

D'Var Torah – Parashat Yitro

Adam Scheer – TJC Board Meeting

January 20, 2022

This coming Shabbat we will be privileged to read Parashat Yitro. This is the moment that we transitioned from a motley group of former slaves to a holy nation of priests by virtue of our acceptance of God's law. The extraordinary experience for the assembled (which is said to have included every member of b'nai Yisrael for all time) included thunder and lightning to add to the drama of moment; millennia later Hollywood filmmakers would use the latest in modern technology to try to approximate the spectacle.

The Aseret HaDibrot that we English speakers call the 10 Commandments represent both our contract with God and our contract with each other. The most essential revealed truths of our lives – the singularity of the Almighty and the basic rules for maintaining peace with our fellow humans – are captured with exceptional brevity in 173 words. So central are these ten sayings to life and culture, the grace our synagogues, schools, courthouses, and great works of art alike.

As foundational as the 10 Commandments would become for the world, you would think that we would do more to give this moment and these commandments more prominence than we do. For those with a Siddur and Machzor handy, I challenge you to point to the ten commandments in our daily, shabbat, holiday, or high holiday liturgy. You will find Torah passages recounting the crossing of the Nile, the laws of tzitzit and tefillin and more psalms than you can count but you will not find the ten commandments in any prayer service. Even this week's Torah portion does what it can to dilute this historic moment. Yes, we will stand for the reading of the commandments on Shabbat, but that act is in direct opposition to the clear and consistent guidance of our sages.

It now seems obvious that at some point in time the Rabbis of old may have tried - quite consciously - to downplay the importance and centrality of the ten commandments. Why?

Prior to the destruction of the second temple, the kohanim or priests, did indeed recite the ten commandments on daily basis, together with the passages of the Shema prayer that we now recite multiple times each day. Then something changed. The Talmud recounts a discussion on this topic in masechet Brachot / tractate Blessings. There were some who held that the ten commandments enjoyed a special status above all other mitzvot - a formula for faith. The rabbis believed that the claims of this rival group needed to be squelched and ended the daily recitation of the ten commandments. It seems that there was something about a formula for faith that bothered the rabbis deeply.

To better appreciate why a simplistic approach to faith was so troubling for the rabbis, let us go back to Yitro. Our parasha begins with the phrase "VaYishmah Yitro" – and Yitro Heard. Commentators speculate on what Yitro heard. Did he hear about the parting of the Red Sea? Did he hear about the defeat of Amalek? The commentators can't agree but I would offer that the phrase and even its ambiguity is intended to emphasize Yitro's listening and empathy skills – skills critical for any judge. The story goes on to say that Yitro saw Moshe was tired adjudicating case after case. Yitro then suggests that Moshe ease his burden by assigning judges to take on the simpler cases. Here the lesson is quite practical and direct. Judges are human and fallible. They need their rest to provide reasoned judgement.

We can start to understand the connection between Yitro and the rabbi's concerns about the ten commandments when we consider the odd timing of the two narratives. It is a bit odd that the Yitro story takes place before the giving of the law. If the law was given after the Yitro story, on what basis would Moses or the judges proposed by Yitro decide these cases?

The Torah is not a chronological document, but we can assume that its chosen sequence of events was the result of careful thought and intention. By giving the Yitro narrative immediate priority over the giving of the Law, the editors of the Torah remind us that the law was given to humans who live on earth. In our

earthly world, absolutes – even with respect to the ten commandments - are tough to define. Circumstances, context, and custom must all be considered before humans may judge their fellows. The law on its own is not enough. Even the ten commandments require careful listening and thoughtful human judgement as a pre-condition.

Let me share a maisseh – a story – that captures this balancing act the rabbis envisioned between the relative place of the divine law and that of our human circumstances. This is a story told by my teacher Rabbi Haskel Lookstein about his Great Grandfather Rabbi Moses-Margolis (the RaMaZ) and his father, Rabbi Joseph Lookstein, who was the Ramaz's assistant at the time:

A woman came to the RaMaZ' home on Friday afternoon with a chicken that had a hole in its stomach. She wanted to know if the chicken was kosher or not. The RaMaZ, together with Rabbi Joseph Lookstein, examined the chicken and then the RaMaZ called Rabbi Joseph Lookstein into his library and asked him: "What do you think, mein kind?" The younger Rabbi answered that it was an open and shut case. The chicken obviously swallowed a needle which punctured its stomach, and this was one of the 18 primary examples of tarfus (non-kosher), thereby rendering the chicken unusable. The RaMaZ cautioned him not to be so hasty. He went over to the bookshelf and took out a sefer and showed him that in precisely such a case a particular Acharon (a post 16th century decisor of Jewish law) permitted eating the chicken. He then took out another sefer in which a similar decision was made by another Acharon. Thereupon, he said to his young assistant: "Mein kind: This is a poor woman. If we declare her chicken to be treif she will have nothing to eat for Shabbos. Let's rely on these two Acharonim and you take a little responsibility on your shoulders, and I'll take some on my shoulders and let this woman have a good Shabbos."

The RaMaZ was a "rabbi of the old school." He studied all of Shas (the Talmud) each year and he was considered the leading posek – judge- of his generation. As passionate as he was about our law – he understood that even in "clear open and shut" circumstances, we need to avoid the temptation toward a simplistic, fundamentalist, or inflexible view of the world. Like Yitro, we must always listen carefully before speaking and remember that even the most foundational elements of our Law – kashrut, the 10 commandments - must be considered in their appropriate and local context.

As we undertake our holy work as leaders of our congregation, we will always have decisions to make on behalf of our community. May we be guided by this week's parasha's lessons to listen, to understand our law, be wary of rigid orthodoxies, and most of all to be human to our fellows.