

MISS MANNERS AND HER ILK ARE A FAR CRY FROM DIVINE TORAH ETHICS

by Rabbi Yissocher Frand

Parshas Mishpatim

Miss Manners And Her Ilk Are A Far Cry From Divine Torah Ethics

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 757, M'Dvar Sheker Tirschak: True or False? Good Shabbos!

The parsha begins with the words "And these are the statutes (mishpatim) that you shall place before them." The bulk of the parsha deals with the many laws that are categorized as "mishpatim". These are the laws of interpersonal relationships that deal with everything from a person who damages to the various kinds of watchmen to the prohibition of taking interest on loans. A good portion of Choshen Mishpat -- the section of Shulchan Aruch that deals with monetary and financial laws -- are based on the pasukim in this week's parsha.

The first Rashi in our parsha comments on the opening word "v'ayleh" [and these]. Rashi explains that wherever the Torah uses the word "ayleh" [these], the Torah is invalidating or excluding something previously mentioned. However, where the Torah uses the word "ayleh" prefixed by the conjunctive vov as in "V'eleh" then we are supplementing that which came earlier. "And these" has the connotation "not only those, but these as well."

The application here, as Rashi explains, is that just as those (laws mentioned in Parshas Yisro, i.e. -- the Asseres HaDibros [Ten 'Commandments']) were given at Sinai, so too, the laws mentioned in Mishpatim were also given at Sinai.

Rav Simcha Sheps, zt"l (who had been a Rosh Yeshiva in Yeshivas Torah Vodaath), among others, asks, what is the novelty that Rashi is introducing here? Of course the entire Torah was given at Mt. Sinai. What need is there to bring additional linguistic proofs to the matter?

Rav Sheps cites a comment of Rav Ovadiah Bartenura in the first Mishna in Avos. The Mishna says, "Moshe received the Torah at Sinai..." The first comment of the Bartenura on tractate Avos is: "This tractate does not deal with specific mitzvos as do other Tractates of the Mishna. Since the entire

contents of Masechtas Avos consists of ethical matters and appropriate character traits and manners, it therefore may seem similar to many volumes written by the sages of other nations on the topic of ethics, morals, and how to treat other people. Therefore, we might think that Avos also is merely accumulated human wisdom and nothing more. Therefore, the author begins the tractate with the chain of transmission of Torah beginning with Moshe's receiving Torah from Sinai. This teaches us that all the advice and ethical guidance in Avos is not merely the product of human invention. This is the same Torah, the same word of G-d as the rest of Mishna and Talmud.

Rav Sheps references this teaching of Rav Ovadiah Bartenura in connection with the first Rashi of Mishpatim. Mishpatim details the laws of how one should treat his fellow man. The Torah needed to emphasize that just like the Asseres HaDibros were commanded by G-d at Sinai, so too the laws of lending and damaging and watching someone's property are all from Sinai as well. More than that, Parshas Mishpatim contains the prohibition of Lashon HaRah. The Talmud treats the pasuk "Lo Tisa Shema Shav" as a warning against both one who speaks slander as well as one who believes slander spoken by others.

The nations of the world do indeed have ethics and morals. The New York Times Magazine contains a column by a person who is called "The Ethicist". Each week, he asks [rules] for his readers what is ethical and what is not ethical. Often, his articles are quite controversial from a Torah perspective. If someone can't bear to wait a whole week to read "The Ethicist," he can check "Miss Manners" in the daily paper. She is the final authority on good manners and proper behavior for millions of readers! There is a fellow who has a monthly radio program where on each show he speaks about some aspect of the topic of "civility". Sometimes, what he says does make sense. He had a whole sermon on the issue of talking on cell phones on the train.

Clearly, the Gentiles also have their ethics and morality. But do the nations of the world have a morality that says not to speak Loshon Hara? The concept of gossip exists but the concept that there should be a theological prohibition against gossip is not something that exists on their spiritual radar screens. Try telling a non-Jew that it is prohibited to speak evil about someone else even if the facts are true. "How could it be forbidden? -- IT IS TRUE!"

Where does such a law come from? It does not come from Miss Manners and it does not come from "The Ethicist" and it will not come from anyone who is making up ethical rules on his own.

The Gentiles have a concept of being "A Good Samaritan". A Good Samaritan will be driving down the highway. He sees someone has a flat tire. He'll stop and see if he can help change the tire.

What would a non-Jew say about a situation where his biggest enemy in the world has a flat tire and 50 feet further up the road his best friend has a flat tire? Whose tire would he help change? The Torah commands that precedence be given to one's enemy. "It is preferable to force one's evil inclination (to not hate a fellow Jew)." It is good for one's character to help one's enemy ahead of helping one's friend.

This is a mind boggling concept. Such a law could not have been man-made. No person would ever choose that option on his own, based on his own sense of right or wrong. They will ask -- where does such an idea come from? Our answer is that it comes from this parsha which begins with the words "And these are the statutes..." Just as the Asseres HaDibros in Parshas Yisro came from Sinai, so too that which follows in Parshas Mishpatim comes from Sinai.

If a person lives a full Torah life and works on himself, he can achieve this status that is almost angelic -- to willingly and readily be prepared to help a hated neighbor before his friends so that he may be able to improve his character traits (midos).

I recently heard the following story from Rav Avraham Chaim Feuer, which speaks to the possibility of spiritual heights that may be achieved by a person who works upon himself and diligently tries to mold his personality in accordance with the Torah's expectations:

Rabbi Yechiel Perr, a Rosh Yeshiva in Far Rockaway, married his wife, Miss Shani Nekritz, in the late 1950's. Mrs. Shani Perr is the daughter of a Rosh Yeshiva from Novoradok, who in turn was the son-in-law of Rabbi Avraham Yaffen, one of the great Rabbinic personalities of the past generation.

Rabbi Yaffen, the grandfather of the Kallah, arranged all the details of the wedding ceremony. Virtually all the top name Roshei Yeshiva in the United States of that era attended the wedding. It was not easy to pick who would have each of the various "honors" that are typically distributed at such events. All the guests were very curious to see who among all the distinguished Rabbonim there would be getting the various "blessings".

One of the "blessings" under the Chuppah was given to a Rabbi who no one knew. He was not from the Chosson's side or from the Kallah's side. Everyone wanted to know: Who is this fellow?

People went over to Rav Avraham Yaffen and asked him "Why are you giving such an honor to this Jew?" He answered, "I have my reasons." No one knew who the fellow was or what Rav Yaffen's reason was for honoring him until after Rav Yaffen's passing.

This Jew was a Rabbi who had a small shul in the Bronx. One day, many years before the Perr-Nekritz wedding, this Rabbi called up Rabbi Yaffen and invited him to a wedding he was making for his daughter. Rabbi Yaffen did not know the Chosson, he did not know this rabbi or his daughter -- he was a busy man and was hesitant to accept the invitation. The Rabbi begged him to please come to the wedding. Rabbi Yaffen finally agreed to come to the wedding.

However, Rabbi Yaffen did not own a car. He expected that the Rabbi, who was so insistent to have him come, would make arrangements to provide him with a ride or get him a car service or taxi. The day of the wedding came and he still did not hear a word from the Rabbi about arrangements. Rabbi Yaffen and his Rebbetzin took a subway and a bus to get to the wedding. He sat down at the Chuppah, but he received absolutely no recognition and no "honors".

In the tradition of all Lithuanian Rebbitzens, his wife was livid. They do not know the family, he

begged them to come, he did not provide transportation to this distinguished Rabbi and his wife, they had to schlep on a train and bus to get there, and her husband received no "kibbud". She said that they should leave immediately after the Chuppah. Rabbi Yaffen calmed down his wife. He said they were there already, so they might as well stay for the meal so he could dance with the Chosson, and then they would leave, which is what they did.

When Rabbi Yaffen made a chasunah for his granddaughter, he went out of the way to give a kibbud under the chuppah to this rabbi from the Bronx. Why? He was practicing the Novorodok philosophy that he had been raised on: "In place of resentment (hakupda), one should bestow favors (hatavah)". When someone slights you, your reaction should be to do him a favor. Tachas hakpada -- hatava. This is how one works on his "midos" and improves his character traits.

This is not something you will hear from Miss Manners or The Ethicist. One only will hear this from "Moshe received the Torah at Sinai..." which was given to us to improve our human character by teaching us Divine ethics and moral guidance from On High.

This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. The complete list of halachic topics covered in this series for Parshas Mishpatim are provided below:

Tape # 043 - Malpractice
Tape # 086 - Withholding Medical Treatment
Tape # 134 - Hashovas Aveida: Returning Lost Objects
Tape # 181 - Medicine, Shabbos, and the Non-Jew
Tape # 227 - Taking Medicine on Shabbos
Tape # 271 - Experimental Medical Treatment
Tape # 317 - Wrecking a Borrowed Car
Tape # 361 - Bankruptcy
Tape # 405 - Litigating in Secular Courts
Tape # 449 - Is Gambling Permitted
Tape # 493 - Bitul B'Rov
Tape # 537 - Losing Your Coat at a Coat Check
Tape # 581 - Lending Without Witnesses
Tape # 625 - The Kesuba
Tape # 669 - Rabbinical Contracts
Tape # 713 - Adam haMazik and Liability Insurance
Tape # 757 - M'Dvar Sheker Tirschak: True or False?
Tape # 801 - Oy! My Wallet Went Over Niagra Falls
Tape # 845 - Is Hunting a Jewish Sport?
Tape # 889 - Mishpatim -- The Neighbor Who Forgot To Turn Off The Fire

Tape # 933 - The Mitzvah of Lending Money

Tape # 976 - Will Any Doctor Do?

Tape #1020 - The Potato Baked in a Fleishig Pan - With Butter or Margarine?

Tape #1064 - The Doctor that Erred

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