YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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STUDENT SUMMARIES OF SICHOT OF THE ROSHEI YESHIVA

**Parashat Mishpatim**

**Sicha of HarAV Mosheh Lichtenstein**

**“And These Are the Ordinances”**

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**Introduction**

The giving of the Torah appears after Yitro's advice concerning the appointment of judges, and before our *parasha*, *Parashat Mishpatim. Chazal* saw a close connection between these various themes:

"And these are the ordinances." What is written before this section? "And let them judge the people at all seasons" (*Shemot* 18:22). And it is stated here: "And these are the ordinances." And the [Ten] Commandments are between them. This may be likened to a matron who would walk with an armed guard on one side, and an armed guard on the other side, and she in the middle. So too the Torah – laws before and laws after, and it in the middle. And so it is stated: "I walk in the way of righteousness, in the midst of the paths of justice" (*Mishlei* 8:20). Does the Torah say in which path I should walk? I will walk in the path of those who perform righteousness, in the paths of justice. The Torah in the middle, and laws before and laws afterward. Before it, as it is stated: "There He made for them a statute and an ordinance" (*Shemot* 15:24). And laws afterward, as it is stated: "And these are the ordinances" (*Shemot* 21:1). (*Shemot Rabba* 30:3)

The Ten Commandments were given between two commands about executing justice: between the commandment given at Mara, "There He made for them a statute and an ordinance," and the opening of *Parashat Mishpatim*,"These are the ordinances that you shall set before them." According to the above *midrash*, this juxtaposition indicates that law and justice are extremely important to the Torah.

The importance of justice finds expression in other midrashic expositions as well:

Another explanation: "And these are the ordinances." This is what is written: "[A psalm] of Shlomo. Give the king Your judgments, O God… that he may judge Your people with righteousness" (*Tehillim* 72:1-2). Rabbi [Yehuda Ha-Nasi] said: Just as the Holy One, blessed be He, warned about the [Ten] Commandments, so He warned about justice. Why? Because the world depends on it, as it is stated: "The king by justice establishes the land" (*Mishlei* 29:4); and Zion is built with it, as it is stated: "Zion shall be redeemed with justice" (*Yeshayahu* 1:27); and the righteous are raised to dignity by it, as it is stated: "Happy are they that keep justice" (*Tehillim* 106:3)… Rabbi Natan said: Justice is becoming to God, for He keeps it and shows no favor, as it is stated: "That I am the Lord who exercises mercy, justice, and righteousness on the earth" (*Yirmeyahu* 9:23). (*Shemot Rabba* 30:15)

Justice is equivalent to the Ten Commandments. Zion is built with it, the righteous are raised to dignity through it, and God, as it were, adorns Himself with it. That is to say: Justice is very important.

**The Importance of Justice**

In what lies the great importance of justice? First of all, it enables the existence of a functioning society, as the verse states: "The king by justice establishes the land" (*Mishlei* 29:4). Execution of justice is vital to maintaining the world.

The *midrashim* that we have seen also assume that human beings cannot conduct their lives in an anarchic world, where there is no regulation or orderly system of laws. Were it not for the laws, people would worry only about themselves, harm other people's property, and even harm each other. The establishment of a legal system and the administration of justice are crucial to prevent a situation in which "one man would swallow up his fellow alive" (*Avot* 3:2).

However, *Parashat Mishpatim* does not speak of human justice, but of the "statutes of God" (*Shemot* 18:16). Indeed, the justice system must represent God's principles and follow the laws of the Torah. Still, this is only the second tier.

What do I mean by this? There are two goals in establishing a judicial system: before we reach the second level, that of Torah justice, there is a more basic layer that relates to the creation of the system itself. Before all else, society must conduct itself in accordance with laws, regardless of their content. Only when there is a functional society is it possible to discuss the nature of the laws.

The emphasis on this first level, i.e., on the very existence of a legal system, appears in the words of the *Sefer Ha-Chinukh* on our *parasha* (mitzva71, "not to curse a ruler"). He explains that while a monarchy is an extremely problematic form of government, even problematic forms of government are superior to anarchy. Before discussing the question of what might be the most appropriate and correct way of governing, the basic legal infrastructure itself must be recognized, valued, and strengthened.

This idea is emphasized elsewhere, and even has a halakhic implication. The Gemara discusses "courts in Syria," and the Ran comments:

There are those who explain that the "courts in Syria" are judges who do not know Torah law, but are appointed in those places where there are no Torah scholars. (*Chiddushei ha-Ran*, *Sanhedrin* 23a)

That is to say, they are judges "who do not know Torah law" – and yet, even though they are not versed in the laws, they “are appointed in those places." That is to say, they *should* be appointed as judges, in order to prevent a situation in which there will be no judges at all. In principle, we require "before them and not before laymen,"[[1]](#footnote-1) but in the absence of an alternative, we are prepared to appoint judges "who do not know Torah law" because what is most important is that there be a functioning legal system.

The importance of justice stands out in the Rambam's description of the Messianic king:

His purpose and intent shall be to elevate the true faith and fill the world with justice, destroying the power of the wicked and waging the wars of God. For the entire purpose of appointing a king is to execute justice and wage wars, as it is stated (I *Shmuel* 8:20): "Our king shall judge us, go out before us, and wage our wars." (Rambam, *Hilkhot Melakhim* 4:10)

That is to say, the main role of the king and of the monarchy is to execute justice and wage wars. Justice is among the most basic functions of any government.

This has meaning for us as well, because for this reason, a stable legal system must be established in order to continue the existence of the world, as *Chazal* have said: "Rabbi Shimon ben Gamaliel says: The world stands on three things: on justice, on truth, and on peace" (*Avot* 1:18). According to the *Sefer Ha-Chinukh* (mitzva71), it is for that same reason that we are commanded in our *parasha*: "You shall not revile God, and a ruler of your people you shall not curse" (*Shemot* 22:27). An attack on the government is an attack on the proper order of life.

Even when there is a system in place, there is a risk of devastating consequences if it is undermined, such as by challenging the legitimacy of the legal system. Sometimes the judicial system indeed strays into areas outside of its bounds; certain social problems can, and perhaps even should, be solved by other means. But the vast majority of legal activity is correct and proper, and deals with matters that are definitely within the scope of its authority. Ultimately, the legal system plays a significant role in maintaining order in the world.

**Working for Justice and Repair of the World (*Tikkun Olam*)**

So far, we have considered the importance of the law as expressed in several sources, and we have emphasized the importance of maintaining a legal system in any form. Now, let us turn to the second level of the law – working towards justice and the repair of the world, which is also addressed in *Shemot Rabba*:

Another explanation: "And these are the ordinances." Moshe gave of himself for three things, and they were called after him. They are: Israel, the Torah, and the laws. Israel – how much was he distressed for them, and they were called after him, as it is stated: "Then His people remembered the days of old, the days of Moshe" (*Yeshayahu* 63:11).[[2]](#footnote-2) The Torah, as it is stated: "Remember the law (*Torah*) of Moshe My servant" (*Malakhi* 3:22). The laws, as it is stated: "And these are the ordinances that *you* shall set before them (*Shemot* 21:1)." (*Shemot Rabba* 30:4)

Moshe's selfless devotion to the people of Israel is well known: He acted on their behalf when he took them out of Egypt and led them through the wilderness, and he prayed for them to the point of saying: "Yet now, if You will forgive their sin; and if not, blot me, I pray You, out of Your book which You have written" (*Shemot* 32:32). He did all this in an atmosphere that was so hostile, the people even "suspected him of having engaged in relations with a married woman" (*Sanhedrin* 110a). Since he dedicated himself to the people of Israel despite the difficulties, he merited that they be called after him.

But Moshe dedicated himself just as much, according to this *midrash*, to the Torah and to the laws. We will not dwell here on Moshe's dedication to the Torah, but what is meant by his dedication to the laws? It stands to reason that the *midrash* is referring to Moshe's dedication to judging the people of Israel – essentially, dedication to influencing society, for the sake of repairing the world, by means of the legal field.

Moshe's dedication to the laws therefore expresses his sense of social responsibility. Indeed, the idea of personal social responsibility is certainly present in our *parasha –* sometimes as a hidden message, and sometimes more openly – beginning with the very first verse, about the importance of justice: "And these are the ordinances that you will set before them" (*Shemot* 21:1). The judges, as explained above, enable the continued existence of the world.

Social responsibility is also alluded to in other places, with important messages for our time. For instance, the Torah states: "And he shall cause him to be thoroughly healed" (*Shemot* 21:19), and the Gemara notes: "From here [we learn] that permission was given to physicians to heal" (*Berakhot* 60a). Healing a person and restoring him to life is the greatest kindness that a person can do; practicing medicine and nursing is a huge contribution to society.

Later in the *parasha*, the Torah reminds us that we have a responsibility to care for the unfortunate people in our midst – with an emphasis on the economic field – and be extra careful not to cause them harm:

And a stranger you shall not wrong, neither shall you oppress him; for you were strangers in the land of Egypt. You shall not afflict any widow, or fatherless child… If you shall lend money to any of My people, to the poor with you, you shall not be to him as a creditor; neither shall you lay upon him interest. (*Shemot* 22:20-21, 24)

There are many people in the world who are in need of warmth and help, and in our days as well, the field of social work is extremely critical in every society and falls into the category of actual lifesaving.

Contributing to society does not stop with helping a person in need – with healing or money – but also involves having an impact on the future. At the end of *Parashat Mishpatim*, it is reported that Moshe taught the people the laws of the Torah: "And Moshe came and told all the words of the Lord and all the ordinances" (*Shemot* 24:3), and God then says to him: "And I will give you the tablets of stone, and the law and the commandment, which I have written, *to teach them*" (*Shemot* 24:12). Moshe teaches the ordinances, and is then called upon to continue doing so.

Today too, the field of education carries unparalleled importance. Through education, it is possible to actually save people and "make souls." It is not for nought that *Chazal* expounded the verse, "and the souls that they had made in Charan" (*Bereishit* 12:5), as referring to the men and women that Avraham and Sara converted and brought under the wings of the *Shekhina* (see *Sifrei Devarim* 32).

**Conclusion**

*Parashat Mishpatim* sums up in one sentence the requirement to contribute to society and take care of the less fortunate: "And you shall be holy men to Me" (*Shemot* 22:30). The ability to be "holy men" – not only through random assistance of one kind or another to a person in need, but as a regular, ongoing practice – depends greatly on the profession one chooses to engage in, and we will conclude with a few points to consider on this subject.

First of all, it is clear that one should choose a profession through which he can earn a decent living; a person will do no good if he chooses to contribute to society, but in the end becomes a burden to the public. We must not be righteous at the expense of others, even if our intentions are good.

On top of this, one must think about which field will allow him to make the greatest contribution to society. "Dedication" in this regard is expressed in choosing a profession out of an aspiration to help and assist as much as possible, rather than based on convenience or what will yield a higher salary. Each of the professions mentioned above – medicine, education, social work, and law – has a clear impact, but it is certainly possible to mention other professions. As a rule of thumb, a person should ask himself which profession will allow him to look at himself at the end of his life and honestly say that he benefited the world as much as he could.

The industrial revolution brought technological progress, and today, many want to work in technological fields. However, some of these developments do not improve life itself but are intended to provide convenience or entertainment. I once spoke with a graduate of the Yeshiva who told me he was involved in the development of sophisticated cameras. He said that he very much hopes the technology will be used in the world of medicine as well, but at the moment, these cameras are designed to film football games from dozens of different angles. Does a person want to say to himself at the end of his days that he helped improve the viewing experience of football fans?

However, this reservation itself must be qualified, twice: First, because there are certainly areas where technology is very important – such as in the army, to "break the power of the wicked,"[[3]](#footnote-3) and in the world of medicine, to save lives. Second, because it is possible to engage in a profession that is not necessarily beneficial to life itself, and harness it to life's benefit. My father *zt"l* said many times that it is better to be an accountant for a hospital than an accountant for a cosmetics company.

Therefore, beyond the economic consideration of providing for one's family, each person must also choose his occupation out of concern for society and assuming social responsibility. This is how each person will contribute to the repair of the world, as taught by *Parashat Mishpatim* – all this on top of the first floor, of maintaining a stable society, thanks to the law.

[This *sicha* was delivered on Shabbat *Parashat Mishpatim* 5779.]

1. “‘These are the ordinances that you shall set before them’ (*Shemot* 21:1)… before them [i.e., qualified judges], and not before laymen” (*Gittin* 88b). [↑](#footnote-ref-1)
2. Ed. note: The verse in Hebrew reads vayizkor yemei olam Moshe ammo, which the *midrash* apparently understands as “and he remembered the days of old, Moshe, his people” – implying that “Moshe” and “his people” are one and the same. [↑](#footnote-ref-2)
3. See Rambam *Hilkhot Melakhim* 4:10. [↑](#footnote-ref-3)