

One could easily conceive of a religion in which civil and criminal laws were relegated to the secular sphere, and God only gave brief, vague moral imperatives, like be fair and just¹. Indeed, this is exactly the expectation of the Noahide laws, placed upon the non-Jewish nations.²

But for us, law is an integral part of our religious experience. This is something we know to be true from our lived experience within the halachic system, and from the centrality it plays in this week's Parsha. But what role are Mishpatim supposed to play in our lives? How are they supposed to be part of our own individual religious experiences?

Lets answer this question by analyzing the placement of the Mishpatim within the general Matan Torah narrative. In the Parshiot surrounding Matan Torah, there are a large number of places where Chazal and the Rishonim identified passages that seem potentially out of their chronological order³, and one such dispute is regarding the placement of the Mishpatim. There are three opinions about where they should be chronologically placed:

1. The opinion of Rabbi Yehuda in the Mekhilta, that these laws were given at Marah.⁴
2. The opinion of Ibn Ezra and others, that these laws were said immediately after the Aseret Hadibrot.⁵
3. The opinion of Rashi, that these laws were given to Moshe during the 40 days in which he ascended.⁶

From each of these placements, we can see a different relationship emerge between the Mishpatim and the rest of the Torah.

According to Rabbi Yehuda, that the laws were given at Marah, preceding entirely the Matan Torah narrative, we can perceive that following the Mishpatim are a precursor to the rest of the Torah. Before we can fully accept God, the Torah, and the Bris, we must establish just relationships with our fellow man. Only then, are we fitting to enter into the Bris Sinai. This ideal is embodied in the phrase *Derekh Eretz Kadma Latorah*⁷.

According to Ibn Ezra, the Mishpatim were something that were so important, they needed to be highlighted immediately after the Aseret Hadibrot. While perhaps not a precursor to the Torah, the laws are placed son a pedestal, as a key part Avodas Hashem that needs an extra

¹ Like Devarim 16:20, *Tzedek Tzedek Tirdof*.

² See Rambam Mishnah Torah Hilchos Melachim 9:14.

³ There is the story of Yisro, the laws of the Mishkan, and the Maaseh Livnat Hasapir, among other examples

⁴ Mechilta Dirabi Yishmael to Shemos 21:1. This is based on the verse in Shemos 15:25 that mentions a Mishpat being given at Marah

⁵ See Ibn Ezra to Shemos 21:1. It is difficult to tell exactly how many people are of this opinion, since this is the order in which the Torah presents events, and many who read it in this order may not have felt the need to comment explicitly, but Ibn Ezra seems to place this as directly following.

⁶ Rashi to Shemos 31:18.

⁷ Probably this originates from Vayikra Rabah 9:3 in a slightly different form, but already appears in this form by the era of the Rishonim.

emphasis. This idea is embodied in the Talmud that states, “one who wants to be pious should study the laws of Nezikin⁸.”

According to Rashi, the Mishpatim, while important, were given with the rest of the Torah during the 40 days on the mountain.⁹ This reflects the idea found in Avos¹⁰ that the world has 3 pillars, Din, which are the Mishpatim, Emet, which are intellectual virtues, knowledge of the deep truths of the world, and Shalom, which corresponds to virtues of character.¹¹ The nature of pillars is that each one is equally important. Without any one pillar, the entire edifice falls. Having just laws is certainly important, but if the society lacks knowledge of the deep religious truths of the world, or does not produce individuals of strong and refined moral character, the society will be lacking.

So which one is it? Are Mishpatim a precursor for any Godly society to even begin? Are they the key to achieving true Piety? Or are they one of several equal pillars of our society?

I believe that there is truth in all three of these perspectives. Without a fair legal system, a Godly society cannot begin. One who themselves does not fully follow these laws cannot consider themselves pious. And yet, focusing exclusively on the letter of the law, and neglecting *Emet*, religious truth, and *Shalom*, personal development, is a recipe for failure. May we all merit to establish just systems, achieve true piety by following them, and make sure not to neglect the other aspects of our growth along the way. Good shabbos!

⁸ Bava Kamma 30a.

⁹ Obviously, even Rashi contends with the fact that the Torah chose to place them right after the Dibros, but I am speaking strictly from the perspective of Rashi's chronology.

¹⁰ 1:18

¹¹ This follows the interpretation of Rambam in his comments to 1:18. Other opinions define these terms differently.