

Parshas Mishpatim

This week's Parsha, Mishpatim lays the foundation of the first laws the Jews are given after receiving the Torah. Rashi explains that because the parsha begins with "and these" (as opposed to "these"), it is considered a continuation of that which was stated previously. This also means that if one thinks the "Mishpatim" category of logical laws is derived from a human source, they are a continuation of the ten commandments to tell you that even these 'logical' laws are divine. We do them because Hashem wills us to (and we do them in the service of Hashem).

The following Rashi on "Asher Tosim Lifneihem" (which you shall place before them) states that Hashem didn't repeat the laws two or three times until they remember it, and without providing explanations, instead it says, placed before them, like a table that is prepared before a person eats (possibly the source for the name Shulchan Aruch as the primary works on Halacha). Rashi explains that there is a written law, and the supporting Oral law is meant to be expounded upon, discussed, and learned (Rashi explains this in Eruvin 54b on the same words). Through learning, we will understand, apply, and use the laws.

The first law "placed" before them, is the law of a Hebrew servant (slave). Rashi explains what the basis for these laws is. There are times when a person is indebted (due to stealing) to the point that they cannot pay back, and the response by the

courts are to "enslave" them until they so to speak worked off their debt.

Furthermore, there are times when a person is in such dire straits, that they would sell themselves into servitude, for which, there are laws on how to treat these workers. The Torah is teaching us compassion as Ibn Ezra and Ramban comment. That is we ought not to treat our servants/slaves like were treated by the Egyptians. Moreso, if a person is enslaved to you because they stole from you, it would seem logical that you would treat them poorly, it would seem justified¹, yet the Torah tells us to treat even these people with respect and dignity, and there are laws in place.

The Torah is eternal and is evidenced by the first law stated. Hashem created people, and in doing so, Humans act as we would, whether there is Torah in place or not. This means, that logically, it makes sense, that if a person is indebted to you for the wrong reasons (i.e., they stole from you), they would be enslaved. But Hashem provides, therefore, an outline of what to do. But the eternal piece is that at the moment the Jews left Egypt, they had materially all they needed, and were going to be parceled land, which begs the question, why there would be poor people or people who steal. Hashem doesn't cut out the fact that this may happen over the long history of existence. The Torah wasn't just for the moment as the Jews stood on that day, it is for the rest of history. And the response is that the maximum legal amount of time the person could be forced to be a slave is 6

would mistreat someone else for they were wronged, for which the Torah teaches us the compassion of how to treat these subjugated people.

¹ This dovetails off what I wrote last week about why Moshe had to be the leader of the Jews, because he didn't bring any ulterior motive to the release of the Jews, whereas, as can be identified here, a person

years, on the 7th they are freed. Hashem didn't create benchmarks that could have subjective values (such as what something is worth, and how long a person should be enslaved to pay it back, rather the Torah gives a time-related punishment, which applies to all generations equally. The value of what was stolen, and cannot be repaid doesn't matter, as the material value of something is subjective, and changes over time. (Even in our modern law, for example, to make something criminal, it needs to be a loss on a scaling basis. That means if it is a loss of between 0-\$5000, it carries one type of prosecution and punishment and if it is over \$10,000 it is a different category. And if a person committed a wrongful act, but there was no loss of any money, it may not even be pursued by police.) Any justice system with scaling valuations needs to adapt over time, based on the time value of money or loss, and the law will consider a person's subjective value. Unlike secular law, which is not eternal, the Torah is forever, and the way Hashem laid out the laws, is placed before us like a prepared table, for which we can derive the law and adapt it to the times.

Throughout the rest of the Parsha, we see other forms of compassion, most famously 23:19, "not to cook a kid in its mother's milk" which is the biblical basis for not cooking meat and milk together. The form of expression shows the compassionate side of Kashrus.

Obviously notwithstanding the attributable reasoning behind the Mitzvos, ultimately, they are here because Hashem gave them to us, as stated in this Parsha and placed them before us. As well, Hashem made it easy for us to constantly do Mitzvos because even if we don't know we are

doing mitzvos, the derivative nature of learning the Mitzvos, and how Hashem gave us the Torah gives us an infinite opportunity to serve Hashem, ultimately to make this world a residing place for Hashem to live.

Good Shabbos