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Parshat Mishpatim

Parshat Yitro ended with the giving of the Ten Commandments, and Parshat Mishpatim dives straight into detailed laws, most of them relating to interpersonal conduct. What is the bridge between these two Torah portions? Nachmanides explains that the Torah is reviewing many of the Ten Commandments in this Torah portion and elaborating on them. For example, in this Parsha the Torah mentions idol worship (22:19), honoring parents (21:15), Shabbat (23:12), murder (21:12), and adultery (22:18). Nachmanides explains further that the property laws mentioned at length in the Parsha are meant to train us to value other people's possessions so that we will not want to take them for ourselves, which relates to the command not to covet others' belongings.

Let us focus on the commandment not to murder, mentioned in Yitro and elaborated upon in Mishpatim. The Torah first says (21:12) if someone kills another person, he is put to death. This clearly expands upon the sixth of the Ten Commandments ("Do not kill") by telling us the punishment. The very next verse (21:13) describes a case of unintentional murder, and says that in such a case, the murderer shall escape to a specific place of refuge. This refers to the Cities of Refuge, described at length and in detail both in Numbers Chapter 35 and in Deuteronomy Chapter 19.

Why does the Torah mention the case of unintentional killing in Parshat Mishpatim, if it will really tell us everything we need to know about it later in Numbers and Deuteronomy? We could simply answer that the Torah wants to clarify that one only incurs the death penalty for intentional murder but not for accidental killing. However, the Talmud (Makkot 10b) says our verse teaches us an entirely different insight into the Jewish legal system and how Hashem metes out justice.

In describing the accidental murderer, the Torah adds the seemingly superfluous line "and G-d prepared it in his hand." We already know that G-d orchestrated this event, because the beginning of the very same verse says the fellow did not lie in ambush to kill. Therefore, the Talmud says this alludes specifically to a case in which the victim deserved the death penalty, but no court had carried out the punishment. The fellow had killed someone intentionally, but there were not any witnesses to bring him to trial. The Talmud adds that the unintentional killer had committed a grievous act that also went unpunished. He accidentally killed someone in the past,

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but since there were no witnesses to that event, he never fled to a City of Refuge. The Talmud says “G-d prepared it in his hand” refers to a case in which the previous unintentional murderer again falls off a ladder, this time accidentally killing the intentional murderer, who was sitting near the ladder. The Talmud say this time there were witnesses to the event, and they see to it that this time the accidental killer will flee to a City of Refuge to stay there until the High Priest dies (see Numbers Chapter 35). In short, in this somewhat complex scenario, both the victim and the perpetrator of the act receive the due punishment that they would have received earlier had there been witnesses in the previous two incidents.

This Talmudic interpretation of “G-d prepared it in his hand” teaches us a fascinating thing about our legal system. In our system, a person cannot be executed by the court unless there were witnesses who saw him do the crime and also warned him prior to doing so. Since the court needs these two components in order to carry out the death penalty, and because there are several other conditions that need to be met for the court to carry out capital punishment, the court rarely executes. Since we might think the legal system will not effectively deter people from doing the wrong thing, the Talmud assures us that Hashem will orchestrate events in order to punish every wrongdoer, albeit outside of court. So while our court system shows great mercy for sinners and therefore makes it difficult for them to be executed, this does not mean G-d will ignore or overlook their actions.

The complexity of the laws involving murder and manslaughter are just one example of how the Torah’s system of justice operates. The entire Parsha is filled with commandments that form the basis of much of what we would recognize as civil law even in our own western society.

Shabbat Shalom!

