

Parshat Mishpatim  
February 24-25  
By Gidi and Noa Sarah Grinstein



### A Model Society by Mount Sinai and on Mars

*Parashat Mishpatim* and its preceding *Parasha, Parashat Yitro*, introduce Judaism's pathbreaking notions on the essence of a model-society and on the quest to achieve it, thereby creating the foundation for the lasting and outstanding contribution of the Jewish People. These two *parshiot* establish that a thriving society under the auspices of God must be based on three pillars. The first is laws, with fifty three of them introduced in *Mishpatim* as part of the entire Torah. The second is a system for interpreting and applying the laws by sages and judges, which is established by Moses in Yitro (Exodus, 18: 25-26). And the third is basic governing principles of justice, outlined in the Ten Commandments and in the requirement to enshrine the memory of being foreigners and slaves in Egypt.

These three elements – laws, governing principles of justice and a human system to interpret and apply them – reflect the understanding that society is a whole, whose qualities are determined by the relationships that exist in it among God, humans, animals and nature. Therefore, these relationships must be regulated at all times.

The challenge has been that while the Torah is rigid, while reality is ever-changing. Indeed, many of the laws of *Mishpatim*, such as those which deal with slavery or call for capital punishment for inappropriate interpersonal conduct, seem anachronistic for a modern society.

Therefore, the *midrash* says that Moses received on Mount Sinai not only the written Torah but also an oral Torah. The oral Torah was then passed by word-of-mouth in the chain of transmission from Moses to Joshua and from him to the elders, the prophets and to the *Knesset Gedolah*, until it was formulated by Rabbi Yehudah HaNasi in the third century CE.

However, *talmud* – with a small 't,' referring to the flexible process of interpretation and application of the Torah and the Oral Torah – continues until today to bridge the tension between Judaism's fixed texts and the ever-changing external reality, explicating new customs and laws, *Halacha*, for Jewish society. This process is continued in times of great prosperity, as well as during the darkest days such as in the Soviet Gulags or in the Nazi Concentration Camps.

The process of developing Jewish law through innovation has been explicitly recognized in and by Judaism, as said by second century Talmudic sage Rabbi Joshua: "there is no *beit midrash* without innovation" (*hidush*). Furthermore, Judaism developed multiple approaches to guide the process of bringing Jewish law to bear on specific issues by inferring appropriate answers from ancient texts. In rare cases, this interpretation may even lead rabbis to hold in abeyance explicit commandments of the Torah and long-held traditions that had become common law. One such example is the *prosbul* of Hillel the elder with regards to the application of the laws of the Jubilee year.

These sets of logical and rational tools for interpretation are known as hermeneutic principles. One such system is attributed to Rabbi Ishmael, a third generation *Tana* who distilled thirteen such principles known as *midot she'nigzeret ba'hen ha'Torah*. For example, one such principle (*midah*) is that a specific answer can be inferred from a general principle (*kal va'homer*). Rabbi Akiva created another

hermeneutic system guided by the conviction that every word and sign in the Torah is essential and of deep meaning. A third example is Jewish numerology (*gimatria*), which associates a number to every Hebrew letter and a number value to every Hebrew word.

Furthermore, Judaism acknowledges the significance of the intellectual ability to create path breaking laws – *Halachot* – that create a bridge between existing traditions and emerging realities. Indeed, the Talmud distinguishes between two types of scholars and learners: A *Sinai* is one who has a tremendous ability to retain knowledge as was passed on since Mount Sinai, while an *Oker Harim*, a mountain mover, has an extraordinary capacity to create new wisdom that bridges contradictions in the *Halacha* as it is brought to bear on a specific question.

Jewish law, which regulates Jewish society, is synonymous with Jewish religion. The logic is straightforward: Judaism seeks to understand God's wishes from humans in order to execute them precisely and thereby create a model society that will be a light unto the nations. This quest is and will continue to be as relevant as it has been for millennia.

Clearly this is the case for individuals. Whenever the Torah is returned to the ark, Jews traditionally sing the words: "*Etz chaim hee la'machzikim bah*" (*Mishlei*, 3:18), which celebrate the Torah as a tree of life to those who hold it. The profound meaning of these words is that the Torah, with its powerful mechanisms of interpretation, will always be able to provide guidance to those that have faith in it, and this is true for any possible human condition, imaginable and unimaginable.

In Israel, Jews are challenged to build a model society in a condition of sovereignty power, which is a condition that has been foreign for Jews for nearly 1,900 years. In addition, for the first time in our history, a Jewish society integrates and controls non-Jews within its premises. Both require tremendous amount of societal innovation that must be uniquely Jewish.

Finally, for humanity: this week I had the honor of meeting a woman, who is on the fifty-person shortlist to travel to Mars in the early 2020s. Meeting her made me realize how near are the days when there will be human community on Mars, which will inevitably include Jews who will have questions for their rabbis. These rabbis will then surely be able to establish Jewish law about life on Mars. In other words, Judaism will be able to contend with extra-terrestrial situations that were unimaginable just a few decades ago, let alone many centuries back. This means that one day there will be a uniquely Jewish way to live on Mars, derived from the millennia-old quest for building a model society.

And this is also why Judaism will continue to be in a permanent condition of leadership in humanity. The Torah, the Oral Torah and the talmudic process ensure that Jews will always be in a condition of what Rabbi Lord Jonathan Sacks calls 'otherness,' which is an essential condition for leadership. And all of it can be traced back to *Mishpatim*.