

RELIGIOUS COERCION

by Rabbi Yitzchok Adlerstein

Moshe came and related to the nation all the words of Hashem, and all the mishpatim. The entire nations responded, "All the words that Hashem spoke, we will do."

Meshech Chochmah: Are *mishpatim*, the laws of civil conduct, not included in the "words of Hashem" that Moshe received from Hashem, and now conveyed to the people? Why are *mishpatim* singled out for special treatment?

Not all mitzvos require "acceptance" in the sense of agreeing to do what we ordinarily would not. It is much easier to make the human case for observance of some mitzvos than others. We can appreciate the distinction by looking at the laws incumbent upon non-Jews – the seven Noachide laws. One of those is called *dinim*, identified^[2] with a large number of laws of civil conduct that Man's rational sense tells him are essential to a stable society. Laws about commerce, labor, contracts, etc. are part of the backbone of an orderly collection of human beings. Rational people understand that they are indispensable; people generally do not see enforcement of these laws – what in our *parshah* the Torah calls *mishpatim* – as encroaching on their civil liberties and individual rights. Non-Jews are expected to enforce these laws – but nothing more. While they might agree on the morality of some actions and the immorality of others, this does not give them the moral right to enforce this thinking on those reluctant to join with them. Such moral compunctions should remain within the province of individual free choice. Moral arguments beyond those which all agree upon should not be foisted upon the unwilling, even by a majority. No person has the right to dictate morality to another beyond that which G-d Himself demands.

Halachah pertaining to Klal Yisrael, however, does not accept this thinking, even though it is fundamentally sound. The nature of the interconnectedness of all Jews creates a strong argument for enforcement of all laws of the Torah, beyond the *dinim* that all agree upon. "All Jews are guarantors of each other,"^[3] Chazal tell us. This means that any Jew's misconduct impacts upon the quality of life of every other Jew. The intuitive laws included under the rubric of *dinim* include the understanding that no person has the right to damage another, or his property. Because of the special relationship of Hashem with the Jewish people, the violation of any precept of the Torah is the equivalent of breaking a neighbor's window. The transgression of any one Jew damages the spiritual well-being of all other Jews. What otherwise would be part of the personal domain of choice of every person now becomes an item of collective interest and concern.

In the *pesukim* that follow, the Torah's description of the Bnei Yisrael's acceptance of mitzvos changes subtly. At first, they say, "*All the words that Hashem spoke, we will do.*" There is no mention of *mishpatim*, of the laws whose necessity is universally recognized, and that were explicitly mentioned in the preceding phrase. A few *pesukim* later,^[4] however, they attach the famous words "*naaseh v'nishma*" to "all that Hashem spoke" – without further references to "words" or to "*mishpatim*."

Here is what happened. In our *pasuk*, the Bnei Yisrael hear both the "words" of Hashem and the *mishpatim*. They react to the former, which mean the mitzvos that we obey only because we heard them from Him, but not because we understand their importance even without being commanded. They react by accepting them in particular; the *mishpatim*, they believe, don't require any special acceptance. They are part of the civilized human condition. The "words" of Hashem, however, they eagerly accept. That is, each man and woman accepted them as their personal, individual obligation. They did not see themselves meddling in the spiritual choices and affairs of others.

Before we get to the other verse that speaks of the Bnei Yisrael accepting Hashem's orders, the people are readied and prepared for a covenant. Moshe will formally inaugurate the *bris* by soon sprinkling them with the blood of offerings.^[5] But first, presumably, they learn about the implications of that *bris*.

They learn that the relationship between G-d and His people is such that our fates and destinies are all interdependent. They understand that His providential management of the affairs of the nation depends on the spiritual level of the nation as a whole, not on the righteousness of individuals alone. Any one person's transgression, therefore, impacts upon every other person's life. In other words, all the other mitzvos of the Torah have now become similar to *mishpatim*. Just as the latter are a communal responsibility because violations of laws of theft, bailments, torts, etc. directly threaten the well-being of others, so are all other commandments. The community as a whole becomes a stakeholder in the religious observance of every Jew.

Thus, when they react to the new *bris*, they announce that they are accepting all the words of Hashem –equally, and without differentiating between them. Moreover, the acceptance has now moved from the arena of personal conscience to the protection of the entire nation.

Torah – The Prequel^[6]

I will give you the stone tablets and the Torah and mitzvos that I have written, for their generations.

Meshech Chochmah: Rashbam understands the words "I have written" as applying specifically to the tablets with which Moshe would be presented at the conclusion of his forty days on the mountain. We can appreciate the reason: he finds it difficult to speak of mitzvos that were not yet given as already written.

There is room for other solutions to the problem. Chazal tell us^[7] that had we not received the

Torah, it would have been possible to discern in the animal kingdom the basis for several of the Torah's requirements. We could have taken instruction in modesty from the cat, and learned to eschew theft from the ant. This suggests that what Hashem may have meant is that the mitzvos were already written – albeit not in the book we call the Torah. They were inscribed in antiquity in the Book of Nature that He authored.

Alternatively, Reish Lakish^[8] parses our *pasuk* and finds in it references to the Ten Commandments, Chumash, Mishnah, Nach, and gemara. This can only mean that Hashem has inscribed the Torah and its many parts upon the *neshamos* of Jews. Each person can find connections to his personal portion of the Torah already waiting inside his heart.

The gemara links the words "I wrote" to the books of *Nevi'im* and *Kesuvim*. Elsewhere^[9] the gemara relates that those works were necessitated only because of the transgressions of the Jewish people. Were it not for the transgressions of the people with the passage of time, our Scripture would much leaner, since these works would not have come into being.

Speaking of *Nach* in particular, then, has its own difficulties, because writing or fixing them anywhere would essentially strip the people of the choice not to sin! The prophetic admonitions in those books make sense only after sin and failure. Were those books to make it to the public domain, free-choice would have been erased.

There is one place, however, where knowledge of what a person will choose does not restrict the choices as they are being made. As the Rambam^[10] explains, Hashem's knowledge is unlike anything we call knowledge. We learn by absorbing information that comes to us externally. He doesn't. All knowledge is contained within Him; all that can be known is part of his Essence. Because His knowledge is so different, it does not restrict our freedom to choose.

For this reason our *pasuk* underscores "that I have written," rather than the more generic "that have been written." Writing Nach in any other format would have eliminated the *bechirah* of the Jewish people. What Hashem has written for Himself, however, leaves room for human free choice.

^[1] Based on Meshech Chochmah, Shemos 24:3

^[2] Following Ramban. Rambam takes a different, but related in regard to our topic, approach

^[3] Shavuos 39A

^[4] Shemos 23:8

^[5] Shemos 24:8

^[6] Based on Meshech Chochmah, Shemos 24:12

^[7] Eruvin 100B

^[8] Berachos 5A

[\[9\]](#) Nedarim 22B

[\[10\]](#) Hilchos Teshuvah 5:5
