

# TIMELESS TORAH

## MISHPATIM : THE HEART OF CIVILISATION

### The Eternal Word

The closing passages of Parshat Mishpatim depict once again the most fundamental event in Judaism – the Revelation at Sinai – completing the description of the events surrounding the Giving of the Torah in last week's parshah. Sandwiched between the two parts of this narrative, however, is the bulk of this week's parshah, which details an entire framework of civil laws. Bearing in mind the positioning of Parshat Mishpatim, it is clear that it holds strong significance not just for the building of a civilisation but also for the construction of a religious society. Indeed, Rabbeinu Baechaye (Saragossa, d. 1340), in his introduction to this parshah, elaborates at length on this theme, writing that these civil laws underpin the entire Torah, from beginning to end, and form the 'foundation of Hashem's Throne of Glory'.

While we can understand that every society needs a system of civil law in order to function, the emphasis on its religious significance seems surprising. The Netivot Shalom (d. 2000) demonstrates that this goes even further, citing a verse in Tehillim, 'He tells His words to Yaakov, His laws to Yisrael' (Tehillim 147, *Tefillat Shacharit*). In this verse, Hashem's 'words', referring to the Ten Commandments, are put on an equal footing to His laws. In fact, while the Ten Commandments are associated with the name Yaakov, the laws are put together with the name Yisrael, which denotes the Jewish people's higher spiritual level. Furthermore, the Netivot Shalom adds, our Sages teach that a *dayan* who judges truly and faithfully becomes a partner to Hashem in the Creation of the world. What lies behind the prominence given to a faithful judgement?

The deeper meaning behind this partnership is based on a well-known phrase from the Rosh HaShanah service, 'Your word is true and exists for eternity'. Where is the 'eternity' of the Torah found? The Netivot Shalom answers that it is found in the fact that *dayanim* can apply the laws of the Torah to even the most mundane areas of civil society. By virtue of Hashem 'telling His laws to Yisrael', the verdict of a *dayan* in *beit din* becomes a part of the Torah itself.

In this way, the laws of Mishpatim provide the foundation for one of the principal purposes of existence. The Sages teach that Hashem 'desires to dwell among the lower spheres'. In the coming parshiyot, we find this symbolised by the Mishkan; in this parshah, however, we learn how bringing truth, by way of Hashem's laws, to our everyday lives creates the conceptual space for Hashem's presence within the world that we inhabit.

### Impartial Law

A key illustration of what it means to find the ultimate, Divine truth through Parshat Mishpatim is the principle that recurs many times throughout the parshah of ensuring that justice applies fairly to all. One example of this is the laws governing returning a pledge. This law dictates that if a pledge is taken as security for a loan, the lender must return it daily to the borrower, allowing them to use it in the normal fashion. It is assumed that the borrower is poor and has therefore given up one of his basic utensils in order to acquire the loan, and the Torah states that if the borrower were to cry out in distress over his plight, Hashem will listen to his cries 'for I [Hashem] I am gracious' (22:26). The Ramban explains that the 'grace' of Hashem is



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mentioned here to answer a possible pernicious thought that a lender might have. If the motivation to return the pledge every day is to prevent the destitute borrower from entreating Hashem (with negative consequences for the lender), one might be tempted, if the borrower was not particularly righteous, to withhold the pledge on the assumption that Hashem would not listen to him anyway. Here, then, the Torah reminds us that Hashem is gracious and treats everyone with equity and impartiality.

Indeed, the Midrash points out that the very next verse warns us against cursing a judge. It is easy to praise a judge when he has recently ruled in a person's favour; it is somewhat harder to think well of him when one has just lost a case. With the juxtaposition of these verses, the Torah reminds us that we may never curse a judge, because whether the ruling was in our favour or otherwise, the judge's role remains the same: to espouse the traits of Hashem and uphold the truth of Torah law.

### **Foundations of Society**

Following this theme, Rav Hirsch (d.1888) dwells on an important sequence of verses that sum up the laws of Parshat Mishpatim. In verse 22:20, the Torah exhorts against oppressing a convert, reminding us that we ourselves were strangers in Egypt and are expected to empathise with others in similar situations. This same prohibition, in very similar words, is repeated a few verses later in 23:9. Bookended between these two verses is a series of laws that Rav Hirsch calls laws of 'loving kindness', embodying the principle of 'complete equality before the law'.

Immediately following this series, though, are brief outlines of some laws that appear to bear no connection to the rest of the parshah, such as *shemittah*, Shabbat and the Festivals. According to Rav Hirsch, this is by no means a digression. After detailing the laws that promote the notion of equality and mutual care for others, the Torah resumes its train of thought, so-to-speak, repeating the key law in this series – not to oppress a foreigner – before explaining how we can internalise these values. The laws of *shemittah*, Shabbat and the Festivals, aside from their own specific lessons, teach the one common message that all people are, in truth, foreign dwellers on and within Hashem's earth, expressed in a sense of time as well as space. Contemplating the ideas behind these laws, then, will encourage us not to exaggerate the importance of material property. They lie at the heart of all laws that aim to inspire a social contract based on kindness and equality.

This, then is the crux of Parshat Mishpatim. The system of common law is crucial for any civilised society, but the emerging Jewish people are taught to see them as the essence of religious thought as well. For it is these laws that underscore the values that make a person not only truly human but, at the same time, a vehicle for the Divine.

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IN A MATERIAL WORLD