

JEWISH STUDY NETWORK

Parshat Mishpatim

The Talmud defines two categories of commandments stated in the Torah: mishpatim and chukim. Mishpatim refers to those laws that would have made sense even without the Torah commanding them. Murder, idolatry, adultery and charity are examples of this type of commandment. Chukim are the mitzvot that transcend human logic which we would not have come up with on our own. Eating kosher, making golden cherubim for the Sanctuary and the law of the red heifer are examples of this last category.

The main purpose behind chukim is to do G-d's will even though, or perhaps precisely because, we don't understand it. The mishpatim of the Torah are civil laws which provide the framework for our harmonious interaction with the World. Besides affecting our society, however, they also make a great impression on our character. By studying and following the mishpatim we come to understand how to properly interact with and affect both the World and ourselves.

Let's take a look at one of the mishpatim in our parsha:

"If you see the donkey of someone you hate crouching under its burden, will you abandon him? You must repeatedly help him along." (Shemot XXIII:5)

In discussing this law the Talmud points out that there are two different situations where one needs to help a person with his donkey. 1) When the person needs help loading his animal, and 2) when he needs help unloading it. In the first case the only beneficiary of this deed is the owner of the donkey. In the second, the donkey itself also benefits from his act by being spared the suffering of crouching under its burden. This mitzvah to eliminate or reduce unjustified animal suffering is called *tza'ar ba'alei chaim* (literally- animal suffering).

The Talmud (Baba Metzia 32b) states that if we have a choice between helping our friend unload his animal (a compounded commandment of helping our fellow and relieving the animal from unjustified suffering) or helping someone we hate load his animal (a simple commandment of helping our fellow), we must choose the latter "in order that we should overcome our inclination (hatred)." In other words, if we have a choice between fulfilling an additional commandment of eliminating *tzaar baalei chaim* (animal suffering) on the one hand, and refining our character by overcoming our instinct to abandon someone we hate on the other, it is preferable to work on refining



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our character. This Talmudic ruling exemplifies to us that through the study and application of the mishpatim we come to refine and improve our character.

Let us now see a Midrash that Maimonides quotes to support this idea. “Rabbi Shimon the son of Gamliel says: a person should not say ‘I have no desire to eat meat and milk together, I have no desire to wear a wool and linen garment’ rather he should say ‘I would like to. But what can I do, my father in heaven has commanded me not to!’” (Torat Cohanim, Kedoshim). In other words, the mitzvot of the Torah address our actions and not our desires.

Maimonides makes a fascinating comment on this Midrash. He points out that the Midrash only uses examples of chukim. Maimonides claims that this is deliberate. It is only by a chok that the Midrash teaches us to affect our actions and not our desires.

When a person complies with a chok (the singular of chukim) he should do it only because G-d instructs him to do so. If he has a personal preference in the matter, the act is no longer solely motivated by the desire to fulfill the Will of G-d. If he doesn't eat pork because it disgusts him, his abstention from pork is no longer an act of obedience to G-d, but of obedience to his own preferences. However, when it comes to mishpatim we need to take a different approach.

A person should not desire to transgress a mishpat. Such desires are expressions of character flaws. A desire to steal or hurt others is clearly driven by negative traits, which must be uprooted. It is not enough to comply with the mishpatim, we must also influence our desires to the point that we only wish to do that which is right.

It is not only our behavior that is refined through the study and fulfillment of the Torah's mishpatim. Our character is elevated as well.

Shabbat Shalom

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