

CLASS 38 - YISRO

by Rabbi Heshy Grossman

The date of Yisro's arrival at the camp of Israel is a matter of Talmudic dispute. Some claim that he reached the Machaneh prior to the giving of the Torah, while a second opinion holds that he actually came to Sinai during the subsequent year.

While the first approach is in synch with the Torah's sequence of events, which records Yisro's meeting with Moshe and the advice that he offers in the chapter that precedes Kabbalas HaTorah, the latter position must explain why the Torah would reverse the actual order. Though the Torah does not bind itself to chronology, no change is without reason. The dates may be out of order, but the Torah is not. The Torah has an inner compass of its own, a moral arrangement of a different sort, with each passage leading to the next.

In some way, the lesson of Yisro sets the stage for the Torah's acceptance. In our shiur this week, we will explain why.

1

"V'Eleh HaMishpatim: What is written prior to this Parsha? V'Shaftu Es HaAm B'Chol Eis - And they will judge the nation at all times....(Shemos 18:22) And here, it says: V'Eleh HaMishpatim, with the Ten Commandments in between. A parable: a queen who takes a stroll, hedges on one side, and hedges on the other, with herself in the middle. So too, the Torah. Dinim before it, and Dinim afterwards, and she is in the middle." (Midrash Rabbah 30:3)

As a queen who leaves the confines of her palace, surrounded by the guardians who protect her, the Torah emerges in the world tightly wrapped, safeguarded by the rules and regulations of Din and Dinim.

Yisro acquires his name by merit of the Parsha that is 'Yeser' - the additional section that is appended to the Torah because of his suggestion. Here, Yisro proposes the appointment of judges, men of honor, above all reproach, who will be worthy to stand in Din.

"And you will see to it, from all the nation, men of wealth who fear G-d, men of truth who despise ill-gained profit, and you shall appoint them as officers...." (Shemos 18:22)

"Men of truth, who despise ill-gained profit: who love truth and despise cheating, when they see cheating and thievery they cannot tolerate it, but their only desire is to save the victim from the swindler." (Ramban, ad. loc)

The Torah and Talmud contain numerous laws and requirements for the proper adjuration of Din, from the proper character traits of the honest judge, to the many details of court procedure.

A judge can have no hint of bias, and is therefore prohibited from accepting even the slightest gift from a litigant that stands before him. This is 'Shochad' - 'SheHu Chad', for the recipient of a favor feels as one with his benefactor.

Since "Ein Adam Ro'eh Chovah L'Atzmo" (Kesubos 105b) - no man feels that he is ever in the wrong, the Dayan who takes a bribe is incapable of finding fault with one he feels a kinship with, all the more so, convict a blood relative with whom he shares a common bond.

"Rebbe Yishmael B'Rav Yossi had a sharecropper (working Rebbe Yishmael's field) who customarily brought him a basket of fruits (his due portion) every Erev Shabbos. Once, he brought them to him on Thursday."

"Why is today different?, he asked."

"I must appear [before you] in court today, and I thought, on the way, to bring them to you."

"He did not accept them, and said: I have been invalidated from judging you in Din." (Kesubos 105b)

v The Talmud goes on to demonstrate that although Rebbe Yishmael refrained from actually taking the favor, even of fruits that were rightfully his, he subsequently sensed a bias on behalf of his friend, his thinking skewed by the minutest of offers.

How can this Tanna, a man of upstanding integrity and towering intellect be swayed by one day's advance?

The lesson is this: the truth of Torah is in the details, the fine and subtle differences that are the basis for all G-d's law. To decipher its code and plumb its depths one must be sensitized to the nature of Torah, keenly aware that the slightest digression converts good deed to sin.

On the contrary, it is the saintly Tanna who feels tainted by the slightest tinge of bias. Aware of the mind's complexities, he spurns the gift that would divert straight thinking, aspiring only for the pure thought of an unblemished soul.

The proper judge loves only the truth. He bears contempt for all corruption and sin, for it is his function to weed out evil from the community of Israel, assuring that crime does not pay.

This is Yisro's endowment to the heritage of Israel. Abandoning the wayward nations, he travels to the barren desert in pursuit of the vision he knows to be true. Sensitive to the sound of G-d's word, he discovers a nation that is bound to His command, putting into practice the Mishpat that reflects His will.

Every Jew is obliged to be a judge.

Throughout each day, an individual is confronted by hundreds of situations that demand a balanced scale, carefully weighing the varied factors at hand. Unaware of the perils, the average person plunges ahead with reckless abandon, trampling with ease the minor transgressions that don't begin to dent his callous conscience.

It is for this reason that the message of Yisro is a prerequisite for Kabbalas HaTorah.

The Ben Torah sees every moment as an opportunity, a chance to touch eternity. With every action, he chooses to either follow G-d's command or suffer His wrath; to bask in His glory or profane the gift of life.

But, his problem is this: with every decision that he makes, he is hounded by a bias that influences his thinking. No man has thoughts that are purely random. Each question presupposes a prior interest in one side of the equation. For example: if one researches the permissibility of playing basketball on Shabbos, it is clear that he hopes for a positive response. Those with no interest in sports would never entertain the question.

If a judge in Israel is disqualified by the slightest gift that turns his head, every Jew is similarly unfit to rule in his own defense, for at the very start, he is prejudiced towards one side.

How then, is he to proceed?

Like Yisro, he must learn to listen, and hear.

"And Yisro, the high priest of Midian, the father-in-law of Moshe, heard all that G-d did for Moshe and His nation Israel, for Hashem had taken Israel out from Mitzraim." (Shemos 18:1)

This is the precursor to Kabbalas HaTorah.

One of the forty-eight ways by which the Torah is acquired is "Shemi'as Ha'Ozen - attentive listening." It is this trait that enables man to hear the voice of an Other, to rise above the petty vanities that dominate his thinking. Freed from the standard selfishness that rules most men, he suddenly discovers a different message, and hearing the voice of his Creator, he willingly leaves his home and milieu, ready to join the people of the desert in their quest for the promised land.

Yisro may have joined Klal Yisrael after the Torah had been received, but the moral of his story introduces the Torah to each and every Jew. One who observes the commandments for their utility or sensibility, listens only to the voice of his own mind, unwilling to accept the yoke of a higher authority.

At Mt. Sinai, the entire world was utterly silent, for when the Torah is given, not a sound is heard. The good Jew learns to quiet the demands of the clamor within, prepared to heed the call of the One

above.

3

Our Parsha ends with two Mitzvos that are closely related.

Firstly, the Torah forbids the use of metal instruments in the building of the altar. The function of the Mizbe'ach was to bring peace and life to the world, and metal is the primary element in tools of death and destruction.

This seems to be a stretch. Metal is representative of death? Does it not serve man, enabling him to make better use of his world?

The next Mitzva forbids the building of steps to the altar, declaring this to be a form of 'Gilui Arayos' - forbidden relationships. A ramp was used instead, one that did not require the Kohanim to spread their legs as they climbed to the top.

Really? Climbing steps as an element of Gilui Arayos?!?

The lesson is this: the Torah is teaching of a higher sensitivity, revealing the deeper implication inherent to all physical deed.

Wouldn't we recoil at the sight of a huge butcher knife adorning the Sefer Torah? The difference between a weapon of death and a small metallic blade is merely one of degree. It is the Torah's acute awareness of hidden meaning that is transmitted through the Gezeiros that protect us, the commands that legislate spirituality.

We live in a world that has forgotten how to blush, where man exposes every folly for all to see. Desensitized to evil, numbed into submission by the sin that envelops us, we trod over minor details, oblivious to the spiritual connotations reflected by all that we do, unaware of life's true essence.

But, the honest judge is repulsed by evil.

We laugh at the Torah's penchant to outlaw the slightest hint of wrong, blissfully confident of our own immunity. Our patience with sin is not gainfully earned, nor is it due to our penchant for tolerance. We fail to protest society's faults because in our heart of hearts, a part of us wishes that we could do the same.

The Torah teaches that nothing in life is devoid of meaning. If we are to be worthy of Kabbalas HaTorah, we must begin to see this world through a different sort of lens.

Yisro releases us from the shackle of our own minds, dislodging the bias of our heart's desires. Liberated from the distorted mind set of a culture that admires sin, the man who trembles at the thought of evil sees the day of judgment at every turn. Sensitized to the nuance of G-d's word, he flees from any action that merely alludes to sin. Even trivial moves acquire monumental significance,

and the voice of Sinai is heard loud and clear.

G-d speaks to those who listen.

"Shim'ee Bas U'Re'ee V'Hatti Azneich, V'Shichechi Ameich U'Beis Aveech - Listen, daughter, and you will see, bend your ear, forget your nation and your father's home." (Tehillim 45:11)

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