FINDERS KEEPERS?

by Rabbi Yaakov Menken

This portion of the Torah is called "Mishpatim", which means judgements. Our Sages divide the Commandments into three categories: those which signify our special relationship with G-d, those that are not understood by us ("statutes"), and judgements - laws that every nation realizes must exist in order for a group of people to function as a society. This last category includes prohibitions against murder, kidnapping, stealing, cheating in business, and even setting up a court system.

Why did G-d place the Torah portion of "Mishpatim," which contains more laws than any other, immediately following the revelation at Sinai? Answers Rashi, Rabbi Shlomo Yitzchaki: in order that we realize that just as the Ten Commandments were given at Sinai, so were all the others - even those that appear totally rational under a man-made system.

It is traditional in yeshivos -- and has been for centuries -- to launch young boys into the sea of Talmud not at the first chapter of Brachos, the first tractate, but with the second chapter of Bava Metziah, part of the order concerning damages (there are six orders of Mishnah). The chapter is called "Elu Metzios" -- "these found objects are yours, and these must be announced." The Mishnah in that chapter discusses whether various objects are identifiable enough to require the finder to attempt to return them to their owners. Unfortunately, the objects used there are such items as a ring of figs, not immediately familiar to today's middle school student.

Some educators came to Reb Moshe Feinstein zt"l and asked: why not change? The first tractate of Brachos discusses when a person must read the Shema in the evening. It is immediately relevant to every boy!

He replied that they must not change, but continue to teach "Elu Metzios" first. A child, he said, must understand that "these found objects are yours, but these you must announce [and return to their owner]" is also Torah. The Torah is not just ritual.

Furthermore, it is all-encompassing, requiring a truly rigorous standard of justice and ethics. Just consider the contrast between "these found objects are yours, but these you must announce [and return to their owner]," and what I learned in public school: "finders keepers, losers weepers"...

May we strive to meet the Higher Standard!