
Creating society...

Rabbi Alon Meltzer

A New Page of Talmud

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Mishpatim 5782



These are the rules that you shall set before them: **Shemot 21:1**¹ These are not positive commandments and negative commandments which apply to every Jew, but are applicable only if the occasion arises. The matters under discussion need to be adjudicated only if and when such situations occur in someone's life.— **Seforno on Shemot 21:1**² BEFORE THEM — but not before the heathens. Even if you know that in the case of a particular matter of law they will decide it in the same way as Jewish law would, do not bring it before their courts; for he who brings Israel's law-cases before the heathens defames the Name of the Lord and pays honour to the name of the idol (in the name of which the heathen

court administers justice)... **Rashi on Shemot 21:1**³ It is forbidden to appear for trial before heathen Judges and in their Courts of Law, even regarding a lawsuit that they [the heathen Judges] adjudicate like the Israelite Law. Even if the two litigants agreed to be tried before them, it is forbidden. And whosoever appears for trial before them is considered a wicked person and is as though he blasphemed, reproached and rebelled against the Law of Moses. — **Shulchan Arukh, Choshen Mishpat 26:1**⁴ Our Rabbis taught: "What was the method of learning the traditional Torah in the days of Moses? Moses learned it from the mouth of God, then Aaron entered and Moses taught him the chapter; when Aaron had finished, he left the seat of study, taking a seat at the

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וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשִּׂים
לפניהם:
Shemot 21:1

left of Moses, and then his sons entered. Moses then taught them the chapter. When they finished, they departed, Elazar assuming a seat at the left of Moses and Ithamar at Aaron's right. R. Juda says: 'Aaron was always at the right of Moses.' The elder then entered and Moses taught them the same chapter. When the elders were through, they departed and the people entered and Moses taught them the chapter. Thus it is found that Aaron studies the chapter four times, his sons, three times, the elders twice, and the people once. Moses then departed and Aaron studied the same chapter with them all. When Aaron finished, he departed, and his sons studied the chapter with them; after the sons finished, they departed and the elders studied the chapter with the people. It is thus found that every one repeated the chapter four times. **Ein Yaakov**⁵ Normally a powerful man is not concerned about executing his decisions in accordance with the demands of justice. In fact, he ignores justice and commits acts of violence and theft. He disregards the attitude of His Creator, favors his friends and his relatives, and acts unjustly toward his enemies. But the Holy One, blessed be He, *loveth justice*, and executes his decrees only justly. Hence it says: *The strength also of the King who loveth justice.* **Midrash Tanchuma, Mishpatim 1:1**⁶ **A new page of Talmud - Rabbi Alon Meltzer**