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INTERNET PARSHA SHEET ON YISRO - 5772

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Covenant & Conversation

Thoughts on the Weekly Parsha from

Lord Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - 5770]

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Covenant & Conversation » 5770 Yitro 5770

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:

Moses' father-in-law said, "What you are doing is not good. You and these people who come to you will wear yourselves out. The work is too heavy for you; you cannot handle it alone. Listen now to me and I will give you advice, and may G-d be with you. You must be the people's representative before G-d and bring their disputes to him. Teach them the decrees and laws, and show them the way to live and the duties they are to perform. But select capable men from all the people-men who fear G-d, trustworthy men who hate dishonest gain-and appoint them as officials over thousands, hundreds, fifties and tens. Have them serve as judges for the people at all times, but have them bring every difficult case to you; the simple cases they can decide themselves. That will make your load lighter, because they will share it with you. If you do this and G-d so commands, you will

be able to stand the strain, and so too all these people will reach their place in peace." (Exodus 18: 17-23) Moses must learn to delegate and share the burden of leadership. Interestingly, the sentence "What you are doing is not good (lo tov)" is one of only two places in the Torah where the phrase "not good" occurs. The other (Genesis 2: 18) is "It is not good for man to be alone." We cannot lead alone; we cannot live alone. That is one of the axioms of biblical anthropology. The Hebrew word for life, chayyim, is in the plural as if to signify that life is essentially shared. Dean Inge once defined religion as "what an individual does with his own solitude". That is not a Jewish thought. However, it was the great nineteenth century scholar Netziv (R. Naftali Zvi Yehudah Berlin) who made an unexpected, even counter-intuitive observation on this passage. He begins by raising the following question. It is easy to understand how Yitro's advice helped Moses. The work was too much. He was becoming exhausted. He needed help. What is less easy to understand is his final comment: if, with G-d's permission, you delegate, "so too all these people will reach their place in peace". The people were not exhausted; Moses was. How then would they gain by a system of delegation? Their case would still be heard - but not by Moses. How was this to their advantage? (Harchev Davar to Exodus 18: 23).

Netziv begins by quoting the Talmud, Sanhedrin 6a. 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 were there is strict justice, there is no peace, and were 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, 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 Netziv's astonishing conclusion. By delegating the judicial function downward, Moses would bring ordinary people - with no special prophetic or legal gifts - into the seats of judgment. Precisely because they lacked Moses' intuitive knowledge of law and justice, they were able to propose equitable solutions, and an equitable solution is one in which both sides feel they have been heard; both gain; both believe the result is fair. That, as the Talmud says above, is the only kind of justice that at the same time creates peace. That is why the delegation of judgment would not only help Moses avoid

total exhaustion; it would also help "all these people" to "reach their place in peace."

What a profound idea this is. Moses was the Ish ha-Elokim (Psalm 90: 1), the supreme man of G-d. Yet there was, 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 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 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 has something to give.

Faith in G-d after the Holocaust may be hard; but faith in humanity is harder still Thought For The Day - BBC Radio4 - 27 January 2010 Today is National Holocaust Memorial Day, and this year the focus will be on one small group of people in the Warsaw ghetto and the astonishing task they took on themselves for the sake of future generations.

The Warsaw ghetto into which hundreds of thousands of Jews were herded was not some remote spot far from public gaze. It was near the centre of one of Europe's capital cities. There 100,000 Jews died of starvation and disease. 270,000 were taken in cattle trucks to Treblinka and other camps to be gassed, burned and turned to ash. Eventually in April 1943 the Nazis gave the order that everyone left should be killed and it was there that the ghetto inhabitants mounted an extraordinary act of resistance, keeping the German army at bay for five weeks until they were overcome.

But by then a quite different act of resistance had taken place, and it's this we're going to remember this year. It was the brainchild of a Jewish historian, Emanuel Ringelblum, who realised that the Nazis were unlike any previous group bent on conquest. All others had preserved a record of their victories for posterity. But the Germans were intent on obliterating or falsifying every trace of their mass exterminations, of Roma, Sinti, homosexuals, the mentally and physically disabled, and the Jews. Ringelblum understood that they were preparing a systematic denial of the Holocaust at the very time it was taking place.

So, in the ghetto, he brought together a group of academics, teachers, journalists, religious leaders, artists and the young to gather testimonies from people in the ghetto, so that the world would one day know what happened. Unbelievably they gathered 35, 000 documents, stories, letters, poems and records. They hid them in tin boxes and milk churns where they lay for years until the handful of survivors led the way to their location.

What an astonishing act of faith: that evil would ultimately be defeated, that the documents would be found and not destroyed, and that truth would win out in the end. Faith in G-d after the Holocaust may be hard; but faith in humanity is harder still, knowing the evil people to do one another, and the hate that lies dormant but never dead in the human heart.

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Rabbi Mordechai Willig The Path of Hashem

Yisro instructed Moshe: "v'hodata lahem es haderech yelchu ba v'es ha'ma'aseh asher ya'asun - You should inform the people the path they should walk on and the actions that they should perform" (Shemos 18:20). This refers to acts of kindness and going beyond the letter of the law (Bava Metzia 30b).

Earlier (18:16), Moshe told Yisro that he informed the people of Hashem's statutes and laws, i.e. the ritual laws. Yisro added that they should also be taught the interpersonal dimension of Torah (Chafetz Chaim, Shem Olam Chapter 21).

Only by learning Torah can one acquire good character traits. "Lmaan asher yetzave es bonov v'es beiso acharav v'shamru derech Hashem la'asos tzedaka u'mishpat - because he commands his children and his household after him that they keep the way of Hashem, doing charity and justice." The path of Hashem was charted by Avraham Avinu, who commanded his descendants to guard and fulfill it (Breishis 18:19). Torah illuminates our path (Tehilim 119:105) and without it, we can stray from the straight path (Yalkut Lekach Tov).

Yisro advised Moshe to establish a system of judges (18:21). They are to judge minor matters themselves, and bring major matters (davar ha'Gadol) to Moshe (18:22). Moshe adds that difficult matters (davar ha'Kashe) should be brought to him as well (18:26, see Chidushei Maran Riz Halevi al haTorah).

Appropriate interpersonal behavior and the establishment of moral rectitude must be based on Torah law. When a question regarding Torah law involves great import or complexity, it must be decided by preeminent Torah scholars.

The Chazon Ish (Emuna Ubitachon Chapter 3) emphasizes that halacha determines what is ethical behavior. For example, righteous indignation, derogatory speech and even divisive and vengeful action are appropriate when upholding the law which precludes proximate competition in business (hasogas gevul). When the halacha permits competition, as in the case of Torah teachers (Bava Basra 21b), anyone who attempts to stop them is guilty of sinful speech and behavior. The same action, i.e. defending the incumbent, is morally laudable in the first case, but morally reprehensible in the second.

Moreover, those who study ethics, but are not experts in halacha, are more prone than others to err in this regard. Their sense of morality, which is not based on a deep understanding of halacha, may lead them to criticize a correct halachic stand which they erroneously view as morally repugnant. By contrast, one who devotes himself with great toil and focus to the halacha, even if not fully knowledgeable, acquires a sense of submission to the halachic system, and as such will consult an expert before taking action, particularly in interpersonal matters.

The path of Hashem was charted by Avraham Avinu and taught by Moshe Rabbeinu. In the last century, great Torah giants, the Chafetz Chaim and the Chazon Ish, continued to guide us along this path. May we be privileged to continue along this path and to inspire future generations to follow it as well.

From: innernet-owner@innernet.org.il on behalf of Heritage House [innernet@gmail.com] Sent: Monday, February 20, 2006 3:23 PM To: innernet@innernet.org.il Subject: InnerNet - "Classic Jewish Tales" INNERNET MAGAZINE <http://innernet.org.il> February 2006

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"CLASSIC JEWISH TALES"

by Rabbi Yisrael Bronstein

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THE SHOEMAKER'S REPAIR

Rabbi Yisrael Salanter was returning home very late one night. As he walked through the dark alleyways, he suddenly noticed that a light was still burning in the home of the shoemaker. He knocked on the door and entered his home.

"Why are you still sitting and working at such a late hour?" asked Rabbi Salanter.

"As long as the candle burns," replied the shoemaker, "it is still possible to repair."

Those words made a great impression upon Rabbi Salanter and, from then on, he repeated them on many occasions.

"Do you hear?" Rabbi Salanter would ask. "As long as the candle burns, it is still possible to repair! As long as a person is alive and his soul is within him, he can still rectify his deeds."

* * *

THE MISER OF CRACOW

In the city of Cracow resided an elderly, wealthy Jew, Reb Shimon. His wealth was well known to the people of Cracow; just as well known, however, was his stinginess.

All the days of his life, he did not so much as give one coin to tzedakah. Thus his nickname: "Shimon the Miser."

One day, Reb Shimon passed away. The town's burial society decided to bury him in a disgraceful manner and lay him to rest on the outskirts of the cemetery, a place reserved for the lowly members of the town.

That Friday afternoon, the rabbi of Cracow, Rabbi Yom Tov Lipman Heller (author of "Tosafos Yom Tov"), sat in his home engaged in Torah study. Suddenly, he heard a faint knock at the door. "Come in," the rabbi called out. The door opened and in walked Reb Zalman, one of the poor men of Cracow. "Rebbe," said Reb Zalman, "could you please help me? This week, I don't have even one coin in order to buy food for Shabbos."

"What do you mean by, 'this week'?" asked Rabbi Heller. "What did you do until this week?"

"Until this week," answered Reb Zalman, "every Friday morning, I would find an envelope placed under my door containing the amount of money I need to buy food for Shabbos. Yet this morning, I checked under my door and there was no envelope! I am therefore left without any money to buy Shabbos food."

While they were conversing, there was another knock at the door. Another pauper walked in; he, too, came to ask for money for Shabbos. He was followed by another pauper and yet another.... They all had the same request: "Rabbi, please provide us with our Shabbos needs."

The wise rabbi deduced that the man who had passed away that week, an individual who everyone had thought to be a miser, was in reality a hidden tzaddik who had performed the mitzvah of tzedakah with utmost secrecy. Every week, Reb Shimon had apparently provided scores of Cracow's poor with the funds to acquire their Shabbos needs.

The rabbi made a public announcement: "I order the entire community to gather in the shul at once!"

The rabbi, wrapped in his tallis, ascended the podium, opened the ark, and declared, "We, the people of Cracow, are gathered here today in order to beg forgiveness from one of the tzaddikim that lived in our midst. His greatness went unnoticed by us; we denigrated him and called him, 'The Miser.'"

"In the name of the entire community," cried the rabbi, "I hereby beg for total forgiveness from Reb Shimon, who was a righteous and holy Jew!"

Years later, when it came time for Rabbi Heller to depart to his Heavenly abode, he requested to be buried next to the tzaddik, Reb Shimon.

* * *

JEWISH UNITY

The Torah says: "And Israel camped there facing the mountain" (Exodus 19:2). Rashi points out that the word "vayichan" is in the singular, despite the fact that the Torah was describing the encampment of thousands of Jews. This teaches us, says Rashi, that at this particular encampment the Jewish people were united -- "as one person, with one heart."

In the Passover Haggadah, asked Rabbi Yitzchak of Vorki, it states, "Had He brought us to Mt. Sinai, but not given us the Torah, it would have sufficed us." These words are perplexing, for why would simply arriving at Sinai suffice for us, if it would not have resulted in our receiving the Torah?

The answer, said the rabbi, is as follows: When describing the Jewish nation's encampment at Sinai, the Torah tells us, "And Israel encamped there facing the mountain" -- as one person, with one heart. Even had we not received the Torah, it would have been worthwhile for us to be brought before Mt. Sinai just so that we could achieve such complete unity.

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**From Destiny Foundation/Rabbi Berel Wein**

**<[info@jewishdestiny.com](mailto:info@jewishdestiny.com)>**

**Subject Weekly Parsha from Rabbi Berel Wein**

I am certain that all of you will agree with me that one of the lesser joys of travel is packing one's suitcases before embarking on that adventure. I am not a neat packer since I have long noticed how the baggage handlers throw everything about in any case. And having had my luggage opened a few times by nosy security agents and their customs cohorts I find that an overly neat suitcase somehow engenders suspicion and a more thorough than necessary inspection procedure.

Like most present day travelers I have two suitcases that accompany me on my journey. One is the large and main piece of baggage that is checked through on the flight, hopefully to arrive on the baggage carousel when I arrive at my chosen destination. The other is the ubiquitous piece of hand luggage that accompanies me into the cabin of the plane.

The presence of these two different pieces of luggage that are to accompany me on the journey presents myriad packing choices. What should be put into the hand luggage and what can safely be entrusted to the tender mercies of the baggage handlers and ensconced in the belly of the plane, out of sight but never out of one's concerned mind?

It presents the packer with the basic question of life itself. What are one's priorities? What does one feel that one cannot do without and what does one consider important but somehow replaceable and even riskable? These are very important life questions and are not merely restricted to packing one's luggage for a trip.

Naturally, my documents – passports, wallet, credit cards, check book, etc. – are all to be safely placed in my hand luggage. They are after all my identity papers. One change of shirts and other clothing is also included in my hand luggage. But not more for after all how many shirts does one really need?

I have quite a number of shirts in my drawer that I have not worn for years. I really did not need those shirts when I impulsively bought them, but they were on sale. My talit and tefilin, chumash and siddur, naturally are in my hand luggage, even though I have already recited the shacharit prayers before I left for the airport.

I also packed the books that I need for the lectures that I am to deliver at my destination as well as my notes and written ideas for those lectures. And I also take my drugstore of medicines with me because I have promised my doctors to faithfully follow their instructions though I am generally dubious of the efficacy of many of the pills that I nevertheless ingest daily.

Naturally my toiletries also accompany me. The Torah is a stickler for personal hygiene. The small gifts that I have for my great grandchildren are also entrusted to my hand luggage. My grandchildren have graduated to being included in my checkbook while my children are now completely out of the picture. Surveying my hand luggage I feel that I have everything necessary packed there. The rest of my belongings – the “real stuff”- that is not truly so “real” is in my big suitcase and will be checked on the plane.

Packing suitcases for a trip makes one face up to one's priorities in life. What is really important and necessary to accompany one's self on life's trip? Prayer, mitzvot, Torah study and dissemination, generations, family, a true sense of personal identity and self-worth are certainly necessary companions for a successful Jewish trip through life.

If one possesses the gift of good health as well, added to the above list, then what else does one really need to take along for the journey? There are other things that are naturally desirable and sometimes even very important but they are usually replaceable and even disposable. So they can be put our big suitcases and checked through till our final destination.

We can accept the risk of their somehow not making it to the end point of our journey, frustrating and troubling as that may be for us. The rabbis in Avot taught us that on our final journey our carry-on

luggage will contain only the Torah study, support and observance and good deeds that we packed into that suitcase during our sojourn here on earth. Thus we are told clearly what our priorities in life should be.

Many times the “important” things turn out to be not as important as we once thought. I really don't enjoy packing but I do enjoy being packed and ready to go on further in life's journey. Shabat shalom.

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From Destiny Foundation/Rabbi Berel Wein  
<info@jewishdestiny.com>  
Subject Weekly Parsha from Rabbi Berel Wein

### **Weekly Parsha :: YITRO :: Rabbi Berel Wein**

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

Now if the entire nation was to be a kingdom of priests, in those terms of support and life, it obviously was an impossibility to maintain such a kingdom. Therefore the idea of the kingdom of priests must mean a broader reality. It is the challenge of being a kingdom of teachers of others – “for the lips of the priest shall guard knowledge and Torah will be asked to be taught from his mouth.” We are all teachers by example if not by profession. How we act influences our children, our neighbors, our customers and our coworkers. And a priest in the service of the Jewish people was someone who served the public and private needs of Jews. He was someone who was on call to answer the needs of the community, whether in the required Temple service or in the private endeavors meant to enhance the status of the community or of help to other individuals. The priest was the social worker, the peace maker, the cement that binds a community together and gives it its necessary sense of unity and cohesion. Every Jew is obligated to attempt to be such a priest.

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

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

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

A holy nation is not restricted to being so only in the house of worship and study. It is to be a holy nation in every walk of life, at home and in the marketplace, in the halls of government - and certainly in its treatment of others. That is the blueprint of Sinai that was set before us millennia ago and still binds us to this very day. Shabat shalom.

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From Shema Yisrael Torah Network <shemalist@shemayisrael.com>  
To Peninim <peninim@shemayisrael.com>  
Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

**Peninim on the Torah by Rabbi A. Leib Scheinbaum  
Parshas Yisro**

**Yisro said, "Blessed is Hashem, Who has rescued you from the hand of Egypt. (18:10)**

The Talmud Sanhedrin 94 notes that it was embarrassing for Moshe Rabbeinu and 600,000 Jews that Yisro was the first one to bless Hashem for saving them. This reality comprises a powerful critique of the Jewish People and their leadership. Imagine that no one had been moved to bless Hashem for all the wonderful miracles which He had wrought for them until Yisro expressed his feelings of gratitude and praise. It almost does not make sense. The Jewish people were privy to the greatest miracle ever experienced by mankind, and they were not moved to give thanks, to offer gratitude! What was the Shirah, Song of Praise, which Moshe and Klal Yisrael sang immediately after crossing the Red Sea? Was that not praise? Was their adulation on a lower level than the few words of praise uttered by Yisro?

Tiferes Shlomo explains that while, indeed, Klal Yisrael had praised Hashem, thanking Him for all that He had wrought for them, Yisro was the first to praise the Almighty for the good that He showered upon others. Yisro was not directly affected by the Egyptian exodus and its ensuing miracles. He could have easily demurred, expressing praise by saying that it had nothing to do with him. Yet, he was the first to acknowledge that when Hashem performs miracles, even for others, one must acknowledge and pay gratitude. We all derive benefit from Hashem's beneficence. Some derive benefit directly, while others draw hope for themselves - hope which they can share with others.

Additionally, we are all part of one large collective. The benefit gained by one member of Klal Yisrael should be lauded by others. When one manifests the attitude, "What does it have to do with me?" it is an indication that he does not view all Jews as part of one aggregate body.

Furthermore, praising Hashem has nothing to do with being a beneficiary. We exalt the Almighty for His greatness, similar to the Heavenly angels who adulterate Hashem. They certainly do not receive any "special treatment" from Him. Indeed, I would be so bold as to suggest that singing Hashem's praises only when one is the personal recipient of His good fortune is egotistical and selfish. We praise Hashem because He deserves praise - not because we have benefited from Him.

**Whoever touches the mountain shall surely die. (19:12)**

The mountain represents a sphere of holiness that is beyond the reach of the average person. To penetrate this boundary is intensely dangerous to the welfare of the individual. The Chafetz Chaim, zl, derives an important lesson concerning the reverence we must accord to a talmid chacham, Torah scholar. A mountain has no intelligence and no feelings. Yet, simply as a result of being the place upon which the Torah was given, it retained such an element of kedushah, holiness, that the people were admonished not to touch it. How much more so should we revere the Torah scholar who is proficient in the Torah and has intelligence and possesses feelings. One should be careful not to offend his honor in any way. Yes, the slightest offensive taint against a talmid chacham, an individual who is the embodiment of Torah, can be extremely dangerous to the offender.

The Talmud Sanhedrin 99a posits that an apikores, heretic, is one who is mevazeh, humiliates/ridicules/denigrates, a talmid chacham. In a second opinion, the Talmud goes so far as to say that even if one were to shame another Jew in the presence of a talmid chacham, he has already demonstrated his lack of respect. Thus, he is deserving of the ignominious title of apikores. Rabbeinu Yonah (Shaarei Teshuvah 3:155), explains that Chazal are of the opinion that one who does not show proper respect to - or in the presence of - a talmid chacham, has indicated by his action that the Torah which the scholar possesses is not something of great value for which he must demonstrate esteem. Such a person is no different than he who desecrates the Torah. Horav Aharon Kotler, zl, would often quote the featured address delivered by Horav Yehudah Leib Fine, zl, Rav of Slonim, Poland, at the dedication of Yeshivas Kletzk in 1930. Rav Fine cited the Talmud's (Sanhedrin 99a) question: "Who is an apikores? Individuals such as the men of the house of Binyamin, the physician, who would say, "Mai ahani Lan rabbanan, "What assistance do we receive from the chachamim?" ("What have they done for us?") They never found a dispensation to permit the consumption of a raven or a way to prohibit a dove. This means that the Torah scholars have neither added to, nor subtracted from, the Torah. What is prohibited - remains prohibited; and what is permitted - retains its status quo.

Rav Fine asked: What, really, have the chachamim done for us? They have not innovated any halachah. It has all remained the same as it was when given on Har Sinai. Veritably, the question is the answer. This can be explained with the following analogy: A person who was ill visited the doctor, hoping to be cured of his illness. The physician prescribed a lengthy regimen of medicine, supplements, and vigorous exercise. The patient was to stick to this regimen for years. Twenty years elapsed, and the patient returned to the doctor with a complaint. He had strictly adhered to the regimen, but he had not fully recovered from his original illness.

The physician replied that, indeed, the regimen had worked. The greatest indication was the mere fact that the patient was still alive. Had he not adhered to the regimen, he would not be here today to complain.

The lesson is obvious. During the last few thousand years, the world and everything in it has changed. Nations have come and gone, cultures have disappeared, monarchies have vanished. The only constant in the history of the world is the Torah. It remains unchanged in its pristine form from the moment it was given to us. It has been four thousand years without any alteration whatsoever. That is our Torah. We can still raise the question: What assistance do we get from the chachamim? What have we gained from them throughout the millennia? Well, it was the chachamim who have fiercely guarded the Torah, seeing to it that it continues to retain the same pure form as it had when Hashem gave it to us on Sinai.

**Hashem descended upon Har Sinai...; Hashem summoned Moshe to the top of the mountain, and Moshe ascended. (19:20)**

Elevating Klal Yisrael to the level of Kabollas HaTorah, receiving the Torah, was not an overnight task. The Jewish People had been enslaved in Egypt for two-hundred and ten years, suffering persecution and degradation, misery and emotional pain, until they cried out to Hashem. This catalyzed their return to Him, effecting their spiritual development, and preparing them for the seminal movement in Jewish history: the Giving of the Torah. Egypt was the crucible that tempered their spirit. The era of Egyptian bondage served as their incubation period, during which they evolved from the Hebrew people to Bnei Yisrael, endowed with the spiritual persona inherent in a Torah Jew. We wonder why Hashem did not prepare them in the same manner that He prepared Moshe Rabbeinu. Hashem could have sent them to the Heavenly Academy where Moshe was later to obtain the Torah. Instead, He sent them to Egypt to be slaves to a nation that was both spiritually and morally bankrupt, a nation that had descended to the nadir of depravity and felt quite comfortable there. Why?

In his Michtav MeiEliyahu, Horav Eliyahu Eliezer Dessler, zl, presents an incredible thesis on the significance of removing light from darkness, serving Hashem with both inclinations: the yetzer hora, and the yetzer tov. He explains that when the sight of evil rouses one to pursue good with such zest that he might otherwise not have felt, he uses the yetzer hora, evil inclination, as a catalyst to develop a tremendous drive to holiness.

This approach is clearly not for everyone, nor is it valid under all circumstances. The individual who is, however, compelled to live in less than refined surroundings - with people who are morally and ethically depraved - will emerge a much stronger person by resisting their influence, by having confronted and successfully overcome their challenge. When he has resisted the pull of evil with such determination that he remains unaffected by its harmful influences, he will find that the mere sight of evil will arouse feelings of revulsion within him. Indeed, the more evil he sees, the greater he is repulsed by it.

Regrettably, this spring-like reaction works both ways. One, who despite living in the company of righteous individuals, nonetheless chooses to follow an opposite path will, over time, develop an implacable hatred for all that tzaddikim, righteous people, represent. Indeed, he will be worse and act more reprehensibly than the "average" rasha, evil person. This is the reason that Eisav ha'rasha sank so far into evil that Satan himself became his guardian angel. Falsehood and evil became his very essence. His descendant, our archenemy Amalek, hated us with such venom that he attacked us for no apparent reason. We were no threat to him. Yet, his desire to combat G-d was riveted into his psyche. This was his "inheritance" from his grandfather, Eisav, a legacy of evil that he bequeathed to his descendants. Where did it all begin? It began with Eisav, who was raised in a home in which two tzaddikim, Yitzchak Avinu and Rivkah Imeinu, lived. As a result of his exposure to such good, his gravitational pull towards evil became an obsession. Eisav's moral compass was perverted. It was necessary for him to resist holiness at all costs.

Rav Dessler notes that whenever Hashem seeks an opportunity to empower a tzaddik to rise to unprecedented heights, He throws him into an environment that is completely alien to him. He is compelled to endure the company of the most nefarious individuals, society's depraved, the lowest of the low. By observing the base individuals and the evil which they have wrought, the tzaddik learns how absolutely despicable evil is, how repulsive it can be. His

reaction will be to do everything within his power to distance himself and rise from the evil. He will make a supreme effort to soar upward, to ascend to the maximum of his spiritual potential. He will not settle, because he understands that complacency dooms him to mediocrity.

A number of examples are cited. In the Haggadah, the story of the Exodus leading up to the acceptance of the Torah, commences with a description of our collective roots. Avraham Avinu grew up in Terach's home, overcoming the evil effects of avodah zarah, idol-worship. Is it really necessary to trace our lineage to Terach, Avraham's father? It could simply have stated that we descend from Avraham, the father of our nation. Why did the Torah include Terach in the equation?

The point is that here we recount Avraham's true eminence. Born into a home of idol-worship, living in an environment and culture steeped in paganism - in which defying Hashem's word was a given and flagrant disobedience the norm - Avraham rose to the zenith of spirituality. How? He received an incentive from his environment. Yes, the evil all around him conveyed a powerful impetus to reach for the stars, to climb the ladder of spirituality and reach its apex. This driving force to abhor evil and reach for ultimate good became part of his descendants' DNA, inspiring them to follow suit.

Moshe Rabbeinu had a similar experience, as he was raised in the moral depravity that permeated Pharaoh's palace. He was acutely aware of Egypt's national defilement. Thus, he sought to rise above it. Being in close proximity to Pharaoh, the source of this pollution, only motivated Moshe more to rise above it.

We now understand why Klal Yisrael's internship as the chosen people could only have been served in Egypt - the antithesis of spirituality. Being slaves to a nation mired in the depths of degeneracy brought them to the point of teshuvah, repentance, by "crying out to G-d" from their affliction. The opposite extreme catalyzed this repentance that brought Klal Yisrael to the level of readiness to accepting the Torah and be privy to an unprecedented Revelation of the Shechinah.

A word of caution may be added to this thesis. In no way does it suggest that one should seek opportunities for exposure to the depraved and unclean. This catalyst is clearly not for everyone. It is for those select few whom Hashem seeks to elevate beyond the norm. Hashem knows their incredible capabilities, and deposits them in such a situation, so that they will maximize their potential.

**You shall not take the Name of Hashem, your G-d, in vain. (20:7)**

The Talmud Shavuos 39a relates that when Hashem said the words of Lo sissa, "You shall not take the Name of Hashem, your G-d, in vain," the entire world shook. We wonder why this particular commandment had such a frightening affect on people, more so than Lo signov, "Do not steal," Lo sirtzach, "Do not murder," or any of the other commandments for that matter. The Kotzker Rebbe, zl, explains that, regrettably, some people convince themselves and others that, under certain circumstances, for the "greater good," one can find a dispensation to steal - even to murder! It is all done in the name of Heaven: "I am acting l'shem Shomayim, for the sake of Heaven," seems to be the clarion call lately. In the name of Heaven, for the sake of Hashem, we find ways to circumvent Halachah, to skirt the law, to make the reprehensible a mitzvah. After all, he is doing it for G-d's sake!

The pasuk admonishes us not to use Hashem's Name for personal advantage. The Holy Name is sacred and is to be treated in such a manner. No wonder the entire world shook with fright when Hashem said, Lo sissa. No longer would we have dispensations with which to skirt the law.

A similar interpretation is quoted by the Chidushei HaRim. Horav Ezriel Hildesaimer, zl, Rav of Berlin, had occasion to be in Warsaw. While he was in Warsaw, he decided to visit the Chidushei HaRim. Their conversation revolved around Torah and Torah-related topics. Rav Hildesaimer began the conversation with a question. He quoted the pasuk in our parshah, "The entire people saw the sounds/thunder, and flames" (Ibid 20:15). The Torah is describing the supernatural perception which the Jewish People experienced at Har Sinai. What was the necessity of such a miracle? Was it not enough that they had heard Hashem? Did they have to "see" the words which had been uttered? The Chidushei HaRim gave a practical, but brilliant, response. In the Hebrew language, a number of words sound alike, but have totally different meanings. For instance, the word lo with an aleph means do not, while lo with a vav means to/for him. Imagine Hashem said Lo signov, Do not steal. A person, however, hears what he wants to hear, possibly inferring - for Him, for Hashem one may steal! For Him - one may murder! Thus, it was necessary for the people to see the true meaning of the words clearly. Make no mistake: murder and theft are never permitted - even in the Name of G-d.

**I am Hashem, your G-d, who has taken you out of the land of Egypt. (20:2)**

Hashem identified Himself to Klal Yisrael as the One Who performed the miracles of the Exodus. It would have been logical for Hashem to have identified Himself as the Creator of the Universe, which is clearly a more

encompassing title than the Liberator Who freed them from bondage. While it is true that his liberation involved many miracles which attested to Hashem's awesome powers, they still pale in comparison with the creation of the Universe. In the Kuzari, Rabbi Yehudah Halevi, zl, explains that Hashem spoke of the Exodus because it was a phenomenon that was seen, as the entire nation witnessed it. While they all knew that there had been a Creation, no one had actually been there to substantiate it. Interestingly, with all of the logical deductions that the world must have been created by a Supreme Being, some still foolishly dispute the concept of Creation ex nihilo. 600,000 men over the age of twenty-years old experienced the Exodus with its many marvels, with their own two eyes. Hashem followed up these events with the seminal event in history, the Revelation at Sinai. Yet, there are still skeptics who force themselves to dispute this verity of verities.

Ramban writes that the Exodus, with its unprecedented miracles and wonders, availed the nascent nation an unparalleled awareness into the workings of Heaven. They were acutely aware that, without the phenomenon of the Heavenly miracles, they would have never been able to leave Egypt. Thus, the Exodus and the Splitting of the Red Sea are testaments to Hashem's existence and power. It is as if they are the barometers by which we believe in all miracles. They represent Hashem proving Himself, so to speak.

The concept of Zeichar l'yetzias Mitzrayim, remembering the Exodus, is connected to a number of mitzvos and it seems to play an integral role in Jewish life and observance. Even mitzvos such as not mistreating the convert, orphan, or widow are tied into our remembering that we were once slaves in Egypt and it was Hashem Who redeemed us. Shabbos, which is "set in stone" from the time of Creation, is based on the core belief that the world was created in six days. Yet, in the Shabbos Kiddush, we recall a "remembrance to the Exodus from Egypt." The Torah itself (Devarim 5:15) admonishes us to remember that we were once slaves in Egypt, and it was Hashem Who liberated us. Therefore, He commands us to observe Shabbos. If, in fact, the Exodus is how Hashem wants us to realize that He created and continues to guide the world, why is Shabbos - which is clearly a remembrance of the creation of the world - dependent upon yetzias Mitzrayim? Is it not like backward reasoning? Horav Yechiel Yaakov Weinberg, zl, cites the Alter, zl, m'Slabodka, who offers a new understanding of the rule which we have accepted as a verity: Hashem continually recreates the world anew every moment. This means, explains Horav Chaim Volozhiner, zl, every moment of one's existence and the existence of every creature - everything in the world - is dependent upon Hashem's constant will that it continue. If for one millisecond Hashem's will would cease, if Hashem would remove Himself from the world, everything would revert to tohu va'vohu, astonishingly empty. It would just disappear.

The Alter explains that one should not think that Hashem creates the world anew every moment, and, once created, the world and everything in it is readily available to its inhabitants. No. There is a deeper understanding of this sustained creation. Hashem creates the world for each person in accordance with his individual needs. The world as created for A is not the same as the world created for B, since their individual needs are not identical. This is the meaning of Chazal's axiom, "A person is obligated to say Bishvili, "for me (specifically)," the world was created. This means that no person takes randomly from the "smorgasbord" called the world. Whatever I take is exclusively for me. I ask for it, and I receive it. If Hashem wants me to have something, it is created specifically for me at that time. What is mine - is mine. I am not taking away another's livelihood, or whatever else I seek.

We see this from the plagues that struck the Egyptians. The blood was rampant all over the land. Whatever water an Egyptian touched turned to blood. This did not happen to the Jews. Indeed, if a Jew and an Egyptian drew water from the very same well, the Egyptian discovered blood, while the Jew had water. They could drink from the same cup, and the individual results would be different. We think that the candle that lights for one person lights equally for a hundred people. We have no compelling reason that the sun which shines for A will also shine for B, who stands next to him. In Egypt, the three days of pitch darkness affected only the Egyptians. The sun shone for the Jews. How do we understand this? Rav Weinberg says that for those three days, the sun simply was not created for the Egyptians.

This is why we constantly reiterate a reminder of yetzias Mitzrayim. It was in Egypt that we gained a completely new perspective on Creation. We learned that each and every one of us has a unique individual responsibility toward Hashem, Who constantly creates the world anew - specifically for him! Each of us is a witness to this phenomenon - constantly, continually.

This gives new meaning to the opening words recited prior to the Shemonah Esrai - Hashem sfasai tiftach u'fi yagid tehilasecha, "My Lord, open my lips, that my mouth may declare Your Praise." As we are about to say Shemonah Esrai, Eighteen Benedictions, that comprise the Amidah, which is the true prayer and praise to Hashem, we pause a moment and ask that the Almighty

grant us the ability to speak. We realize that everything that we do is contingent only upon Hashem's intervention.

**You shall not ascend with steps upon My Altar. (20:23)**

Simply, when we build the ramp leading up to the Altar, it must be made smooth and inclined - not with ascending levels. Otherwise, the Kohen would be compelled to take wide steps, which might lead to his humiliation. The word *maalos* has another meaning: qualities, attributes, aspects concerning an individual which, so to speak, elevate him, make him stand out. The Chafetz Chaim, zl, applied this other definition to a homiletic rendering of the *pasuk*. When the Kenessiah Gedolah took place in Vienna in 1923, the Chafetz Chaim made a great effort to attend. Frail, and of an advanced age, he felt that the nascent Agudath Israel movement needed everyone's support. In his eyes, however, he was attending as a spectator - not as the senior sage of Klal Yisrael.

As the elder statesman, he was asked to grace the proceedings with his insights. The Chafetz Chaim demurred, refusing the honor of speaking before the foremost Torah leaders of that generation. The presidium asked again - only to be refused once again. Finally, the Chafetz Chaim relented and explained the reason that he had previously declined. *V'lo saaleh b'maalos al Mizbechi*, "You shall not ascend/approach the Altar (or any position of honor), based upon your *maalos*, attributes." This is an exhortation to a Kohen that when he ascends to the Mizbayach, he must remember that he has been selected to represent the nation - not because of his personal *maalos*, qualities; nor do his ethical character traits play a decisive role in his being singled out for this honor. It is only due to his pedigree. His father was a Kohen. He is a Kohen. This is why he was chosen to represent Klal Yisrael in offering the *korbanos*, sacrifices. "When I was asked to address the assemblage, I questioned your reasons for selecting me. When you attributed it to my erudition, I vehemently demurred. I am not a *lamden*, learned scholar. Again, when you focused on my righteousness, I declined, because I am neither pious nor righteous. It is only after you pointed out that I am a *zakein* and Kohen, old and a member of the Priestly family, that I am accepting. Longevity is a gift from G-d. *Kehunah* is an inheritance from my father. It is as a result of these two attributes, which are unique gifts from the Almighty, that I will address you."

**Va'ani Tefillah**

**V'nosnim reshus zeh lazeh.**

**And they give permission to each other.**

We say the words daily, yet we hardly listen to what we say. *V'chulam mekablum aleihem*, "Then they all accept from one another;" followed by *v'nosnim reshus zeh lazeh*, "And they give permission to each other." Tanna d'Bei Eliyahu draws a contrast between the manner in which the Heavenly Angels act toward one another and the way humans act toward one another. There is no such thing as competition in Heaven. Regrettably, on this world, competitiveness and jealousy are facts of life, in response to which everyone seeks to outdo the other. Would it not be nice to follow the Heavenly standard? Horav Avigdor Miller, zl, notes six aspects of the behavior of Heavenly beings which would serve us well to emulate: 1) they accept the yoke of Heaven from each other. It would be nice for human beings to seek guidance, inspiration from one another; 2) they give permission to each other. Imagine if we would not speak until our associate/friend has spoken first; 3) they manifest a calmness of spirit. It would be great if people spoke gently to one another; 4) they articulate with clear speech - not out of both sides of their mouths. This really helps to participate in a conversation and to establish trust; 5) they exhibit sweetness of tone. A pleasant tone goes a long way, especially if it is part of one's total demeanor. 6) All of them speak in unison. While we cannot all speak at the same time, it is respectful of others that one does not hasten to speak first and not permit himself to continue speaking, making his point after the others have concluded. It is important that are all united in one voice.

Dedicated in loving memory of our dear mother and grandmother Leona Genshaft Leah bas Rephael Hacoheh A'h niftara 16 Shevat 5770 by her family - Neil and Marie Genshaft Isaac and Naomi

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From Rabbi Yissocher Frand ryfrand@torah.org &  
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Subject Rabbi Frand on Parsha

**Rabbi Yissocher Frand - Parshas Yisro**

**Just Follow Orders: Advice for the Gabbai; Advice for the Jew**

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

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

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

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

Rav Meir Simcha, as was the custom of many Rabbonim in Europe, had a Gabbai who was his personal assistant. The Gabbai would execute whatever task or errand Rav Meir Simcha asked him to execute. Today, such a position would be called "Chief of Staff". He executed the orders of the Rav.

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

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

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

We do not need to do it because we agree and think it is the right thing. Ultimately, we need to do it because the *Ribono shel Olam* said so. That is why the appropriate title to address and define what all Torah is about is *Chukei haElokim*. That is why observance of the Torah in general is expressed as "If you will walk in my *Chukim*".

[Vayikra 26:3] In the final analysis, that is why we keep every mitzvah.

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

### **A Sense of Embarrassment Kept People In Their Places -- But No Longer**

Following the listing of the Asserres HaDibros [Ten 'Commandments'], the Torah says that the people became afraid of the experience of hearing the Words of the Almighty. They begged that Moshe relay G-d's message to them instead. Moshe responded: "Do not fear, for in order to elevate you has G-d come; so that the awe of Him shall be upon your faces (u'bavur tiheyeh Yiraso al pneichem) so that you shall not sin." [Shmos 20:17]

The Mechilta comments that the expression "the awe of Him shall be upon your faces" refers to shame, the fact that people have a sense of embarrassment. Rabbeinu B'Chayei asks how it is that the Mechilta takes a pasuk which, on the surface, seems to speak of Fear of G-d (Yiras HaShem) and refers it to shame (busha). What is the connection? Rabbeinu B'Chayei answers that Fear comes from the heart. We do not normally speak of "fear appearing on a person's face". The attribute that IS evident on a person's face is the attribute of shame, which is noticeable when a person turns red from embarrassment. If the pasuk is speaking of something that "shall be upon your faces," it must be referring to shame - busha.

The idea conveyed by the Mechilta is that a sense of shame brings a person to fear sin. If a person has a strong sense of busha -- which emerges from recognition of his great and ongoing debt to the Almighty, he will not be able to sin. A sense of embarrassment keeps a person in his place.

Rav Schach once met with a group of educators and asked them to state their opinions as to why the spiritual level of our society in today's times has deteriorated to such a low level. Rav Schach went around the table. Each teacher expressed his opinion.

One educator mentioned the general concept of the "descent of generations" [yeridas haDoros]. Rav Schach took issue with this theory and told the educator. "This is incorrect. In my time, when I was young Europe, was far from perfect. There were all sorts of philosophies and movements that swirled around and entrapped people with their attraction: Socialism, communism, Bundism, humanism, the Yiddishists. There are many people that went off the straight and narrow path and left the fold. However, it was nothing like what is happening today. What is the difference?"

Rav Schach finally explained that up until very recently, there was a sense of shame that existed in society. People were never perfect. They always had their foibles. But at least there was a sense of embarrassment. There are certain things you just do not say. There are certain things you just do not talk about. People's inhibitions have always put a certain moral constraint on society."

Today we are seeing a fulfillment of what the Mishneh says at the end of tractate Sotah -- that in the period leading up to the coming of Moshiach (Ikvesa d'Mishicha), brazenness will become blatant. The problem we see today is not just the natural decline of every generation, as it moves one generation further away from Sinai.

Today we are seeing a breakdown in society that has nothing to do with Jews or with Judaism. It has to do with humanity. Human beings (as opposed to animals) have always had a sense of embarrassment. Animals do anything in public because they do not realize that there is anything to be embarrassed about. Human beings used to refrain from doing certain things in public because of a sense of shame.

"You just do not do that or talk about that in the open."

This generation has removed the sense of busha from humanity. All a person needs to do is turn on the radio or even look in the newspaper. Things that people would not have dreamed of saying 20 years ago have become common language.

Our problem, especially the problem that we have with our children, is that society has lost its sense of BUSHA and children have lost

their sense of BUSHA. The genie is out of the bottle. Unfortunately, I do not think it is going to be put back into the bottle until the coming of our Moshiach Tzidkaynu, may he come speedily in our days.

Transcribed by David Twersky Seattle, WA; Technical Assistance by David Hoffman, Baltimore, MD

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By Rabbi Yirmiyohu Kaganoff

### **Uncanny Shabbos Regulations By Rabbi Yirmiyohu Kaganoff**

Question #1: A CANDID QUESTION!

Chayim calls me on the phone:

"Prior to our marriage, I was taught that one may open cans on Shabbos, provided one does not reuse the can, whereas my wife was taught that this is strictly forbidden. Since I was taught by someone very knowledgeable and observant, there is something inconsistent here that I would like to understand."

Question #2: DON'T PULL THE RING!

"I was eating at someone's house for Shabbos where they served soda in cans and opened them. I thought that this desecrates Shabbos, and was uncertain whether I could trust their kashrus. Could I?"

Answer:

Analyzing the laws of Shabbos properly is a very enriching experience. In this article, I will touch on some aspects of the following melachos germane to the issues involved:

(1) Boneh, Construction

(2) Soseir, Destruction

(3) Makeh Bepatish, literally, striking with a hammer

We also need to explain an important principle of the Shabbos laws called mekalkeil – literally, ruining. In general, a melachah activity is prohibited min haTorah only when the direct results are beneficial. An act whose direct result is destructive is not prohibited min haTorah but only miderabbanan. For example, digging a hole in the ground when one needs the earth but is not interested in the hole is considered a destructive activity and therefore prohibited only miderabbanan. The need to acquire dirt notwithstanding, the dug hole that results is not a positive development, but a negative one. This renders the burrowing mekalkeil and relegates it to a rabbinically prohibited activity. However, digging a hole to plant or to create a posthole is a positive benefit and therefore prohibited min haTorah.

In a similar vein, smashing a barrel to obtain its contents is prohibited only miderabbanan, regardless of the need to obtain the food inside, since the smashed barrel is a negative result.

Boneh

The Torah violation of Boneh includes performing any type of home repair or enhancement, even only a minor repair (Shabbos 102b). Thus, it is prohibited min haTorah to hammer a nail into a wall in order to hang a picture (Rashi, Eruvin 102a s.v. Halachah). Similarly, one may not smooth the dirt floor of a house, because this enhances the "structure" (Shabbos 73b).

Constructing Movable Items

Does the melachah of Boneh apply only to items connected to the ground, or does it also apply to the construction of implements and other movable items? My desktop dictionary defines "construct" as "to build or form by putting together parts." Clearly, in English "construct" includes manufacturing implements, just as it includes building on the ground. Do the laws of Shabbos similarly recognize that assembling implements violates this melachah? The Gemara (Beitzah 10a) cites a debate regarding this question. In halachic conclusion, we find the following basic approaches:

(1) The melachah of Boneh includes only building on the ground and does not include movable items (Rashi, Shabbos 47a s.v. Chayov; Beitzah 11b s.v. De'ein).

(2) Major construction of small movable items is prohibited min haTorah, but minor improvement is not (Tosafos, Shabbos 74b and 102b). What is considered "major construction"? Assembling something in a way that involves strength and skill constitutes Boneh. Therefore, manufacturing implements is prohibited min haTorah, since it involves both strength and skill to do the job properly, whereas making a minor repair to an implement is not included under Boneh.



## Large = Connected

According to many authorities, there is another factor to consider: the size of the movable item (Rashi, Eruvin 35a s.v. Umasnisin). In their opinion, one may not perform even a minor repair or enhancement to a utensil so large that one does not usually move it when it is full to capacity. Thus, even a small repair to a refrigerator or a bookcase is prohibited min haTorah according to this opinion, since an item this large is halachically equivalent to something attached to the ground.

## Soseir

Soseir, demolishing or razing, is also one of the 39 melachos, since the Jewish people disassembled the Mishkan whenever they moved it from place to place (Shabbos 31b).

Thus, removing something from a structure, such as removing a nail from a wall, or lifting a window or door off its hinges, is prohibited on Shabbos.

## Destructive is Constructive?

Many acts of Soseir ruin something, and according to the rule of mekalkeil mentioned above, are prohibited only miderabbanan. Of course, this leads us to ask:

How can Soseir be prohibited min haTorah as one of the 39 melachos; is not demolishing always a destructive act? The answer is that Soseir is prohibited min haTorah when the destruction is constructive, despite the apparent contradiction in terms. The disassembly of the Mishkan was an act of demolition, yet it was constructive, since Hashem wanted the Mishkan (and the Jewish people) to move to a new location. Similarly, demolition of a building is prohibited min haTorah, if the ultimate results are beneficial, such as razing part of a building in order to renovate it, or razing a building in order to build anew on the site. In such cases, the demolition provides an immediate benefit, since it clears the site for the new construction.

In cases where there are no immediate benefits from the demolition, it is still prohibited miderabbanan. Thus, wrecking a house to save someone trapped inside does not involve a Torah prohibition of Soseir, since the act is itself destructive. (The activity is, of course, permitted in any case, because of the life-threatening situation involved.)

The authorities dispute whether someone who destroys something out of anger violates Shabbos min haTorah or only miderabbanan. According to most Rishonim, this incurs only a rabbinic desecration of Shabbos, since there is no positive benefit from the destruction (Pri Megadim 314:11 in Eishel Avraham). Of course, this act is prohibited for a variety of reasons, including bal tashchis (unnecessary destruction) and damaging one's character development (Shabbos 105b). There is a minority opinion of the Rambam, who holds that wrecking something out of anger incurs a Shabbos violation min haTorah. He rules that performing an act that makes its perpetrator feel better incurs a Torah violation and is not considered mekalkeil, even though the act is extremely damaging both to the object of his wrath and to himself.

## Does Soseir apply to Portable Implements?

Having established that Soseir is prohibited min haTorah only when it creates a direct positive result, we now want to understand whether destroying a vessel is included under the melachah of Soseir. Note that I discussed earlier whether the melachah of Boneh applies only to items connected to the ground, or whether it also applies to the construction of movable items. I noted that the Gemara debates this issue, and that the Rishonim provide the following conclusions:

1. Some contend that the melachah of Boneh includes only building on the ground.
2. Others contend that major construction of small movable items is prohibited min haTorah, but a minor improvement is not.
3. Many authorities contend that this previous dispute refers only to small, easy to move implements, but that a large implement is definitely included min haTorah within the melachah of Boneh, even to perform a minor repair or enhancement.

Since Soseir is the opposite of Boneh, if constructing an item constitutes Boneh, according to the opinions above, then destroying it is Soseir.

## Makeh Bepatish

Before we analyze the Gemara texts that impact on our original questions, we still need to discuss one other prohibition: the melachah of Makeh Bepatish, which includes a general prohibition of completing items, such as smoothing a surface to finish an item. One aspect of this melachah is that it prohibits making a nice opening in a vessel, such as boring an outlet hole in a storage drum (Shabbos 146a; Rambam, Hilchos Shabbos 10:16). The Gemara teaches that it is prohibited min haTorah to make an opening that is to be used in both directions, whereas making an opening to be used only in one direction is

prohibited miderabbanan. As an example of the first type of opening, the Gemara mentions an opening made in a chicken coop, which allows ventilation of its fumes and also allows light and/or air into the coop. Boring an outlet hole in a storage drum, the case I just mentioned above, is a classic example of something prohibited only miderabbanan, since the opening is intended only to remove the product, but not to return it to the vessel. However, creating a new opening that is meant both to remove and return product incurs a Torah prohibition.

## The Can Opener

With the principles we have learned, we can now examine the Talmudic sources that directly affect our original questions: May one open a can or other package on Shabbos to obtain its contents?

The Mishnah (Shabbos 146a) permits smashing open a barrel of figs on Shabbos to reach the food inside, provided one does not try to make a proper opening. As I noted earlier, attempting to make a proper opening certainly desecrates Shabbos. The question is whether one can simply break the barrel to reach its figs without attempting to make a nice opening. This Mishnah states that this is permitted.

However, in another discussion (Eruvin 34b) the Gemara rules that one cannot break open a container to obtain the food inside. Since manufacturing a proper vessel, even a small one, is prohibited min haTorah, smashing it remains prohibited even when one is smashing the vessel to obtain food. Although I explained above that this act is mekalkeil and therefore not prohibited min haTorah, it is still prohibited miderabbanan.

If so, how can the Mishnah permit smashing a barrel to obtain its contents?

There are two major approaches to answer this question. Tosafos explains that the Mishnah that permits smashing to obtain food is not referring to a proper vessel, but to one that was previously smashed and then feebly repaired by use of resin as glue. Reconstructing this type of container, known in Aramaic as a mustaki, would not violate a Torah violation of Boneh since it is not considered a proper vessel. As a result, smashing this barrel does not really violate Soseir, and therefore, one may do so in order to obtain the figs. However, the Gemara in Eruvin is dealing with a regular vessel and therefore forbids smashing the vessel to obtain the food inside. This approach of Tosafos is followed by the Shulchan Aruch (Orach Chayim 314:1), who concludes that one may smash open a mustaki to obtain food on Shabbos, but not a proper vessel.

Other authorities distinguish between the two cases in a different way and therefore reach a different halachic conclusion. In their opinion, the Mishnah in Shabbos is describing a small vessel (as defined above) and the Gemara in Eruvin a large one. They conclude that in order to enhance the pleasures of Shabbos, Chazal permitted smashing a small vessel to obtain food, but they prohibited smashing a large vessel. According to this approach, one may smash open any "small" container on Shabbos in order to obtain its contents.

## How do we Rule?

The Mishnah Berurah concludes that it is prohibited to smash open even a small vessel to obtain food on Shabbos, following the conclusion of the Shulchan Aruch (Bi'ur Halachah 314:1). Other authorities rule that one should not admonish those who smash vessels to obtain their contents, since this common practice is based on a bona fide opinion (Aruch Hashulchan 314:8). All agree that one may not open the container in a way that creates a nice opening.

However, this approach does not satisfactorily explain those who permit opening cans on Shabbos, since neither of these opinions permits being mekalkeil to obtain food on Shabbos. They only dispute whether one should correct those who do smash small vessels. Is there any basis for those who allow the opening of cans on Shabbos?

## Enter Chosalos

There is another basis to permit opening packaging on Shabbos. The Gemara mentions a halachah of chosalos, which are a type of basket made of palm branches (also known as lulavim) in which one places unripe dates to ripen or where one stores dried figs. The Gemara rules that one may rip these chosalos open on Shabbos. The question is why this is not considered destroying a vessel, which we concluded before is prohibited, at least lechatchilah.

The Kolbo explains that chosalos are considered an artificial peel or shell around the dates or figs. The rationale is that the chosal is tafeil, secondary, to the food it contains and therefore it is not considered to be a vessel. Just as one may remove the natural peel or shell of a fruit on Shabbos and it is certainly not making or destroying a vessel, so one may remove an artificial "peel" or "shell" on Shabbos. Thus, anything included under the heading of chosalos may be opened on Shabbos. The Magen Avraham states that the permission to open chosalos does not permit the breaking of a regular vessel.

Can our contemporary packaging be compared to the law of chosalos? To answer this we need to have a clear definition of what defines a regular vessel and what defines chosalos.

#### Opening Cans

In a lengthy teshuvah on the subject, Rav Moshe Feinstein defines a chosal as any item that is not reused for any other product; everyone disposes of the chosal once its product is used up. A “regular” vessel is one that people reuse for another product. According to this definition of a chosal, even a tin can is a chosal, if everyone disposes of the can after finishing the original contents, and certainly if everyone disposes of the can immediately after opening it. Following this analysis, opening cans on Shabbos does not violate the melachos of Shabbos, since tin cans are not reused for other products. (In Rav Moshe’s teshuvah on the subject, he implies that this halachah is true, even if one returns the original product to the chosal.) Rav Moshe himself concludes at the end of his teshuvah that one should open these packages before Shabbos, explaining that people might misunderstand the laws and mistakenly open packaging that is prohibited. However, in the case of someone who made a sheva berachos or who invited guests and finds, to his embarrassment, that he does not have enough food to serve, he permits having a gentile open the cans and other containers on Shabbos (Shu’t Igros Moshe 1:122; for a similar approach, see Shu’t Chelkas Yaakov 3:8).

On the other hand, other authorities contend that any strong vessel is not considered a chosal.

We must note that in another responsum, Rav Moshe rules that one may not open a milk or juice carton on Shabbos, since this creates a spout (Shu’t Igros Moshe, Orach Chayim 4:78). Why is this not similar to opening a chosal, which Rav Moshe permits? It seems that although he permits opening a chosal on Shabbos, he does not permit opening it in a way that forms a nice opening. (By the way, we should note that, according to what I have just explained, Rav Moshe would prohibit opening cans with pull up rings since pulling the lid off forms a nice opening.)

#### Soda Cans

Rav Shelomoh Zalman Auerbach permits opening soda cans on Shabbos (Shulchan Shelomoh 314:7:4). He makes no mention of the concerns voiced in Rav Moshe’s closing paragraphs (that people might err and exceed the perimeters of his leniency) and therefore concludes that even Jews may open them on Shabbos.

On the other hand, the Chazon Ish (Orach Chayim 51:13) contends that opening any cans violates the Torah prohibition of making an opening. He explains two different reasons why opening cans is prohibited min haTorah:

1. The opening is meant to be used both ways: it allows air inside the can to break the vacuum and it allows the product out.
2. Opening a can is like creating a new vessel, since the closed can is useless, and opening it creates a serviceable vessel. Although he acknowledges that few people reuse cans, they can be reused, particularly by resourceful people (Orach Chayim 51:11).

Rav Shelomoh Zalman disputes the rationale that a soda can opening is considered “two-way”, since the entire purpose of allowing the air in is to enable the product to exit. Also, he does not consider the resultant opening a “nice opening”, since it is simply a means of removing the product from the container.

In conclusion, the intent of this article is not to provide a definitive pesak regarding these issues – every person should ask his posek. Our goal is to give people a better understanding of the issues involved and an appreciation of their rav’s ruling, whatever it may be.