

Parshat Mishpatim: The Immutable Kindness of Law
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Some lucky souls have described times in their life where they have had a spiritual awakening, or even what felt like an experience of God. Often these experiences are described as expansive, joyful and a feeling of connectedness. In the parsha before Mishpatim the Jewish people have just experienced God speaking to them and delivering a Godly message in the form of the Ten Commandments. I imagine this was the most intense experience they had ever experienced. They directly received *the* most important commandments from God.

It is then quite strange that our parsha, the very following parsha, Parshat Mishpatim, opens with the words: “V’eleh hamishpatim asher tasim lifneihem,” “These are the laws that you should place before them (Exodus 21:1).”

Didn’t we just have Moshe placing the most important and divine laws before them in the last parsha? Are these *the* rules or are the Ten Commandments *the* rules. Are these add-ons? And if so, why do we need add-ons?

The parsha then goes on to list almost all of the main mitzvot we are familiar with: from the laws of slavery, to murder, theft, the holidays and keeping Shabbat. The Ramban, the 13th century commentator, explains this parsha as the expansion or explanation of the Ten Commandments. For example when it says “lo tachmod”—“do not covet,” it needs to explain the rules of theft and all other laws of property, translating “lo tachmod” into daily interactions between people. In other words, the Ten Commandments are the big general concepts, and the “mishpatim” translate them into law.

There is a deeper message here in this juxtaposition. The Ramban is highlighting for us that, as humans, we may have powerful moments of inspiration and we may have grand ideals, but without nitty-gritty laws, the life we live will not be holy. We need these rules to keep our interactions in the real world holy, even after we come down from the mountaintop. When inspiration fails us and our other human emotions and impulses take over, we need laws to live our values.

A question still remains about the wording of the first line of the parsha: “V’eleh hamishpatim asher tasim lifneihem.” The word “V’eleh”—“and these” makes it sound almost as if it is negating the last list of laws as if to say THESE are the laws. Rabbi Samson Raphael Hirsch, the German Orthodox rabbi (1808 -1888), writes in his commentary on the Torah that they are not negating the commandments in last week’s parsha; rather they are inherently connected. He notes that the letter “i” of “V’eleh,” the “And” of “And these are the laws,” connects the two parshiyot. The word “and” connotes that these laws are in addition to the last ones, or that they are an explanation of them. In the very last law in Parshat Yitro we learn about the prohibition to use a sword to build an altar. Rav Hirsch writes:

“To this principle the connecting “vav” connects the laws. The laws that are to establish the upbuilding of Jewish society on the basis of justice and humanity. Thereby the sword i.e. violence and harshness will be banished from the society of the Jewish state” (R’ Hirsch on the Torah, Exodus 21:1)

Here R’ Hirsch gives us insight into the purpose of the laws in this parsha. The Ten Commandments are the holy insights that we experience, but when we go to set up a functioning society, we need to be able to establish a society based on justice and humanity. When looking at the whole of the laws in this parsha, we can see this thread running through them all. The laws span daily interactions between cattle and property, murder and theft, but also emphasize the most vulnerable members of society, the stranger, the poor, and the orphan.

The two parshiyot together, Yitro and Mishpatim, serve as complementary texts that speak to human nature and experience. Last week’s parsha gives space for the otherworldly revelation that some may experience, the sense of awe and holiness that gives us inspiration to do and be good. However, the Torah then grounds these great ideals in guidelines that shape the minutia of all of our daily interactions, giving space for the kindness and humanity to take hold in the immutable power of law.

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