

מִשְׁפָּטִים 18 Mishpatim

Overview

The sequence of events covered in *parashat Mishpatim* appears quite confusing. In *parashat Yitro*, the Torah recounted all the preparations for the Giving of the Torah up to halfway through the 4th of Sivan, omitted the events of the rest of the fourth and fifth days and continued with the account of the Giving of the Torah on the sixth day of the month. Then, without even mentioning that God told Moses to ascend Mount Sinai again after the Giving of the Torah to learn the details of the law, the Torah proceeds to articulate these details in the beginning of *parashat Mishpatim*. After giving these laws and recording God's promise to protect and assist the people in their conquest of the Canaanite nations,¹ *parashat Mishpatim* backtracks to the buildup to the Giving of the Torah. It describes the preparations of the fourth day and the fifth day of Sivan (which were mysteriously omitted in *parashat Yitro*), briefly recapitulates the Giving of the Torah, and describes Moses' ascent afterward to learn the details of the law (which also was mysteriously omitted from either the end of *parashat Yitro* or the beginning of *parashat Mishpatim*). This puzzling and ambiguous sequence demands an explanation, for the Torah only deviates from the chronological description of events when there is good reason to do so.

In rearranging the narrative, the Torah accentuates the dual effect of the revelation at Sinai. As we have mentioned,³ the Torah is God's guide to living, but it is also much more than that. As alluded to in the opening word of the Ten Commandments,² God declares that "I have written and bestowed My very soul in the Torah"; He implanted His *essence* within us when He gave us the Torah. Thus, giving the Torah established a double connection between God and the Jewish people: a *contractual agreement* based on commandments, compliance, reward, and punishment, and a *covenantal bond* transcending the parameters of behavior and forging an inviolable, eternal bond between God and His people. The contractual agreement was expressed through God's commandments and our acceptance of them; the covenantal bond was expressed through the rituals and rites surrounding the revelation.

To help us recognize this distinction, the Torah describes these two types of relationship separately. The account of the Giving of the Torah in *parashat Yitro* opens with a

1. Nachmanides understands this narrative with its warning concerning idolatry to be the culmination of the earlier laws. 2. See on Exodus 20:2. 3. Overview to *parashat Bereishit*; above, on 20:2.

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general prelude, on the second day of Sivan, encompassing both of these aspects,⁴ and then deals exclusively with the contractual agreement. In discussing the preparations for the revelation, it focuses on the *directives* that God gave the people to ready themselves for it, and its description of the revelation comprises solely the *instructions* God gave the people—the Ten Commandments and the commandments that constitute their direct follow-through.⁵ Following the revelation, the Torah continues with the commandments principally governing civil law, in order to demonstrate how God’s law is to permeate and determine even the seemingly logical conventions of a just society. This continuation forms the first and greater part of *parashat Mishpatim*.⁶

From that point on, *parashat Mishpatim* returns to the preparations for the Giving of the Torah, this time focusing on the covenantal bond between God and the Israelites, through which the nation was granted its unique identity as God’s holy people. It describes the people’s preparations to enter into the *covenant*: how they accepted the Torah unconditionally by proclaiming “we will do and we will learn”; how Moses wrote down the “Book of the *Covenant*”; how God had them build an altar, offer sacrifices, and had Moses sprinkle them with “the blood of the *covenant*.” Tellingly, this *parashah* places great emphasis on *ascending* the mountain,⁷ for the focus here is the covenant, through which the Jewish people rose spiritually and connected to God. This conspicuous emphasis on ascent also reflects the second element of the bond between God and the people on the cosmic level, the empowerment of the world to draw nearer to God.

The narrative of Moses’ ascent after the revelation is likewise split into two separate accounts. This is because when God summoned Moses to ascend Mount Sinai again after the revelation and remain there for forty days and nights to receive the rest of the Torah, it was in order to present him with *both* of these aspects of the Torah in more concrete form. On the one hand, God taught him the numerous detailed laws of the beginning of *parashat Mishpatim*—the commandments, which constitute the *contractual* side of the relationship. On the other hand, He gave him the two tablets, which serve as enduring testimony to the *covenantal* side of the relationship between God and the Jewish people. (This is seen in the terms the Torah uses to refer to the tablets: “the Tablets of Testimony”⁸ and “the tablets of the covenant.”⁹) The first element—the laws in the beginning of *parashat Mishpatim*—follows the first account of the revelation in *parashat Yitro*; the second element—which begins with God summoning Moses to “come up...and I will give you the tablets of stone”¹⁰—follows the second account, at the very end of *parashat Mishpatim*.

The sequence in this narrative can now be understood: first the Torah describes the contractual aspect of the Giving of the Torah in its entirety—by relating all those parts of the event, from the preparatory instructions, to the Ten Commandments, the commandments of the altar, and the commandments of *parashat Mishpatim*, which God taught Moses on the mountain. After its exhaustive portrayal of this side of the coin, the Torah sets out to convey the covenantal aspect of the Giving of the Torah by describing those details of the event, from start to finish.

Immediately thereafter, the Torah proceeds to the design for the Tabernacle—although its mandate, Rashi notes,¹¹ came much later—after the sin of the Golden Calf and Yom

4. See on Exodus 19:5. 5. The verse that introduces these commandments (20:19) reads: “You have seen that I spoke with you from heaven, [therefore] you shall not make [a representation of anything that is] with Me.” 6. I.e., until the end of chapter 23. 7. 24:1, 9, 12, 13, 15, 18. 8. Exodus 31:18; 32:15; 34:29. 9. Deuteronomy 9:9, 11, 15. 10. Exodus 24:12. 11. Exodus 31:18; 33:11.

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Kippur—for the bond of the covenant culminated in the construction of the Tabernacle, by means of which¹² God dwelled in the midst of the Jewish people. Hence, the tablets of the covenant were kept in the innermost sanctum of the Tabernacle.

As for the name *Mishpatim*, this word is one of the Torah's synonyms for "laws," and refers specifically to those laws whose logic we readily understand—laws that any civilized society would conceive of and institute on its own. Indeed, most of the laws given in the beginning of this *parashah* fall into this category. But how does this name apply to the second half of the *parashah* if, as we have just said, it is devoted to the covenantal, supra-rational aspect of our relationship with God?

The Torah's message here is actually quite lofty. The *mishpatim* were taught right after the Giving of the Torah in order to emphasize that "just as the [Ten] earlier [Commandments] are from Sinai, so, too, are these from Sinai."¹³ As has been pointed out,¹⁴ the Ten Commandments comprised both sublime principles of faith and *mishpatim* in order to teach us that we must fulfill the *mishpatim* because they are transcendent Divine laws ("from Sinai")—not only because they make sense. The apparently prosaic *mishpatim* are not merely the means to ensure society's survival; they are meant to be ways to connect to God. To abide by them simply because they are sensible is to fail to recognize their infinite value as part of the Divine vision. Thus, our challenge is to fulfill the rational *mishpatim*—and indeed, even those commandments for which the Torah itself gives a reason—with the same unquestioning acceptance and self-abnegation with which we fulfill those commandments whose explanation is entirely elusive.

Precisely because the Torah's rational laws are also part of our supra-rational connection to God, the Torah prohibits¹⁵ Jews to bring legal cases before a non-Jewish court, even cases that non-Jewish courts judge the same way the Torah does. For while their laws are founded exclusively on reason, Jewish law encompasses transcendent reality, as well.¹⁶

On the other hand, were we to perform God's will *solely* out of unquestioning acceptance, transcendent Divinity would not penetrate into our personalities and would not change us in any intrinsic way. Our religiosity would be imposed from without rather than driven from within. By understanding God's will, we attune our intellect as well as our behavior to Divine truth; Divine truth becomes the interface through which we engage the world. The Torah's ideals become our ideals, affecting every fiber of our being.

Nonetheless, despite our intellect's ability to enable Divine consciousness to permeate us and thereby remake us, it remains limited. Since God is infinite, there will always be aspects of Divinity that are simply beyond the reach of human intellect. It would therefore seem that there is no way that these aspects can be integrated into our normative consciousness.

Herein, however, lies the lesson of how the name of this *parashah*, *Mishpatim*, applies even to its second half. If our solid foundation of transcendent faith permeates even our rational relationship with God (*parashat Yitro*), and, based on that foundation, we then endeavor to comprehend our rational relationship with God to the limits of human intellect (the first half of *parashat Mishpatim*), the Torah promises us that even transcendent Divinity will permeate our being, enabling us to think, feel, and relate to the world as emissaries of Divine consciousness on earth.¹⁷

12. Exodus 25:8. 13. *Mechilta; Shemot Rabbah* 30:3. 14. Above, on 20:12. 15. Below, 21:1. 16. *Likutei Sichot*, vol. 8, p. 131, note 50. This is the inner, spiritual reason for this law; the contextual reason is given in 21:1, below. 17. *Likutei Sichot*, vol. 26, pp. 153-159, vol. 16, pp. 242-249.