



# שְׁמַע קְרָלֶבֶר

Parashas Mishpatim

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## THE DERECH IS IN THE DETAILS

David Tanner ('18)

Our *parsha*, as its name suggests, discusses many *mishpatim*, or civil laws, including the laws of damaged property and other topics discussed broadly in *seder nezakin* of the Gemara. It is clear why such rules are necessary—in mitzvah *mem tes*, the *Sefer Hachinuch* says that the need for such *dinim* is very logical, for there can be no society without laws. We can also understand why being scrupulous in observing civil laws is important from the *Torah*'s perspective, deriving it from the overarching commandments to pursue justice and avoid any form of stealing.

We understand the need for the concept of civil law. But what may not be as clear is the cause for the seemingly overly important role that *dinim* and *mishpatim* have in the *Torah* and in *yahadus*. Rav Soloveitchik notes that the classical yeshiva curriculum focuses heavily on *seder nezakin*, and some of the greatest rabbinic writings, like the *ketzos* and the *nesivos*, are on *nezakin*. Even in the *Torah* we find a strong emphasis on *nezakin* - the first thing after the *aseres hadibros* is *parshas mishpatim*. The first *passuk* of *mishpatim* begins with a *vav*, “And...” which is interpreted by Rashi as emphasizing that all of the laws in the *parsha* were given at Sinai, just like the Ten Commandments. And the fact that the last *passuk* in *parshas yisro* is about the *mizbei'ach* is seen by Rashi as a reference to the *halacha* that the Sanhedrin meets near the *mikdash*, further highlighting its central importance to *yahadus*. Clearly, *mishpatim* are very important.

However, asks the Rav, why do there need to be specific guidelines given by the *Torah* for these laws? As long as we ensure that there is a fair system in place, why does it need to be divinely ordained? Why can't we just follow the laws of the United States of America or any other court system?

Rav Soloveitchik answers that *parshas mishpatim* is a prototypical example of the all-encompassing nature of *Torah*. To the Torah-keeping Jew, civil law is not only (though of course it is also) a technique of preventing anarchy and enmity; it is the will of G-d. The *Sefas Emes* goes so far as to explain the latter half of the aforementioned first *passuk* of *mishpatim*, “*Asher tasim lifneihem*,” “[the laws] that you shall place before them,” as emphasizing that these laws are to be kept not because they seem rational to us, but rather because they have been placed before us through the word of Hashem.

Taking it a step further, we can suggest that in its mission of instilling within us a sense of its all-encompassing nature, the *Torah* purposefully did not present any *chukim*, commandments whose reasons are unknown, right after the Ten Commandments, but instead listed seemingly logical laws. Ibn Ezra points out in his commentary on the Ten Commandments that with the possible exception of Shabbos, all of the *aseres hadibros* are very easily understood even from a moral viewpoint devoid of *Torah* values; indeed, many devout Christians value the Ten Commandments, which are very rational and understandable. If so, we would expect an immediate contrast in the

next *parsha* to something completely irrational and unexplainable, such as any of the *mitzvos* whose reasons are unknown to us, to show that we must always follow the Torah even when it doesn't seem rational. Instead, the Torah continues with some of the most easily understood laws! How is that an effective way of instilling a sense of acceptance of the word of Hashem, if its main focus is on laws that all societies have in one form or another?

Based on our previous understanding, we can answer clearly: it is, in fact, more powerful for the Torah to emphasize logical laws immediately after the Ten Commandments rather than *chukim*, to show that even the things we think we know rationally really stem from Hashem. It's easy to say, "I'll keep the *chukim*—I don't understand them, but they must be important." It's a lot harder to say "Even when I think I know internally what the right thing to do is, I will follow what Hashem says, not my own instincts (should they conflict with the Torah)."

Rav Soloveitchik further notes that aside from the focus on *mishpatim* in general, our *parsha* is a good illustration that Judaism cares very much about specific, seemingly mundane details as well as grand overarching themes. Every little detail of how we act has divine significance. The story is told of a non-observant Jew who asked a friend to show her what Judaism is about. The friend brought her to the shiur of a captivating Rav, hoping to inspire her towards Torah, but to the friend's dismay, rather than grand *hashkafic* discourses, the topic of the rav's shiur at that time was *hilchos hashavas aveidah*, the laws of returning a lost object. "Now she'll hear all about the technical, nitty-gritty *halachos* and think *yahadus* is just some dry, legalistic religion," worried the friend. To the friend's great surprise, the non-observant Jew loved the shiur and started attending regularly, eventually becoming *frum*. "Didn't the topic turn you off?" asked the friend in shock. "On the contrary," responded the *ba'alas*

*teshuvah*. "I was afraid I was going to hear a rabbi who would try and brainwash me into believing some religious 'mumbo-jumbo'. But when I saw the care that *yahadus* places on even the smallest of things, I realized that this was for real, that it was not just a 'creed' but rather a way of life. Only then was I able to let my guard down and learn of the beauty of Judaism."

Judaism is full of details. The lesson to be learned from the emphasis on *nezikin* is that Torah is an all-encompassing way of life that governs every second of our day as well as the larger trajectory of our lives. Rather than being a side-note or technical requirement, the details of the Torah, be they *chok* or *mishpat*, are our opportunity to show true *d'veikus bashem*. May we be *zocher* for the phrase "*ki heim chayeinu*," "for they [the Torah and *mitzvos*] are our life," to be a true description of our attachment to the *d'var hashem*, *b'm'heirah b'yameinu amein*.

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