

# *Small Tastings of Torah, Judaism and Spirituality*

## **From Rav Binny Freedman**

(Portion of Mishpatim)

*It was the summer of 1935, but even after two years, they still didn't get it. Germany had begun to gear up for the 1936 Olympics, and Goebbels, the Nazi minister of propaganda, had made it his mission to make sure the world would see a Germany that was respected as a leader amongst the nations of the world, so the anti-Jewish laws were being downplayed, and even in Germany's own press, it seemed as though things might finally be calming down.*

*David, (not his real name, by request) was a landlord whose family owned properties in some major German cities. One of them, a large building in the heart of downtown Berlin, was leased by a department store that was delinquent in rent payments so, six months earlier he had gone to their main branch to demand payment or threaten a lawsuit. His partner, Chaim, was a lawyer by trade and given the contract they held and their years of experience in the market (this was not the first time over the years they had been forced to confront a recalcitrant tenant) both were confident they would walk away with a sizeable check and avoid a law suit that would have been costly for both sides.*

*When they arrived at the office however, for the second time, their meeting was abruptly cancelled, and the secretary offered no explanation other than a derisive grin. So, with no other recourse they had taken the German department store to court. With clear evidence and a solid contract in hand, they were confident they would emerge from the court case victorious; they simply didn't get it.*

*When their case was called, Chaim stood up to present his case before the judge and waited patiently while the clerk called out the matter of the case at hand.*

*The lawyer for the defending department store claimed that the obviously Jewish landlord was charging an exorbitant rent and was dishonest to boot. And the judge, ignoring the contract in David's hand, with a smile, ruled in favor of the defendant, and added the court costs and back-fees of exorbitant rent owed to the verdict.*

*Incredibly, when a bewildered David started to protest, the Judge, peering down from the bench with a sinister smile on his face silenced him with a raise of his hand and said slowly, his words dripping in sarcasm and hatred: **"Perhaps it is time for the Jewish landlord to leave Germany for the Germans? You should get out of Germany; you are no longer wanted here."***

*Hearing this story from an elderly gentleman many years later, he recounted that he walked out of that courtroom and finally understood the Jews needed to get out of Germany. But sixty years later the pain of that moment; the injustice of it all, still stung; you could see it in his eyes.*

This week we read the portion of *Mishpatim*, which literally translates as 'The Laws'; this week, we finally get down to the nitty-gritty. After all the stories and wondrous episodes of the Exodus which themselves followed all the stories of the book of Genesis (*Bereishit*) we finally start to read (study) the actual laws given to us at Sinai. Laws of social justice and property, ethics and equality; we begin our

journey into what receiving the Torah was all about: making a better, G-d-filled world. Which is what makes the beginning of this week's portion so interesting.

**Rashi** notes that the portion oddly starts with the conjunctive '*and*':

*And these are the laws that you shall place before them..." Shemot (Exodus) 21:1).*

In order to denote its connection to the previous section of the giving of the law at Sinai and demonstrate that just as the Ten Commandments were given by G-d at Sinai, these laws were also given at Sinai.

Then Rashi makes an additional comment: Noting that the final topic in the previous (last week's) portion of Yitro was the *mitzvah* (commandment) to build an altar in the Temple, he explains its connection to the Ten Commandments at Sinai, and the laws of this week's portion:

***"And why is the section of laws adjacent to the section about the altar? It is saying to locate the Sanhedrin (the High Court) adjacent to the Temple."***

What does this mean, and why is this so critical a point that the Torah starts the portion of the Law (the only portion in the Torah actually named 'laws') with this idea?

It is worth noting that there are different types of laws in Judaism, and the Torah gives them different names. *Chukim*, for example, are generally understood to be laws whose ultimate rationale we can never fully fathom, though we are meant to try and develop a relationship with them (See Maimonides *Hilchot Me'ilah* 8:8). Keeping Kosher and the *mitzvah* of *Sha'atnez* (the biblical prohibition against wearing wool and linen in the same garment) are two prime examples; indeed, healthy relationships often grow from recognizing we don't need to fully understand everything asked of us...

But ***Mishpatim*** are generally considered laws that **do** make sense that we might even have come to on our own, such as theft; a healthy society cannot function if there is no respect for each other's' property and rights. So one wonders why this particular type of *Mitzvah* is the category represented as being adjacent to the *Beit Ha'Mikdash* (the Temple).

What was the commandment to build a temple all about? Why do we need a physical 'home' for G-d? Does that even make sense?

The idea of a sanctified space, a ***Beit Ha'Mikdash***, was to create a space where one could so *feel* the presence of Hashem (G-d) one could not help but be affected. It was meant to be a place of awe and wonder; a place where a person could put aside the mundane and experience the sublime; a place where the barriers that seem to exist between us would naturally fall away.

In the courtyard of the Temple there was no reform, conservative or orthodox section; we were all just... brothers and sisters. The rich and the poor all brought their first offerings in a basket on their shoulders; to be rich or poor in Hashem's eyes carries an entirely different meaning. Jews were (and are) meant to make a pilgrimage to the Temple three times a year to remind themselves of what life is

really supposed to be about. Spending a week in such an environment was meant to leave one humbled and inspired, a better person. It was meant to remind us to put aside the petty nonsense of life and focus on the things that really mattered.

That, suggests **Rashi**, is precisely what a court of law should be. Judges in a Jewish court are meant to be towering figures of knowledge and ethics; personalities in whose presence we feel inspired and experience a sense of awe.

Standing in a courtroom should humble a person and fill him or her with a sense of wonder; it should be a place where the barriers that seem to exist between us fall away.

In a court of law there should be no religious or secular, no rich or poor and no 'more or less connected'. And the law itself, especially the opportunity to fulfill it freely, in Israel, in the Jewish state we have dreamed of for so long, should fill us with that same sense of awe and inspiration....

And specifically, the *Mishpatim*, the nitty gritty of the legal system, tends to become so focused on the details and 'legalese' we sometimes lose sight of the *spirit* of the law; the *people* it is meant to serve.

The high court was meant to be on the campus of the Temple, the *Beit Ha'Mikdash*, perhaps to remind us that the law is meant to serve the people, and its source is a much higher power than the judges (or politicians) sitting in the seat of power...

We are not there yet; we have a long way to go. But this week as we read the portion of *Mishpatim*, perhaps we can all take a step in the right direction.

Shabbat Shalom from Jerusalem,

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