

## Parashat Mishpatim

presented on Feb. 18

Hazzan Neil Schwartz

Hebrew is a Semitic language built of three-letter "Roots" or "*Shoreshim*", and the Root consonants in the name of today's *Torah* Portion are "*Sh.F.T.*" which means "laws" or "judgments". A *Torah* Portion in the Book of Deuteronomy has the name "*Shof'tim*", translated as "Judges" or "Magistrates", and like most legal sections of our *Torah*, both *Parashat Mishpatim* and *Parashat Shof'tim* present laws dealing with social justice.

The fact that the laws in today's *Torah* Portion follow immediately after the giving of the Ten Commandments supports the Jewish contention that the *Torah* was revealed to the Israelites at Mt. Sinai, not just the Ten Commandments. In fact, the Rabbis of the post-Biblical period maintain that the entire Oral Law was also revealed at Mt. Sinai.

The fact that most of the laws in *Parashat Mishpatim* and the entire "Holiness Code" in the Book of Leviticus deal primarily with social justice rather than religious rituals helps reinforce my contention that our *Torah* teaches laws to ensure that human interactions are conducted with justice. This is supported by the primary message of the Prophets, who regularly remind the Israelites that God prefers justice rather than religious rituals.

However, the *Torah* is a product of its time and place, namely ancient Israel during the first millennium before the turn of the Common Era. Within a few centuries of its writing, the Biblical Period had ended and the Rabbinic Period had begun, and life changed from a settled agricultural basis to the wanderings of the Diaspora. How could laws of one era be made applicable to the new realities of life in a new time and new places?

Even before the Jewish People was conquered by Rome and sent forth from Israel into 2000 years of Diaspora, life was beginning to change. There are subtle changes in the wording of the Ten Commandments between the version we chanted last week in the Book of Exodus, and the version repeated in Deuteronomy. These reflect the nomadic status of the Israelites when they stood at Mt. Sinai, versus their settled agricultural life in Israel when these same rules for living were rewritten in the Book of Deuteronomy.

More importantly, the new collection of updated laws that became the *Mishnah* were already being gathered before the turn of the Common Era. Redacted by Rabbi Judah in 200 C.E., these updated laws became the basis for two versions of the Talmud, one of which was done in Israel and the other (more authoritative) of which was completed in the Babylonian academies about the year 500 C.E.

Scholars such as Jacob Neusner point out the connections between the teachings of our *Torah* and the legal material of the *Mishnah* and *Talmud*. In fact, there are entire Tractates of the Talmud that deal with the updated details of today's *Torah* Portion, not only bringing the *Torah* laws into sync with the Diaspora experience, but also laying the foundations for later developments in that same laws as the world continued to change.

During the Middle Ages, these updated laws were addressed again in the Law Codes written by Rabbis who are collectively called the "*Rishonim*" ("Early Codifiers") and "*Acharonim*" ("Later Codifiers"). Among the "*Rishonim*" are great legal writers such as Maimonides (1100's), and the dividing point for the "*Acharonim*" is often considered to be the "*Shulchan Aruch*" law-code written by Joseph Caro, first published in 1565.

This process of updating the teachings of our *Torah* into the laws that are relevant for modern life is still going on. Some of the updates are driven by technology: when the automobile was invented, Rabbis had to decide whether or not it could be driven on Shabbat. Tall hotels in Israel may have a "*Shabbat* elevator" that continually stops on every floor from sunset Friday until sunset Saturday, enabling Orthodox Jews to use it since they do not have to push any buttons on *Shabbat* to do so.

However, there is a lesson that we can learn from today's *Torah* Portion with its ancient laws of social justice. The underlying *principles* of our laws do not change, rather just the modern manifestations of the *details*. We Jews may no longer deal with agricultural issues in our daily relationships with our neighbors, but the laws that we will chant in the *Torah* today are updated again in the *Mishnah*, the *Talmud*, the Medieval Law Codes, and even in the modern "case law" of North American judicial systems.