

## Three Times A Charm?

With this week's Torah portion, *Mishpatim*, the Torah shifts from the story or narrative of our Israelite ancestors to the laws, morals and ethics that provide a guide for living. Many of the laws reflect the realities of ancient life which no longer apply to our modern era. But even some of the relatively obscure or uncomfortable passages contain insights that inform, or at the very least, challenge us.

The modern reader might be quite attracted to the teachings in this week's reading concerning the sensitive treatment of the stranger, the widow, and the orphan (Exodus 22:20-23; Ex 23:9), the generosity with which we are instructed to give to the poor (Ex 22:24-26), the call for justice (Ex 23:1-3) and the compassion for animals (Ex. 23:4-6). But what are we to do with the laws concerning the "goring ox?"

When a man's ox injures his neighbor's ox and it dies, they shall sell the live ox and divide its price; they shall also divide the dead animal. If, however, it is known that the ox was in the habit of goring (*mitmol shilshom*), and its owner has failed to guard it, he must restore ox for ox, but shall keep the dead animal.  
(Exodus 21:35-36)

The Talmud (Baba Kama 23b-24a) and subsequent Rabbinic commentary focus the phrase *mitmol shilshom*, which is frequently translated as "in the habit." But as Abaye taught (BK 23b): *mitmol* means "yesterday," *shilshom* is "the day before yesterday," and then we have the act which happened today. That makes three times. Once an act is performed three times we have proof of a habit and of intentionality. As it is said: The first time may be an accident. The second time may be a coincidence. But the third time establishes intentionality.

When it comes to signing a document in triplicate, this intentionality confirms the desire of the one who signs. In the world of science, experiments are repeated at least three times, "triplicates," to validate empirical data or the observed results. But when it comes to an ox who is in the habit of goring and hurting other animals and humans, well, that's when three times is not so charming.

A habitually goring ox is called a “*shor muad*” and it was understood that the goring wasn’t necessarily the fault of the ox. “*Muad*” means forewarned. The owner was warned to keep control of his animal but he failed to act. Therefore, it is the owner of the ox who is held responsible.

From this we learn a number of important lessons, but to keep things thematic, let me post three of them:

1. If we witness an act (good or bad), we should not assume that a person “always” behaves this way. Again, the first time might be an accident. The second time a coincidence. The third time, however, establishes intentionality.
2. Both animals and people have to receive fair warning. It is immoral to sit at a distance doing nothing but watching as people put themselves or others in harm’s way. Such passivity is reproached in the Torah: “Do not stand idly by the blood of your neighbor,” and “You shall not hate your neighbor in your heart; rebuke your neighbor [to try and help him/her stop the hurtful behavior] or else you, too, shall be guilty” (Leviticus 19:16-17).
3. We need to be self-aware of the hurtful and self-destructive habits that we can fall into.

This week Ron Leff, our Temple Sinai Director of Education, and I attended a special workshop called “It Happens Here: Addiction and Mental Illness in the Jewish Community.” We learned from leading experts on how addiction is affecting so many. We also explored ways to better address this plague and bring important resources to help everyone in our community be more aware of drug and alcohol addiction. Temple Sinai will be on the forefront of developing and hosting programs that will help those struggling with addiction. You’ll be hearing more about these shortly.

We also reviewed ways to help make our synagogues more welcoming and inclusive for those struggling with mental illness. This topic was movingly addressed last Erev Shabbat (January 25) by Rabbi Sandra Cohen. The Abrahams Family Chapel was packed as she candidly shared her own difficult journey. I urge everyone to view her emotional and informative talk by visiting our Temple Sinai website and clicking the “Streaming” recordings.

Our actions, good and bad, quickly become our habits and then our second nature. Obviously, we hope to nurture positive behaviors and habits. But we are all vulnerable to making unfortunate decisions. As we seek to help those around us overcome their struggles, let us reach out to them, not with harsh judgement, but with loving support.

Shabbat Shalom,

*Rick*

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