

PATIENCE FOR ONE'S PARENTS

by Rabbi Yissocher Frand

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 133, Honoring In Laws. Good Shabbos!

The Prototype of Mishpat Amongst the Jewish People

The Parsha is named after Yisro, because Yisro gave Moshe Rabbeinu good counsel. Moshe Rabbeinu had a problem - he was overwhelmed. People lined up from morning until night to have him settle their disputes. Moshe had no time. Yisro gave him the advice to establish a system of courts.

Rashi, on the words "And it was on the next day" [Shemos 18:13], says that this was the day after Yom Kippur -- the day Moshe descended from the mountain, following receipt of the second copy of the Ten Commandments (the first copy having been destroyed by Moshe following the sin of the Golden Calf).

Rav Yosef Dov HaLevi Soloveitchik quotes the following principle: every time we find the expression "And it was on the next day" (Vayehi m'mochoras) in the Torah, the Torah is trying to contrast or connect the two days. Either something terrible happened on the previous day and the Torah is indicating that the next day was better, or something tremendous happened on the previous day and the Torah is indicating that the next day was infused with the spirit of the previous day.

In Shemos 32:30 (immediately after the sin of the Golden Calf), we find an example of a terrible event happening the first day: "On the next day Moshe said to the people, 'You have committed a grievous sin!'" In our situation it is just the reverse -- "On the next day" refers to the day after a wonderful day -- the first Yom Kippur. On that next day, Moshe sat in judgment of the people.

The Torah is trying to tell us that there is a connection between the first day of judgment -- the first day in Jewish history where people went for dinei Torah (decisions from a Rabbinical Court) -- and the Day of Atonement. What is the significance of this connection?

Rav Soloveitchik described the mood of the people on that day: they had committed the terrible sin

of worshipping the Golden Calf, and they did not know whether they would ever be forgiven. Moshe Rabbeinu descended from the mountain on that very first Yom Kippur and told them in the name of G-d "I have forgiven, as you have requested" [Bamidbar 14:20].

The people realized that there is forgiveness, there is atonement; each of them felt like a new person. Imagine the mood that the people must have felt -- there was relief, good feeling, peace, brotherhood, and generosity. Everyone felt wonderful.

When people went into court with their litigants on that next day, they did not feel stingy, combative, and antagonistic. They felt open and giving, and friendly and compromising. They went into Mishpat (judgement) suffused with the spirit of the previous day -- the day of "I have forgiven, as you have requested." The Torah is telling us that if this is the way the first Mishpat was done among the Jewish people, then this is the prototype for how Mishpat must always be done among the Jewish people.

What difference does it make? Can one really feel that way when he steps into a courtroom? There is a difference. In Jewish jurisprudence there is a settlement called Peshara (compromise).

Today, Baruch Hashem (thank G-d), people go to dinei Torah. I say 'Baruch Hashem' because years ago no one went to dinei Torah -- they went to secular court, which is usually prohibited. Today we have sincere, religious Jews, who when they have a dispute with a neighbor or a business partner they don't run to court -- they run to a Din Torah.

The first thing the Dayan asks when one comes to a Din Torah is "Do you want Din or Pershara?" [Sanhedrin 7a] Do you want me to rule based on Choshen Mishpat (the section of the Code of Jewish Law covering financial transactions), telling you who is right and who is wrong, with an absolute winner and an absolute loser -- in which no consideration is given to a person's honor or financial condition? Or do you want me to find an arbitrated compromise so that everyone can walk out a winner?

The Talmud [Sanhedrin 6b] paskens (rules) -- and this is codified by the Rambam and the Shulchan Aruch -- that the preferred method is to compromise (Mitzvah livtzoah). Why? Because of the above-mentioned teaching -- among the Jewish people compromise is not extra-judicial.

This is not equivalent to the secular concept of "settling out of court". Settling out of court is not the domain of the jurist. The jurist in American law is not the humanist. In American law, Rabbi Soloveitchik notes, they are two totally distinct personalities.

The Jewish Dayan is also the compassionate Judge. He is also the mensch, the humanist. He worries about the poor person who comes before him and how he will leave the court, and advises both parties to compromise. The reason for all this is that Judgment originated in Klal Yisroel on that special morrow following the first Yom Kippur -- when a spirit of generosity, compromise, and forgiving was prevalent in the nation.

It should be this way for all generations as well. Dinei Torah should always be approached by

searching for a way that both parties can emerge as winners, not one a winner and one a loser.

Having Patience For One's Parents

The fifth of the Ten Commandments is the command "Honor your father and your mother, in order that your days be lengthened on the land that I am giving to you" [Shemos 20:12]. In Parshas Veschanan we a slight addition to the language used in this command -- we have the qualification "as the L-rd your G-d commanded you" [Devorim 5:16].

Rav Meir Simcha in Parshas Veschanan explains the meaning of the phrase "as the L-rd your G-d commanded you". The Jerusalem Talmud calls honoring one's parents an "easy commandment" -- comparing it to the payment of a debt. If someone would provide me with a check for \$100,000 - \$200,000 -- the amount it costs today to raise a child -- of course I would feel a debt to that person and would feel obligated to honor him or her.

The Torah however tells us that is not the proper approach to honoring parents. Rather, one's parents should be honored "as G-d commanded you". When did G-d command us to honor our parents? When we were in the Wilderness. Raising children in the Wilderness was a dream. There was no need to go shopping or to spend money on the children. Food? Manna fell daily. Clothes? "Your clothes did not wear out from upon you" [Devorim 8:4]. Most likely, everyone in the Wilderness had straight teeth as well. It was Paradise!

The Torah tell us that Honoring Parents is an obligation, not because they gave the kids 200,000 dollars, not because they put the kids through law school, but even if all they did was bring the children into the world -- as it was when the command was given in the Wilderness -- that alone is enough of a reason to honor our parents.

There is a famous Gemara in Kiddushin [31a] that many of us have heard, but I recently saw a different insight into this Gemara. Rav Eliezer was asked, "How far does honoring one's Parents extend?" He related the famous story of the gentile, Dama son of Nesinah in Ashkelon, who turned down an offer to purchase a precious stone because the key to the chest where it was stored was under his father's pillow. He passed up a tremendous profit so as not to disturb his father's sleep.

On a simple level, this Gemara seems to be teaching us that we learn the parameters of the mitzvah of Honoring One's Parents from Dama son of Nesinah. The Avnei Shoham however says that this is not what the Gemara is telling us. We are not learning halachos (Jewish law) from Dama son of Nesinah - we are learning human nature from him.

When children are born, parents must have patience with them. But there comes a time in life when children have to have patience with their parents. There comes a time in life when parents become what can be perceived as a burden. Parents become old; they sometimes become demanding. One

needs to have patience when relating to parents.

One can ask -- is there not a limit to patience? How much patience is required? How much patience is a human being capable of? Is there not a point where it becomes too much of a burden to 'get along' with one's parents, where one has a right to 'run out of patience'?

The Gemara says "come and see the case of the gentile in Ashkelon". Dama the Akum is not teaching us a mitzvah -- he is teaching us human nature. Imagine the patience that Dama must have had. The Sages were at the door, certified check in hand. He was waiting and thinking, "When will Dad wake up?" "Maybe I'll make a little noise and he'll wake up." "Maybe I'll just sneak under the pillow..." How much patience did he have? This is what he is teaching us -- the human capacity for having patience for a parent.

If a human being is capable of such patience, then that level of patience is possible within human nature and consequently it becomes the definition of the extent of our mitzvah.

The Avnei Shoham goes on to say a beautiful insight into this Gemara. When the Rabbis use the expression "the keys were under his father's pillow and he didn't bother him (lo tzi-aro)" the interpretation is not that Dama didn't bother him, meaning his father. Rather, the interpretation is "lo tzi-aro," it didn't bother him, Dama himself, that he had to pass up a great profit by not waking his father. He had such patience and such respect that losing this great sum did not even bother him -- he didn't even try to wake his father up.

If Dama the Akum is capable of this, then we -- the descendants of Avraham, Yitzchak, and Yakov -- certainly should not only aspire to this, but this becomes our obligation.

Personalities & Sources:

Rashi -- (1040-1105) Rav Shlomo ben Yitzchak; Troyes and Worms, France. "Father of all Torah Commentaries".

Rav Yosef Dov Soloveitchik -- (1903-1993) Rosh Yeshiva of Yeshivas Rav Yitzchak Elchanan, New York; Rabbi in Boston; scion of Brisk Torah dynasty.

Rav Meir Simcha -- (1843-1926); Dvinsk; author of Meshech Chochmah commentary on Chumash and Or Sameach on the Rambam's Mishneh Torah.

Avnei Shoham -- Rav Moshe Leib Shachor -- Israeli Torah scholar.

Glossary

din(ei) Torah -- court case(s) based on Torah law

mishpat -- judgment

paskens -- issues a ruling according to Jewish law

Baruch Hashem -- G-d be blessed

bnei Torah -- Torah learned and observant individuals (literally sons of Torah)

dayan -- judge in a Din Torah

Choshen Mishpat -- One of the four sections of Shulchan Aruch (Code of Jewish Law), dealing with monetary matters.

mensch -- (Yiddish) human being

halachos -- Torah laws

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