



"BE ONE WHO MINIMIZES WORK & SUBMERGES IN TORAH"

"Chapters of the Fathers"

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Parshas Mishpatim

RABBI BERNARD FOX

"And these are the laws that you should place before them." (Shemot 21:1)

Parshat Mishpatim describes many of the civil laws of the Torah. The Talmud explains in Tractate Gitten that we are required to resolve disputes regarding civil law in Jewish courts. We are not permitted to submit such disputes before non-Jewish civil courts. Rashi elaborates on this requirement. He explains that there are areas of civil law in which secular law may closely follow Torah

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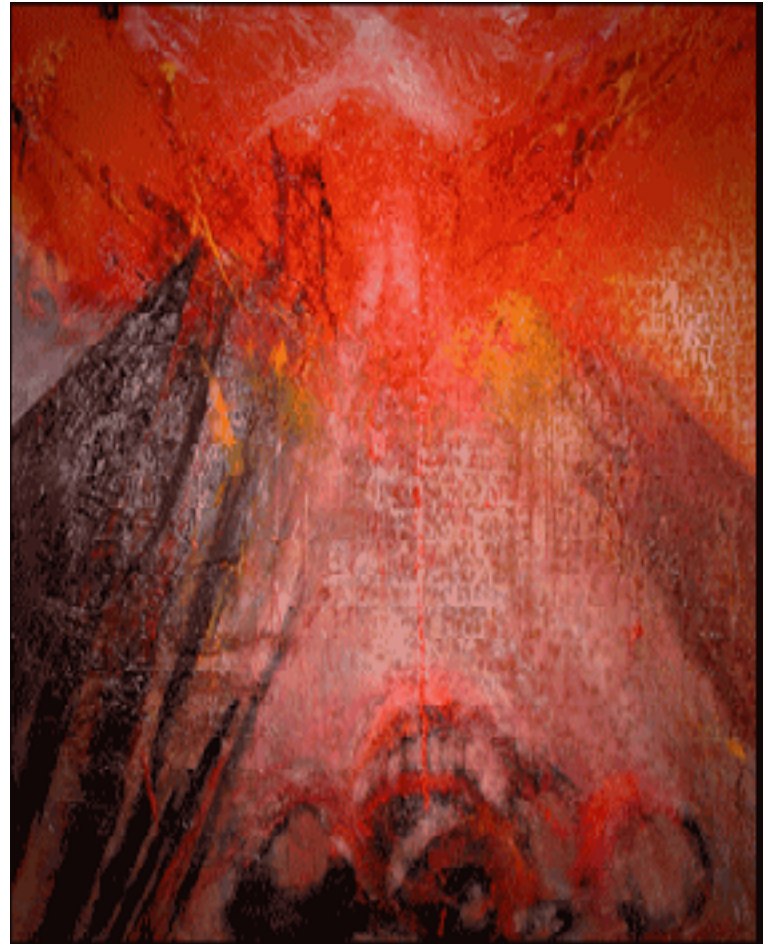
Mishpatim

RABBI ISRAEL CHAIT

Transcribed by student

This Parsha contains many laws with respect to inter-personal relationships. We would like to analyze one of these laws which can help us understand the Torah's perspective of a man's relationship with his fellow man.

The Torah states in Exodus Chapter 23 Verse 5 "If you see the donkey of him that hates you lying under it burden, and you shall forbear to help him, you shall surely help him." The language of the verse is difficult ve, chadalta me, azov, you will cease from helping him. Onkelos explains the verse should be understood literally. Leave what is in your heart and help him. Onkelos's interpretation affords us a penetrating insight of the Torah's perspective of human relations. The Torah demands that one reject his emotional response. When one sees the donkey of his enemy overburdened, his initial response is to refrain from helping his enemy. However, the Torah instructs us to the contrary. Leave what is in your heart; do not allow your emotions to dictate your actions. Act in accordance with justice and help your fellow man. The Torah is not telling one to deny his emotions. One must recognize his emotions and overcome them. To simply deny and obliterate ones



Painting of Mount Sinai by Rebecca Schweiger

Art on permanent show at CodaGallery in SoHo: www.rebeccarts.com

emotional reaction is not the Torah's response. We must recognize and be cognizant of our emotions but realize that it stems from the lower part of human behavior. Accordingly, one must modify his ethical behavior and respond in conformance with the principles of justice.

The greatest danger facing an individual in his struggle for ethical

perfection is the external influences exerted by the outside world. The gentile response would be to deny ones emotions. Such denials pose dangerous pratfalls. These denials become construed as virtuous because you are denying an evil emotion which seems morally repugnant. However, this denial is causing the individual great personal harm. The person by

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Mishpatim

RABBI ISRAEL CHAIT

Transcribed by student

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denying any evil proclivities that he may possess is ultimately capable of perpetuating the greatest atrocities. This denial facilitates the performance of terrible cruelty as merely an expression of his G-d like qualities. The crusades perpetrated unspeakable human suffering in the glory of ostensibly virtuous missions, in the name of G-d. The part of man which is inherently evil and unjust, stems from the corrupt and instinctual component of human nature.

When Jacob wrestled the angel the Torah tells us that he faced a powerful opponent. The struggle lasted late into the night. Chazal inform us that the angel appeared b, demus talmid chacham, the image of a scholar. The evil inclination poses the gravest dangers when disguising itself in the form of the religious emotion. Man must possess great intellectual fortitude and conviction to do battle with such a cunning opponent. Our father Jacob possessed such inner strength.

The Torah is teaching us, by utilizing this halacha as an illustration, that the greatest danger is denying ones emotions. On the contrary, leave behind your emotions and act with righteousness based upon the ideals of justice. When a person is involved in the painstaking task of doing teshuva he must maintain intellectual integrity in encountering his emotions. The greatest deterrent in doing teshuva is when a person fails to recognize the sin because he denies his emotions. The Torah is not simply concerned with the mundane task of helping the individual get back on the road. The Torah is teaching us the essential elements of ethical perfection. One must recognize the influences of his emotions and the powerful exertion it asserts on his conduct. However, the Torah is teaching us that he must leave these emotions behind

and act with justice in the face of such overwhelming emotions. A person can feel very comfortable in denying the wicked part of his personality. However, such a denial causes the person irreparable harm. He will profess himself to be virtuous and thus incapable of perceiving any of his foibles. The Nazi's professed themselves as very respectable cultured people, well educated and patrons of the arts. They were incapable of appreciating the depth of their corruption.

The system of halacha is a beautiful G-d given system which helps man achieve moral perfection. If a person finds it difficult to perform a Mitzvah it is indicative of a flaw in his personality. The halachic system is a barometer whereby a difficulty in compliance, is a symptom of a weakness in the individual's personality. When a person encounters a difficulty in doing a Mitzvah or following a halacha, it reflects an underlying problem in his human psyche. A person must do teshuva which requires intensive introspection, and if successful can ameliorate the human condition.

Hillel, one of our greatest scholars stated that the precept of loving your friend as yourself, is a qualitatively important Torah concept. Hillel was not merely espousing the human emotion of fraternity. Every individual shares the very powerful emotion that he considers himself to be special. He thereby identifies with people who share common likes and dislikes. His closest clique of friends consists of individuals who share the same emotional attitudes. He thereby imagines that his friends are special and often views his friends as an extension of himself. Hillel was teaching us to guard against such false notions. The standard that a person utilizes when evaluating other people based upon

his own emotions is superficial. One's sole criteria for evaluating another person should simply be the person's observance of the Mitzvahs. If an individual observes the Torah then you have an obligation to love him, irrespective of your own personal feelings. Psychologically you may dislike him and share nothing in common with him, however halachically you must love him. One must elevate himself to live life based upon a higher sense of reality. One must view his fellow man based upon the ultimate reality, not predicated upon his personal and petty likes and dislikes.

A person's sense of pride emanates from the opinion one has of himself. The self is that part of the human psyche which has likes and dislikes and its essence is molded by said likes and dislikes. Thus people who have similar values he likes because such persons partake of his reality. King Solomon, in Ecclesiastics Chapter 9 Verse 6, states with respect to previous generations that perished: their love, their hate, their jealousy have already" A persons selfish view of reality is temporal. Halacha demands that a person should function on a higher cognitive level. An individual must be aware that his true essence is a metaphysical essence based upon a system of objective reality. One can not act upon a system of personal likes and dislikes, whereby his views the self as a personal psychological essence. The Torah is a system of metaphysical reality. If a person observes the precepts of the Torah, you have an obligation to love him despite ones personal sentiments. If a person's best friend violates the Torah and is defined halachically as wicked, then you have an obligation lehsonoh. It is not a personal hatred but a hatred which demands that one despise falsehood.

These observations Hillel emphasized are basic to Judaism. A person's inter-personal relationships must be based upon metaphysical reality. If a person can not be affable to a fellow man, it is symptomatic of a deficiency in his relationship to G-d. It reflects that the person can not live his life in

accordance with metaphysical reality. This idea is expressed in the prohibitions of revenge and of bearing a grudge. It is forbidden for a person not to lend his neighbor an object because his neighbor acted in a similar fashion. It is likewise forbidden to lend you neighbor an object and state: "I am lending you this object despite the fact that you refused me." Halacha demands that a person live a harmonious existence based upon metaphysical reality. Society can not live harmoniously if people conduct themselves based upon a psychological reality. True chesed can only be achieved if one is capable of purging his subjective sense of reality which is based upon identification emanating from his own psychological make up. The sole basis for an individual's conduct with his fellow man, should be a metaphysical reality whereby identification stems from ones Torah observance and a sharing of common intellectual convictions. Identification is such a powerful emotion that if ones criteria is a psychological reality then invariable disharmony will ensue.

Talmidei chachamim marbim shalom baolam; Scholars increase harmony in the world because they function on the level of a metaphysical reality. Thus ones personal sentiments are irrelevant and insignificant.

A person that rejects the authenticity of the Torah or the oral tradition one is obliged lehsonav. This hatred is not a personal hatred but is based upon ones love of emes and his disdain for evil. However, that persons children who are ignorant and are not educated in the principles of the Torah are considered tamim and akin to tinok she,nishbah. One must treat these people with kindness and vigorously attempt to teach them the true ideas. They are not culpable because of their upbringing and must be treated under the principles of loving your neighbor like yourself. The greatest kindness one can manifest to such individuals would be to teach them the true ideas of the Torah. □



Belshazzar witnessing the miracle of a hand writing on the wall.

Discounting Miracles

RABBI MOSHE BEN-CHAIM

Reader: I had a secular class a long time ago that talked about how many of G-d's miracles were hidden (wrong word) as natural phenomenon. What made me think about this was seeing your JewishTimes cover of the parting of the Red Sea. I had heard that Moses would have actually crossed the Reed Sea, not the Red Sea. That area had a tendency to be dry but would experience flash flooding and that may have accounted for the miracle. I have also heard that at certain times during the millennia, certain chemicals and reactions were happening in the atmosphere that would have created a substance that could have fallen to the earth and were edible - possibly Manna.

Mesora: It always amuses me when I hear of such far-fetched attempts at explaining away religion. Isn't it interesting that such phenomena are not seen or heard of today? These suggestions are conveniently proposed to have taken place at the precise times when God's miracles took place. How convenient. I have not heard any news report on Channel 7 describing chemical substances which are edible, and that fall from the sky. This never took place in the US this year, nor in Paris during the 1700's. Nor do we hear the NY Times suggesting that there was an earthquake which split the Baltic Sea in the 1400's. No. We hear the NY Times suggesting an earthquake or tidal wave that occurred precisely when the Jews arrived at the Red Sea 3315 years

ago. We hear suggestions that during the 40 years in the desert, some rare, edible chemicals fell from the sky, precisely over the area where the Jews journeyed, and that these chemicals followed the Jews' travels through the desert, precisely for those 40 years, and in the precise quantity of chemicals required to sustain those Jews. Additionally, such chemicals fell on a daily basis, unlike any other natural phenomena. It also just so happened to occur when God told the people he was sending Manna - discounting God's word.

Allow me to display an equivalent absurdity: "In New York City, it rained, and only in the morning, in a 20 block radius which needed water, it rained the exact quantity required for each and every one of those New Yorkers, it did so for 40 years, and followed only those townspeople down every street they traveled, and it only stopped raining when the people all found jobs." Such events can not occur without divine intervention.

This is the credibility of the NY Times and any irrational person supporting such claims. A fool is wiser. Clearly, the proponents of these ludicrous claims have a desire to explain away God and His miracles, thereby freeing themselves to live with no obligation to God's Torah and His commandments, be they 7 for gentiles, or 613 for Jews.

Israelis who claim Israel as their land, but do not observe God's Torah, are similarly at odds with

reality. Their claim to Israel comes only from Abraham's divine gift of Israel from God. These Israelis who say Israel is theirs, pick and choose which parts of the Torah they wish to follow. They accept the section in which God's promises Israel to Abraham and his descendants, but they ignore the rest of the Torah requiring their observance of the commandments - commandments which would give them such joy in their life. But no, they feel they have a better solution to life than God.

So let them continue in their denial of reality and in their contradiction, and let them eat the fruits of their actions. They will continue to bury their relatives, as they abandon God's Torah, and God abandons them.

The message is clear, as is the proof of God's word. He created the world, and favored Abraham's monotheistic truths. God then created a nation from Abraham to circulate and direct the rest of mankind towards what is true and real. God then gave the Jews the Torah to perfect their lives. Subsequently, He gave Israel as a safe haven for the practice of that Torah.

God created the human being, He knows what is best for our happiness. He controls all and as His miracles show, He can stop Arab violence immediately, just as he terminated the Egyptians. No army stands a chance against Him. But Israel has decided a different course; the Creator is not as strong

as foreign dollars. Israel decided to placate those who finance her, instead of using proper military action to permanently end the murders. For the act of kidnapping his nephew Lote, Abraham warred against those four, mighty kings. They didn't kill Lote, they only kidnapped him. But this was grounds enough for Abraham to attack.

Today, Israel restrains her hands from doing that which reason and every moral demands. Israel cowers to other nations requests, instead of accepting the reality of God. Israel's reality is foreign dollars and global acceptance, and this she values more than the lives of her own people and following God's words. I ask you Israel, if life does not weigh more than politics, what are you trying to save? Compliance with foreign demands just so you can continually be blown to bits, is no goal to be supported.

Israel, if you accept that God gave the land of Israel to you, then read the rest of His words. They state that abandoning Him results in His abandon of you. But if you follow Him, history has proven His abilities to do defend us from all evil. Military actions devoid of Torah adherence will not prevail. Both, military maneuvers, and Torah adherence are required. As long as God is not a reality to you Israel, you will not be a reality to Him.

You will not have God's land without God. ■

Parshas Mishpatim

RABBI BERNARD FOX

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law. In these cases, submitting a dispute to a secular court will produce a decision that is consistent with Torah law. Nonetheless, one may not take the dispute to a secular court. Rashi does not explain the reason for this restriction.

Why is it prohibited to submit any civil issue to a secular court? Assume that one is certain that the laws of this court are consistent with the Torah. What is wrong with availing oneself of this secular court? Maimonides discusses this issue in his Mishne Torah. He explains that one who submits a dispute to a secular court is considered wicked. He is a blasphemer and has raised his hand against the Torah of Moshe our master. This is a very serious condemnation. It seems extreme. The term blasphemy implies a denial of a central principle of the Torah! How has this person blasphemed? Furthermore, how does one who utilizes a secular court "raise his hand against the Torah"? In order to understand Maimonides' comments a brief introduction is required.

Maimonides defines, in his commentary on the Mishne, the fundamental principles of the Torah. One of these principles is that the entire Torah was revealed to Moshe. Every law of the Torah was given to us from the Almighty. We are required to uphold this conviction. However apparently, this conviction is not merely an intellectual commitment. The principle also demands specific behaviors. We must act in a manner consistent with the conviction that the Torah is a revealed truth. Any behavior that implies otherwise is prohibited.

We can now understand Maimonides' comments regarding secular courts. We received the Torah from Sinai. It is a revealed truth. Therefore, it is a perfect system of law. This status applies to the laws governing ritual. It also applies to the civil law of the Torah. A person cognizant of the Divine origins of the

Torah would not willingly submit oneself to the jurisdiction of another system. This person would only wish to be judged by Torah law. Abandonment of Torah law – even in a civil matter – implies denial of the Torah's status as a revealed truth. It follows that submission of a civil dispute to a secular court is prohibited. One who does seek justice in a secular court has raised his hand against the Torah of Moshe. This is regarded as blasphemy against the Divine origins of the Torah.

"If he came alone, he will leave alone. If he is married, his wife leaves with him." (Shemot 21:3)

This pasuk discusses the eved ivri – the Jewish slave. This law applies to a person who steals and cannot make restitution. The court has the authority to sell the person into slavery in order to pay his debt. The master of the slave – the eved – is permitted to give the servant a non-Jewish maidservant as a wife. Any children resulting from this union are the property of the master and are born into servitude. Our pasuk restricts the rights of the master to provide the Jewish eved with a non-Jewish maidservant. If he is already married, at the time that he enters into servitude, the master may provide the eved with a maidservant. However, if he is not married, the master may not give the servant a maidservant wife. This lesson is communicated through the phrase, "if he came alone, he will leave alone". The meaning of this phrase is that if the entered servitude unmarried, he must remain unmarried. The master may not provide the eved with a maidservant. The usual term for "alone" is *levad*. Our pasuk does not use this term. Instead, it uses the term *begapo*. The commentaries differ on the exact meaning of this term. Rashi maintains that it means, "with his garment, alone". In other words, if he entered servitude with his garment, alone – without a wife, he may not be given a maidservant wife. Rabbaynu Avraham ibn Ezra disagrees with this interpretation of *begapo*. He asserts that the term means with his body. In other words, if he entered slavery with only his body – without a wife, the master may not provide him with

a maidservant.

We can more fully understand the dispute between Rashi and ibn Ezra through analyzing this prohibition. Let us first consider Rashi's interpretation. Rashi maintains that *begapo* means with only his clothing. It seems that the term alludes to poverty. What is the relationship between poverty and the restriction against providing the eved with a maidservant? The Torah regards servitude as an undesirable state. It is permitted under specific circumstances. However, it is not encouraged. The Torah provides a deterrent through eliminating any positive elements from servitude. Consider a person entering servitude without a wife. His life is incomplete. In this sense, he is impoverished. The master cannot provide this eved with a wife. This would improve the servant's life. He now would have a wife. The servant would benefit from his servitude. This cannot be permitted. Ibn Ezra seems to understand the issue differently. According to him, *begapo* is a direct reference to the servant entering servitude without a wife. Basically, the pasuk is stating that the master may not provide the eved with a maidservant as a sole wife. We must consider the difference between a maidservant who is a sole wife and one who is a second wife.

If the slave enters servitude with a wife, he already has a companion. He is already bound by obligations to his existing wife and family. The master may provide this eved with a maidservant. In contrast, an eved without a family, lacks this foundation. He is unconnected to any existing family structure. If he is permitted to live with a maidservant, this union will become his family. The Torah allows the eved to live with a maidservant. However, apparently the Torah does not wish to encourage a strong bond between these partners. This is because she lacks the complete sanctity of a Jew. If the eved has an appropriate wife, we can hope that a strong bond will not develop with the maidservant. However, without a pre-existing family, the eved cannot live with a maidservant. This is because he can easily develop a permanent relationship with her.

"Do not follow the majority to do evil. Do not speak up in a trail to pervert justice. A case must be decided on the basis of the majority." (Shemot 23:2)

The last portion of this passage is easily understood. In deciding a legal issue, the court must follow the opinion of the majority of its members. For example, assume a person brings a question of halacha before the court. The court discusses the issue and the judges differ on the resolution of the issue. The members of the court vote. The issue is decided according to the majority opinion. The law also applies to civil disputes. For example, two litigants bring a case before a court. After hearing both sides, the court votes. The decision of the court is determined by the majority position. The first portion of the passage is more difficult to interpret. The pasuk tells us not to follow the majority to do evil. This is an odd statement. Of course, it is reasonable to assert that we should never act wickedly. A court cannot willingly issue an inappropriate decision based on the opinion of the majority. What is the case to which this law is applied? Obviously, the court would never intentionally act wickedly! In what case does the court not follow the majority? The Torah *She'Be'Al Peh* – the Oral Law answers this question.

Our Sages explain that the opening portion of the passage deals with capital cases. In these cases, if the defendant is found to be guilty, he or she will be executed. Our Sages also explain that the term "evil" in the passage should not be interpreted literally. Instead, it refers to a guilty verdict. In other words, the passage tells that a simple majority is not sufficient to execute a defendant. What is the criterion that must be met in order to execute a defendant? A majority of at least two judges is required. In short, two messages are communicated in these sections of the passage. First, the courts decisions should generally follow the majority opinion. Second, the passage establishes an exception. The execution of a defendant requires a majority of at least two judges.

The Baal HaTumim – an outstanding scholar – was once challenged on the basis of our

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passage. Our pasuk tells us to follow the majority opinion. It seems reasonable to apply this principle beyond the confines of court cases. In fact, the Talmud does apply this principle to other areas of halacha. This means that other decisions as well should be based on this principle. The opinion of the majority should be followed. The Jewish people are a minority. Even among the Jewish people the Torah is not universally accepted and observed. Other religions can rightfully claim larger followings. Therefore, should we not abandon the Torah based on the principle in our passage? We should follow the majority opinion and accept a more popular religion! The Baal HaTumim responded that this question is based upon a misunderstanding of the principle in the passage. The pasuk does not suggest that we follow the majority in areas in which we have definite knowledge. The pasuk deals with a court case in which the guilt or innocence of the defendant is in doubt. In order to resolve the doubt, we follow the majority opinion. However, we are not swayed by the majority in areas in which we are certain. For example, assume a person knew that a certain food was not kosher – permitted. A group approaches this individual and claims the food is permitted. The person cannot eat something that one knows with certainty is not kosher. It is irrelevant that a large group claims the food is permitted. Personal knowledge cannot be denied. Similarly, we know that the Torah is true. Therefore, regardless of the numbers that deny its authenticity, we cannot abandon the truth.

Rav Elchanan Wasserman also argues that the question is based upon a faulty understanding of the passage. The passage requires us to follow the majority opinion of a group of judges. Judges are individuals qualified to render a

decision. The judge's knowledge and wisdom endows his opinion with credibility. The opinion of a simpleton is not given credence. Rav Elchanan argues that religious issues cannot be evaluated on the basis of popular appeal. The masses of humanity do not make religious decisions as a result of thorough analysis. Only scholars of religion are credible judges. Rav Elchanan points out that the Torah has been scrutinized by countless scholars. The Sages of the Talmud and of subsequent generations have subjected every detail of the Torah to painstaking analysis. No religion has been subjected to such thorough scrutiny over a period of centuries. Therefore, application of the principle in the passage only confirms the authenticity of the Torah.

There is an even more basic flaw in this challenge to the Torah. We do not follow the majority because we logically assume the majority is correct. Were majority rule a logical principle, there would be no need for the Torah to mandate this practice. The court's decision is determined by majority opinion because the Torah commands this practice. Without the Torah's stipulation we could not follow the majority. Without this stipulation, cases before the court would only be resolved through a unanimous decision. Therefore, it is completely circular to argue that the Torah should be abandoned because of the beliefs of the majority of humanity. Without the Torah, there is no basis to grant any credence to the majority. Only because of the Torah's stipulation is majority opinion recognized as relevant. ■

Mesechet Gitten 88:b. Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Shemot 21:1. Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Sanhedrin 26:7. Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Commentary on the Mishne, Mesechet Sanhedrin 10:1. Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Shemot 21:2. Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Shemot 21:3. Rabbaynu Avraham ibn Ezra, Commentary on Sefer Shemot 21:2. Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Sanhedrin 8:1. Rav Elchanan Wasserman, Kobetz Ma'amarim, Essay on Conviction.

Trust in God

RIVKA OLENICK

"Trust in the Lord and do good, rest on earth and nourish faith"
(Psalms, 37: 3)

It is difficult, if not impossible to have perspective, even a little of perspective. God is all-powerful, all wise, just and beneficent. It is also impossible to see all of God's justice – when we see at this time in history mostly physical injustice against the State of Israel. What we see is man's power and clever manipulation, and man's evil destruction while innocent people in Israel are suffering and many have died. We suffer with them, they are our brethren, our family. The rest of the world does not come to Israel's aid but condemns and undermines it. You could ask: Where is the justice that is supposed to be meted out to each one according to his evil deed. How do we deal with the world's denial of true justice? At the same time, how do we maintain our trust in God, while life all around us appears to defy justice and we cannot see God's protection or justice?

Trust in the Lord

When a person devotes his/her life to the service of God, a person has real security. This is the only security there is and this security is based on trust. A person realizes if they live according to God's plan as a Jew, then he/she has no need to find security in anything else. This is the purpose of our existence, individually and as the Jewish nation. Knowing that this is the purpose of our existence should give a person tremendous security. Because this is the only reason we were created. It is only God who provides us with our intelligence, talents and abilities. It is He who allows us to enjoy our good fortune and everything that we acquire and achieve in this world - even when it seems we have no protection in the world. The Jew has a specific mission in life, which completely

revolves around serving the Creator and being an example of righteousness and goodness to others. By definition, our mission and purpose provides us with all the security we need. Learn Torah, perform acts of kindness and be involved in sincere, honest prayer that is our purpose. We must try to stay steadfast in our faith and belief that God knows everything, hears our tefila and provides us with what we need. We cannot worry about world opinion, but we should be very concerned with how as individuals we live our life and we should do everything possible to recognize the real purpose of our life. After all, it is God Who created us and gave us a purpose. We must learn to trust that all that God provides for us is to be used to do His will.

Do Good

By doing good, we direct our energies in learning truths and fulfilling the commandments as often and as much as we can. This is service, and this is doing good. This is what gives us true fulfillment in our lives and this is what God wants of us. Don't be fooled by what the rest of society calls "good," which is finding ways to seek never-ending pleasure and fantasy. This has nothing to do with how the Torah defines the "good." The only good that matters is the good that God wants you to do. When deciding on an activity or anything that is doubtful, ask yourself: "Is this good for my perfection and will this find favor in God's eyes?" As said by King David, "Seek and find your greatest sense of comfort with God. Desire and take delight only in those pleasures of which you need not be ashamed in God's presence. In fact, these pleasures should give you joy because you know that you may enjoy them in his presence since they have come to you through His bounty and they find favor in His eyes. Even amidst joys and pleasures, you remain with your God." Therefore, directing our energies to serve God is good, while directing our energies to serve only ourselves is not good. Do not be concerned with whether

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Trust in God

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others appreciate your aspirations to serve God, or not. Or even whether they encourage you to or not.

Rest on Earth

This means we should seek and secure for ourselves, a quiet, undisturbed place to live. Live side by side as neighbors, each as individuals within a peaceful and harmonious existence. Be concerned for each other and help each other when there is need. While everything around you may be constantly changing and uncertain, make a stable dwelling for yourself with your family, but do not be so absorbed by your "place" that you forget your purpose in life – which is to do the will of God.

Nourish Faith

We are all vulnerable and easy prey to the instability of life. Yet each day we should think about the greatness of God, and the true purpose of our lives as God planned for us. Try to live each day as if it were our last, and serve the Creator with all our heart, soul and all our might, as it says in the Shema, that is our purpose. Because maybe we won't live past today God has provided us with the "how" to fulfill our purpose. By making a greater effort to be involved in prayer with greater concentration, Torah study, the commandments, especially tzedaka and trying harder to improve our character flaws – which allows a person to move ahead and grow and nourish faith. This is what gives us strength and courage to be involved in God's will. And this is what helps us to cultivate in our mind love and fear of God. We must try every day to be really involved in the "how." And teach our children and inspire others to be involved in the "how" so they can nourish their faith. If we continue to direct our lives towards the derech Hashem, the way of God, God will assist us. ■

Parshas Yitro

RABBI BERNARD FOX

"And it was on the following day and Moshe sat to judge the nation. And the nation stood before Moshe from the morning until the evening." (Shemot 18:13)

One of Moshe's responsibilities was to judge Bnai Yisrael. Legal disputes and questions regarding the law were brought to Moshe for resolution according to the principles of the Torah. Moshe executed this responsibility without assistance. Yitro, Moshe's father-in-law concluded that Moshe's method of judging the nation was not efficient. He suggested that Moshe establish a system of judges. These judges would resolve all simpler issues. Only the most difficult problems would be brought to Moshe. This suggestion was accepted and Yitro's system was instituted. Our pasuk describes the scene that Yitro encountered and that caused his concern. Moshe would begin judging the people in the morning. The various petitioners would wait to consult with Moshe. The process would continue the entire day into the evening. Rashi quotes the comments of the Talmud in Tractate Shabbat. The Talmud explains that our passage should not be understood literally. Moshe did not actually spend the entire day executing his responsibilities as judge. Instead, the pasuk is alluding to the importance of justice. The message of the passage is that a judge may only require an hour to decide a case. However, if he decides a case in accordance with the truth, the mitzvah he fulfills is equal to studying the Torah the entire day. Furthermore, this judge is acting as the Almighty's partner in Creation. The Talmud's comments need some interpretation.

Why does this specific mitzvah – judging according to the truth – elevate the judge into partnership with the Almighty? The Torah tells

us that the Almighty commanded Adam to conquer the earth. In other words, Hashem did not create the earth as a finished product. Instead, He charged humanity with the responsibility of creating civilization. The establishment of civilization completes the Almighty's creation of the earth. In order for humanity to discharge this task, its members must live together in peace. Peace only exists in a society governed by justice. Therefore, the judge's efforts are crucial to society and the realization of Hashem's plan in Creation.

The Talmud, in Tractate Baba Metziah makes an amazing statement. The Talmud explains that Yershalayim was destroyed because its judges decided the law according to the Torah law and did not attempt to go beyond the letter of the law. These comments are difficult to understand. The Talmud in Tractate Shabbat praises the judge who decides the law according to the truth. Presumably, this requires the judge to make his decisions according to the laws of the Torah. Yet, the statement of the Talmud in Tractate Baba Metziah clearly indicates that merely deciding the law according to the precepts of the Torah is insufficient. The judge must seek a solution that goes beyond the letter of the law. He must search for a solution that is consistent with some greater truth. What is this greater truth – beyond the requirements of the law – that the judge must seek?

There is a related question that we must consider. According to the Torah, a dispute between two litigants can be resolved in two ways. The judge can decide the case on the basis of din – law. Alternatively, the judge can offer p'sharah – a mediated resolution. Which method is preferable? Our Sages teach us that a judge should always encourage the litigants to seek a p'sharah. However, this raises a question. What is the basis upon which the judge constructs the p'sharah? If the din indicates a specific outcome, how can p'sharah produce a decision different than the law? Certainly, the law is perfectly just. How can p'sharah produce an outcome superior to din? Rav Yitzchak Arama Ztl in his

commentary Akeydat Yitzchak explores this issue. Akeydat Yitzchak explains that a system of laws is designed to deal with general issues. Laws indicate the response that is generally appropriate. However, because laws deal with general realities, they cannot assure an appropriate outcome in every circumstance. This is not because of a flaw in the specific legal system. This outcome is a consequence of the very nature of any system of rules. Consider the Torah's prohibition against stealing. It punishes all stealing equally. It must be admitted that some theft is motivated by simple greed and other thefts are the result of extreme desperation. The person violating the law out of greed is more evil than the unfortunate person compelled to steal because of unbearable poverty. Yet, the law treats both of the violators in the same manner. Both receive the same punishment. The unfortunate, desperate thief does not receive any leniency from the law. This is not because the law is unjust. The law is a system of general rules. It does not recognize the specific details of every case. Based on this concept, Akeydat Yitzchak explains the comments of the Talmud. A judge can seek tzedek – justice – or chesed – righteousness. A judge seeking tzedek decides each case according to the laws of the Torah. If he applies the laws accurately, he can be assured of producing a just outcome. However, the judge's strict adherence to Torah law cannot assure that good and evil will receive their appropriate recompense. This is because the laws of the Torah are general. They do not take into account every possible specific circumstance relevant to the case. The judge cannot be sure that his decision is consistent with chesed. Chesed is achieved when the decision corresponds to the specific circumstances of the case. This requires going beyond the law.

We can now understand the role of p'sharah. P'sharah does not ignore the law. P'sharah recognizes the limits of any legal system. Through p'sharah, the judge attempts to adapt the general principles of law to the specific

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Parshas Yitro

RABBI BERNARD FOX

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circumstances of the case. In short, p'sarah goes beyond the letter of the law. Its goal is to secure an outcome that is both just and appropriate to the specific case. The objective of p'sarah is chesed. This principle is not limited to monetary disputes between two litigants. When a judge is determining if a practice is permissible or prohibited – *issur ve'heter* – this principle applies. In other words, in resolving questions concerning *kashrut*, *Shabbat* or any *mitzvah* a *rabbi* – a *rav* – can approach the issue from two perspectives. He can seek *tzedeck* or *chesed*. How do these two approaches differ? After hearing the question the *rav* can respond to the petitioner that the practice is prohibited or permitted according to the law. His decision will embody *tzedeck*. However, it may not represent *chesed*. A *chesed* decision requires more of the *rav*. He must consider the specifics of the case. After considering these specifics, it may be appropriate to seek a solution rather than simply render a decision. A solution does not ignore the law. A solution seeks to resolve the issue strictly within the framework of *halacha*. However, a solution suggests a means by which the action can be performed in the permissible manner. In other words, *chesed* sometimes requires to the *rav* to respond, "What you want to do is prohibited. But here is a permissible way you can achieve your objective."

We can now understand the comments of the Talmud in *Baba Metziah*. *Moshe* did not simply decide cases on the basis of *tzedeck*. In every case, he strove to achieve truth. This is solution of *chesed*. The Talmud condemns judges who do not seek *chesed* but merely *tzedeck*. According to the Talmud, this behavior contributed to the destruction of *Yerushalayim*.

"I am Hashem your G-d that took you out from the land of Egypt, from the house of bondage." (Shemot 20:2)

This passage is the first statement of the Decalogue. Maimonides understands this statement as a *mitzvah*. We are commanded to accept the existence of Hashem. *Rav Elchanan Wasserman Ztl* explains that this conviction is easily achieved. The complexity of the universe gives witness to the existence of a Creator. Nonetheless, many deny the existence of Hashem. *Rav Elchanan* explains it is not the inadequacy of the evidence that causes these denials. Instead, there is a basic human bias that interferes with recognizing Hashem. Once a person accepts that there is a Creator, one is longer one's own master. This Creator has the right to mandate action and demand obedience. Conversely, if one denies the existence of the Creator, one is free to act as one pleases. We do not need to answer to a higher authority. An interesting incident illustrates this point. There was a student of the *Volozin Yeshiva* that abandoned the Torah. Instead, he devoted himself to the study of philosophy and joined the *Haskala* movement. The student had occasion to visit his former *yeshiva*. There, he met with *Rav Chaim Soloveitchik Ztl* who was serving as *Rosh HaYeshiva*. *Rav Chaim* asked the young to explain his reasons for abandoning the life of Torah and pursuing worthless endeavors. The young man was shocked by *Rav Chaim's* confrontational tone. After recovering, the young man responded. He explained that he was troubled by various doubts and questions regarding the Torah. He could not find answers for his questions. So, he abandoned the Torah. *Rav Chaim* told the young man that he was willing to answer every one of his questions. However, the young man must first agree to answer a single question. *Rav Chaim's* asked, "When did these various questions occur to you? Was it before you experienced the taste of sin of afterwards?" The young man was embarrassed. He responded that only after

committing a serious sin had he begun to be bothered by questions. *Rav Chaim* responded, "If that is the case, these are not questions. Rather, they are answers you sought to excuse your evil actions." *Rav Chaim* continued, "I am sure that if you merit to achieve old age, your desires and *yetzer harah* will diminish. Then you will realize that you do not really have any questions. So, why not repent now?" □

Providence vs Miracles

RABBI MOSHE BEN-CHAM

Reader: I read with some surprise your article in this week's *Jewish Times*, some statements to the effect that Hashem only influences certain things in our daily lives; the rest is left to natural forces. You state that "unless one is a prophet, he cannot know with certainty whether G-d actually did something or not."

This is very confusing to me, since according to *Rav Dessler* - as well as many other commentators - "nature" is just as miraculous as the splitting of the sea, except that we're used to it because it's more common. Why do you make a distinction between "natural occurrence" and "G-d's will"? Surely they are one and the same thing - the only difference being the degree to which we are conscious of the fact that Hashem is controlling everything in the world (other than our free will)?

Mesora: I believe you are confusing divine providence with miracles.

The ideas I quoted are from Maimonides' "Guide for the Perplexed". Other *Rishonim* as *Sforno*, share Maimonides' view. Therein, Maimonides quotes Scriptural verses from which he derived his theory. He makes a clear distinction between divine intervention, and nature. He explains that one's perfection and divine protection are directly proportional.

I am sure you would agree, for example, that of two people cast into a furnace, the one who is untouched by flames was the recipient of divine intervention. The other was not.

Maimonides says this preferential treatment of the saved soul is due to the higher level of his perfection.

Yes, both men were affected by God's laws; i.e. laws of ignition, vs laws of divine providence. Both laws are creations of God which contain stupendous wisdom. You were arguing that all man's experiences - natural and divine - are really miracles. This is *Rav Dessler's* teaching. However, that is not the point of my statement. My point is that of Maimonides: That divine protection is great in some people, absent in others, and varying degrees in between....all due to each person's perfection. It would be correct to state that God intervened on behalf of the saved man, and He did not intervene on behalf of he who perished.

I believe the confusion is how we distinguish between miracles, and divine intervention. Meaning, if all that happens on Earth - as *Rav Dessler* said - are truly miracles, then how do we distinguish between the two men in my example above? The answer is that all that happens are ultimately God's forces at work. But that does not mean it is God's will at work. People can cause themselves great harm, with God's forces: As an example, someone igniting a barbecue grill. A perfected person earns God's suspension of damaging forces in such a case. Those men who are not perfected will suffer from God's inactivity, and the explosion might be deadly. In both cases both men experienced God's forces. But only in the first case did God suspend damage due to the person's perfection.

So one topic, yours, is whether we say all which occurs are miracles. My topic was concerning God's intervention.

Miracles deal with the ongoing design of earthly occurrence and matter. Intervention refers to something different - God's will.

Regarding your other point, if one is not a prophet, he cannot know when occurrences are divine, or natural. We do not know God's "mind". It would be completely arrogant to suggest, "I know that God just did something." We should say instead, "It is possible that God did something." The only way we can know for certain, is through God's informing us, or if the event was clearly a miracle. □