

70 PERSPECTIVES BUT ONLY ONE TORAH

by Dr. Meir Tamari

"This shall be the reward when you listen to these Mishpatim and observe and perform them; Hashem will safeguard for you the covenant and the chesed He promised to your forefathers" (D'varim 7:12). If the text would mention the Merits of the Fathers, zechut avot, as being the entitlement of Israel to Eretz Yisrael, the sons of Eisav would be able to claim their part of the Abrahamic inheritance, since an apostate has a share in the property of his father (Kiddushin 18a). Our verse shows that it is Israel's great desire and yearning for the mishpatim and their observance, which brings with it the blessings of this world and therefore retains the Abrahamic covenant only for Israel. It is difficult to understand why the mishpatim should be specifically that observance which brings this reward, when there are in the Torah also Chukim and Eiduyot [witnesses to the Covenant between Israel and HaShem].

Mishpatim involves listening, observing and performing and their source lies in the brain, the heart-nefesh and the body. Through listening, information is transmitted to the brain and becomes part of our wisdom. Performing pertains to the body. Observing [sh'mira] means to take it to heart and to fervently desire its fulfillment. It seems difficult to apply this avoda of the heart to social laws and judgments

regarding obligations arising out of material wealth. After all, they arise either from claims for damages or because of a non-fulfillment of obligations, or the need to transfer money and property between people. Perhaps it would be better if we would have neither the causes of such laws nor the laws themselves. "The application of these laws does not only have an effect here on Earth and in regard to material matters. Judgments in such laws have an affect also in the Heavens above and G-d's treatment of human beings. For example, judgments regarding monetary matters awake in the heavens above the justice which prevents our evil thoughts and desires from growing close to something that does not belong to us. When all of Israel's actions are for the sake of Heaven so that they desire and yearn for these Mishpatim only for His sake, then even matters of this world acquire holiness. This demonstrates their devotion to G-d more than the observance of the Chukim or Eiduyot, since thereby they subject their own affairs and material possessions to Him" (Shem MiShmuel).

Mishpatim would seem to require more wisdom than Chukim and Eiduyot. In the latter two cases, it is relatively easy to distinguish between that which is permissible and that which is forbidden, between kosher and non-kosher or between pure and impure, since there are obvious and clearly defined definitions. However, Mishpatim does not come to judge between robbers or thieves and their victims where the differences are obvious. Rather they involve the legitimate but conflicting

claims of two honest people, both of whom earned their money in holiness - morally and legally. It requires great wisdom to decide what the real justice dictates.

However, sometimes we acquire and use our wealth in un-Jewish ways. All the books of the prophets stress that this is punished by exile and persecution just like idolatry. This applies irrespective of whether the victims are Jewish or not. Sefer B'reishit is called by Chazal Sefer HaYashar. "This is because the Avot were yashar - honest with the gentiles" (Netziv, Introduction to Bereishit). "If the Jews were honest in their dealings with the non-Jews, these would come to Hashem and argue for Israel's redemption; otherwise our long exile will continue" (SMAG, Hilchot Hashavat Aveida).

"V'AHAVTA, you shall love Hashem, your G-d with all your might M'ODECHA"; with all your possessions (Rashi, first passage of Sh'ma). Chazal teach that Moshe wished to observe mitzvot teluyot ba'aretz; these sanctify even the most materialistic possessions. On the other hand, Bilaam wished to curse the nation which observed three regalim, the nation prepared to leave their possessions hefker and go on pilgrimage. "He [Bilaam] perceived no abuse of power [aven] in Ya'akov and did not see worry [amal] in Israel' (Bamidbar 23:21). "Ya'akov refers to the nation in its lowest spiritual stages or one who clutches the heel of Eisav or one in exile or subject to persecution. In these Ya'akov conditions, material concerns

and social behavior are devoted to satisfying the needs of a human society without dishonesty, fraud, and any exploitation of power. When they are Israel, their highest level, they are able to go beyond this. Here, they devote their human activities to serving Him, using their money for charity and their time for Torah" (Sfat Emet).

"These are the Mishpatim that you shall place before them" (Shmot 17:1). The Talmud explains, 'before them and not before the nations of the world' (Gittin 88b). How is this possible since we know that all civilized nations have social laws and economic ordinances? "It is true that all have them but only by us are these mishpatim an Avoda, a service of HaShem" (Menachem Mendel of Kotsk). ★