



## The Pardes Parsha Discussion by Rabbi Alex Israel

### Mishpatim: Set the Table!

In last week's *parsha*, God revealed His presence from the heavens as He uttered the Ten Commandments. This week, in *Parshat Mishpatim*, we see a different side of God: "And these are the laws that you shall place before them" – a litany of detailed and complicated laws. Rashi, quoting Rabbi Akiva, imagines that the laws are placed before Israel like a smorgasbord, like a set table. He says:

"You shall set before them" – like a table set with food [*shulkan arukh!*], ready to eat.

This is an interesting metaphor but what might it mean?

The Ten Commandments say: "Do not murder" – a categorical, moral imperative. This week we hear the details.

<sup>12</sup> He who fatally strikes a man shall be put to death.

<sup>13</sup> If he did not do it by design, but it came about by an act of God, I will assign you a place to which he can flee.

...<sup>18</sup> When men quarrel, and one strikes the other with stone or fist, and he does not die but is bedridden — <sup>19</sup> if he then gets up and walks outdoors upon his staff, the assailant shall go unpunished, except that he must pay for his idleness and his cure.

<sup>20</sup> When a man strikes his slave, male or female, with a rod, and he dies there and then, he must be avenged... (21:12-20)

So here we see laws of murder, manslaughter and personal injury in painstaking detail. It is true that murder is forbidden, but what if it was accidental? What if you don't kill but instead injure somebody? What moral responsibility do you bear? All these details need to be spelled out. A society cannot live with the grand sweeping ethical headlines; we need the small print!

Similarly, the Ten Commandments issue a grand statement of “Thou shalt not steal.” *Parshat Mishpatim* does not merely outline theft in the classic sense, but all sorts of negligence and damage which will incur monetary loss: a pit is left uncovered and an animal falls in, a fire is allowed to rage and burns another man’s field, “a man gives to another an ass, an ox, a sheep or any other animal to guard, and it dies or is injured or is carried off, with no witness about”(22:9). When are we liable? Do we trust the guardian’s word or not? And is he culpable for negligence?

The Ten Commandments proscribe a “false witness,” but the legal code of *Mishpatim* widens that law by mandating absolute equality before the law:

You shall neither side with the mighty to do wrong — you shall not give perverse testimony in a dispute so as to pervert it in favor of the mighty —<sup>3</sup> nor shall you show deference to a poor man in his dispute. (23:2-3)

And this is true for each and every one of the Ten Commandments! *Parshat Mishpatim* translates the thundering moral statements into a “set table” as it lays out all the laws in a robust and detailed code.

### **So let us discuss:**

We are claiming that the Ten Commandments give broad but unspecified statements which sound a clear and powerful moral voice, but that *Mishpatim* transforms and applies those statements into a legal code, a way of living.

- What is more critical – to hear the broad moral statements, the ethical imperatives, or the legal and practical details? Or might it be important to hear both?
- Can a moral imperative exist in a real and serious way without being translated into action?
- Sometimes we become exasperated with the detailed orientation of *halakha*, with its attention to minutiae and pedantic practicality. What is the value of attention to detail in this manner? (Details are important: Imagine a tennis player who needs to work on his serve or the attention a competitive swimmer needs to perfect his or her movements. A doctor has to learn medical procedures or new medicines with precision, an entrepreneur may spend weeks on a marketing strategy. Anything important comes down to correct method and detailed protocols.)
- Sometimes the ethical or spiritual meaning behind a law (take, for example, *Shabbat*) becomes obscured or lost totally in the thick of the plethora of *halakha* (law) associated with it! If so, how would you act to amplify the spiritual and ethical thrust of the Torah?

Shabbat Shalom!