

## Parshat Mishpatim 5780

There are various ways in which the *mitzvot* in the Torah can be categorised. A clear distinction is often drawn between *chukim* as *mitzvot* for which we cannot understand the reason why they were given, and *mishpatim* which are understood. The classic example of a *chok* is the *Para Aduma* – the red heifer – which purifies the impure but makes impure the pure in ways that are difficult for us to comprehend. Rashi on *Bereishit* 26:5 gives the prohibitions of eating pig-meat and wearing a garment containing wool and linen (*sha'atnez*) as examples of *chukim*. He states there and on *Vayikra* 19:19 that there is no reason for *chukim*. They are simply a decree of the King on His servants. However, *Bamidbar Rabba* tells us (19:3) that King Solomon understood the reasons for all *chukim* apart from the *Para Aduma*, and that Moshe understood even the *Para Aduma* (19:6). We may reconcile these differences by saying that *chukim* are not generally understood by most people, or that even those who do understand *chukim* do not fully understand them.

There are many other *chukim* for which many commentators offer reasons. Rambam writes in *Hilchot Temurah* (4:13) that although all the *chukim* of the Torah are decrees, it is correct to contemplate them and to offer reasons wherever possible. This is seemingly in contrast to Rashi who comments on *Bamidbar* 19:2 that we have no right to reflect on the *chukim* in this way. We may contrast knowing the reason for *chukim* with understanding their purpose. The Torah states that the peoples of the world will regard us as being a wise and discerning people and a great nation through our closeness to G-d that comes from our observance of His *chukim* (*Devarim* 4:6-7). *Derashot HaRan* understand this to be stating a purpose for our keeping of those *mitzvot* for which people see no reason. Alternatively, we may think we understand reasons for *mitzvot*, while a more complex Divine purpose eludes us.

### Mishpatim

Ramban understands *mishpatim* to be civil laws – laws between civilised human beings, and R' Samson Raphael Hirsch categorises them as social ordinances.

*Mishpatim* can be seen as Torah laws which, if examined by an intelligent human being (Jewish or not), can readily be seen to have some logic behind them. Thus for example we would put in that category laws forbidding murder and theft, and laws requiring payment of damages in defined circumstances. However, it is not so straightforward to say that

*mishpatim* are those laws that have reasons that are fully understood. There are many *mishpatim* whose fine details are not obviously logical to us.

### Mishpatim in Parshat Mishpatim

Through the Torah's introductory words *v'eileh ha-mishpatim*, and the introductory letter *vav* in particular, Rashi (based on Midrash) connects the laws in our *Parsha* with the giving of the Torah in last week's *Parshat Yitro*, and specifically with the final two laws in that *Parsha* – these being the prohibition against cutting stone for the altar with a metal tool, and the requirement that the *Kohanim* ascend to the altar on a ramp rather than by climbing up steps. Given that *Mishpatim* are seen by the world at large to be based on logic, we might therefore reasonably expect them to be universally accepted and respected by all mankind. However, this is not the case, and such obvious prohibitions as those against murder and theft, and commands such as not to pervert justice, not to accept bribes and not to humiliate the "stranger" are transgressed daily worldwide. In Talmudic times, the failure of the world at large to keep even the Noachide laws was already recognised. *Gemara Chullin* 92a-b records in the name of Ulla that the children of Noach accepted on themselves thirty laws. (Rashi comments that we do not know in detail what these thirty laws were; other commentators suggest sets of thirty laws that can be learned out from the more familiar seven Noachide laws.)

Presumably referring to the state of the world at the time that he was writing, Ulla says that the Noachides keep only three of these thirty laws. Using Rashi's commentary, the three laws that were universally accepted and respected at the time of Ulla's statement were that they do not celebrate marriages between same-sex partners; they do not trade human organs; and they honour the Torah.

If Ulla were alive today, he would not even be able to report worldwide acceptance of these three laws. In contrast, we connect *Parshat Mishpatim* to *Parshat Yitro* as does Rashi: 1. Our concern for male modesty extends to the complete avoidance of exposure of the *Kohanim* as they ascend to the altar. 2. Our respect for human life and limb extends to refraining from cutting stones for the altar with a metal tool that can be used as a weapon of war which shortens life; and 3. We honour Torah. We respect the *Mishpatim* not specifically because they are logical in our eyes but because they are commanded by G-d from Har Sinai. Ulla's comments should clarify for us that this Jewish approach to Torah and Mitzvot is the only safeguard the world has. We cannot otherwise rely on general observance of even the "logical" laws.