

TIMELESS∞TORAH

PARSHAT MISHPATIM - The Legacy of Personal Responsibility

Law and Morality

After several *parshiyot* recounting the story of the Jewish people until Matan Torah, Parshat Mishpatim is the first parshah that deals primarily with the actual laws of the Torah. Rather than focusing primarily on moral laws, as does Parshat Kedoshim, this parshah is more of a civil code, outlining the various monetary and interpersonal laws that every society needs in order to function. It would be tempting, therefore, to view these laws as inherently less spiritual. But the placement of this parsha following the Ten Commandments (Aseret HaDibrot) is crucial to understanding that the civil laws of the Torah do in fact have religious significance. The Torah is a way of life that guides and informs every decision we make and our civil code is a part of that because it uplifts us morally and spiritually.

The Abarbanel (d. 1508) takes this idea even further. The Aseret HaDibrot were short utterances and the laws of Parshat Mishpatim are meant to expound on them. This, he argues, is reflected in the very first law of Parshat Mishpatim, the law of *eved ivri*, a Jewish person who was sold as a servant to another Jew on account of his destitution. The Torah emphasises that a Jewish servant is never placed in a lifetime bondage but must be released after six years. According to the Abarbanel, this is an extension of 'Lo tirtzach — You shall not murder', because depriving someone of his freedom is like taking away his life. Other ancient nations also understood that murder was inherently wrong, but the laws of *eved ivri* helped us develop an attitude to the evils of murder in every sense.

The laws of lending money offer another example of this. Although the mitzvah to lend money is phrased by the Torah in the conditional — '**If** you will lend' (*Shemot* 22:24) — Rashi explains that it is actually a command: we **must** lend money to a person in need. Moreover, we are instructed to lend without interest and to prioritise our lending to impoverished people rather than to the wealthy, despite such a loan being, by nature, unsecure. In fact, we are even prohibited from pressuring someone to repay if he is unable to do so and we are limited in what we may take as a pledge for the loan. It would appear, then, that the mitzvah of lending money should be classified as a *chessed*, a kindness. Yet, this mitzvah is considered a *mishpat*, a law, and questions concerning it are addressed to the *beit din* and deliberated by the *dayanim*. For other nations, perhaps, this would be considered charity, but for us, it is the law of moral living.

Rabbi Yosef Tzvi Salant (d.1981) understands this to be the interpretation of an unusual verse in Parshat Beshalach. Before the Torah was given, the Jewish people encamped at Marah, where they were told about certain laws, described by the Torah as '*chok u'mishpat* — statutes and judgments' (15:25). Generally, a *chok* is a law that has no logical explanation whereas a *mishpat* is a law that can be understood easily. In our parsha, however, the laws seem to be encapsulated within the single term '*mishpatim*'. Rabbi Salant explains that before the Torah was given, our unique attitude to the civil law was seen as a *chok*, unable to be understood and unparalleled by other societies.



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After the Revelation at Har Sinai, however, we were able to understand how we are to live our lives as a moral people. As a consequence, these laws can now all rightly be called *mishpatim*.

Responsible Living

A defining feature of this parshah is the significant number of verses that are taken by our Sages to mean something different from their apparent literal meaning. One well-known example is the verse that describes the punishment for causing physical harm to another person: the assailant must give 'an eye for an eye, a tooth for a tooth' (21:24). Clearly, the correct way of interpreting this verse is that the value of the injury must be assessed and compensated for. In fact, this verse was the basis of a lengthy historical debate, quoted by Ibn Ezra (d. 1167), between Rav Saadiah Gaon (d. 942) and a Karaite scholar known as Ben Zuta, in which Rav Saadiah proved that the verse cannot be taken literally. Why, then, is it written in this way?

The Ibn Ezra explains that if the Torah would merely instruct an assessment to be made of the damage, the seriousness of the offense would not be conveyed. Instead, by phrasing this law so dramatically, the Torah is teaching us to develop a sensitivity to the significance of causing bodily harm. When the attacker compensates their victim for blinding them, they must feel as if their own eye is being removed.

As another example of this principle, if an ox gores a person to death, the ox is killed and the value of the victim must be evaluated

and paid to their inheritors. The verse, however, says that 'the owner of the ox is put to death' (21:29). While the very next verse makes it clear that this is not meant to be taken literally, the Torah is conveying that monetary compensation alone does not reflect the damage that was caused. A moral nation must internalise the consequences of their actions and learn to take full responsibility for negligence.

With these lessons in mind, we can gain an understanding of a cryptic series of verses at the end of the parshah. The Torah informs the Jewish people that their sins will lead to the eventual removal of Hashem's Presence from among them. Instead, they will be led by an agent, identified by the commentators as either an angel (Ramban) or Yehoshua himself (Chizkuni) who would bring them into the Land of Canaan (23:20). The message here is that the aspiration for a morally perfect existence described in Parshat Mishpatim does not depend on the lofty spirituality experienced in the Wilderness. Even when the Jewish people would enter a more mundane existence, devoid of the open miracles to which they had become accustomed, they would always need to accept personal responsibility for the way in which they would lead their lives. Our parsha indeed sets a high bar for moral living, but it is these principles which serve to this very day as a constant guide for our everyday interactions with others.

Next Week: Parshat Terumah - A Giving Home, A Giving Life