

# SWIMMING AGAINST THE CURRENT

*by Rabbi Moshe Peretz Gilden*

Following the revelation at Sinai of last week's parsha, the Torah now starts a presentation of civil and tort law. True to the maxim that the Torah's holiness is as manifest in the scrupulous adherence to its business laws as it is in pious observance of its rituals, the Torah opens with the laws of financial obligations, property damage and the integrity of the judicial process.

From the discussion of civil court procedure our sages exegetically derive the rule probably most central to Jewish, and now western, legal systems: "yielding to the majority" (Shemos/Exodus 23:2), the concept that the legal truth is determined by a majority of voices, even if not unanimous. Some note the peculiarity of the Jewish people, as members of societies throughout the world, who never quite seem to blend in. We maintain unique facets of dress, different laws and customs, our own language. Why do we not follow our own dictum and concede to the majority; why do we not just "go with the flow"?

The famed Ba'al Shem of Michelstadt (Rabbi Yitzchak Wormser; 1768-1847; descended from a line of men who were great alike in worldly affairs, talmudic scholarship and kabbalism, and combined all these qualities in himself; rose to become the uncrowned leader of the people of Michelstadt (Hesse), both Jews and Gentiles) was renowned for his genius even as a youth. The boy's fame spread quickly and the local Duke became aware of the child prodigy. Inviting the lad to his sprawling home, with its maze of hallways and countless rooms, the Duke excused his staff and cleared out the palace to leave the guest to his own means to find the intended meeting room. As the bewildered nine year old came to realize there was no one about to assist him in finding the Duke's reception room, he deduced that the sole room to have the curtain drawn over the window must be the intended room, and was, indeed, the room in which he found the Duke waiting for him. The Duke, intrigued, asked him what he would have done if the servants had been there to assist. "I would have followed the recommendation of the majority of them." The Duke, focusing his stare on the boy, challenged, "Is it not true that you have a legal tradition to follow the majority? You know that you Jews are a very small minority. Why do you continue your unique practices?"

The boy, stunned by the power and implication of such an overwhelming question, recovered quickly and with great conviction offered a brilliant response. "My Lord, I now know without a doubt that this is the room in which you receive your guests. If now the ENTIRE staff of the castle would point me in a different direction I would not follow. The rule of following the majority is relevant only when one is unsure of the truth, when there is an unresolved doubt. Where there is no doubt,

because the truth has previously been indisputably determined, the greatest multitudes of people cannot, with their opinions, change the truth. Sir, the convictions of my forefathers are the indisputable truth; thus, I do not need, nor would it be appropriate, to follow the opinions and beliefs of the masses."

Our sages have compared the Children of Israel to a school of fish, whose healthy members naturally swim against the current. It is not that we search out a current to swim against; rather, the nature of the world is that it perpetually presents goals and ideals in conflict with the Torah. The deception of the masses is irrelevant in light of a clear truth. We must maintain the strength to swim against the current.

Have a good Shabbos!

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