

THE PERFECT BLEND

by Rabbi Dovid Green

In Parshas Mishpatim there are many laws. The vast majority are civil laws. Among them, however, are laws which reflect the depth of sensitivity of The Creator.

"When a man will steal a bull or a lamb, and sell it or slaughter it, he shall restore five bulls for the bull (he stole), and four sheep in place of the lamb." (Exodus 21:37)

What is the difference between a bull and a lamb that there is a lesser fine for the theft of a lamb? "Rabbi Yochanan Ben Zakkai said 'The Torah took pity on people's honor. A bull walks along with the thief, and he doesn't have to degrade himself by carrying it on his back, so he pays a fine of five bulls. The lamb needed to be carried, so the thief pays (a fine of) four lambs, since he suffered the embarrassment of carrying it on his back through the street.'" (Rashi quoting Tractate Bava Kama 79)

The Yalkut Lekach Tov quotes Rabbi Elya Lopian in his work "Lev Eliyahu." This law is contrary to the reasoning we would likely have used. We would like to deter the thief from further stealing, so we would have said he should pay at least five lambs, just as he pays five bulls for the bull.

Even the thief himself most likely doesn't feel the embarrassment. He is the one who chose to carry the animal on his back, and the statement he thus makes is that he doesn't care. He is obviously low and coarse. Why then is the Torah so concerned for his honor that even the thief himself is not concerned about?

Rabbi Lopian explains that although it is barely recognizable on this thief, the Creator accounts for the whole person - the physical entity of the thief together with the G-dliness within him. Deep inside where perhaps even the thief himself does not perceive, there is a disgust and a feeling of degradation resulting from having to carry the stolen lamb through the street. G-d recognizes this and accounts for it in the punishment which the thief receives. This is a sensitivity which we would not have applied according to our conceptions of meting out justice.

On one level it seems disappointing that the Torah would mete out kindness to this thief, but that is the difference between G-d's laws and manmade laws. As Rabbi Yeruchem Levovitz quoted by Yalkut Lekach Tov writes.

Is it really correct to call the judgement given to this thief "judgement"? It's built on kindness and mercy. Yet from Psalms 19:10 we are shown a level of G-d's approach in running the world. "...The judgements of G-d are true, they blend charity with righteousness. G-d's judgements even take into

consideration the embarrassment of the thief in stealing the lamb and carrying it on his shoulders, and that is what the verse refers to as "truth." Real truth is taking full consideration of the person on all levels before meting out justice to him.

The word for "judgement" in the Torah is "Mishpat." It is generally defined as a law we would have established ourselves had the Torah not given it. These laws stand in counter distinction to the word "chok," loosely translated as statute, which is defined as a law for which G-d did not share with us His reasoning. Nevertheless, even a "mishpat" is G-d's reasoning, and contains within it a depth which transcends our legislative reasoning. G-d is even able to quantify the value of embarrassment incurred in a sin for which the sinner should not be punished.

"The judgements of G-d are true - true in the fullest sense of the word.

Good Shabbos!

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