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ON **YISRO** - 5768

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**Rav Soloveitchik ZT"L** (Notes) ( Volume 3)

Lecture delivered by Rabbi Soloveitchik on Saturday night, February 9, 1980

"Yisro" (Note: These notes are slightly abridged because I arrived a little late.)

Point I There is a link between the end of last week's sedra - B'shalach and today's sedra, Yisro. Last week's sedra concludes by telling of the sudden hostile attack by Amalek against Israel, newly liberated from Mitzraim, at Refidim. We are told of the ensuing struggle during which Joshua led the battle which hung in a balance. Moses ascended a mountain with Aaron and Hur. Sitting on a rock, Moses' hands were supported in elevation so that the people might gain spiritual encouragement by elevating their thoughts to G-d at the sight of Moses' upright hands. At the end of the day, Israel was victorious over Amalek.

Today's sedra tells us that Yisro came because he heard of the miracles of the splitting of Yam Suf and the war of Amalek. Directly thereafter the Israelites came to "Midbar Zin" - the desert of Zin, encamped at Har Sinai and received the Torah.

"Vayovo Amalek" - And Amalek came! What was the purpose of Amalek's coming? Amalek was in no position to personally benefit for here was a nation just liberated from slavery, possessing no land or great wealth. (In a previous lecture of a former year, the Rav pointed out that all the objectives which an enemy hopes to gain in normal warfare was lacking here. There was no land to gain, "they were on the way in the desert." There was no fame to gain. (Israel was unknown - a group of slaves.) - There were no riches to gain; they were weak. Then why attack? Because, "Lo Yoray Elokim," - Amalek didn't fear G-d -- It was merely an act of hate. He would have derived no profit had he won the war G-d forbid. It was simply "hate".

When G-d created the world, He didn't completely eliminate "Tohu Vovohu" - void and emptiness! This is what Amalek represented. It was the inscrutable will of G-d that "Tohu Vovohu" should not disappear. In certain instances, the world suddenly goes berserk and "Tohu Vovohu" breaks through the crust of decency and inundates the world and brings forth destruction. From time to time, "Tohu Vovohu" breaks through. I call it "Hester Ponim" (G-d hides his face). There are certain malignant people who are the representatives of "Tohu Vovohu" and this was Amalek.

How can you combat "Tohu Vovohu" in the world? The answer you find in today's sedra. It is the "Aseres Hadibros" - the Ten Commandments -- the Torah. Thus, we have the link, the bridge between the forces of evil (Amalek) and the forces of good (Torah). How can you help mankind? It is by teaching the "Onochi Hashem Elokecho" (I am your G-d - It is by teaching "Lo Sirtzoch - Lo Sinov - Lo Tignov -" -- no murder, etc. Many have reservations about the first half of the commandments. I believe that

many reject the image of G-d and the "Tohu Vovohu" becomes stronger. However, all who do wrong are not necessarily of the class of Amalek, of the "Tohu Vovohu" - those given over to completely void and emptiness. For instance, Pharaoh is indicative of man's weakness but not wickedness because of his concept of the sense of economic security through slave labor. In other words, he based his prosperity (wrong as it was) on slave labor. He had something to gain. "If the Hebrew slaves go, I will lose their economic wealth!" So, thus Pharaoh is not representative of "Tohu Vovohu". In the Torah, we find that others wouldn't let the Israelites through their borders due to conflict of interest. This is understandable. However, here, "Vavovo Amalek" -- Amalek came from the distance. Israel never heard of them -- didn't know they existed. Simply, Amalek couldn't tolerate the "community of the Covenant". Pharaoh on the contrary was indicative of those who will look for labor to pay cheaper. Amalek will pay "more for trefa" just to have it on his table.

It is true of the Jewish people as a nation and true of an individual. An individual may suffer, is in a state of depression, is frustrated. Undergoing this experience of Israel -- the sudden unprovoked attack of Amalek is sometimes destructive, sometimes constructive.

What are we told here? "They moved directly from Refidim (battle site against Amalek) to "Midbar Sinai" to receive the Torah. The removing of the ring from the finger of Ahasverus and placing it on the hand of Haman accomplished more in bringing Jews back to the fold than the accomplishment of the teaching of 48 prophets. The same is here at Refidim. It purified them. Man has a creative power to change from the experience at Refidim to the great heights of Sinai. It not for the experience of Refidim, I doubt if the Jews would have been able to survive the Holocaust. At Refidim, you acquire vision; you become able to do things you'd not be ever able to do.

This is why Amalek is told before "Matan Torah". In chapter 19, line 2 "Yisro" - the text reads, "Vayichan Shom Yisroel Neged Hahor" - Israel encamped near the mountain. However, it is written in the singular. Each man was an individual there; all were together - singular in purpose. After the experience of Amalek they didn't spread helter skelter into the desert but all came to the mount. This was all due to Amalek and the Torah was given to us to destroy the evil of Amalek.

This evil, this Amalek will never be reconciled with Israel. We come across certain characteristic traits of our enemy which in general is to hate the Jew. All this made "Matan Torah" possible. It is one.

Point II The Torah was given to a small group of people, 600,000 persons, in comparison with the people of the world. But G-d offered the Torah to many nations as Chazal tell us -- to Ishmael, to Edom - to others. All refused because they wanted a sample of what it contains. G-d was a traveling agent to sell "His merchandise". The Torah was given to us but with the prospect that finally it will become the universal book of knowledge. How long will it take? It might be tomorrow or perhaps thousands of years. G-d wanted it to be universal.

Who was Yisro? He was the first "Gayr" - convert. Whether he came to Israel at the desert, before or after "Matan Torah" is disputed by Chazal". Two aspects are understood! The first is that the Torah can be implemented by man. (It is not a Law which is impossible or impractical for man.) Some may ask, "Who can observe all these laws? -- Shabbos -- Yom Tov -- Kashrus, etc." Many people declare, "You cannot even carry a handkerchief on Shabbos; it is slavery! Who can observe Kashrus? You cannot enter a restaurant!" The "Naase V'nishma (we will do and listen) means, "We are convinced we can do it!" It is not something beyond us. If there were a 14th principle of faith, I believe it should read: "I believe that all the 13 principles are attainable." "Naase" is "we can do it; we will do it!"

Secondly, the Jew had to know and believe that the "chukim" -- statutes -- will be accepted universally. All nations, all mankind will accept the Torah. But it has to be proved by a "gayr" and this is Yisro. He was the "Goy" who says "Chochmaschem U'vinaschem" - Your wisdom and your understanding. He is the one who says, "Your wisdom is great for all!" He

is the prototype who said that which we expect mankind to say in the messianic era. Yisro shows that all mankind is capable. Thus, first we are at Refidim. This is the story of Amalek, the non-Jew who will never reconcile; it is evil personified. With him, you will be engaged in war. On the other hand, there is another segment of people that will reconcile, that will recognize and accept. Yisro came to tell them that a desert person can recognize. He (Yisro) is the real "Gayr" - the prototype. This is why Torah tells of Refidim, then Yisro, then Matan Torah. It is a bridge. I was asked a question. Why was it when Eliyohu Nahavi was hiding as a fugitive in a cave in Sinai (from enemies) - and the Spirit of G-d called him to emerge, first there was a tremendous fire, wind, thunder -- he said, "This is not G-d!" Then there was a whisper and he declared, "This is G-d!" G-d addresses in small tones! If so, why was there thunder and lightning at the giving of the Ten Commandments? The second time Moshe went up to receive the new Tablets, it was given quietly, almost secretly. (No one shall come up with you.) The first "luchos" - the Tablets were with noise, even G-d it would be an ill omen (Ayin Horah) and G-d knew it would be but it had to be so in order for Bilam and all the sheiks and kings to be cognizant that the Torah had been given to Israel. Thus, G-d addressed Himself to the whole world. The second time - second "luchos" were quiet. It is only for Israel until that time in the eschatological age when it shall then be for all.

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**Rabbi Zvi Sobolofsky**

### **Shabbos and Shemittah: Foundations for a Just Society**

We usually think of Shabbos as a mitzvah which is bein adam lamakom. The two primary reasons given in the Aseres haDibros for Shabbos suggest this understanding is correct. In Parshas Yisromitzvah of Shabbos is presented as zecher lemaaseh breishis, and in in Parshas Vaeschanan the emphasis is placed on Shabbos being zecher leyetsias Mitzrayim. Both of these reasons clearly are in the realm of our relationship with Hashem. In Parshas Mishpatim, however, a third reason is given for Shabbos which is relevant to bein adam lachaveiro. There we are taught that Shabbos enables everyone to rest, even the workers and the downtrodden members of society. We are given Shabbos so that all can enjoy this day of rest equally. the

The notion of Shabbos enhancing our relationship with our fellow man is stressed in two place by Yeshayahu hanavi. In the haftorah we read on fast days we are called upon to act justly and kindly with our fellow man. Yet in the same prophecy we are reminded to observe Shabbos. This relationship between justice, kindness, and Shabbos observance is repeated by Yeshayahu in the haftorah Yom Kippur morning. After a long warning concerning those whose fast is superficial and do not act kindly to those in need, Yeshayahu concludes by reminding us to observe Shabbos properly. What is the significance of this connection between Shabbos and kindness? of

There is another kind of Shabbos that we observe that also has elements of bein adam lachaveiro and bein adam lamakom, and that is the Shabbos observed by Eretz Yisroel every seven years. The mitzvah of Shemittah is introduced to us in Parshas Behar with the phrase, "veshavsa haaretz Shabbos laHashem." The land rests for Hashem. Clearly this is the aspect of Shemittah which is bein adam lamakom. Yet, shemittah is presented also as a mitzvah bein adam lachaveiro. All produce is ownerless during Shemittah. The poor and rich eat together. The differences between the classes in society disappear as all enjoy the fruit of the land equally. This dual aspect of Shemittah being both a Shabbos Lashem as well as a way of bringing people together conjures up the same image as does the weekly

Shabbos. It is a day of zecher lemaaseh breishis as well as "vayinafesh ben amascha vehager" -- a time when all members of society rest together.

How do Shabbos and Shemittah accomplish this dual goal? What is the significance of being a time for connecting both to Hashem and to our fellow man? The root cause for injustice and cruelty in society is the attitude that we are the masters of the world. We will do anything to succeed even at the expense of others, and once we have succeeded there is no need to share what we have attained with others. This selfishness will create a society of injustice on which kindness doesn't exist. The prototype of such a society was Sodom. Rashi (Breishis 13:13) comments that the citizens of Sodom were not only unjust and cruel, but also sinful against Hashem. This rebellion against Hashem was the root of their cruelty. One who doesn't recognize that Hashem is the master of the world will perpetrate the injustice and cruelty that permeated Sodom.

The Torah wants to set up a society of justice and kindness. By recognizing Hashem, rather than ourselves, as the Master of the world, we look upon others as our equals who deserve to be treated with fairness and kindness. The two mitzvos of Shabbos and Shemittah declare that Hashem is the Master of the world; He is the creator, and it is He who ultimately owns the land. By internalizing this message we look at our fellow man in an entirely different light. It is the bein adam lamakom of these two mitzvos that lays the foundation for the bein adam lachaveiro. It is only through the proper observance of these two Shabbosos that we can build a society of justice and kindness.

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### **RABBI ELI BARUCH SHULMAN**

Parshas Yisro 5764

Michelangelo, Moses with horns. Mistranslation of הוד קרני. Moshe comes down from mountain, his face shining with Divine light.

Question: Only after לווחות שניות. Why?

Another question: ילקוט פ' כי תשא:

את התורה מהיכן נטל משה קרנט ההוד? ר' יהודה בר נחמן אמר כשמשנה כתב נשתייר בקולמוס קימעא והעבירו על ראשו ומשם נעשה לו קרני הוד.

Why was there ink leftover? And why did that ink turn into קרני הוד? And weren't the לווחות carved out, anyway?

בית הלוי:

We all know: שבעל פה תורה שבכתב ותורה. Why? Midrash:

בשעה שנגלה הקב"ה

בסני ליתן לו תורה אמר למשה על הסדר

מקרא ומשנה ותלמוד ואגדה שנאמר

אכתוב לו רובי תורתך כמו זר נחשבו

וידבר אלקים את

כל הדברים האלה לאמר, אפילו מה

שתלמיד ותיק שואל לרב כו' א"ל משה

אכתוב אותה בהם

בכתב א"ל לא מפני שגלוי לפני שעתידין

אוה"ע לשלוט בהן וליטול אותה מהם כו' אלא

המקרא אני נותן בכתב והמשנה

... והתלמוד והאגדה אני נותן להם בע"פ

But Torah did not remain exclusive property of the Jewish people. Ptolemy demanded it be translated into Greek, and since that time it has become the universal property of mankind - translated into every language on earth, the best-selling book of all time. Had תושבע"פ been written down at that time, the same would have happened. Imagine, you'd walk into a hotel room and find an Artscroll shas in the drawer.

But Torah has to be unique inheritance of ישראל, its unique bond with רבש"ע. Moreover, had the nations of the world adopted תורה שבעל פה they would have distorted it, as they distorted שבעל פה.

And therefore **פ"ט** could not be written down. Instead it was transmitted orally during the formative period of human history, and remained the distinctive inheritance, and the zealously guarded treasure, of the Jewish people.

Beis Halevi's insight: In first **לוחות** this wasn't necessary. The Gemara in **עירובין** tells us that when the first **לוחות** were given, before the **העגל חטא**, the world was made perfect, free from death, free from the threat of persecution and **לא חטאו ישראל לא** גלות. **אלמלא לא חטאו ישראל לא** גלות. **שלטה בהם אומה ולשון**.

And, therefore, posits the **בית הלוי**, in first **לוחות** there was no distinction between **פ"ט** and **תורה שבע"פ**. Everything was written on the **לוחות** - the entirety of **שבת** and **תורה שבכתב** - **לוחות**. And he brings proof to this from various midrashim and even from the language of the **pesukim** themselves.

That was the difference between **לוחות שניות** and **לוחות ראשונות**. First were before the **העגל חטא** & contained everything. **לוחות שניות** were only **פ"ט**; **לוחות**; instead, it would be written onto the hearts and minds of **ישראל**, first of **Moshe Rabeinu**, and from his to the sages of each generation. When **Moshe** was told to prepare the **לוחות שניות**, he thought they would be same as first **לוחות**. He prepared enough "ink" - so to speak - for **תורה שבע"פ** and for **תורה שבכתב**. But instead what was written down was only **שבת**.

And so the "ink" of **פ"ט** remained. What happened to it? **ראשו העבירו על**; it was inscribed, not on the **לוחות**, but on the mind of **Moshe** himself.

There is an irony here - or, if you will, a paradox. The **לוחות** that came down the second down were much less than the first **לוחות**. The stone was not hewn by **הקב"ה** himself, but by **Moshe**. And they contained only **שבת** not all of **פ"ט** as in the first **לוחות**.

And the world into which they were brought was diminished. Had there been no **העגל חטא** **Chazal** tell us that death would have been conquered, and there would have been no **גלות**. The first **לוחות** came into a world that, for a brief time, was almost perfect. All that passed with the **העגל חטא**. And so the second **לוחות** came down into a far more imperfect and threatening world.

But - and here is the paradox - the **רבינו משה** who brought down the second **לוחות** was incomparably greater than the **משה** who brought down the first. The first time he brought down the **לוחות** his face did not shine. Only when he brought down second **לוחות** was his face ablaze with that blinding light.

Because all the glory of **פ"ט**, all of its vastness, all of its treasures, which had been openly inscribed on the first **לוחות**, now had to be shielded from a world steeped in **שקר**. A world that would steal and distort it. And so rather than being written openly on the **לוחות**, it had to be internalized within **רבינו משה**. And it shone from within him.

One further point: On the **pasuk עמך**, **Rashi** writes: **הראשונות על ידי שהיו בתשואות וקולות וקהלה**, **שלטה בהן עין רעה**, **אין לך** **הצניעות מדה יפה** **מן**.

This resonates very powerfully with **בית הלוי**. The way in which each of the **לוחות** were given reflected their essence. In the first **לוחות** the **Torah** - the whole **Torah** - was out in the open, inscribed on the **לוחות** for all to see, accessible to everyone and anyone. And so the giving itself was **קולות בקולי**, an open spectacle. But in the second **לוחות** almost the entirety of the **Torah** - the vastness of **פ"ט** was internalized within **Moshe Rabeinu**, within his heart and mind. And the way in which they were given reflected that: **בצניעות**, quietly, unobtrusively, far from the maddening crowd.

We live in a world that is caught up in superficialities, in which something has to be on TV to be really important. It is important for us to remind ourselves that since the **לוחות שניות** were given, that which is most important and deep and **קדוש** is **צנוע**, far from the

limelight. The people we most admire live quiet lives, far from the glare of publicity. **אנשי** **ישראל** live lives of deep simplicity. The **גדולים** we met in **ירושלים** living in apartments whose spartan simplicity we can hardly imagine. **משה ר' in** his simple apartment on the lower east side. The things we value most are quiet, **unsung** - unobtrusive **תוד**, quiet piety, unassuming scholarship. It is there, in such places and in such acts and among such people, that we can look for the light that shown from **רבינו משה**, when he brought down the second **לוחות**.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

**Sir Jonathan Sacks**

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - 5766]

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### **Yitro**

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 become known as **pesharah**, compromise. This is a decision on the part of a judge in a civil case to seek a

solution based on equity rather than strict application of the law. It is not wholly unlike mediation, in which the parties agree to a resolution that they both consider fair, regardless of whether or not it is based on statute or precedent. From a different perspective, it is a mode of conflict resolution in which both sides gain, rather than the pure administration of justice, in which one side wins, the other loses. The Talmud wants to know: is this good or bad? To be adopted or avoided? This is part of the debate:

Rabbi Eliezer, son of R. Jose the Galilean, said: it is forbidden to mediate. . . Instead, let the law pierce the mountain [a saying similar to: "Let the chips fall where they may"]. And so Moses' motto was: Let the law pierce the mountain. Aaron, however, loved peace and pursued peace and made peace between people. . . R. Judah ben Korcha said: it is good to mediate, for it is written (Zechariah 8: 16), "Execute the judgment of truth and peace in your gates." Surely 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.

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Parsha Page by Fred Toczek A survey of parsha thoughts from Gedolei Yisroel compiled by Fred Toczek. Perfect for printing and use at your Shabbos Tisch.

#### YISRO 5757 E. Peninim on the Torah (**Rabbi A.L. Scheinbaum**)

1. Reaching out. "And Moshe sent away his father-in-law, and he (Yisro) went his way to his own land." Rashi comments that Yisro went home solely to convert the remaining members of his family to Judaism. The Maharal interprets the words "and Moshe sent" to imply that Moshe gave his blessing to Yisro's return. HaRav A.H. Leibovitz extols the supreme sacrifice which Yisro made by leaving B'nai Yisroel to return to Midian. B'nai Yisroel had been privy to an uniquely miraculous existence -- sustained by Manna and protected by Hashem's clouds of glory and a pillar of cloud, they experienced the ultimate spiritual moment. Under the tutelage of Moshe, they shared the consummate environment for unparalleled spiritual growth. Thus, they must have been a good reason for Yisro to withdraw from this environment in order to return to the heathen surroundings of Midian and, furthermore, for Moshe to have blessed his return. HaRav Leibovitz points out that we can learn from Yisro about our obligation to reach out to our alienated brethren. If Yisro was willing to perform this task, how much more are we obligated to reach out to our fellow Jews, even when it causes us to make personal sacrifices. The spiritual and physical well-being of our brethren is a responsibility we must shoulder with love, devotion and pride.

2. Honoring your father and mother. The Exodus from Egypt and the Revelation of the Torah on Mt. Sinai are the two basic focal points in the history of the Jewish people. They constitute the foundation for our submission to Hashem. Although these events are historical truths, the acknowledgment of them is solely dependent upon tradition. Tradition is developed by the loyal transmission by parents to children, and by the children's willing acceptance of these ideals from the hands of their parents. Consequently, the mitzvah of honoring one's parents has become the basic condition for the continued existence of the Jewish people. Through father and mother, Hashem gives the child not only his/her physical existence, but also the bond which joins the child to his/her Jewish past. The child must receive from his parent the Jewish mission in knowledge, morals and education so that he/she can, in turn, transmit the tradition to his/her children.

#### F. Living Each Day (**Rabbi Abraham Twerski**)

Prerequisite to Torah. The receiving of the Torah at Mt. Sinai required three preparatory days. However, except for the requirements of abstinence and the cleansing of garments, no specifics are given as to what was to occur during these three days. Rabbi Yerucham quotes the Talmud that if there is no "derech erez" (decency, proper behavior), there can no Torah. He states that the three days were for concentration on midos, on developing those character traits which make a person suitable to receive the Torah. Proper midos is a necessary prerequisite to receiving the Torah. The choice of Sinai as the site for the revelation is a powerful lesson in midos, for it teaches us that Torah can only exist in the presence of humility. The opposite of humility -- vanity -- precludes the development of good midos. Preoccupation with one's self, considering oneself superior to others, demanding recognition and indulging oneself are all natural consequences of vanity. Only when one realizes that he was put into this

world to accomplish a mission -- to do the will of Hashem -- can he achieve the necessary conviction and self-effacement necessary for the study of Torah and ritual observance.

#### G. Darash Moshe (Rav Moshe Feinstein, z'tl)

The Mothers' Role. "So shall you say to the House of Jacob, and relate to the Children of Israel." On this verse in which Hashem directs Moshe to transmit the Torah to the Jewish People, Rashi comments that the term "House of Jacob" refers to the women, while the "Children of Israel" refers to the men. Why did Hashem tell Moshe to give the Torah first to the women? The Torah can be perpetuated only if each individual and each family takes on the responsibility of transmitting it to their offspring, so that they will in turn keep the mitzvos and pass them on to their offspring after them. This is best achieved by the transmission of Torah at an early age, when an individual's heart and mind are most receptive. When a child grows up, his/her mindset becomes more fixed and it is much more difficult to inculcate such a fundamental and pervasive value system as the Torah provides. Women, who provide for the child's physical needs from the outset, are in the best position to begin the process of the child's spiritual training at the same time. Thus, Hashem told Moshe to give the Torah to the women first, for they are first to have influence on the future generations, without whom Judaism can not survive.

#### H. Reb Michel's Shmuessen (Rabbi Michel Barenbaum)

The Meaning of the commandments. Chazal teach "the commandments were only given for man to become purified through them." This teaches us that the purpose of commandments is to provide us with a vehicle to spiritual uplifting, to the sanctification of the soul. Thus, it is impossible for one to fulfill all of the mitzvos to the "letter of the law," yet remain in a low spiritual plane. He may be "full of commandments," but he is nonetheless empty of spiritual content. Perhaps this is the message of the arrangement of the first two sections of the Shema -- i.e., why the Shema is recited before the Vehaya Im Shamo'a. So that a person should first "accept upon himself the Yoke of Heaven, and only then the Yoke of commandments (Berachos 13a)."

#### I. Majesty of Man (Rabbi A. Henach Leibowitz)

The Chosen People. "And you shall be My treasure amongst the nations, for the entire world is Mine". Why did Hashem need to remind the Jews that the "entire world is His"? Isn't that obvious? Rashi explains that this is to remind us that Hashem could shower His affection on so many others rather than us, thereby allowing us to more fully appreciate His love for us. In all of our relationships (e.g., our relationship with Hashem, our spouses, friends, etc.), we must remember that others' love and kindness is bestowed on us uniquely for us. By so doing, we can more fully appreciate the blessings of these relationships.

#### J. Artscroll Chumash

1. The Torah commands us to both "remember" (i.e., e.g., make Kiddish, study Torah, set aside special foods to sanctify) and "guard" (e.g., honor the Shabbos by refraining from work and other practices which diminish the sanctity of) the Shabbos.

2. The Torah commands that we must "accomplish all of our work in six days"; even if there is more to be done, we should feel as though everything has been finished (Rashi). Shabbos teaches us that Hashem is the Creator, who provides for His creatures.

3. "Hashem blessed the Shabbos day and sanctified it" --

a. Hashem blessed it with the double portion of manna on Friday, and sanctified it by not giving manna on Shabbos so that no one would be forced to gather it (Rashi).

b. The blessing/sanctification refers to a Jew's heightened capacity to absorb wisdom and insight on Shabbos (Ibn Ezra).

c. The Shabbos is blessed in that it is the source of blessing for the rest of week, and sanctified because it draws its holiness from higher spiritual spheres (Ramban).

d. The verse suggests that Hashem created the world to last for "six days plus the Shabbos"; Shabbos gives the world the spiritual energy to exist for another week, and the cycle goes continues continuously (Or HaChaim).

4. The 10 Commandments as a blueprint for the entire Torah. The 10 Commandments, while seemingly narrow, have broad ramifications. For example, the prohibition against murder alludes to acts which are tantamount to murder (e.g., causing someone significant embarrassment; failing to provide food and safety to travelers; causing someone to lose his/her livelihood); similarly, the prohibition against theft alludes to acts which are tantamount to theft (e.g., failing to respond to another person's greeting; winning someone's gratitude or regard through deceit, etc.)

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[http://www.aish.com/societyWork/sciencenature/-Virtually\\_Brain\\_Dead-.asp](http://www.aish.com/societyWork/sciencenature/-Virtually_Brain_Dead-.asp)  
**"Virtually Brain Dead"**

by Daniel Eisenberg, M.D.

"A day after the state's highest court ruled that the Department of Social Services could withdraw life support from a brain-damaged girl, the agency said yesterday that Haleigh Poutre might be emerging from her vegetative state." Boston Globe January 19, 2006

As I was contemplating the first anniversary of the death of Terri Schiavo on March 31 and wondering what the lasting legacy of her death might be, I was struck by a news story that is possibly more disturbing than even her saga.1

The Story of Haleigh Poutre

Haleigh Poutre is a little girl from Massachusetts who almost did not live to her 12th birthday. On September 11, 2005, after years of abuse, Haleigh was beaten nearly to death by her aunt and stepfather. She lay in a vegetative state, unable to breathe on her own, tethered to both a respirator and feeding tube. She immediately came under the control of the state, with a court appointed guardian.

Within eight days of her near fatal beating, the Department of Social Services (DSS), who had virtually ignored more than a dozen reports of physical abuse and neglect over the previous few years, applied to the courts to have her life-support removed with the agreement of Haleigh's court-appointed lawyer.2 The request to remove the respirator was approved by Juvenile Court Judge James G. Collins on October 5.

In an ironic twist, it was her stepfather, the man who had nearly killed her, who petitioned the court to leave her on life-support. One need not be a great jurist to realize that the death of Haleigh Poutre would likely to have led to a murder indictment of the stepfather. Nevertheless, his appeal to the Supreme Judicial Court pushed off implementation of the court order until January 17, when the court ruled in favor of DSS.3

The Supreme Judicial Court, in upholding the lower court order allowing removal of life support, accepted the brief filed by DSS lawyer Virginia Peel, which stated that Haleigh "is in an irreversible and permanent coma, with the least amount of brain function that a person can have and still be considered alive."4 Medical testimony seemed unanimous that Haleigh was so severely brain-damaged that not only could she not possibly recover, but that she was barely alive. The Boston Globe reported:

Last fall, doctors described Haleigh as being in a persistent vegetative state and "virtually brain dead," district court records said. Physicians said her brain stem was severely injured, leaving her unable to think or feel and in an "irreversible coma," according to an opinion Tuesday [January 17] by the Supreme Judicial Court.5

However, the day after the higher court upheld the decision to remove the respirator, an embarrassed Department of Social Services reported that Haleigh began breathing on her own and was responding to simple commands. The following day, the Boston Globe reported that "[b]efore yesterday's disclosures, Haleigh was thought to have more serious brain damage than Schiavo, in part because she was not breathing on her own."6 As one may imagine, the unfolding story brought tremendous adverse publicity to the DSS and the explanations and excuses began flowing. Haleigh was subsequently transferred to a rehabilitation hospital for continued therapy.

The Lessons of Indifference

My intention is not to lambaste the Massachusetts Department of Social Services. Their workload is likely overwhelming and their work is surely difficult and underappreciated. Clearly, there was a string of lapses going back several years that are inexcusable, but not completely unexpected.

I am more concerned with the lesson we learn from the Haleigh Poutre saga and what it tells us about our approach to life and death. I would sleep much better if I

believed that the chain of events that almost led to Haleigh Poutre's death were innocent mistakes. It would be easier to deal with a lab error or a lapse in judgment. But, I think the underlying failure in this case came about because the lives of the mentally handicapped are simply not valued in our utilitarian society.

As I argued one year ago, my primary issue with the Terri Schiavo episode was that instead of rational arguments for ending her life, there was an underlying sense that one must be crazy to care about someone who could not think. I appreciate the complexity of end of life issues and recognize that there is legitimate debate among good-intentioned people regarding how to deal with those questions.

But it is a major leap to go from terminal illness to valueless life. To debate and discuss how aggressively to treat a patient with an incurable disease is healthy. To discuss ending the lives of people because we see no value in their continued existence is reprehensible. When the lawyer for Haleigh's stepfather requested that the court obtain the medical opinion of a neutral physician, the judge said, "When you have consistent medical opinions, why do you have to find a doctor who might challenge that?"<sup>7</sup>

You have to look for a doctor who might challenge that because a little girl's life is on the line. When one values something, one is pained by even the possibility of its loss. America has a long history of recognizing that a life need not be pleasant to be deemed valuable. For example, on July 7, 1865, on the day the Lincoln assassination conspirators were to be hanged, sentries were posted between the White House and the prison where the executions were to take place, ready to relay the news to the executioners, in the unlikely event that President Johnson would grant last minute pardons.<sup>8</sup> Such an action for such morally repugnant assassins was not performed because the conspirators were liked, but because of recognition that extinguishing life is a very serious matter and all actions must be taken to avoid unnecessary killing.<sup>9</sup> It is not the individual that necessarily deserves respect; it is human life itself that deserves respect.

Mere potential threats to our civil liberties are taken very seriously. This is because of the very natural fear our rights will be eroded slowly, on a case by case basis and that we will not recognize what we have lost until it is too late.

There is an inherent feeling of anger when a criminal who confesses to a heinous crime cannot be prosecuted because of a legal "technicality." Who would not be angered that the admission of guilt is not admissible in court because the accused did not have legal counsel when he made his confession? But on further consideration, we tolerate such situations since we fear that not scrupulously defending the rights of defendants will lead us down a path toward tyranny. Our legal system is predicated upon the idea that it is better to release 10 guilty people than incarcerate one innocent one.

Respecting human life is analogous. It is very easy to look at an individual person in a persistent vegetative state and feel that their life has no value and continuing their life is "wrong." But our respect for life, like our respect for our civil rights, demands that we judge based on the bigger picture. Without a very clear line in the sand, it is impossible to recognize, except in retrospect, when we have gone too far in devaluing human life and crossed the threshold into the realm of state-sponsored murder.

Genocide does not start with overt murder; it starts with devaluing the lives of some unwanted or unpopular members of society and follows a downward spiral to depravity. Often, as in the case of Nazi Germany, the first group to be disposed of is the disabled, particularly the mentally handicapped. The arguments for euthanasia are always euphemistic and always couched in language suggesting that we are killing the individual for their own good. We never propose murder, we propose "mercy-killing" and allowing the patient to "rest." We wish to end the suffering of people who might not be experiencing any pain whatsoever.<sup>10</sup>

We are already near the bottom of the slippery slope. Thirty years ago the New Jersey Supreme Court made the revolutionary decision in the case of Karen Ann Quinlan that respirators may be removed from brain damaged patients, but the feeding tube was left in place, for how could one consider starving someone to death?<sup>11</sup> In 1990, the Supreme Court of the United States established the principle that a feeding tube may be removed from a PVS patient if there is "clear and convincing evidence"<sup>12</sup> that the patient desired such an outcome, for how could one starve someone to death without very compelling evidence of their wishes? In 2005, in a very contentious public case, the courts allowed removal of a feeding tube from Terri Schiavo despite the lack of written advanced directives. In that case, the parties seeking to disconnect the patient, principally her husband, had several serious conflicts of interest<sup>13</sup> and the legal decision was made based on the recollections of her husband (and others) of off-handed comments, only seemingly recalled many years after the patient entered her PVS state.

So while the thought of attacks on our rights brings out the civil libertarians, the same concern is not demonstrated when innocent human lives are being threatened. As we will see, the case of Haleigh Poutre demonstrates that we had even farther to fall even after Terri Schiavo, who was at least an adult who theoretically could have had an opinion about her care before her collapse.

#### The Rest of the Haleigh Poutre Story

Reading the chronicle of events as they unfolded tells a very troubling tale. Soon after it was made public that Haleigh began showing signs of recovery, it was also reported that the improvements had begun a week before the Supreme Judicial Court had issued its ruling to allow removal of the respirator, but that despite the Department of Social Services knowing of the improvements, they did not inform the court.

In fact, the Boston Globe reported on February 7, 2006 that "Susan Molina, executive director of the Yellow Ribbon Kids Club, said yesterday that she filed a complaint against DSS lawyer Virginia Peel, saying Peel had not told the Supreme Judicial Court that Haleigh, 11, was starting to breathe on her own and was showing increased responsiveness."<sup>14</sup>

When the state Department of Social Services Commissioner Harry Spence was confronted with this information, he claimed that the doctors had misled him and that "his agency did not tell the state's highest court that Haleigh Poutre might be getting better because doctors convinced him that she would never recover from a vegetative state."<sup>15</sup>

Spence said Haleigh was showing signs of responsiveness about a week before the Supreme Judicial Court granted permission to remove her life support. But he said Haleigh's doctors reported that her movements were not a sign she would recover. "When there was evidence there were signs of improvement, we insisted the doctors reexamine Haleigh and come back to us," Spence said yesterday in a telephone interview. "They absolutely affirmed that the chances of her recovery were absolutely zero. There was nothing for us to report to the SJC."

While it is difficult to know where the truth lies, one might suppose that in their rush to extubate Haleigh and remove her feeding tube, there may not have been an attempt on the part of DSS to obtain the best medical information.

Or perhaps the story is really even more disturbing.

In the most charitable scenario, the courts relied in good faith on DSS to provide accurate information regarding the prognosis of Haleigh Poutre. In turn, the DSS relied upon the doctors to provide accurate medical information. Not only did the physicians misinterpret Haleigh's early signs of improvement as irrelevant, but they committed a far worse breach of ethics.

The doctors, the only people with the expertise to judge the medical situation, did not advocate for their patient. It is well known in medicine that the brains of children are very resilient, far more so than those of adults. The words of the Boston Globe are again enlightening.

Several neurologists say that many brain-injured patients recover some consciousness, but often not for several months or more, causing families frequently to delay for months before making the heart-rending decision of whether to continue life support and come to grips with their own definition of what constitutes a life worth saving.

"Three weeks is early with what we know can happen with recovery," said Dr. Nancy Childs, executive medical director of Texas NeuroRehab Center in Austin, Texas, who has been working with brain-injured patients for more than 20 years.

Childs said statistics show that 52 percent of brain-injured adult patients recover consciousness a month after their trauma and that 16 percent recover after three months. She also said that, in general, brain-injured children, with their growing and elastic brains, "have a better outcome" than brain-injured adults.

There are many factors that impact the prognosis of patients with severe brain injury, including length of oxygen starvation, scan findings, and rapidity of onset of symptoms.<sup>16</sup> But even for patients with severe brain injury leading to a vegetative state, standard medical care would usually require at least several months, not several days, before the doctors could conclusively determine that there would be no further improvement. How could the doctors make the assessment within eight days that a comatose child who suffered trauma would remain permanently vegetative when the definition of persistent vegetative state is at least one month<sup>17</sup> of coma and children tend to have a better prognosis than adults? Where was the motivation to err on the side of recovery?

I am forced to the conclusion that her life just did not matter enough to take the time necessary to do a proper evaluation and her severe brain damage did not merit erring on the side of interpreting her spontaneous breathing and increased responsiveness as true improvement.

To those people who would argue that autonomy and self-determination are important values, I would agree. But where is the autonomy and self-determination in quickly withdrawing life support from a patient before we could possibly know if they will recover, particularly a child with no family or true advocate, who has no advanced directive, and with no reason to believe the child would want support withdrawn (nor that they could even evaluate such a question)?

Autonomy and self-determination are important values, but preservation of life is also an important value. Ethics is always the clash of two ideals that cannot both be accommodated. Most people would accept that truth-telling and saving lives are both laudable ideals. However, if faced with the dilemma of whether to inform a potential

murderer where his intended innocent victim may be located, the two ideals come into conflict and one must be chosen over the other. For a moral person, saving lives must come before truth-telling or even autonomy in some cases. It is a perversion of decency to adopt an ethical system that places autonomy above all else.

So we go from Karen Ann Quinlan in 1976 to Nancy Cruzan in 1990 to Terri Schiavo in 2005 to Haleigh Poutre in 2006. Is this really the bottom? Probably not.

As we slide deeper into the abyss of abandoning our respect for life, our ethical decisions are increasingly being outsourced to groups such as the courts, governmental departments, and most sadly of all, doctors, who all too often do not view life as intrinsically valuable. Life is no longer the desired default.

Physicians, like all others, can make mistakes. Overworked social workers can err. I work with many physicians, all of whom have a deep dedication to helping others. I am sure that everyone involved in the Quinlan, Cruzan, and Schiavo cases also thought that they were offering the best care for their patients. Michael Schiavo may really have loved his wife as he argues in his new book and he may honestly think that he kept his promise to her.<sup>18</sup> But good intentions are not sufficient.<sup>19</sup>

The real issue is that we have created a culture in which life itself does not matter. Many people absorb their morals from the milieu in which they are immersed. Within such a culture of disposable human life, one may feel comfortable and morally justified in killing those people whose lives are not worth living. I often wonder what people perpetrating the killing in Germany, Cambodia, and Rwanda were thinking while the killing was happening. I do not believe that people in societies involved in genocide think that they are doing evil. The culture simply shifts to allow for people to "feel okay" with acts that might otherwise be considered evil. That is, there is no covert conspiracy in America involving government, lawyers, and doctors to kill innocent people. There is merely a dulling of our moral sensibilities that leads to the bad outcome. We look back only afterwards and then it becomes easy to trace the path that led from normalcy to immorality.

While the story of this little girl is horrifying, it is merely a symptom of a larger problem. The Haleigh Poutre case indicates the direction in which we are moving. Maybe it will serve as a wakeup call to take notice of where we are heading and to examine to whom we are abdicating our decision-making apparatus, before we have to look back and wonder what happened to our society.

This case should remind us that while we may choose to outsource some of our decision-making to experts, such as the safety of airplanes or the health-quality of our food, we must be very careful not to abdicate our moral decision-making capacity to others, merely because of their technical expertise in a given field. Evaluating the safety of an airplane may take an engineering degree and evaluating a patient's medical condition may require a medical degree, but judging the value of a life only requires an intact moral compass. Unfortunately, moral compass-building is not a required course in most universities and graduate schools.

So, we are still left with two questions. Whose moral compass will be used to chart the future path of our heterogeneous society and how does one develop a healthy moral outlook for himself? As a nation, we will never all agree on one source for morals, and various ethical perspectives vie for acceptance in our society. While society is often swayed by the loudest and most influential voices, sometimes, just sometimes, it is the voice of moral authority that carries the day, even against tremendous opposition, such as in the case of a leader such as Martin Luther King.

As Jews, our greatest contribution to the debate is to become voices of moral authority. Throughout our long history, our tradition of strong support for the value of each individual life has been a light to the nations and source of societal morals even in the most turbulent of times. It is through our study of the Torah that we acquire a solid basis for our moral growth and develop our own moral compasses. We must continue to use the Torah as a stable source of morality, or, as the whims of society change our cultural values, our personal ethics will shift with them.

I have referenced only the Boston Globe (Boston's major newspaper) to elucidate the story, not because the material does appear in a variety of forums, but so that there can be no fear of my "picking and choosing" sources to give a biased narrative of events.

2 "Bid To End Life Support Was Quick:DSS Acted Swiftly After Obtaining Custody Of Girl," Patricia Wen, Boston Globe February 7, 2006

3 "DSS To Seek Outside Expertise In Haleigh Case: No Plans To Take Girl Off Life Support," Patricia Wen, Boston Globe, January 21, 2006

4 "State Lawmakers Want To Question DSS Commissioner: Handling Of Haleigh Case Draws Beacon Hill Concern," Michael Levenson, Boston Globe January 22, 2006 and *ibid* February 7, 2006.

5 "Girl In Vegetative State Reported To Improve," Patricia Wen, Boston Globe January 19, 2006

6 *ibid*

7 "High Court To Hear Life Support Case Involving 11 Year Old Girl," Boston Globe December 6, 2005

8 Kauffman, Michael W., *American Brutus: John Wilkes Booth and the Lincoln Conspiracies*, Random House, 2004

9 See Sanhedrin 42b which describes how Jewish courts functioned. When someone convicted of a capital offense was brought out to be executed, a man with a red scarf was posted at the door of the court and another man near the site of the execution sat on a horse where he could see the man with the scarf. If a witness came to the court at the last minute with exonerating evidence, the scarf was waved and the man on the horse quickly rode over to stop the execution.

10 There is controversy regarding the ability of patients in PVS to experience pain. Even if they do physiologically experience pain, the lack of cortical function may bar them from "feeling" the pain in the conventional sense. But if they do experience pain, then the suffering involved in dehydration and starvation must be considered a barbaric assault on a defenseless person. Either way, removal of feeding tubes is misguided: either the patient feels no pain and we are not relieving suffering or the patient experiences the torture of starvation and dehydration!

11 Despite expectations of her imminent demise, Karen Ann Quinlan lived for 10 years after her respirator was withdrawn.

12 <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/cruzan.html>

13 A conflict of interest does not prove malignant intentions, but should raise serious questions regarding who should be the surrogate decision-maker. While a spouse may be the natural choice for substituted judgment, becoming romantically involved with another woman should raise obvious questions as to whether Michael Schiavo remained the proper legal proxy for his incapacitated wife. He may have loved her, but that does not remove his conflict of interest.

14 "Group Hits DSS Lawyer In Girl's Case," Patricia Wen, Boston Globe February 8, 2006

15 "DSS Chief Says Doctors Erred In Haleigh Case," Adam Gorlick, Boston Globe March 24, 2006

16 See <http://www.braininjury.com/coma.html> for a concise discussion of coma and vegetative state

17 <http://www.ninds.nih.gov/disorders/tbi/tbi.htm> (National Institute of Neurological Disorders and Stroke Traumatic Brain Injury Information Page)

18 Schiavo, Michael and Hirsh, Michael, Terri : The Truth, Dutton Adult, 2006 19 Michael Schiavo argues in the preface to his book, that it was a consortium of right wing zealots who distorted the story of Terri Schiavo. He writes: "I was condemned by the president, the majority leaders of the House and Senate, the governor of Florida, the pope, and the right-wing media, all because I was doing what Terri--the woman I loved--wanted." His battle cry to oppose such forces ignores the possibility that there may be ethical values that our society shares and which we may legitimately wish to protect.

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#### The Me Syndrome

##### Rabbi Baruch Pesach Mendelson

After Klal Yisrael said "naaseh v'nishmah," and Moshe reported this back to Hashem, Moshe was given a whole series of instructions relative to Klal Yisrael's preparations for kabbalas haTorah. Moshe had to tell the nation to sanctify themselves, wash their clothes, separate from their wives, and to insure no one would attempt to scale Har Sinai, erect fences around it. Then, the Torah says "va'yeired Moshe min hohar el ho'am," Moshe descended from the mountain to the nation and related to them these details. Rashi points out that this passuk teaches us that Moshe did not turn to his own business, rather, directing his attention immediately towards the people.

The point that Rashi is emphasizing is extremely puzzling- after all, whom are we talking about here? We are not talking about a young person who would shirk responsibility to attend to some personal matter. We are talking about Moshe Rabbeinu, who has tremendous dedication to both Hashem

and Klal Yisrael, a mature person, here at the pinnacle of his role as a shliach Hashem. Through kabbalas haTorah, Moshe was told that his nevuah would be forever believed! How could it be possible for him to even momentarily get distracted from his job? How could he lose focus of his goal, his heavenly mission in order to take care of his private, worldly affairs?

Further in the Parsha, Moshe goes up to speak to Hashem, who has descended upon the mountain. His final instructions to Moshe are to go down and warn Klal Yisrael that attempting to climb Har Sinai will result in death. Moshe responds that he already warned them about this three days earlier and put up fences as boundaries. He reasons that it was therefore unnecessary to warn them again. Hashem answers back that Moshe should repeat the warning. Rashi adds that this is necessary- first to give the warning prior to the event, and then at the time of the event. The question begs itself- why must Klal Yisrael be warned again about an offense that's punishable by death, told to them by Moshe Rabbeinu, who led them out of Mitzrayim? Why would anyone take the chance of trying to climb the mountains? Furthermore, even if one had a sudden urge to charge up the mountain, a fence was already set in place to prevent anyone from trying?!

We see from these two comments of Rashi, on a physical and a spiritual level, manifestations of "The Me Syndrome." People have a natural tendency, no matter who they are or whatever position they are in, to think about themselves over and before anyone else. Therefore, even a Moshe Rabbeinu under direct orders from Hashem could even- if only for a split second- have a notion to turn towards his own physical needs; even a Klal Yisrael, which had reached such a lofty level on which they were ready for kabbalas haTorah, needed a second warning from Hashem lest they run up the mountain to quench their spiritual thirst. Even though, intellectually, they all know what is right, deep down in their subconscious there might be the absolute slightest amount of emotion that could cloud their minds and cause them to act wrongly.

All the more so for us, how difficult it is to keep our true goals in focus, instead of giving in to the strong pull to do things for "Me." Moshe Rabbeinu was able to overcome this urge; Klal Yisrael needed a second warning. Let us learn this lesson from the Parsha and direct our actions precisely towards Hashem.

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

And Yisro heard all that Hashem did for Moshe, and for his People, Yisrael. (18:1) Yisro must have been a very unique individual. After all, how many parshios in the Torah are named for a specific person? Certainly, he must have had some particular virtue to warrant such an honor. Let us go back to Yisro's arrival in the wilderness to be with the Jewish People. Why would someone abandon the comforts of home to join a nation "in formation," a people that had, until recently, been subjected to hundreds of years of harsh slavery? Chazal teach us that Yisro had heard of two events: Krias Yam Suf, the Splitting of the Red Sea, and the war with Amalek. These miracles motivated Yisro join the Jews.

Now, Yisro was not the only person that had heard of these events. In fact, the entire world had heard about them. It was not every day that the Red Sea was split. Amalek was a huge nation, proficient in warfare. Their defeat at the hands of the Jews was a military phenomenon. Each event on its own merit should have spurred thousands to join the Jewish People. Yet, only one person made the move. Why? Why was the entire world so insensitive to what had occurred? They had all heard; they were all aware; yet, only one person took positive action.

Horav Chaim Scheinberg, Shlita, suggests that the answer is to be found in Rashi's commentary concerning Yisro's arrival in the wilderness. The pasuk relates his arrival, "And Yisro came to the wilderness where he (Moshe) was encamped by the Mountain of G-d" (ibid 18:5). The mention

of the wilderness is enigmatic. Where else could this have occurred? We already know that Klal Yisrael was in the wilderness subsequent to the exodus from Egypt. Is it necessary to repeat this bit of geography? Rashi explains: "The Torah mentions it [the wilderness] in order to laud Yisro. For even though he basked in worldly honor, *nadvo libo*, his generous heart (guided) him to go out to the wilderness, a desolate place, to hear the words of Torah." When the time came for Yisro to hear the truth, luxury and honor did not prevent him from coming to hear the word of Hashem in the wilderness. His distinction was *nadvo libo*, a generous heart. He saw beyond himself. His benevolent, self-effacing, noble heart was unstinting and considerate enough to surrender it all, to ignore what he had and what he might still amass, just to learn the verities that Torah and Judaism had to offer.

Rashi is teaching us a profound lesson. We usually refer to generosity as a form of kindness, a benevolence in which we share our wealth of time with others in need of our favor. We are now being taught that it was Yisro's generosity, his nobility of heart that motivated his sudden move from a life of comfort to join the Jews in the wilderness. This nobility of heart empowered Yisro to leave it all behind. This is a type of generosity which we ourselves can bestow, so to speak, on Hashem. When we make our own considerations and petty desires secondary in order to act on behalf of the Almighty, we demonstrate the highest degree of generosity.

Judaism is a life predicated upon the ability to sacrifice. To truly believe is to be willing to sacrifice for one's convictions. Sacrifice requires the virtue of generosity. We all have it within ourselves. It depends on whether or not we are prepared to use that ability. David HaMelech says in Tehillim 47:10, "Nedivei amim ne'esafu am Elokai Avraham," "The nobles of the nations gathered; the nation of the G-d of Avraham." The expression *nedivei amim*, nobles of the nations, explains Rav Scheinberg, is a reference to those individuals who have hearts that are catalyzed by noble, selfless motivations. These actions are not self-serving. They are responding to a higher - nobler - ideal. Rashi explains that the nobles that this pasuk refers to are "those who offered themselves to be slaughtered and killed for the Holy Name." The preeminent form of nobility is to return one's life, generously and wholeheartedly, to the One Who gave it.

The title of *nediv-lev* is given to Avraham Avinu, because, as Rashi comments, "He was the first with a generous heart, the vanguard for converts." He was the pioneer, the pacesetter for others to emulate. He taught the world the meaning of generosity. He showed them that the highest form of benevolence is to bestow on G-d - as he did. He was even prepared to sacrifice even himself for his beliefs. He was ready to return his pure and noble heart, if necessary, to his Creator for the sake of sanctifying His Name. All succeeding converts took their inspiration and example from Avraham Avinu - the father of the Jewish People.

Yisro was like that. He had a "large" heart, a benevolent heart, a heart that permitted him to follow magnanimously in Avraham's footsteps. Thus, when the news of Hashem's miracles reached him, he was ready to move. He was sensitive to the truth, and this spurred him to convert and join the Jewish People in the wilderness. He was awakened, while the rest of the world continued on in pathetic slumber. Yisro saw through the maze and understood the significance of all of the miracles and the lessons that they imparted. The rest of the world continued to sleep. Yisro listened with his heart. The miracles conveyed to him a personal message: "Come and join the Jewish People." He knew that the only way he could understand the depth of the miracles in order to penetrate the hidden truth of their lesson was to convert. Yisro's recognition of the truth was not inspired by his incisive mind. Rather, his sensitive heart infused him with conviction. Our heart is aware of much more than we can imagine. Yisro's heart directed him to acknowledge Hashem and join His People. In the merit of his outstanding heart, Yisro warranted that a parsha bear his name. Other wise men lived during Yisro's time - and after. Many wise men throughout the generations have seen or heard of the miracles which accompanied the Jewish People throughout the millennia. Yet, it did not influence them.



Why? They did not have open, generous hearts that would motivate them to acknowledge the truth. They were wrapped up in themselves, allowing no room for anyone or anything else to penetrate their self-centered lifestyle. This is the definition of an idolater: An apathetic, unmoved, uninspired individual who lives for himself. He serves the G-d of his choice by convenience - not out of a sense of truth. Indeed, this may apply to he who determines his own individual mode of observance based upon what is most self-serving. It is all in the heart - not the mind.

Now heed my voice, I shall advise you, and may G-d be with you. You be a representative to G-d. (18:19)

In this pasuk, Yisro is advising Moshe Rabbeinu concerning how to adjudicate the law and how to serve as an intermediary between the nation and Hashem. The Sifrei Kabbalah teach us that Moshe was to be mesakein, repair, the neshamah of Noach. A righteous man, Noach's virtue did not extend beyond himself. Thus, when Hashem shared the decree to wipe out humanity with him, Noach did not intercede; he did not complain; he followed orders and entered the Ark to save himself, while the rest of the generation perished in the Flood. Moshe's function was to pray for the people of his generation that were not worthy of salvation, to intervene on their behalf. Horav Yaakov Y. Twersky, zl, the Milwaukee Rebbe, interprets this idea into Yisro's advice to Moshe. "I shall advise you, and may G-d be with you." I will counsel you what to do in order to fulfill your mission of correcting Noach's soul. When Klal Yisrael sins with the Golden Calf, and Hashem tells you that He will destroy the Jewish People and recreate the nation from you, at that point stand mul Elokim, opposite Hashem, and intercede on behalf of the Jews. It is your function to offer yourself in their place. By exhibiting such self-sacrifice, you will save the nation and affect the tikun, restoration, for Noach's neshamah.

And now, if you hearken well to Me and observe My covenant. (19:5)

Targum Onkelos defines im shamo'a tishme'u, "if you will hearken/listen well," as, u'ch'a'an im kabala tikablun, "if you will accept upon yourselves." This translation is supported by Rashi, who cites the Mechilta with a parallel definition. This implies, explains Horav Moshe Shmuel Shapiro, zl, that Kabbalas ha'Torah, accepting the Torah, is the principle upon which one is zocheh, merits, to acquire Torah. I have always had a difficult time defining "Kabbolas" ha'Torah. What does it mean to accept/receive the Torah? In searching for the correct synonym I came upon the word, welcome. To be mekabel the Torah means to receive it with open arms, to welcome it into our midst, to make it a part of our lives, to acquiesce to its every demand. That is the meaning of acceptance.

Rashi adds, "If you will accept the Torah, ye'erav lachem, it will become sweet for you, from now on, because all beginnings are difficult." This intimates that starting out on the Torah path, beginning to study Torah, may be difficult, but it is not a difficulty which is intrinsic specifically to Torah. It is like all other haschalos, beginnings, new undertakings; it is challenging. There is one distinction, however. Once one begins, it becomes sweet; it is no longer difficult. If one still experiences difficulty, it is because he has not yet been mekabel, accepted, upon himself the yoke of Torah. In other words, Kabbalas ha'Torah catalyzes areivus, sweetness, which undermines the difficulty one might encounter.

The Rosh Yeshivah wonders why Rashi uses the concept of sweetness to contrast difficulty. He should have said that at first it is hard/difficult, and then it becomes easier. Why does he interject with sweetness? He explains that the difficulty of accepting the Torah happens only to one who has not tasted its sweetness. Anyone who has ever tasted Torah's sweetness does not experience any difficulty in welcoming the Torah into his life.

Indeed, one who has encountered the appeal of Torah can never sever himself from it. In his commentary to Parashah Ki Savo (Devarim 26:11), the Ohr HaChaim HaKadosh writes, "You shall be glad with all of the goodness that Hashem, your G-d, has given you." There is no "good" other than Torah. If one were to taste the sweetness of the good of the Torah, he

would go out of his mind in its pursuit. All of the gold and silver in the world would be meaningless to him in comparison to Torah.

There is another, deeper lesson to be derived herein. Those who have studied Torah, who have plumbed its depths and nevertheless have resorted to forsaking it, truly have never experienced its sweetness. They studied, they imbibed, but they did not accept it. It was not a "welcome" experience. It was something they either had to do - or did- but it was not something that they wanted to do. Perhaps this is the litmus test for all of us. Do we experience Torah's areivus? Did we welcome the Torah into our lives? If we cannot respond in the affirmative, we have not really learned Torah.

Torah is the lifeblood of the Jewish People. Horav Mendel Kaplan, zl, was an individual who exemplified love of Torah. He would often reminisce about others, but he was simultaneously expressing his personal feelings. He could not forget the little boy in Baranovitch, sitting on the steps of the cheder reviewing his Chumash, long after classes had ended for the day. Horav Nochum Partzowitz, zl, Rosh Yeshivah of Mir, Yerushalayim, could not wait to go to cheder in the morning, so great was his desire to learn Torah. He would go barefoot, because it took him too long to put on his shoes.

When Rav Mendel would conclude a shiur, he would ask the students, "Nu, do you hear the music of Rashi?" He once remarked, "When someone learns a lot, he develops an appetite for Torah as one does for food. When Horav Aharon Kotler, zl, would return home after spending a day fundraising for his many Torah related endeavors, he would sit down to learn like a hungry man. Horav Shimon Shkop, zl, would expend such energy toiling in Torah that he barely had any strength left for anything else. Indeed, if someone tried to discuss any topic other than Torah, his eyes would droop and he would fall asleep from exhaustion." He would often quote from his rebbe, the saintly Horav Elchonon Wasserman, zl, "Learning is very hard but, without learning, living is very hard."

He would compare Torah study to the pursuit of commerce. He once needed a part for an old fixture in his house. He went to a hardware supply store and showed the owner the part. The owner immediately climbed a ladder, removed an old, dusty box and presented the part, commenting, "You know, Rabbi, I have not been asked for this part in over thirty years!" Rav Mendel asked him how many parts he had in his warehouse. "Over thirty thousand," he replied. Upon relating the incident, Rav Mendel quipped, "Do you think that he has such a brilliant mind that allows him to remember every part that he sells? No! It is his business. If it is your business, your livelihood, you remember. You do not have to possess a brilliant mind like Rav Chaim Ozer (Horav Chaim Ozer Grodzenski, zl) to know where everything is to be found in Shas. Torah just has to be your business, and you will know. Just like a businessman prays to Hashem for Divine assistance (Me'vearech HaShanim), so, too, does a ben Torah pray to Hashem (Ahavah Rabbah) for assistance in Torah. He added that Hashem helps those who display a sincere desire for Torah advancement. When one learns even during times that are difficult, he receives Divine assistance. "If a person hurries back from breakfast to start learning, the angels wait at the door to bring him help from Heaven. If, however, he takes his time in returning to the bais ha'medrash, stopping along the way to shmooze, have a chat, before he begins to learn, the angels return to Heaven."

Space does not allow for the many anecdotes and lessons concerning Torah study upon which Rav Mendel would expound. There is one concerning the value of time that leaves an indelible impression. He said, "Every minute is precious. There is a building in Chicago, the Wrigley Building, which was built with the profits from selling millions of pieces of chewing gum at a penny each. From this we see that every small thing is precious." What a powerful lesson!

There was thunder and lightning and a heavy cloud on the mountain. (19:16)

It is an accepted axiom that Hashem does not perform miracles for no apparent reason. Every miracle has its purpose, its function and its specific time. The Giving of the Torah was a spectacular experience, beyond anyone's wildest dreams. It was an unparalleled display of miracles and wonders, unlike anything ever before experienced. Clearly, everything that took place was Divinely ordained and determined in accordance with Hashem's infinite understanding of what was necessary. All of this was needed to imbue the nascent Jewish nation with emunah, faith, in Hashem. We wonder why the trust that the Jewish People had in Moshe Rabbeinu was not sufficient to carry them. Furthermore, it is not as if these people had not been privy to miracles. The exodus from Egypt was replete with miracles. Those miracles were followed by the Splitting of the Red Sea, the Manna, the Pillars of Cloud and Fire. Surely, there was no dearth of supernatural events to inspire Klal Yisrael.

We must say that while those experiences sufficed for that generation, it was the future generations that would sustain the persecutions and miseries, the doros ha'shmad, the generations that would be subject to forced conversions, to spiritual adversity with every step and in every aspect of their lives. It was those generations that required that added mysterium tremendum, unprecedented event, experienced by 600,000 men over the age of twenty who would transmit it in all its glory to the next generation. Indeed, in his famous Iggeres Teiman, the Rambam writes that the whole purpose of the spectacular event that was Maamad Har Sinai was to provide us with a specific, unique experience that would strengthen our faith and resolve in Hashem, especially during those periods of travail and adversity.

Hashem offered the Torah to the other nations prior to our acceptance of it. He went to the descendants of Eisav and offered them the Torah. They asked, "What is in it?" to which Hashem replied, "Do not commit adultery." They immediately responded that adultery and immorality were too much a part of their lives. Their DNA included a proclivity towards immorality at its nadir. How could they accept a Torah that would restrict their lifestyle and national pastime? Hashem's offer to Yishmael's descendants ended with a similar response once He told them that they would not be able to murder. Can you imagine Bnei Yishmael without license to kill? When Hashem offered the Torah to Klal Yisrael their response was immediate: Naaseh v'nishmah, "We will do and (then) We will listen." Total and unequivocal acceptance. The Chasam Sofer asks a compelling question. The Jews accepted the Torah. So what?! Was there any legitimate reason not to accept it? Was there anything about the Torah that for them would be difficult to uphold? Was there anything about the Torah that went against their character, personality, or disposition?

Indeed, why did Hashem divulge to the nations of the world those mitzvos with which they could not possibly live? It is almost as if they were set up, as if Hashem really had no plans to give them the Torah. The Torah, on the other hand, was made for the Jews. Why should they receive such credit for accepting it? They had no reason to reject it.

The Chasam Sofer explains that accepting the Torah was, indeed, a difficult undertaking for the Jewish People. By nature, Jews are a cogent, analytical people. We do not accept anything at face value. Questioning and challenging are part of our psyche. This disposition is the result of our prodigious intellect. Wisdom is part of our national character, and learning is for us a way of life. Thus, to make a statement such as, "We will do and we will listen," goes against our natural inclination. We transcended our intuition and accepted the Torah. It was not easy, but we believed and trusted in Hashem.

Faith and trust in the Almighty constituted our inheritance from our Patriarchs. When we demonstrated our incredible faith in Hashem, He rewarded us by opening up the Heavens and giving us a glimpse of the real world - the world in which we believed. The Heavenly support of miracles and wonders was catalyzed by our willingness to accept the Torah without demanding any substantiation of its veracity.

Va'ani Tefillah V'lo anachnu amo - And we are His people.

The word v'lo, "and we are His," is written with an aleph, rather than a vav, alluding to another thought. Horav Avigdor Miller, zl, suggests that the meaning might be "He made us - v'lo - and not we." In other words, we must emphasize in our minds that, despite the physical "causes" which seem to play a primary role in our creation, we first and foremost have been created by Hashem, Who formed each and every one of us from the dust of the earth, much like a potter fashions clay into a form. Furthermore, from a collective perspective, we must possess the awareness that our existence as a nation - from inception through the present - is due solely to Hashem. He made the seed of the Patriarchs and families throughout history to increase, and He sustained and protected us until this very day, during which He continues to nurture our growth. On the other hand, the simple meaning of this statement is that we are His because He made us, and every man is the property of his Creator. In turn, we, as His possessions, are obligated to devote all of our abilities towards serving Him and carrying out His will. We are His People, and, therefore, we are here for Him.

In memory of Meir Bedziner R' Meir ben Betzalel HaLevi z"l niftar 24 Shevat 5764 on his yahrzeit. Reb Meir loved people and was beloved by all. His sterling character and pleasant demeanor were the hallmarks of his personality. He sought every opportunity to increase the study of Torah and that it be accessible to all. yehi zichru baruch  
The Bedziner and Meltzer Families

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Written and compiled by **Rabbi Yaakov Asher Sinclair**

Of Mice And Men

"You shall not murder." (20:13)

Some ten years ago, high-school student David Merrell conducted an interesting experiment to examine the influence of various kinds of music.

He built a maze and put some mice through it. The time it took for the mice to complete the maze was about ten minutes. He then divided the mice into three groups, and started to play music to two of the three groups for ten hours a day. To one group he played classical music, to the other, hard rock. Then, at the end of three weeks he put all the mice through the maze three times a week for three weeks.

The control group who had heard no music, managed to cut five minutes off their original time. The classical mice reduced their time by eight and a half minutes; and the hard rock mice took twenty minutes longer to find their way through the maze.

Unfortunately the project had to be cut short because, as David said, "all the hard rock mice killed each other. None of the classical mice did that at all." (Washington Times, July 2, 1997)

We live in a world of increasingly mindless violence. The irritability threshold of the average person has dropped to alarming levels. As early as 1997, therapists in the United States were working to certify road rage as a medical condition. It is already an official mental disorder in the Diagnostic and Statistical Manual of Mental Disorders. According to an article published by the Associated Press in June 2006, the behaviors typically associated with road rage are the result of intermittent explosive disorder. This conclusion was drawn from surveys of some 9,200 adults in the United States between 2001 and 2003, funded by the National Institute of Mental Health.

The cause of intermittent explosive disorder has not been described to date.

Turn on the radio and listen to some of the latest Jewish music. It sounds about as Jewish as Led Zeppelin wearing tefillin.

There is an ongoing debate about to what extent Jewish music should be allowed to ape (pun intended) its secular counterpart. In fact, this debate goes back to the acronym (later commentators).

At one end of the scale is the Krach shel Romi, an Italian commentator, who describes how Roman Jews would stand behind the Cathedral and copy down the latest Catholic liturgical hits to be used during the prayers on High Holidays. At the other end of the scale, there are those who say that even the influence of classical music can contain the negative spiritual genes of its composers. However, it is well known that many of the great Chassidic nigunim (tunes) bear more than a passing resemblance to Russian and Polish marching songs.

Rabbi Nachman Bulman, zatzal, the great Mashgiach (spiritual counselor) of Ohr Somayach, founder and rabbi of numerous Torah communities and institutions, once told me that in every generation we have had composers who were able to extract the pri, the "fruit" from the klippa, the "shell" of impurity. However, the last songwriter who managed to do this died in October 1994. I understood him to mean that the Jewish music that followed afterwards was unredeemed secular plagiarism; the klippa had devoured the fruit completely.

There is a mystical concept that there are many gates to Heaven. The one that is closest to the Kissei HaKavod, the "throne" of G-d, is the gate of music.

Music is one of the holiest channels from above. Why would we want to block it up with the dross of the world? Worse still, why would we want to risk the mice becoming men?

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**RABBI BEREL WEIN**

Weekly Parsha

YITRO

Friday, January 25, 2008

Yitro is one of the most enigmatic of all of the personages that appear in the Torah. There are many Yitros in Yitro's life and perhaps this is the reason that the rabbis taught us that he possessed seven different names. Each name perhaps represented a different Yitro at a different point of his life. We meet him at the crossroads of his life's choices and beliefs. On one hand he is a priest or former priest of paganism in Midian. He has experimented with every form of religion in the world before coming to the faith of monotheism. He is influenced undoubtedly by his unexpected son-in-law, Moshe. But he is also greatly influenced by the Exodus from Egypt and the visible and impressive miracles that accompanied this event.

But there is also an inner conviction that moves him and makes him a monotheistic believer. He states: "Now I know that the Lord is G-d for He has avenged Himself on the Egyptians in the manner that they intended to destroy the Jews." The Egyptians drowned Jewish children in the Nile and they were therefore drowned themselves at Yam Suf. Thus Yitro is impressed not only by the miracle of the destruction of the Egyptian oppressor but by the manner and method of destruction that the miracle exhibited itself.

It is the measure for measure method of punishment that truly fascinates him and leads him to abandon his home and background to join Israel in the desert. Having arrived at his new beliefs by judicial and rational analysis, Yitro then applies that same method in advising his son-in-law Moshe as to the formulation and efficient operation of the Jewish judicial system in the desert. He is consistent in his analytical approach to matters. Perhaps that is why he was so positively influenced by the measure for measure punishment of the Pharaoh and his Egyptian hordes.

Yitro is the ultimate "outsider" looking in to see Torah and the Jewish people. Many times the "outsider" sees things more clearly than the "insider" in a society does. In Yiddish there is an expression that a temporary guest sees for a mile. (I know that this lost something in translation but you get the gist of it.) The Jewish people, especially in our religious world, live a somewhat insular existence. Due to this, many times we are unable to see what otherwise can be plain to others.

The example of Yitro encourages us to give respect to the insights of "outsiders" in our community. Oftentimes they come from different backgrounds and have fought their way through many false beliefs to arrive at Torah and the observance of mitzvot. Their views and experiences should be important to us. The tendency to force the "outsiders" to become exactly like the "insiders" is eventually counterproductive to both groups. Yitro never becomes Moshe but Moshe and Israel benefit from Yitro's judgment and advice. We can all benefit from insights, advice and good wishes from our own "outsiders."

Shabat shalom.

Rabbi Berel Wein

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