

DVAR TORAH – MISHPATIM/ SHABBAT SHEKALIM

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The Torah is a remarkable document that serves many roles. It gives us knowledge of God, the story of creation, history, genealogy, and tales of people interacting with God and with each other. The Torah is also a legal and ethical text of the first order.

Today I will be addressing some of what the Torah teaches about justice, equality and the rule of law. This week's Torah portion is Mishpatim, translated as "laws". This year it is combined with the special reading of Parshat Shekalim, but just a little more on that in a few minutes.

To set the stage let us recap where we are in the biblical narrative from the big events recounted in last week's portion, Yitro. The entirety of the Jewish people — customarily thought to be past, present and future — experiences the Revelation at Sinai. God gives us the Aseret HaDibrot (Ten Commandments), which set forth for the Hebrews certain basic rules for their new existence, following freedom from slavery in Egypt, and also represent an eternal covenant between God and the Jewish people. We also learn that Yitro, Moshe's father-in-law, teaches Moshe that it is essential to delegate the function of judging — of helping people peacefully resolve real-world disputes within the framework of the applicable rules — to many community leaders since no one person, not even Moshe, can bear this burden alone. Moshe was charged by Yitro with finding God-fearing men who are honest and incorruptible to administer the law and judge the people, except for the hardest cases which were brought to Moshe. (Shemot, Yitro 18:19-26).

In fact the Torah portions of Yitro and of Mishpatim are integrally connected. The last few passages of Yitro, combined with Mishpatim are a portion of the Torah that is also known as Sefer HaBrit, or Book of the Covenant, a term that we shall see again shortly. Yitro segues into Mishpatim seamlessly. Mishpatim begins with the Hebrew letter Vav representing the word "And", serving to connect the two portions:

Va'eleh hamishpatim asher tasim lifneyhem
And these are the laws I put forth before you.
(Shemot, Mishpatim 21:1)

Reading through the Torah portion seems like a flashback to law school. There are laws concerning slavery, personal injury, breach of peace, murder, public nuisance, trespass, contracts, marriage, and lending money, among others. There are also laws about God, Shabbat, holidays and certain moral offenses. While one can address any one of these topics at great length I am going to focus today on some broader themes that clearly emanate from the text.

Themes that clearly emerge from the Torah are principles of equality, honesty, respecting rights of the minority, respecting the stranger among you, and acceptance of the laws by those who have to follow them. This is all the more remarkable considering that we are talking about a period of time over four thousand years ago when paganism and barbarism were commonplace throughout the world.

Lo tisah shmey shva

Do not make a false report
(Shemot, Mishpatim 23:1)

V's'chad lo tikach

Do not accept a bribe
(Shemot, Mishpatim 23:8)

I guess that we are supposed to be fair. Justice should be for all, not just for the privileged or powerful.

Lo teechyeh acherei rabim l'ra'ot v'lo ta'aneh al rav leentot acharei rabim l-hatot

Do not follow after the majority to do evil or follow the masses to pervert justice.
(Shemot, Mishpatim 23:2)

Lo ta-te mishpat ev'yonayich b'reebo

Do not deprive the poor of justice in their cause
(Shemot, Mishpatim 23:6)

The majority is not supposed to be able to deprive the minority of justice or to oppress the poor. The rule of law is to govern over the passions of the moment. Remarkable! Here we are, thousands of years before the Crusades, before the Age of Enlightenment, before colonization of the New World and notions of popular sovereignty resulting in the toppling of European monarchies through our Revolutionary War, the French Revolution, and other relatively recent events in the history of the civilized world.

V'Ger lo teelchatz

Do not oppress the stranger
(Shemot, Mishpatim 23:9)

Taking the rule about not oppressing the minority even one step further the Torah bars oppressing the stranger, the one who is not part of the community but who may interact with you in commerce or otherwise. In other words, the Torah sets forth universal values that are essential to a just society. Having accepted these principles it is incumbent on us to set the example and spread the word.

We know from reading Yitro last week that the Jewish people are to be a “kingdom of priests and a holy people.” (Shemot, Yitro 19:6). As Jews we have a mission to bring understanding of the one true God to the world. An important component of spreading God’s word is to order our own society in a way that spreads justice and the rule of law. The laws set forth in Sefer Habrit, the Book of the Covenant, consisting of the last few passages in Yitro and in Mishpatim, and their real world implementation, represent just such an example.

Of course, and just to be clear, these laws are intended to be applicable to the society organized by the Hebrews following the Exodus from Egypt. However, they clearly embody universal values set forth in the Torah that are intended to apply to all mankind. This is eminently clear when one compares these underlying principles with the Noachide laws, the Seven Laws for the Children of Noah that that Rabbis have gleaned from Parshat Noach, namely: (1) establish courts of justice; (2) do not curse God; (3) do not engage in idolatry; (4) do not commit in-

cest or adultery; (5) do not commit murder; (6) do not steal; and, (7) do not eat flesh cut from a living animal.

Let us go back to Sefer Habrit, the Book of the Covenant. How did the laws set forth in the Torah become binding? The Torah tells us that they became applicable because the people freely accepted them. This was not the ratification of the United States Constitution in 1787. It was the acceptance of the law following the Revelation at Sinai, over four thousand years ago.

Va'ya'an kol ha-am kol echad va'yomru kol ha'dvarim asher dee'ber YHVH na-aseh

And the whole nation spoke in one voice and said all of these things spoken by God we will do

(Shemot, Mishpatim 24:3)

Va'yekach Sefer HaBrit Va'Yikra b'azney ha'am va'yomru kol asher deeber YHVH na'aseh v'nishma

And he [Moshe] took the Book of the Covenant and read it in the hearing of the nation, and they said that everything God said we will do and we will obey

(Shemot, Mishpatim 24:7)

The laws were read to and belonged to everyone. Common interpretation of these verses is that these laws became binding on the Hebrews not because they were imposed on them but because the people freely accepted them in a covenant with God. Thus, we have an early example of the idea of popular sovereignty several millennia ago.

The notion of covenants, or agreements, with God is central to Judaism and central to Jewish understanding and interpretation of the Torah. While we are always in awe of God and continue to struggle to fully understand the nature of God as best as we can as human beings, since clearly aspects of an understanding of God transcend our abilities, we still argue with God and come to agreements with God. There are well known examples of this with Noach, Avraham and Moshe. There are also three important covenants with God described in the Torah.

First is the covenant with Noach that applies to all mankind, and for that matter all living creatures of any sort. God agrees that there will never be another great flood that destroys the world, symbolized by the rainbow. (Breishit, Noach 9:8-17).

Next is the covenant with Avraham. God promises to make Avraham the father of a multitude of nations and to provide to Avraham and his descendants the land of Canaan. (Breishit, Lech Lecha 17:1-12). This covenant is symbolized to this day by all Jewish men beginning on their 8th day of life.

Finally there is the covenant with Moshe. This is represented by the entire experience of the Revelation at Sinai. In exchange for accepting the laws of Sefer HaBrit, the Book of the Covenant, the Hebrews are promised that they will be aided by God and rewarded with what is the land of Israel. (Shemot, Mishpatim 23:20-33). The end result of our bargain with God is that we have the Torah, and the burden and obligation to bring knowledge of God and the universal values of the Torah to the world.

Thus, one of the messages at the core of this week's Torah portion is the need for civilized society to have just laws that are applied equally and fairly. Not to lose sight of the fact that

this week is also Shabbat Shekalim let me also offer some very brief thoughts as to how this further illustrates the principle of equality.

The Torah tells us that to support the Ohel (the mobile Sanctuary in the desert where the Ark was maintained) every adult 20 years old or greater was to pay one-half Shekel. This basic obligation — *one-half* Shekel — is equal for everyone, rich or poor. (Shemot, Ki Thissa 30:1-16). The sum is not so large that anyone is excluded or unduly burdened and reflects the important principle that in the eyes of God everyone is equal. In fact, the rich are not allowed to give more nor the poor permitted to give less. (Shemot, Ki Thissa 30:15).

The values of equality, justice and the rule of law that are addressed in this week's Torah portion are important principles that have proven essential to the civilized world and to the continued improvement of society. We need to recognize as Jews that it is part of our bargain in our covenant with God to do our best to bring these values to the world at large through our words and our deeds. By doing so we bring ourselves and the rest of the world closer to God. Shabbat Shalom!