

Creating society...

Mishpatim 5782/2022

If the revelation at Sinai was about establishing a covenantal relationship between the Almighty and the Jewish people, one that would be renewed each and every day when Torah is learned, then this week's Parasha is about the establishment of society.

The opening verse of the Parasha establishes the beginning of the legal system of civil law¹ and begins a long conversation that will last millennia about the place of Torah – legal system or Talmud Torah. While the Oral Law, and subsequently that which was written down in the form of the Mishnah, Talmud and corpus of Halakha, serve as the basis of a societal legal system, they are somewhat aspirational in their desire to establish theocracy.

But the various laws found in Mishpatim, establish the process whereby a person lives alongside his or her neighbour, and the rest of society, in a way that allows commerce and real-life actions and consequences to play out. As the Seforno notes these laws are not positive or negative, rather they come into play when a person needs them².

But what this Parasha begins to establish is the notion of Jewish communal autonomy. Faced with centuries of slavery and assimilation into Egyptian culture, the Jewish people are now venturing out on their own. They cannot rely on revelation and miracles to develop their society, they need to do it for themselves, and they need to ensure complete centralisation.

With this, it is important to note that this opening verse comes to teach our Sages that the appropriate way for a Jewish society to operate is one where justice is meted out internally. Rashi tells us that this verse teaches us the prohibition of two Jews using non-Jewish courts to litigate a civil case³. The Shulkhan Arukh adds to this by saying even if both agree, or if the court would follow the exact rules and teachings of Jewish law, they are still forbidden. Why, because it is like blaspheming against God, and corrupting the system that Moshe established under God's instruction⁴.

For Jewish society to function in its intended mode, it is reliant on a justice system developed and administered by peers, in a way that judges, witnesses, and the legal framework, understand not just the rules, but also the person sitting across from them.

This is borne out of the traditional mode of learning and disseminating law, with Moshe receiving the law from God, teaching the law to Aaron, and then his children, then the elders, subsequently Aaron would teach it, then his children, and then the elders. A constant mode of learning and repeating. Knowing not only the law, but ultimately the person you are learning from and teaching to, in a deeply profound way⁵.

The Midrash Tanchuma tells us that the Jewish legal system, and therefore Jewish society, is one about justice – because God loves justice⁶. Justice relies on a deep level of empathy, love, and understanding – therefore Judaism's ideal mode is to develop a society that knows one another – in both the transmission of knowledge, but also the application of it as well.

All citations can be found in **A New Page of Talmud**