

PARSHAS MISHPATIM PART I

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Sfas Emes, Zechuso Tagein Aleinu, Mishpatim, 5631 (I)

The Sfas Emes starts with a very brief allusion to the Parsha's first Rashi. Echoing Chazal in Medrash Rabba, Rashi tells us that when the Torah begins a paragraph with the word "Ve'eileh" ("And these ..."), the Torah is saying, in effect, "Continuing with what I was saying earlier ..."

This perspective on the text raises some questions. First, how can we view Parshas Mishpatim, with its presentation of apparently mundane statutes -- as the continuation of the previous Parsha, Yisro -- with its narrative of our encounter with HaShem at Sinai? Another question: why do Rashi and Chazal consider a tight link between these two parshios so important that they immediately draw our attention to it?

The Sfas Emes also repeats a question of his grandfather, the Chiddushei HaRim.. Rashi (on Shemos 21:1) says that HaShem told Moshe to include in his teaching Torah to Bnei Yisroel an explanation of the reasons for the mitzvos. On this statement, the Chiddushei HaRim asked: Why did HaShem tell Moshe to include an explanation of the reasons for the mitzvos particularly in the context of the mishpatim, the statutes?

As you just saw, the word "mishpatim" is usually translated as "statutes." This word denotes laws that apply to people's social or economic activities -- in apparent contrast with "religious" activities (i.e., behavior connected to our relationship with HaShem). Further, mishpatim are laws that are eminently rational. That is, these are laws which, if not set forth in the Torah, would in any event, have been devised by rational human beings.

As you see, mishpatim are in sharp contrast to "chukim" (decrees). The prototype of a chok is the law of pahra aduma (the ritual of purification using the ashes of the red heifer). Chukim are laws which -- a person might think -- differ from mishpatim in two ways. First, in apparent contrast to mishpatim, chukim seem to apply only to "religious" activity. -- not to laws that govern our social and economic activities. (I say "in apparent contrast" because in reality, observing the Torah's laws that adjudicate our social and economic behavior is also a religious act.) Further, chukim are laws whose meaning and content are difficult -- perhaps impossible -- to understand. Chukim are so distant from human rationality that we would never have devised them on our own.

Let us see how the Sfas Emes addresses these questions.

First, why "Ve'eileh"? That is, why does the Torah emphasize the continuity of this parsha with the previous one? The Sfas Emes explains that recognizing the continuity of Mishpatim with Yisro is crucial. Why? To emphasize the fact that, just as the Aseres Hadibros (the Ten Commandments) come to us by Divine revelation at Sinai, so, too, all the statutes come to us by divine revelation at Sinai. Accordingly, the validity and the binding nature of the mishpatim are not based on our rationality, but rather on our bris (covenant) with HaShem at Sinai.

The Sfas Emes continues his analysis. The fact that (some) of the Torah's statutes appear to (some of) us as rational is also only because HaShem wants it that way. That is, we can generally perceive seichel (rationality) in the Torah's statutes. But we should be aware that the intelligence that enables us to see that rationality is not an inherent feature of human nature. Similarly, the rationality present in the Torah's statutes is not an intrinsic quality of those laws. Both our seichel and the seichel present in the mishpatim are there only because that is retzon HaShem, HaShem's will.

An analogy may help clarify these ideas. The analogy focuses on the laws of nature that HaShem incorporated into the world when He created it. HaShem could have created a world that functioned purely on random happenings. Instead, He fashioned a cosmos that operates with empirical regularities (the "laws of nature"). Life in a world of random happenings would be very disconcerting and unpleasant. So we can thank HaShem for having made the world the way He did. HaShem accorded us an additional kindness when He formulated the empirical regularities in a manner that can often be expressed in the language of mathematics. Finally, note that HaShem endowed human beings with the seichel needed to discern the "laws of nature."

We see the parallel with the mishpatim. HaShem created us with intelligence needed to perceive the logic behind many of the statutes. The Sfas Emes is telling us not take for granted the form with which the mishpatim are fashioned. It is only because HaShem wanted to do it that way that the statutes come to us in the sensible and intelligible form that HaShem gave them.

The Sfas Emes moves on now to another line of thought. We know about our people's willingness to accept HaShem's commandments sight unseen: the famous "Na'ah'seh Ve'nishma" (Shemos, 24:7). In our willingness to do retzon HaShem even before we know what He will ordain, Chazal (Shabbos 88a) liken us to HaShem's mal'achim (angels, emissaries). For just as we put asiya (action) before shemiya (receiving information), so too the malachim are described (Tehillim, 103:21) as "Giborei ko'ach, osei devaro, lishmo'a bekol devaro ..." (That is, Heroes, who do His word". Only later in the posuk are we told: "receiving information about what He wants us to do.")

The fact that Chazal liken us to the mal'achim, who are "osei devaro" leads the Sfas Emes to a mind-stretching non-pshat. The literal meaning of the phrase "osei devaro" is: "they who do His word." However, the Sfas Emes reads "osei devaro" as: "By means of our actions, we form the words of HaShem." That is, if we strive in our Avoda -- our asiya -- to express the words of our davening and Learning -- with our inner will and strength, we can make the letters of the Torah take on new life. In

turn, the words that we have renewed give chiyus to the people who struggle with them.

Continuing with this thought, the Sfas Emes quotes a posuk in Tehillim (147:19): "Maggid devaro leYa'akov, chukav u'mishpatav leYisrael" (ArtScroll: "He relates His word to Jacob, His statutes ... to Israel"). The Sfas Emes construes "Maggid devaro leYa'akov" as: HaShem gives Klal Yisroel the power to draw on the internal vitality of His words. Depending on a person's ratzon -- his volition -- he/she can have access to the internal vibrancy of HaShem's words. A person can constantly hear new meaning in the very same words. The new meanings, in turn, can enable a person attain that rare, desired state: constant self-renewal and growth.

I am not clear whether to take this promise as wildly encouraging or wildly discouraging. It certainly puts heavy responsibility on our ratzon (volition).

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