 19:9!]

However, if "Moshe y'daber" (in 19:19) refers to Moshe speaking to God, then it is not at all clear what their conversation is about; nor can we make any deduction in regard to how the Dibrot were given! [Note the range of opinion among the commentators on this pasuk!]

PLAN 'B' - MYSTERIOUSLY MISSING!

Rashi's commentary on this pasuk is simply amazing. Again quoting the Midrash, Rashi claims that Moshe is speaking to the people, telling them the Dibrot! However, what's amazing is Rashi's explanation that the clause "Moshe y'daber..." describes the transmission of the LAST EIGHT Commandments, but not the first TWO. This is because Rashi understands that the first two DIBROT were given DIRECTLY from God - in accordance with PLAN 'B' - while the last eight were given via Moshe - in accordance with PLAN 'A'. As this pasuk (19:19) describes PLAN 'A' it could only be referring to the transmission of the last eight DIBROT!

[See also Rambam in Moreh N'vuchim II, chapter 33.]

Note that according to Rashi, chapter 19 intentionally OMITS two key events relating to Plan B:

- 1) Bnei Yisrael's original request for Plan B (in 19:9), &
- 2) The story of the two DIBROT given at the level of Plan 'B'.

For some thematic reason that remains unclear, chapter 19 prefers to omit these two important details, leaving us with the impression that Plan 'B' may have never taken place!

Ramban rejects Rashi's interpretation of 19:19 (as do many other commentators), arguing that 19:19 does NOT describe how the Dibrot were given. Instead, Ramban explains that "Moshe y'daber..." describes the conversation between God and Moshe that immediately follows in 19:20-25.

[As usual, Ramban prefers to keep the sequence of events according to the order of the psukim, while Rashi is willing to 'change' the order for thematic considerations.]

LIMITATION/ A FINAL WARNING

To better appreciate this "machloket" between Rashi and Ramban, we must examine the last set of psukim in chapter 19 (i.e. 19:20-25).

"God descended upon Mount Sinai to the TOP of the Mountain and summoned Moshe to the TOP of the Mountain, and Moshe ascended... Then God told Moshe: Go down and WARN the people lest they break through toward God to SEE, and many of them will perish. And even the KOHANIM who are permitted to come closer must prepare themselves..." (19:20-22)

[Btw, note that 20:25 refers to Moshe's conveying this warning to the people, NOT to his conveying the "DIBROT," as is commonly misunderstood. See Rashi!]

According to Ramban, this additional 'warning' is given BEFORE Matan Torah, and serves as the final preparation before the DIBROT are given. However, according to Rashi's interpretation, it remains unclear when, where, and why this conversation (in 19:20-25) takes place.

[Even though Rashi explains 19:19 as depicting the presentation of the DIBROT, he maintains that 19:20-25 takes place beforehand - for it relates to the ceremony described in 24:3-11, which Rashi himself claims to have occurred BEFORE the DIBROT. This "sugya" lies beyond the scope of our shiur.]

In any case, this final 'warning' clearly reflects the mode of transmission of the Dibrot that we have referred to as PLAN 'A' - God will appear only to Moshe (at the top of the mountain), while everyone else must keep their distance down below. Only Moshe will be privy to witness the descent of the "shechina" onto the TOP of the mountain, while Bnei Yisrael are prohibited from ascending to see, "lest they die."

As this section describes how God is now limiting His revelation to the top of the Mountain, we refer from now on to this section (19:20-25) as 'LIMITATION'.

Note how chapter 19 now divides into four distinct sections:

- I. PROPOSITION (19:1-8)
- II. PREPARATION (19:9-15)
- III. REVELATION (19:16-19)
- IV. LIMITATION (19:20-25)]

So what happened? Has God reverted to Plan 'A' (that Moshe is to act as an intermediary)? If so, why? On the other hand, if Plan 'B' remains in operation, why does God restrict His revelation to the TOP of the mountain? Could this be considered some sort of 'compromise'?

There appears to have been a change in plans, but why?

Even though chapter 19 does not seem to provide any explanation for what motivated this change, a story found later in chapter 20 seems to provide us with all the 'missing details'.

TREPIDATION [or 'FEAR' STORY ONE']

Towards the end of chapter 20, immediately after the Torah records the DIBROT, we find yet another story concerning what transpired at Har Sinai:

"And the people all saw the KOLOT, the torches, the sound of the SHOFAR and the mountain smoking; the people saw and MOVED BACK and stood at a distance. And they told Moshe: 'Why don't YOU SPEAK to us, and we will listen to you, but God should NOT SPEAK to us, lest we die.'

"Moshe responded saying: 'DO NOT BE FEARFUL, for God is coming to 'test' you and instill fear within you so that you will not sin.' "But the people STOOD AT A DISTANCE, and Moshe [alone] entered the CLOUD where God was." (see 20:15-18)

This short narrative provides us with a perfect explanation for WHY God chooses to revert from PLAN 'B' back to PLAN 'A'. Here, the reason is stated explicitly: the people changed their mind because they were frightened and overwhelmed by this intense experience of "hitgalut."

But why is this story recorded in chapter 20? Should it not have been recorded in chapter 19?

Indeed, Ramban does place this story in the middle of chapter 19. Despite his general reluctance towards rearranging the chronology in Chumash, Ramban (on 20:14-15) explains that this entire parshia (20:15-18) took place earlier, BEFORE Matan Torah. Based on a textual and thematic similarities between 20:15-18 and 19:16-19 (and a problematic parallel in Devarim 5:20-28), Ramban concludes that the events described in 20:15-18 took place before Matan Torah, and should be read together with 19:16-18!

Thus, according to Ramban, the people's request to hear from Moshe (and not from God) that took place within 19:16-18, explains

the need for the 'limitation' section that follows immediately afterward in 20:19-25. [See Ramban on 20:15.]

Rashi and Chizkuni offer a different interpretation. They agree with Ramban that 20:15-18 - the Fear Story - is 'out of place,' but they disagree concerning WHERE to put it. While Ramban places this story BEFORE Matan Torah, Rashi (based on his pirush to 19:19) & Chizkuni (on 20:15) claim that it took place DURING Matan Torah, BETWEEN the first two and last eight commandments.

THE TEN COMMANDMENTS - FIRST OR THIRD PERSON

In fact, this creative solution solves yet another problem. It explains WHY the text of the Ten Commandments shifts from first to third person after the second commandment. Whereas the first two commandments (20:2-5) are written in FIRST person, indicating that God conveyed them DIRECTLY to the people [reflective of Plan 'B'], the last eight commandments (20:6-14) are written in third person, suggesting a less direct form of communication [reflective of Plan 'A']. This reflects Chazal's explanation that: "Anochi v'Lo Yihiyeh Lachem, m'pi ha'gvrurah shma'um" - the first two commandments were heard directly from God (Makkot 24a); see also Chizkuni 20:2 and 20:15.]

Rashi and Chizkuni's explanation has a clear advantage over Ramban's, as it justifies the 'transplantation' of the Fear story (20:15-18) from its proper chronological location to after the Dibrot. Since this story took place DURING the Ten Commandments, the Torah could not record it beforehand. On the other hand, it could not have been recorded where it belongs (i.e. in between the second and third DIBROT), for the Torah does not want to 'break up' the DIBROT (whereas they form a single unit). Therefore, the Torah records this 'fear story' as a type of 'appendix' to the Ten Commandments, explaining afterward what happened while they were given.

To summarize, in chapter 19, it was unclear whether or not Bnei Yisrael would hear the DIBROT according to PLAN 'A' (as God originally had planned) or at the higher level of PLAN 'B' (as Bnei Yisrael requested). Later, in chapter 20, the Torah describes how Bnei Yisrael were frightened and requested to revert back to PLAN 'A'. Ramban claims that this 'fear story' took place BEFORE Matan Torah, and hence the people heard ALL Ten Commandments through Moshe (Plan 'A'). Rashi maintains that this story took place DURING the DIBROT; hence the first TWO DIBROT were transmitted according to PLAN 'B', while the remainder were heard according to PLAN 'A'.

[Ibn Ezra (see 20:15) takes an opposite approach, maintaining that the fear story is recorded right where it belongs; it took place only AFTER Matan Torah. Therefore, the people heard all Ten Commandments directly from God, as mandated by Plan 'B'.]

A PROOF FROM SEFER DEVARIM

Based on our discussion, we can resolve two adjacent yet seemingly contradictory psukim in the description of Matan Torah in Sefer Devarim:

"Face to face God spoke to you on the mountain out of the fire [PLAN 'B']. I stood BETWEEN God and you at that time to convey God's words to you [PLAN 'A'], for you were afraid of the fire and did not go up the mountain..." (see Devarim 5:4-5)

Once again, the Torah incorporates BOTH PLANS in its description of Matan Torah. Evidently, both plans were in fact carried out, as we explained.

Although we have suggested several solutions to problems raised by chapters 19-20, a much more basic question arises: why can't the Torah be more precise? Why does the Torah appear to intentionally obscure the details of such an important event in our history?

AHAVA and YIRAH

One could suggest that this ambiguity is intentional, as it reflects the dialectic nature of man's encounter with God.

Man, in search of God, constantly faces a certain tension. On the one hand, he must constantly strive to come as close to God as possible ("ahava" - the love of God). On the other hand, he must constantly retain an awareness of God's greatness and recognize his own shortcomings and unworthiness ("yirah" the fear of God). Awed by God's infinity and humbled by his own imperfection, man must keep his distance (see Devarim 5:25-26).

God's original plan for Matan Torah was 'realistic.' Recognizing man's inability to directly confront the "shechina," God intends to use Moshe as an intermediary (Plan 'A'). Bnei Yisrael, eager to become active covenantal partners, express their desire to come as close as possible to God. They want to encounter the "Shechina" directly, without any mediating agent (Plan 'B').

Could God say NO to this sincere expression of "ahavat Hashem"? Of course not! Yet, on the other hand, answering YES could place the people in tremendous danger, as they must rise to the highest levels of spirituality to deserve such a direct, unmediated manifestation of God.

While Plan 'B' may reflect a more 'ideal' encounter, Plan 'A' reflects a more realistic one. One could suggest that by presenting the details with such ambiguity, the Torah emphasizes the need to find the proper balance between this realism as well as idealism when serving God.

GOD KNOWS BEST

Although God knows full well that Bnei Yisrael cannot possibly sustain a direct encounter, He nonetheless concedes to their request to hear the Commandments directly. Why?

One could compare this Divine encounter to a parent-child relationship. As a child grows up, there are times when he wishes to do things on his own. Despite his clear incapability to perform the given task, his desire to accomplish is the key to his growth. A wise parent will allow his child to try, even though he knows that the child may fail - for it is better that one recognize his shortcomings on his own, rather than be told by others that he cannot accomplish.

On the other hand, although a child's desire to grow should not be inhibited by an overprotective parent, a responsible parent must also know when to tell his child STOP.

Similarly, God is well aware of Bnei Yisrael's unworthiness to encounter the Divine at the highest level. Nevertheless, He encourages them to aspire to their highest potential. As Bnei Yisrael struggle to maintain the proper balance between "ahava" and "yirah," God must guide and they must strive.

Our study of Parshat Yitro has shown us that what actually happened at Ma'amat Har Sinai remains unclear. However, what 'could have happened' remains man's eternal challenge.

shabbat shalom,
menachem

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FOR FURTHER IYUN

A. What would have happened had Bnei Yisrael said NO to God's proposition? The Midrash posits that had Bnei Yisrael rejected the offer, the world would have returned to "tohu va'vahu" (void) - the phrase used in Breishit 1:2 to describe the state prior to Creation! [See Shabbat 88a & Rashi 19:17.] From this Midrash, it appears that Bnei Yisrael had no choice but to accept. Why is the covenant binding, if Am Yisrael had no choice?

Any covenant, by its very nature, requires the willful acceptance of both parties. Therefore, according to "pshat," Bnei Yisrael have "bechira chochma" to either accept or reject God's proposition. Their willful acceptance makes the covenant at Har Sinai binding for all generations. Thus, had Bnei Yisrael said NO (chas v'shalom), Matan Torah would not have taken place! However, such a possibility is unthinkable, for without Matan Torah there would have been no purpose for Creation. Therefore, because the psukim indicate that Bnei Yisrael had free choice, the Midrash must emphasize that from the perspective of the purpose behind God's Creation, the people had no choice other than accept the Torah.

B. Most m'forshim explain that "b'mshoch ha'yovel hay'mah ya'alu b'Har" (19:13) refers to the long shofar blast that signaled the COMPLETION of the "hitgalut" - an 'all clear' signal.

One could suggest exactly the opposite interpretation, that the long shofar blast indicated the BEGINNING of Matan Torah.

Explain why this interpretation fits nicely into the pshat of 19:11-15, that limiting access to the Mountain is part of the preparation for Matan Torah. [What does an 'all clear' signal have to do with preparation?] Explain as well why this would imply that during Matan Torah, Bnei Yisrael should have actually ascended Har Sinai!

Relate this to concept of PLAN 'B' and Bnei Yisrael's request to SEE the "Shchina." Relate to Devarim 5:5 in support of this interpretation. Why would "kol ha'shofar holaych v'chazak m'od" (19:19) be precisely what God meant by "b'mshoch ha'yovel."

Relate to "tachtit ha'har" in 19:17! Use this to explain why the psukim immediately following 19:19 describe God's decision to LIMIT his "hitgalut" to the TOP of the mountain.

C. Compare the details of 19:20-24 to the Mishkan: i.e. Rosh ha'har = kodesh kdoshim; Har = Mishkan; Tachtit Ha'har = azara, etc. Where can Moshe and Aharon enter? What about the Kohanim and the Am? Explain how this may reflect a bit of a 'compromise' between plans A & B.

D. You are probably familiar with Kabbalat Shabbat. Based on the above shiur, explain why our weekly preparation for Shabbat could be compared to Bnei Yisrael's original preparation for Matan Torah.

Relate this to the verses of "l'cho dodi" and its 'wedding like' imagery!

ADDITIONAL NOTES AND SOURCES

A. WHAT WERE "DIVREI HA'AM" in 19:9:

In the shiur we mentioned Rashi's interpretation (based on the Mechilta), that though the Torah does not state this explicitly, Bnei Yisrael insisted on hearing Hashem's word directly, rather than through a mediator. Moshe then reports this request to Hashem. This is also the implication of the Midrash in Shir Hashirim Rabba 1:2. We will briefly review some of the other interpretations offered to resolve the difficulty in this pasuk:

1. The **Abarbanel** takes the same general approach as Rashi, that Moshe here tells Hashem of the nation's desire to hear His word directly. However, he claims that this request actually appears in the psukim (whereas according to Rashi the Torah never records the people making this request). The Abarbanel claims that their acceptance of the "proposition" - "everything that Hashem said - we will do" - included their wish to hear Hashem directly. (He appears to interpret the clause, "im shamo'a tish'mu b'koli...," which we generally explain to mean, "if you obey Me faithfully," as, "if you will hear My voice." Thus, when they accepted this proposition, they expressed the desire to hear Hashem's voice as well.

This approach appears more explicitly in the Netziv's He'amek Davar (19:8.) Hashem here tells Moshe that as not everyone is worthy of prophecy, He will speak to Moshe "b'av he'an'an," which the Abarbanel explains as a physical voice, as opposed to the usual medium of prophecy, which involves none of the physical senses. (This understanding of "av he'an'an" appears as well in the Or Hachayim and Malbim.) The nation will thus hear Hashem's voice without experiencing actual prophecy. Moshe then informs Hashem that the people want to hear Hashem speaking to them, rather than to Moshe. This general approach of the Abarbanel appears to be the intent of the Midrash Lekach Tov on our pasuk.

2. The **Ibn Ezra**, like Rashi, understands the "divrei ha'am" in this pasuk as referring to something not explicitly mentioned in the psukim. Whereas according to Rashi that something was the nation's desire to hear Hashem directly, the Ibn Ezra points to the skepticism on the part of segments of Bnei Yisrael. He claims

that "vayaged Moshe et divrei ha'am" means that Moshe had previously made this comment to Hashem, prior to the beginning of this pasuk. It thus turns out that Hashem speaks to Moshe here in response to his report of the "divrei ha'am." Moshe had reported that some among Bnei Yisrael do not believe that a human being can survive a revelation of Hashem; they therefore doubted the fact that Moshe had been appointed God's messenger. Hashem therefore tells Moshe that Ma'amad Har Sinai will result in "v'gam b'cha ya'aminu l'olam" - Bnei Yisrael's complete trust and faith in Moshe's prophecy.

3. Other Rishonim suggest that when Moshe "returns the nation's words to Hashem" (see 19:8) - he does not actually tell Hashem what the nation said; he merely returned to God with the intention of telling Him. It is only in 19:9 that Moshe actually told this to God (see Ibn Ezra in Shmot 19:23 citing Rav Sa'adya Gaon's claim that just as in his day people could not initiate conversation with a monarch, but must rather wait for the king to begin speaking with them, so did Moshe abstain from addressing God until after God spoke with him.)

This explanation is also suggested by Rav Sa'adya Gaon (as explained by Rabbenu Avraham Ben ha'Rambam, and Rabbi Yaakov of Vienna in "Imrei Noam"), the Ba'alei HaTosfot (as quoted in both Hadar Zekeinim and Da'at Zekeinim), Rabbenu Yosef Bechor Shor, and the Ramban. The Rashbam, too, appears to take this position.

[Two Midrashic interpretations of this pasuk appear in Masechet Shabbat 87a and in the Mechilta on our pasuk.] This discussion surrounding 19:9 directly impacts another issue, one of the central points of our shiur: does Hashem introduce a "new plan" in psukim 10-11, after Moshe "reports the people's words" to Him? According to Rashi, as discussed at length in the shiur, He clearly did. The same is true according to the Abarbanel's approach. However, according to the second and third explanations quoted here, it would seem that Hashem is not describing here an alternate procedure. Indeed, the Ramban (on this pasuk) explains Hashem's original "plan" as having Bnei Yisrael watch as Hashem appears to Moshe. Thus, pasuk 11, in which Hashem says that He will descend "in the view of the nation," does not mark a change of plans. Similarly, in the introduction to his commentary to Shir Hashirim, as well as in his peirush to Shmot 3:12, the Ramban writes that Hashem's promise to Moshe at the burning bush, that Bnei Yisrael will "serve God on this mountain," involved their " beholding His glory face-to-face." This was God's intention all along.

B. PLAN A & PLAN B

In the shiur we worked with Rashi's view - i.e. God originally had planned to speak only to Moshe, as Bnei Yisrael listened in. In response to the nation's request, however, God switches to "plan B," by which He will address the nation directly.

An interesting variation on this theme is suggested by the Malbim. According to his explanation, plan B, which the people requested, involved their hearing directly from Hashem the entire Torah, not only the Ten Commandments. (The Ramban - 20:14 - writes that Bnei Yisrael feared that this was God's plan, though in actuality He had never intended to transmit the entire Torah to them directly.) Hashem initially agrees, but their sense of terror upon hearing the thunder and lightening signaling God's descent onto the mountain (19:16), and their consequent hesitation to go to the mountain ("vayotzei Moshe" - 19:17), reflected their unworthiness for this lengthy exposure to divine revelation. Hashem therefore presented them directly either the Ten Commandments or the first two. Only Moshe received the rest of the mitzvot directly from Hashem.

We should note that in contradistinction to our understanding of Rashi, the Maharal of Prague (in his Gur Aryeh to 19:9) explains Rashi to mean that Moshe simply confirms Hashem's plan. God tells him that He plans on revealing Himself to Moshe as the nation hears, and Moshe replies, "Indeed, this is what the

people want." Apparently, the Maharal understands "hinei Anochi ba eilecha b'av he'anah..." to refer to the same level of "giluy Shechina" that actually occurs, such that there was never any change of plans. (According to the Maharal's approach, it turns out that there is no difference between the approaches of Rashi and the Ramban.)

C. "Moshe Yedaber Veha'Elokim Ya'anenu B'kol" (19:19)

As we saw, Rashi, following the Mechilta, understands this pasuk as referring to the procedure of the transmission of the Asseret Hadibrot. We also noted that the Ramban disagrees, claiming that it describes the manner in which the laws in the following psukim - concerning the "limitation" - were presented. This is the general approach of the Abarbanel and Rabbenu Yosef Bechor Shor, as well. The Ibn Ezra claims that the pasuk does not reveal what it is that Moshe says here, but it definitely does not refer to the Asseret Hadibrot. The point of the pasuk is to stress that despite the overpowering sound of the shofar, it did not interfere with Moshe's conversation with Hashem. The Or Hachayim writes that Moshe here spoke words of praise to Hashem, and He would then respond. According to all these views, this pasuk does not refer to Asseret Hadibrot, as Rashi claims.

A particularly interesting interpretation is suggested by the Malbim, Netziv and "Hadash Veha'iyun" (though with some variation). They claim that the sound of the shofar proclaimed, "Moshe yedaber vaha'Elokim ya'anenu b'kol." In other words, they place a colon after the word "me'od" in this pasuk. The shofar blast thus informed the people that Moshe will serve as the intermediary in between Hashem and Bnei Yisrael in transmitting the Torah.

D. What Did Bnei Yisrael Hear?

The issue of whether or not Bnei Yisrael heard Hashem speak at Ma'amad Har Sinai involves both parshanut and machshava. In terms of parshanut, as we discussed in the shiur, we must accommodate several psukim: in our parasha - 19:9, which, as discussed, implies that Hashem (at least originally) planned to speak to Moshe as the nation listened; 19:19 - "Moshe yedaber vaha'Elokim ya'anenu be'kol," which, if it refers to the Asseret Hadibrot (a point debated by Rashi and the Ramban, as discussed in the shiur), points to the involvement of both Hashem and Moshe in the transmission of the Commandments to Bnei Yisrael; 20:15-18, where Bnei Yisrael retreat from fear; and the transition from second to third person after the second Commandment. We must also resolve the contradiction noted in the shiur between Devarim 4:4 and 45. Devarim 5:19-28 strongly implies that Hashem said all the dibrot to the people and then they asked Moshe to serve as an intermediary.

The philosophical issue involves the question as to whether an entire nation can experience prophecy, or is this reserved only for the spiritual elite who have adequately prepared themselves.

We briefly present here the basic positions that have been taken regarding this issue:

Ibn Ezra (20:1) and Abarbanel (here and in Devarim 5:4) maintain that Bnei Yisrael heard all Ten Commandments. This is also the majority view cited in Pesikta Rabbati 22, and the implication of the Yalkut Shimoni - Shir Hashirim 981. Although in Parshat Vaetchanan Moshe describes himself as having stood in between Hashem and the people serving as an intermediary, the Ibn Ezra there explains that this refers to the situation after the Dibrot, when Moshe conveyed the rest of the Torah to Bnei Yisrael.

It emerges from Rashi's comments to 19:19 and 20:1 that Hashem first uttered, as it were, all Ten Commandments in a single moment and then began repeating them one by one. After the second Dibra, however, Bnei Yisrael became too frightened and asked Moshe to serve as their intermediary. This is the position of the Chzikuni, and is found in an earlier source, as well - Midrash Asseret Hadibrot l'Rabbi Moshe Hadarshan, as cited by

Rav Menachem Kasher (Torah Shleima, vol. 16, miluim # 4). In his commentary to Masechet Brachot 12a, however, Rashi seems to imply that Bnei Yisrael in fact heard all Ten Commandments from Hashem.

The Rambam (Moreh Nevuchim 2:33) maintains that all Bnei Yisrael heard and understood the first two commandments (without any need for Hashem to repeat them). They then asked Moshe to hear the other commandments on their behalf; he therefore heard the last eight Dibrot and conveyed them to Bnei Yisrael. Though the Rambam claims that this is the view of Chazal, many later writers could not find any sources in Chazal corroborating this view. Rav Kasher, however, notes that this is the implication of the Mechilta as quoted by the Da'at Zekeinim mi'Ba'alei ha'Tosfot (20:1; the Mechilta is cited differently in other sources). The Rambam claims that since one can arrive at the first two Dibrot (the existence and singularity of God) through intellectual engagement, even without divine revelation, Bnei Yisrael understood these Dibrot as clearly as Moshe did. This philosophical point sparked considerable controversy and drew strong criticism from later rishonim and acharonim. See Sefer Ha'ikarim 17, the Abarbanel here and in Vaetchanan, Shut ha'Rashba 4:234, and Shnei Luchot Habrit - Masechet Shavuot.

The Ramban (on 20:6), explaining the Mechilta, claims that Bnei Yisrael heard all Ten Commandments but understood only the first two. Moshe then explained to them the final eight. The Sefer Ha'ikarim (ibid.) concurs with this view.

PARSHAT YITRO - Intro to 2nd half of Sefer Shmot

In Parshat Yitro, Chumash enters a new phase as its primary focus now shifts from its ongoing **narrative** to the **mitzvot** that Bnei Yisrael receive at Har Sinai. Nonetheless, the manner in which the Torah presents the **mitzvot** is far more exciting than we would expect. Instead of a formal [organized] 'shulchan aruch' style of presentation, Chumash records the **mitzvot** in a very special manner. In each of our shiurim from Parshat Yitro until Parshat Pekudei, our study of the sequence and progression of the mitzvot will be no less significant than the study of the mitzvot themselves!

INTRODUCTION - STRUCTURE AND THEME IN CHUMASH

When we study Chumash, we encounter two types of parshiot:

- (1) Narrative, i.e. the ongoing story;
- (2) Mitzvot, i.e. the commandments.

Until Parshat Yitro, i.e. **before** Bnei Yisrael arrive at Har Sinai, Chumash consisted primarily of narrative (e.g. the story of Creation, the Avot, Yetziat Mitzrayim etc.). In contrast, beginning with Parshat Yitro, we find many sections consisting primarily of 'mitzvot' (e.g. the Ten Commandments, the 'mishpatim' (chapters 21->23), laws of the mishkan (chapters 25->31), etc.).

The reason for this is quite simple. Sefer Breishit explained **why** and **how** God chose Avraham Avinu to become the forefather of His special nation. Sefer Shmot began by describing how God fulfilled His covenant with the Avot, and redeemed His nation from slavery in Egypt. Now, before this nation enters the Promised Land where they are to live as God's nation, they must first receive the set of laws [i.e. Matan Torah] that will facilitate their becoming God's special nation.

Assuming that Bnei Yisrael are to receive ALL of the mitzvot at Har Sinai before they continue on their journey, we would expect to find the following 'logical' order:

I. NARRATIVE

The story of the Exodus from Egypt until Bnei Yisrael's arrival at Har Sinai.

II. MITZVOT

ALL of the mitzvot that Bnei Yisrael receive at Sinai.

III. NARRATIVE

The story of Bnei Yisrael's journey from Har Sinai to the Promised Land.

However, instead of this clear and structured order, we find a much more complicated presentation. First, 'ten commandments' are given at a special gathering (i.e. Ma'amad Har Sinai). After a short narrative, we find an additional set of mitzvot - that comprise most of Parshat Mishpatim. At the end of Parshat Mishpatim, we find yet another short narrative (chapter 24), followed by seven chapters of mitzvot that detail how to build the Mishkan (Teruma / Tetzaveh). This lengthy set of mitzvot is followed by yet another narrative, which describes 'chet ha-egel' (32:1-34:10), which is then followed by yet another set of mitzvot (see 34:11-26), etc. In a similar manner, we find this pattern of a 'blend' of mitzvot and narrative in the rest of Chumash as well.

So why does the Torah present its mitzvot in this complex manner? Would it not have made more sense to present all of the mitzvot together in one organized unit (like 'shulchan aruch')?

In the answer to this question lies the basis for our approach to studying Chumash - for the intricate manner in which the Torah presents the mitzvot 'begs' us to pay attention not only to the mitzvot themselves, but also to the manner of their presentation. Therefore, as we study, we search for thematic significance in the order and sequence in which the Torah presents the mitzvot.

For example, the first step in our study will be to identify the specific topic of each 'parshia' and/or 'paragraph'. Then we analyze the progression of topic from one parshia to the next in search of a thematic reason for this progression.

[Following this methodology will also help us better appreciate the underlying reason for the various controversies among the classic commentators.]

CHRONOLOGY IN CHUMASH

This introduction leads us directly into one of the most intriguing exegetical aspects of Torah study - the chronological progression of 'parshiot' [better known as the sugya of 'ein mukdam u-me'uchar...'].

In other words, as we study Chumash, should we assume that it progresses according to the chronological order by which the events took place, **or**, should we assume that thematic considerations may allow the Torah to place certain parshiot next to each other, even though each 'parshia' may have been given at different times.

In this respect, we must first differentiate once again between 'narrative' and 'mitzvot'.

It would only be logical to assume that the ongoing narrative of Chumash follows in chronological order, (i.e. the order in which the events took place/ e.g. the story of Yitzchak will obviously follow the story of his father Avraham).

Nonetheless, we periodically may find that a certain narrative may conclude with details that took place many years later. For example, the story of the manna in Parshat Beshalach concludes with God's commandment that Moshe place a sample of the manna next to the Aron in the Mishkan. This commandment could only have been given **after** the Mishkan was completed, an event that does not occur until many months later. Nevertheless, because that narrative deals with the manna, it includes a related event, even though it took place at a later time.

The story of Yehuda and Tamar in Sefer Breishit is another example. See chapter 38, note from 38:11-12 that since Tamar waited for Shela to grow up, the second part of that story must have taken place at least thirteen years later, and hence **after** Yosef becomes viceroy in Egypt! Recall that he was sold at age 17 and solved Pharaoh's dream at age 30.

How about the 'mitzvot' in Chumash? In what order are they presented? Do they follow the chronological order by which they were first given?

Because the mitzvot are embedded within the narrative of Chumash, and not presented in one unbroken unit (as explained above), the answer is not so simple. On this specific issue, a major controversy exists among the various commentators; popularly

known as: "ein mukdam u-me'uchar ba-Torah" (there is no chronological order in the Torah).

Rashi, together with many other commentators (and numerous Midrashim), consistently holds that 'ein mukdam u-me'uchar', i.e. Chumash **does not necessarily** follow a chronological order, while Ramban, amongst others, consistently argues that 'yesh mukdam u-me'uchar', i.e. Chumash **does** follow a chronological order.

However, Rashi's opinion, 'ein mukdam u-me'uchar', should not be understood as some 'wildcard' answer that allows one to totally disregard the order in which Chumash is written. Rashi simply claims that a primary consideration for the order of the Torah's presentation of the mitzvot is thematic, more so than chronological. Therefore, whenever 'thematically convenient', we find that Rashi will 'change' the chronological order of mitzvot, and sometimes even events.

For example, Rashi claims that the mitzva to build the Mishkan, as recorded in Parshat Teruma (chapters 25->31) was first given only **after** the sin of the Golden Calf, even though that narrative is only recorded afterward (in Parshat Ki Tisa /chapter 32). Rashi prefers this explanation due to the thematic similarities between the Mishkan and the story of 'chet ha-egel'.

In contrast, Ramban argues time and time again that unless there is 'clear cut' proof that a certain parshia is out of order, one must always assume that the mitzvot in Chumash are recorded in the same order as they were originally given. For example, Ramban maintains that the commandment to build the Mishkan was given **before** 'chet ha-egel' **despite** its thematic similarities to that event!

It should be pointed out that there is a very simple reason why the Torah is written in thematic order, which is not necessarily chronological. Recall that the Torah (in the form that we received it) was given to us by Moshe Rabeinu before his death in the fortieth year in the desert. [See Devarim 31:24-25.] When Moshe Rabeinu first received the laws, he wrote them down in 'megilot' [scrolls]. However, before his death, he organized all of the laws that he received, and the various stories that transpired into the Five Books. [See Masechet Megilla 60a, and Rashi on "Megilla megilla nitna...". See also Chizkuni on Shmot 34:32! It's not clear from these commentators whether God told Moshe concerning the order by which to put these 'megillot' together, or if Moshe Rabeinu made those decisions himself. However, it would only be logical to assume that God instructed Moshe Rabeinu in this regard as well.]

Considering that Chumash, in its final form, was 'composed' in the fortieth year - we can readily understand why its mitzvot and narratives would be recorded in a manner that is thematically significant. Therefore, almost all of the commentators are in constant search of the deeper meaning of the juxtaposition of 'parshiot' and the order of their presentation.

WHEN DID YITRO COME (AND GO)?

Even though this controversy of 'mukdam u-me'uchar' relates primarily to 'parshiot' dealing with mitzvot, there are even instances when this controversy relates to the narrative itself. A classic example is found with regard to when Yitro first came to join Bnei Yisrael in the desert.

Recall how Parshat Yitro opens with Yitro's arrival at the campsite of Bnei Yisrael at Har Sinai (see 18:5). The location of this 'parshia' in Sefer Shmot clearly suggests that Yitro arrives **before** Matan Torah, yet certain details found later in the 'parshia', (e.g. Moshe's daily routine of judging the people and teaching them God's laws/ see 18:15-17), suggests that this event may have taken place **after** Matan Torah.

Based on this and several other strong proofs, Ibn Ezra claims that this entire parshia took place **after** Matan Torah ('ein mukdam u-me'uchar'). Ramban argues that since none of those proofs are conclusive, the entire 'parshia' should be understood as taking place **BEFORE** Matan Torah (i.e. when it is written - 'yesh mukdam u-me'uchar...').

Rashi (see 18:13) suggests an interesting 'compromise' by 'splitting' the parshia in half! His opinion would agree with Ramban

that Yitro first arrives **before** Matan Torah (18:1-12); however, the details found later (in 18:13-27), e.g. how Moshe taught the people etc. took place at a much later time. This interpretation forces Rashi to explain that the word 'mi-macharat' in 18:13 does not mean the 'next day', but rather the day after Yom Kippur (when Moshe came down from Har Sinai with the second Luchot), even though it was several months later.

But even Ibn Ezra, who maintains that the entire 'parshia' takes place after Matan Torah, must explain **why** the Torah records this 'parshia' here instead. Therefore, Ibn Ezra suggests a thematic explanation - based on the juxtaposition of this 'parshia' and the story of Amalek:

"...And now I will explain to you why this parshia is written here [out of place]: Because the preceding parshia discussed the terrible deeds of Amalek against Israel, now in contrast the Torah tells us of the **good** deeds that Yitro did for Am Yisrael..." [see Ibn Ezra 18:1]

The dispute concerning 'When Yitro came' illustrates some of the various methodological approaches we can take when confronted with apparent discrepancies. In general, whenever we find a 'parshia' which appears to be 'out of order', we can either:

- 1) Attempt to keep the chronological order, then deal with each problematic detail individually.
- 2) Keep the chronological order up until the first detail that is problematic. At that point, explain why the narrative records details that happen later.

- 3) Change the chronological order, and then explain the thematic reason why the Torah places the 'parshia' in this specific location.

MA'AMAD HAR SINAI

Let's bring another example in Parshat Yitro, from the most important event of our history: 'Ma'amad Har Sinai' - God's revelation to Am Yisrael at Mount Sinai.

[Matan Torah - the giving of the Ten Commandments at Har Sinai, together with the events which immediately precede and follow it (chapters 19->24), are commonly referred to as 'Ma'amad Har Sinai'.]

As we explained in our introduction, this 'ma'amad' can be divided between its basic sections of narrative and mitzva:
19:1-25 [Narrative] - Preparation for the Ten Commandments
20:1-14 [Mitzvot] - The Ten Commandments
20:15-18 [Narrative] - Bnei Yisrael's fear of God's revelation
21:19-23:33 [Mitzvot] - Additional mitzvot ('ha-mishpatim')
24:1-11 [Narrative] - The ceremonial covenant
(better known as 'brit na'aseh ve-nishma')

Note that Bnei Yisrael's declaration of 'na'aseh ve-nishma' takes place during the ceremonial covenant recorded at the end of Parshat Mishpatim (see 24:7). In Parshat Yitro, when Bnei Yisrael accept God's proposition to keep His Torah, the people reply only with 'na'aseh' (see 19:8).

If we would follow the simple order of these parshiot (see above table), we would have to conclude that the 'na'aseh ve-nishma' ceremony took place **after** Matan Torah. Nevertheless, Rashi [and most likely your first Chumash teacher] changes the order of the 'parshiot' and claims that this ceremony actually took place **before** Matan Torah. Why?

Rashi ('ein mukdam u-me'uchar') anchors his interpretation in the numerous similarities between chapter 19 and chapter 24. Therefore, he combines these two narratives together. [However, one must still explain the reason why they are presented separately.]

Ramban ('yesh mukdam u-me'uchar') prefers to accept the chronological order of the 'parshiot' as they are presented in Chumash, and explains that this ceremony takes place after Matan Torah.

This dispute causes Rashi and Ramban to explain the details of chapter 24 quite differently. For example, during that ceremony, recall how Moshe reads the 'sefer ha-brit' in public (see 24:7).

According to Rashi, 'sefer ha-brit' cannot refer to any of the mitzvot recorded in Yitro or Mishpatim, as they had not been given yet - therefore Rashi explains that it refers to all of Chumash from Breishit until Matan Torah!

According to Ramban, 'sefer ha-brit' refers to the Ten Commandments. This topic will be discussed in greater detail in next week's shiur on Parshat Mishpatim.

In this week's regular Parsha shiur (sent out yesterday), we discuss in greater detail the events that transpire in chapter 19.

Snow for Tsvillat Keilim

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by Rabbi Dov Linzer

July 26, 2016

Question:

לגסה העברית להצ'ן / ***Read this teshuva in Hebrew***

I am in Vermont for business. I have rented an apartment and bought myself pots to cook with. There is no convenient mikveh, but there is a lot of snow. May I tovel the pots in the snow? Would I be able to use them without tevilah? Would you also give me some guidelines for snow on Shabbat – is it muktze? May I shovel it? Is there anything else I should be aware of?

Answer:

In a previous teshuva, I answered the question regarding guidelines for snow on Shabbat. In this teshuva, I will address the first question: may one tovel pots in the snow?

The requirements for a *mikveh* for *keilim* are the same as those a *mikveh* used for any other purpose, and therefore our point of departure is the mishna in Mikvaot (7:1) that states:

אלו מעליין ולא פסולין השלא
והברד... אמר ר' עקיבא היה
ר' ישםעאל דן כנדי לומר
השלג אינו מעלה את
המקווה והיעדו אנשי מידבא
משמו שאמר להם צאו והביאו
שלג ועשו מקווה במתיחה

The following can complete [the 40 seah, the minimum amount of water required for a *mikveh*] and does not invalidate it: snow, hail.... Said Rabbi Akiva: Rabbi Yishmael argued with me and said that snow does not complete the [required amount of water for a] *mikveh*. But the people of Meidva testified that he said to them, "Go out and bring snow and make a new *mikveh*."

The initial ruling in this mishna is that if a *mikveh* already has some water in it but not the requisite amount — 40 *seah* — one may add snow to the existing water to complete this amount and make it a kosher *mikveh*. Although Rabbi Yishmael questions this, in practice he permitted even the full 40 *seah* to come from snow.

One might conclude from this mishna that there is no problem using snow to create a *mikveh* and therefore no problem using snow for *tevilat keilim*. However, in the discussion of the Rishonim, the issue is more complex.

The question we need to address first is: how do we measure the snow? Forty seah is a volume measurement. In order to obtain a volume measurement of the snow, do we measure it as it falls (including the air pockets) or do we pack it and eliminate the air pockets before measuring it? Ra'avad (Ba'alei HaNefesh, Shaar Ha'Mayim, no. 2, on Mikvaot 7:2) and Rosh (Hilkhot Mikvaot, no. 18) both state that the snow must measure 40 *seah* when compressed, and this also seems to be the position of Rambam who states that the snow must first be crushed (Laws of Mikvaot 7:3).

For our purposes the most significant question is whether snow may be used in its current state or whether it must melt to be valid for *tevilah*. The simple understanding of the mishna is that snow may be used in its natural state: as snow, and not only once it becomes water. There are those who question this. Mordechai (Shabbat, no. 332) records a case brought before Rabbeinu Shmarya of Speyer (12th century Tosafist) in which a husband forced his wife to immerse in the snow (presumably, there was no *mikveh* available). Mordechai does not comment on the man's behavior but does note a halakhic debate as to whether this immersion is valid. Rabbeinu Simcha (Speyer, 12th century Tosafist) rules that the immersion was valid based on the mishna, while Rabbi Eliezer states that the mishna referred specifically to a case where the snow had melted and only in such a case would the *mikveh* be kosher. Mordechai concludes by stating that in the end Rabbeinu Simcha reversed his position and agreed that a woman could not immerse in snow if the snow were not melted.

Beit Yosef (YD 201) quotes these rulings and argues strongly against them. He states:

דמתניתין דפסטה לא
ומשמע בדברי הפוסקים לא
נוחוי כלל בדברי ר' אליעזר
דודאי بلا הופשו מיר' "It seems to me that the simple sense of the mishna and of the poskim do not support the position of Rabbi Eliezer, for they are certainly referring to a case where the snow has not melted."

Despite this strong statement, Beit Yosef says:

ומכל מקום אין להקל לעשות מעשה באיסורא דאורייתא נגד
ר'ה אליעזר ורבינו שמחה "Nevertheless, we should not be lenient and act against the ruling of Rabbi Eliezer and Rabbeinu Simcha in a matter of a Biblical prohibition."

He concludes that one may use snow for washing hands before eating bread as this is a rabbinic, not a Biblical, matter.

Despite these reservations recorded in Beit Yosef, Rabbi Yosef Caro rules in Shulkhan Arukh that a woman in niddah may immerse in a *mikveh* filled with snow without qualifying this in any way (YD 201:30). Rema adds that there are those who are strict and require that the

snow melt before it is used for *tevilah*. He concludes , טוב להחמיר לכתהילה “optimally, it is best to be stringent *lichatchila*.” Rema thus agrees to Shulkhan Arukh that in principle immersion may be done in snow that is not melted.

Shakh (no. 71) argues strongly against these positions. He states that the snow must be melted to be used for *tevilah*. He requires this absolutely and not just as a *lichatchila* concern.

Indeed, Shakh asserts that almost all *poskim* rule that in order for a *mikveh* to be entirely filled from snow, the snow must first be melted [it should be noted that when snow is being added to existing water, it need not be melted first]. For Shakh, Rambam’s ruling that snow must be crushed is stating exactly this: the snow must be crushed and turned into water, and only then may it be used.

Shakh is emphatic that a woman in *niddah* may not use a *mikveh* filled with snow, even if there are no other choices, unless the snow has already become water. Most Ashkenazi *poskim* rule this way as well (see *Be’er Heiteiv*, no. 49; *Pitchei Teshuva*, no. 21).

This position has its dissenters (see *Gra*, no. 65; *Taz OH* 159:20; *Or Yitzchak* vol. 2, *YD* 17, section 12). Notably, *Hazon Ish* challenges Shakh’s assertion that most *poskim* require the snow to be melted, and in conclusion he writes:

ומ’ סאה שלג המונח בבקעה... הוי ספיקא דעתך
ויש להחמיר בדאויתא
ולהקל בדרבן והמיקל
כדעת מך והרמ”א
שהכריעו להקל יש לו על מי
לסתור

“Regarding 40 *seah* of snow which falls into a valley... there is a question as to how we rule, and one should be strict with Biblical matters and lenient with rabbinic matters. A person who is lenient and follows the position of Shulkhan Arukh and Rema, who decided the matter in favor of the lenient opinion, has upon what to rely.”

As a rule, we should certainly follow the strict opinion for Biblical matters. Thus, as a rule, a woman in *niddah* should not immerse in snow. Obviously, it would only be in extreme circumstances that such a possibility would arise; in such a case, a *posek* should be consulted.

When dealing with a matter of rabbinic law, however, there is room for leniency. Thus, in the case of *nitilat yadayim*, washing hands before bread, which is a rabbinic mitzvah, *Taz* (*OH* 159, no 20) rules that one may wash one’s hands by putting them in snow even *lichatchila*. *Magen Avraham* (160, no. 16) rules likewise (although he does reference Shakh’s position in the end). Similarly, *Be’er Heiteiv* (160, no. 13) allows travelers who do not have water available to stick their hands into the fallen snow as a way of doing *nitilat yadayim*. *Mishne Brurah* (160: 58) echoes this ruling, and in *Shaar ha’Tziyun* (no. 61) he argues that even Shakh would permit using snow for this rabbinic mitzvah when no other options are available. The consensus of all these *poskim* is that one can be lenient in rabbinic matters and rely on those who permit snow to be used for *tevilah*.

It is also clear from these *poskim* that when snow is being used for immersion, it need not be placed in a *mikveh*. Any contiguous patch of snow that contains 40 *seah* can be used in its natural state where it has fallen on the ground (see, for example, Magen Avraham OH 160:16 and Be'er Heiteiv 160:13).

To return to our question — may one use snow for *tvilat kelim*? — the answer should depend on whether this mitzvah is of a Biblical or rabbinic nature. If it is a Biblical mitzvah, we would not allow snow to be used; if it were rabbinic, we would, especially when no other options are available.

Whether *tvilat kelim* is a Biblical or rabbinic mitzvah is debated by the Rishonim (see Tosafot Yoma (88a), *s.v. mi'Kan*; Ramban, Bamidbar 31:23; Rambam Laws of Forbidden Foods 17:3-5, and Kesef Mishne on 17:5; Ra'ah Bedek HaBayit 4:1, *s.v. vi'Tam ki'Ikkar*). The material composition of the vessel is also a relevant factor. The consensus of *poskim* is that even if *tvilat kelim* is a Biblical mitzvah, this would apply only to metal vessels. The requirement to immerse glass vessels is certainly rabbinic in nature.

Thus, following the approach we presented above, one should not immerse metal vessels in the snow, as this might be a Biblical mitzvah. Glass vessels are of a rabbinic nature, and may be immersed in the snow if necessary. This ruling is found in Chakhmat Adam (73:19, quoted in Pitchei Teshuva YD 120, no. 4) who states that in a *sha'at ha'dechak* (exigent circumstance) situation, glass vessels may be immersed in the snow. If a *mikveh* is not readily available, this would constitute a *sha'at ha'dechak*—as it does in the case of hand washing—and a person could be *tovel* her glass dishes in the snow.

Poskim debate whether vessels made from certain other materials—such as aluminum (a metal not mentioned in the Torah), Teflon, enamel, as well as glazed vessels—require immersion or not. In all such cases, one may use snow for *tevilah* if a *mikveh* is not readily available.

Even when it comes to metal vessels, one could argue that since Rishonim debate whether *tvilat keilim* is a Biblical or rabbinic mitzvah, we should permit immersion in snow when no other options exist based on a *shek sfeika*, or the principle that we are not concerned when something is doubly uncertain. In this case, it is a *shek sfeika* because (1) it is uncertain that *tvilat keilim* is Biblical commandment, and if it is indeed rabbinic, snow can be used, and (2) Even if it is a Biblical mitzvah, there are *poskim* that allow immersion in snow for Biblical obligations. However, a number of *poskim* are adamant that *tvilat kelim* is Biblical according to all Rishonim (see, for example, Arukh HaShulkhan, 120:4), and according to them, there is no *shek sfeika* in the case of metal vessels. In the end, when dealing with metal vessels it is best to wait until you have access to a kosher *mikveh*.

If no other cooking implements are available and you need to use these metal pots, I would advise you to do the following: immerse the metal vessels in the snow without a *brakha*, use them as needed, and when you have access to a *mikveh*, immerse them again without a

brakha.

The reasoning is as follows: while there is a debate whether *tvilat kelim* is a Biblical requirement, it is widely agreed that the restriction against using vessels that have not been immersed is rabbinic (Yeshuot Yakov, YD 120:1; Minchat Yitzchak 1:42; R. Shlomo Zalman Aurbach, *M'adanei Eretz* 16:1.10; Yabia Omer, YD 2:9.2; and Mishne Brurah OH 323:7, *Beur Halakha*, *s.v. Mutar li'Hatbil*; see however *Or Zarua* AZ 293 and *Ra'ah*, *ibid.*). Thus, immersing them in snow is sufficient to avoid the rabbinic restriction and you would be permitted to use the vessel.¹ However, since you may not have fulfilled this Biblical mitzvah, you should immerse them again in a conventional *mikveh*. You do not make a *brakha* either time — the first time because the immersion in snow may not be an acceptable fulfillment of the mitzvah, and the second time because you may have already fulfilled the mitzvah with the first immersion in the snow.

Those who would like to rely on the *sfek sfeika* I presented above, would be able to immerse metal vessels in snow and make a *brakha* as well with no need to re-immerse them in a standard *mikveh* (regarding making a *brakha* in the case of a *sfek sfeika*, see MB 489:38).

When one is using snow for immersing vessels, two requirements need to be attended to:

(1) There must be *40 seah* of snow present. This will almost always be the case. All the snow that is contiguous is counted towards the *40 seah*. A problem would arise only if the snow is patchy or melting, and the snow being used was not contiguous with other snow on the ground.

(2) All the surfaces of the vessel must touch the snow, with no air pockets between the vessel and the snow. This concern emerges from the Mordechai quoted above. After citing the positions of Rabbeinu Simcha and Rabbi Eliezer, Mordechai concludes his discussion and states that Rabbeinu Simcha ultimately required that the snow be melted for immersion out of a concern that the woman's body would not come in contact with the full measure of snow. Beit Yosef finds this statement puzzling; one who immerses is never in contact with the entire *40 seah* of water! Hazon Ish (YD 133, no. 3) offers a brilliant explanation: Rabbeinu Simcha was concerned about air pockets between the woman's body and the snow. He was not saying that she had to touch all the snow, but that the snow had to touch all of her.² This problem is particularly acute in the case of a immersing one's full body, as Hazon Ish makes clear, since there is a great deal of surface area and many air pockets will exist. This problem is avoidable when immersing something small, such as a vessel or one's hands. If one is to use snow, she must ensure that the snow is loosely packed and that all surfaces of the vessel come in contact with the snow

Conclusion:

Snow may be used for washing hands before bread when water is not readily available.

In terms of using snow for immersing vessels when a standard *mikveh* is not available:

- Glass vessels may be immersed in snow with a *brakha*.
- Metal vessels should be immersed in a regular *mikveh* and not in snow.
- When one needs the metal vessels immediately, they may be immersed in snow without a *brakha* and used for cooking and eating. They should be immersed again in a kosher *mikveh* without a *brakha* when the opportunity presents itself.

The snow being used must be 40 *seah* that is all connected. One must be particularly careful that the snow be loosely packed so that the entire surface of one's hands or of the vessel come in contact with the snow.

Footnotes:

1

Rav Shlomo Zalman Aurbach is quoted in the book *Tvillat Kelim*, p. 102, as stating that when a person uses a vessel that has not been immersed, if she now has the ability to immerse it and does not, she would be actively violating a mitzvah asei. According to this, it would be necessary to immerse the pot in a standard *mikveh* immediately when the opportunity presented itself. I think that in this case, since the pot has already been immersed in snow, one can rely on the general consensus of the poskim that using a vessel that has not been immersed is never a Biblical concern. A person can thus wait until the time is convenient to do this second immersion.

2

Hazon Ish also addresses the other curious statement of Rabbeinu Simcha that Beit Yosef could not understand. Rabbeinu Simcha references a braitta in *Hullin* (31b) which states that one cannot immerse inside the dome of an arched stream of water, because the water in that section of the stream is not directly connected to the ground. Rabbeinu Simcha states that for the same reason one cannot immerse in snow. Beit Yosef is unable to understand the comparison. Hazon Ish explains it as follows: the water in the dome of an arched stream may not be used because it is considered to be suspended in air. Similarly, the snow on top of her head is considered to be suspended in air, as it will retain its shape even after the immersion is done, and thus may not be used as well.

About Rabbi Dov Linzer

Rabbi Dov Linzer is the President and Rosh HaYeshiva of Yeshivat Chovevei Torah Rabbinical School, and primary architect of its groundbreaking curriculum of Torah, Halakha, pastoral counseling, and professional training. Rabbi Linzer continues to be a leading rabbinic voice in the Modern Orthodox community through his highly popular podcasts, including *Joy of Text* and *Iggros Moshe A to Z*, and daf yomi shiurim covering all of shas. Rabbi Linzer has published many Torah articles, writes a widely read weekly parsha sheet, authors teshuvot on a wide range of contemporary halakhic topics, teaches regular Talmud and Halakha classes, and serves as a religious guide to the yeshiva's students and 135+ rabbis serving in the field.

Biking on Shabbat

Byline:

Rabbi Dr. Shmuly Yanklowitz



Many are struggling today, in different ways, with Shabbat observance. This challenge is an issue for us to be sensitive to and to be responsive to in all ways possible. One dimension of the challenge for many observant Jews today (or those working to become more observant) is where they can live. Homes that are very close to the shul that they can (or want) to go to are often out of their financial reach. Given the option of driving a car to shul, it seems far more halachically responsible to ride a

^[i] bike to shul^[ii]. This can make Shabbat observance far more palatable for many people. And we must be concerned with people being stretched financially. Our halakhic tradition teaches “Chas HaKadosh Baruch Hu al Mamonam Shel Yisrael” (G-d cares about our financial stress)!^[iii]

This is most important for rising costs in observant Jewish life in America^[iv]. Homes in close walking distance to shul are often unaffordable for countless people. What if one could choose to live 2-5 miles away from shul instead of just half a mile (or one mile at most)? A family living 2-5 miles away,

^[v] yet still within the eruv^[vi], most certainly should consider biking to shul instead of just staying home, and certainly instead of making an imprudent decision to buy a home well out of their budget. In addition to the financial concerns, there are many who need other types of pleasurable (personal or familial) experiences on Shabbat for the day to be deeply fulfilling and we should not judge those ways but enable deeper options, where *halakha* can allow it.

Some suggest that it is prohibited to bike on Shabbat^[vii]. Four possible reasons^[viii]:

1. *Shema yitaken* (lest you come to fix a broken chain or a flat tire – i.e., a problem of *makeh b'patish*)^[ix] and as such, it may also be *marit ayin* – that the act is permitted but it may be mistaken by an onlooker to be an impermissible action^[x].
2. *Uvdin d'chol*^[xi] (it's what we do on weekdays – i.e., it's not *Shabbosdik*).^[xii] Further, some suggest that one should move slowly on Shabbat, and not even walk briskly.^[xiii]
3. One might leave the eruv or the borders of Shabbat accidentally^{[xii][xiii]} and because of this, it

may be a *muktzah* [xiv] object [xv]

4. One might make grooves in the dirt with the wheels [xvi], which could be a violation of the *melacha* [xvii] of plowing (*charisha*) [xviii]

These positions have heavy-weight poskim behind them and should be taken very seriously. But these are reasons for a *beit din ha-gadol* to enact new legislation. But these are not halakhic principles that can obviously, easily, and stringently, be applied to a new case in our day. [xix] We did not have bikes in ancient times, of course, and the power to create new prohibitions was reserved for the rabbis of the Talmud. We don't simply say that because we haven't seen an act being done [xx] that it cannot be permitted. [xxi] Without an explicit prohibition in the Talmud [xxii], we need not [xxiii] create new prohibitions. [xxiv] The Maharshag wrote that we don't create new *gezeirot* about *uvdin d'chol*, [xxv] and Rabbi Chaim Zimmerman [xxvi] was upset by new arguments about why biking shouldn't be allowed also arguing that we don't create new *gezeirot*. [xxvii]

Of course, it will be a breach of the contemporary Orthodox norms if one bikes and that is something to take seriously. Just because something is technically permitted, doesn't mean that everyone should do it. We must be sensitive to the norms of our tradition and to the norms of our religious community. So, if one were to choose to bike, they should be aware of the social implications of that choice as we should generally seek to limit areas where we diverge from communal norms to foster communal harmony. Further, for those merely looking for enjoyment, Shabbat should be meaningful and pleasurable but we should remember that the primary goal is not fun.

If one is going to bike, one should take certain precautions. Firstly, they should service their bike regularly and only use bikes that are in good reliable shape. Secondly, they should be willing and able to continue travel with a broken bike rather than repair it if some rare event occurs [xxviii]. Thirdly, [xxix] they should be clear on the boundaries of the *eruv* and *techum* [xxx] and be sure to stay inside. This should only be done with an *eruv*. [xxxi] Fourthly, one should use the bicycle as a means to perform a mitzvah (go to shul, attend a *seudah* [xxxii], teach Torah and other mitzvot such as bonding with one's children) but not for physical exercise goals as that would indeed be *uvdin d'chol*. [xxxi] Fifthly, one [xxxiii] should focus on biking on roads, sidewalks [xxxiv], and bike paths and try to avoid dirt roads. Of course, we must note the importance of safety precautions as well. [xxxv]

It is very common for observant Jews to push strollers, often with inflatable tires, on Shabbat. The issues one could raise with such a stroller are almost identical to issues of biking (Will one leave the *eruv*? What if a tire is flat? What if it makes grooves in the dirt?) and so almost all of the potential challenges of biking have already been addressed through the permission of using strollers.

The reasoning that biking is not officially prohibited should be enough. But if one's norm is to ensure that a major rabbi has officially permitted a practice then they can rely on the Ben Ish Hai. Rav Yosef

[\[xxxiv\]](#) [\[xxxv\]](#) Hayyim of Baghdad [\[xxxvi\]](#) fully permitted riding a bicycle in the streets of the walled city of Baghdad on Shabbat. [\[xxxvii\]](#)

"It is allowed to ride...on both Shabbat and Yom Tov, in a city where there is an Eruv. It is not considered a non-Shabbat activity... since the rider only moves his feet and the bicycle moves by itself, it is not like being carried in a chair by other people [which is forbidden] ... it is allowed without doubt in a city with Eruv even for recreational purposes, and even more so if one is going to perform a Mitzvah..."

Rav Ovadia Yosef is sympathetic with the position of the Ben Ish Hai. [\[xxxviii\]](#) In regards to inflating bike tires on Shabbat, Rav Shlomo Zalman Auerbach [\[xxxix\]](#) rules that it is allowed to inflate a ball on Shabbat. The same reasoning should apply to inflate a bike tire. So, fixing a bike, in some ways, may not be a problem in the first place. In any case, the concerns around biking are not about any prohibition at all, just that it may end up leading to a prohibition.

Orthodoxy continues to demand more conformity to new stringencies. There is often a pervasive fear of suggesting approaches outside that mainstream. But we can take a more halakhically-pluralistic approach to Shabbat observance. Once something is permitted as a matter of halacha, then if some don't find it enjoyable, meaningful, helpful, or in the spirit of the day to ride a bike on Shabbat, that's great. If others find it meaningful or helpful, then they should embrace the opportunity. Observant

[\[xl\]](#) Syrian Jews in Brooklyn, today, ride their bikes on Shabbat. We should not encourage people to refrain from the permitted absent sufficient religious concern.

If some prefer not to bike for whatever reason, there are other options in addition to biking such as

[\[xli\]](#) non-electric scootering and rollerblading that may be more appealing to some. Just as Modern Orthodox synagogues open their parking lots to those who choose to drive (while driving is a halakhic violation of Shabbat), shuls should start offering bike racks (since biking is not a halakhic violation of Shabbat) and it could encourage more people to attend.

In many Asian cities and in some European cities, biking is closely connected to work and thus *uvda*

[\[xlii\]](#) *d'chol* may indeed be a concern. But biking in America is not work related and thus not *uvda d'chol* in the classical sense of work conduct. Poskim in Europe (and perhaps Israel) who don't allow biking have different concerns whereas biking in America is for recreation, not work. It seems that the minhag not to ride a bike came from a time when bikes were connected to work, perhaps like watches. This has changed and thus the practice should change in America (but perhaps not in Israel, China, or Europe). In this model though, perhaps someone in America who bikes to work (or uses a bike for work) should not bike on Shabbat.

What is the goal of Shabbat? To pray? To relax? To serve God? To eat and sleep? To learn Torah? To recharge? So many different explanations emerge. Many suggest some leisurely activities are not prohibited but are simply "not shabbosdik." I believe in an approach where we empower people to

make their own religious choices based upon their own religious worldviews, within the confines of [xliii] halakha [xliiv]. To be a religious person is to take responsibility for one's religious life [xli]. In an era, where the high majority of the Jewish people are not interested (and even offended by) Jewish law, we [xlv] need to invoke more urgency [xlivi] on making observance accessible and meaningful. [xlvii]

“Whoever delights the Shabbat, is given all their heart’s desires!” [xlviii] May we do all we can to preserve the beautiful sanctity of the day. And do all we can to find joy in the gift of Shabbat and come closer to God and to actualize our unique life missions in service of God.

[i] It also seems it would be a better option to bike than to stay home all Shabbat, lose one's financial stability by purchasing a home out of their reach, or take on a detriment to one's family Shabbat experience in any way, unnecessarily.

[ii] The Maharshal applies this argument against new glatt kosher demands.

[iii] See the Nishma survey on how much Modern Orthodox families are struggling financially to keep up with the economic demands.

[iv] Even if one goes out of the eruv, in almost all cases, the area outside of the eruv is a karmelit, so we are only looking at a d'rabbanan concern, not d'oraita.

[v] Rabbi Gedalia Felder, Yesodei Yeshurun, Laws of the Sabbath, pp. 385-7

[vi] See Tzitz Eliezer 7; 30

[vii] Eruvin 104a; Shulchan Aruch, Orach Chaim 339

[viii] Rav Moshe teaches that marit ayin is only when someone misunderstands the facts, not when someone misunderstands the halakha. In that later case, one should learn the halakha (OH 1:96).

[ix] Maybe uvda d'chol for a mitzvah is mutar?

[x] Shabbat 150a-b; Shut Chassam Sofer 6:96; Ramban, Parashas Emor

[xi] Shabbat 113a

[xii] Kaf HaChaim 403:8

[xiii] Shmirat Shabbat Kehilchatah 16:18 permits little children to ride a tricycle within the Eruv borders. This is not only because Tosafot allowed a three wheeled cart but also because a tricycle does not have a chain. Further, there was no prohibition on a wagon. In Israel, it's very common for kids to ride scooters on Shabbat.

[xiv]

____ Kli shemelachto li'issur?

[xv]

____ Tzitz Eliezer, Vol. 1, no. 21, sec. 27; Responsa Tzitz Eliezer, vol. 7, 30: 1.

[xvi]

____ Rav Ovadia Yosef ruled that creating grooves in the snow is not a problem at all (Yabia Omer OH 5:28). We will need to determine if snow is the same as dirt. If not, we'd be looking at a psik reisha, lo nich lei.

[xvii]

____ Grooves in the dirt is not a pesik reisha and it is no lo nicha lei.

[xviii]

____ Rabbi Azriel Hildesheimer (Orach Chaim 1:49)

[xix]

____ BT, Bava Metzia 59b

[xx]

____ There is a debate about "Lo Ra'INU Eino Ra'aya" (the inference from what hasn't been to what ought not be) and both sides have merit.

[xxi]

____ BT, Eduyot 2:2

[xxii]

____ Rosh, Shabbat, 2:15

[xxiii]

____ See many more sources supporting the idea that we don't make new gezeirot in Encyclopedia Talmudit volume 5 on "gezeira."

[xxiv]

____ Maharshag chelek beit, siman yud-gimmel

[xxv]

____ <https://www.theyeshivaworld.com/coffeeroom/topic/is-it-permitted-to-ride-a-bicycle-on-shabbos>

[xxvi]

____ Rabbi Sliman (Solomon) David Sassoon permitted biking. Rabbi Shamah, the talmid muvhak of Rabbi Sassoon, has written about his bicycling position. Also, Rabbi Eliezer Cohen, ruled in theory and in practice that people within the eruv had permission to take their bicycles to synagogue and back on Shabbat.

[xxvii]

____ If someone's bike breaks and it is not rideable anymore, rather than repair it, one should lock it up there, if it is too far to walk to one's destination, and then return after Shabbat to retrieve it.

[xxviii]

____ A limit of 2,000 Amot (cubits) outside the city

[xxix]

____ Although, a case could be made that, in a karmelit, outside an eruv, there would not be a problem. Aqira and hanaha are not taking place.

[xxx]

____ Building community on Shabbat is so important and many do not go out for meals but the travel is too far for them to walk on Shabbat.

[xxxi]

____ If one is going on a long ride to break a sweat and get exercise, this would not be a worthy Shabbos goal, although, it is certainly a wonderfully worthy weekday activity. Further, those biking for exercise are far more likely to bike too far. A pleasurable Shabbat bike ride would be about a calm ride with children as a way to teach them or bond with them, when that is particularly meaningful to a family. Or a couple who wants to get out of the home for some special time together.

[xxxii]

____ One should only, of course, bike on a sidewalk if there are not pedestrians and if it is legally permitted.

[xxxiii]

Some basic safety reminders:

1. Bikers must wear helmets
2. One should not bike in a busy city with fast traffic
3. One should not bike at night
4. One should only use bikes in good shape
5. One should only bike on the sidewalk (where permitted) or where there are well-marked bike lines.
6. One should not bike when it is raining or snowing (or likely about to start to rain or snow) or if the streets are still very wet.

[xxxiv]

1833-1909

[xxxv]

The Ben Ish Hai, Orach Chaim Volume 1, #25

[xxxvi]

Responsum Rav Pe'alm

[xxxvii]

See Yaskil Avdi. However, it's worth noting that Rav Ovadia shares that the Ben Ish Hai may have retracted his view (Chazon Ovadya, Shabbat Vol. 4, p. 40) and ultimately, he believes one should be strict (Chazon Ovadia p. 43 and Yabia Omer Vol. 10 - OC 55:29 and Hazon Ovadia IV, p. 40). See Leviyat Chen (107).

[xxxviii]

Minchat Shlomo, siman 11:5

[xxxix]

This comparison only makes sense in regards to low air that needs more air but not in regards to a broken tire.

[xli]

This is not a new phenomenon. In the Syrian community, it was always considered permissible to ride bikes on Shabbat.

[xlii]

Even Aish HaTorah has no problem with rollerblading:

https://www.aish.com/atr/Rollerblading_on_Shabbat.html Then again, Ohr Somayach doesn't like it:

https://ohr.edu/ask_db/ask_main.php/72/Q1/

[xliii]

"Uvdin di'chol is not a gezeira, so it can't be dismissed with the same logic as adding new gezeirot in general. Rav Dov Linzer writes: "In contrast, Rav Moshe Feinstein's position parallels that of Ramban. Rav Moshe was asked whether an egg- or cheese-cutter should be forbidden on the basis of uvda di'chol (ע"מ או"נ ת"ע ת"ז ע"מ או"נ ת"ע ת"ז). He first points out the irony that a labor-saving device would be considered contrary to the spirit of Shabbat. Rav Moshe then analyzes all the cases that are defined as uvda di'chol and concludes that an uvda di'chol activity is one that is connected to professional work. However, it is not a problem when the act is done *dror urai*, in an ad hoc fashion to address an immediate Shabbat need.[1] The problem is when the act is done with close attention and on a scale that suggests weekday work, what the Gemara refers to as *chedar sheh ola* (chedar sheh ola).

[xliii]

One potential drawback of a bike culture, even given all the potential gains, is the potential loss of a more physically close Jewish community.

[xliv]

In addition to American Jewish life, Rabbi Dr. Nathan Lopes Cardozo writes about how allowing bicycles could make Shabbat observance so much more possible and appealing in Israel today:

<https://blogs.timesofisrael.com/take-the-bike-or-tram-get-a-free-coffee-and-observe-shabbat/>

[xlv]

_____ This doesn't feel like one of the most urgent religious issues but the continuing assimilation and disinterest in Jewish observance is indeed something we must be more and more responsive to.

[xlvii]

_____ Hora'at sha'ah, Mishneh Torah, Hilchot Mamrim 2:4

[xlviii]

_____ BT, Shabbat 118b

Byline:

Rabbi Dr. Shmuly Yanklowitz is the President & Dean of the Valley Beit Midrash (a Jewish learning & leadership center), the Founder & President of Uri L'Tzedek (Orthodox Social Justice), the Founder and CEO of Shamayim (Jewish animal advocacy), the Founder and President of YATOM, (Jewish foster and adoption network), and the author of books on Jewish ethics.

Religion True and False: Thoughts for Parashat Yitro

Angel for Shabbat, Parashat Yitro

by Rabbi Marc D. Angel

A prevalent custom in Ashkenazic synagogues is for the congregation to stand when the Ten Commandments are read from the Torah. This is a symbolic re-enactment of the Revelation at Mount Sinai, when the Israelites stood below the mountain. Among Sephardim, the widespread custom is to remain seated during the reading of the Torah, including during the recitation of the Ten Commandments. This custom is based on the notion that all the Torah—from beginning to end—is holy. To stand only for the Ten Commandments might imply that only the Ten Commandments were given by God. (The Sephardic sages did not require standing for all Torah readings, since this would be a terrible imposition on the public.)

During the 18th century, a question was asked of Rabbi Eliyahu Israel, a scholar born in Rhodes who was serving as rabbi in Alexandria. The responsum is included in Rabbi Israel's book *Kol Eliyahu*, no. 5. The question was: may a person be stringent with himself and stand for the Ten Commandments in a congregation where the custom was to remain seated? Rabbi Israel responded: "It is obvious that one is not permitted to do so because it appears presumptuous [mehzei ke-yuhara]....Moreover someone who does so [stands] in the presence of Talmidei Hakhhamim greater than he, is deserving of excommunication [nidui].” If a self-righteous person stands while others are seated, this gives the impression that only he is truly scrupulous about honoring the Torah, while the rest of the congregation are less pious.

What was in the minds of the individuals who stood for the Ten Commandments in a synagogue where the custom was to remain seated? They probably thought they were demonstrating honor to the Torah. Yet, Rabbi Israel penetrates to the inner motivations of these people: they viewed themselves as holier than the rest of the congregants. In the inner recesses of their souls, they took pride in their show of piety in contrast to the behavior of others. But this sense of pride and pretentiousness is repugnant. One should not defy the proper and well-established custom of a congregation, but should rather follow the prevailing custom. To call attention to one's supposed piety is an act of impiety. It is rude and disrespectful, as well as presumptuously self-righteous.

There is a thin line between genuine and counterfeit religiosity. One may show external gestures of piety and yet be religiously inauthentic. Rabbi Eliezer Papo, in his classic ethical text, *Pele Yoetz*, points out that one should strive to serve God humbly. If one wishes to adopt a practice that the law does not require, one should do so privately. One should not follow religious stringencies in public if the rabbis and members of the community do not observe these stringencies. God knows our inner thoughts, our real intentions.

Our goal must be to achieve the highest level of purity in our service to God, to direct our deeds for the sake of Heaven. We need to be absolutely honest with ourselves, constantly cutting through our own rationalizations. Our judgment is easily clouded by self-delusion and feelings of self-contentment. We should be most concerned with real piety, not with external gestures of piety.

By:
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[Angel for Shabbat](#)



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