"***Mishpatim***: Sins against God, man, and humanity"

by Rabbi Dr Jeffrey M Cohen

Today's sidrah begins with the conjunctive *vav* – ***V****'eileh ha-mishpatim* – '***And*** these are the laws…'. Rashi (quoting the Midrash) explains – ***V****'eileh*: *mosif al ha-rishonim* – that the initial conjunctive letter *vav* ('And') serves to expand upon the aforesaid Ten Commandments (Decalogue) enumerated in last week's Sidrah, teaching that 'just as those laws came directly from Sinai, so did these.' Such an expansion includes penalties for the crimes listed in the Decalogue; laws concerning hurt or damage inflicted on another person or his animals or property; laws concerning the treatment of slaves, a category referenced merely in passing in that code (See Ex.20:10,14); property lost or damaged while in another's care; laws of seduction; the distinction between wilful and accidental acts, etc.

The link between the two sidrot may also be indicated by the Decalogue's Shabbat law prescribing work for six days and rest on the seventh, even for one's servant. This foreshadowed, on a broader scale, the servitude of a Hebrew servant for a maximum of six years and the granting of his freedom at the seventh.

While the Decalogue refers to murder, it makes no reference to grievous bodily harm. Our sidrah details the categories of compensation that may be imposed:

> 'When men quarrel and one strikes the other with stone or fist, and he does not die but has to take to his bed – if he then gets up and walks outdoors upon his stick, the assailant shall go unpunished, except that he must pay for his period of idleness and his cure.'
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> (Ex.21:18-19)

The Mishnah[1] further clarifies this reference by enumerating five elements of compensation for the court to consider: (i) *nezek* - any permanent damage to, or loss of, a limb; (ii) *tza'ar* - the pain suffered through the attack; (iii) *ripui* -the cost of medical treatment; (iv) *shevet* - loss of earnings during recuperation'; (v) *boshet* - any element of degradation or indignity that the attack might have occasioned.

As regards murder, the terse formulation of the Decalogue, *Lo tirtzach* ('You shall not murder'), is taken up in our sidrah to include the situation of manslaughter wherein the act of death was an unintended consequence of the act. It includes the provision of a place of refuge for the slayer to protect him from any act of vengeance on the part of a relative of the slain person.

We also have the prohibition of kidnapping, first expressed in the Decalogue (in its contextually terse form) as *Lo tignov* ('You shall not steal').[2] It is expanded in our sidrah as, *V'goneiv ish um'charo, v'nimtzah v'yado, mot yumat* – 'He who kidnaps a person – whether he has sold him or is still holding him – shall be put to death' (Ex. 21:16). (If any excuse was needed for the current pursuit and killing of Hamas terrorists – guilty of kidnapping, holding in inhumane tunnels for months, violating, and massacring Israeli men, women and children – it is this Torah law.)

The law regarding the seduction of an unbetrothed girl (22:15) also serves to clarify the distinction between that act and the reference in the Decalogue to the act of adultery with a married woman, which is a capital crime.

Although the Decalogue's prohibition of idolatry is the second longest (after Shabbat), it is confined to the 'sculptured images or likenesses' that may not be worshipped (20:4-5). Our sidrah supplements this with the establishment of capital punishment for making an idolatrous sacrifice (22:19), and a solemn warning even against mentioning the names of other gods (23:13). Interestingly, the surrounding tribes of Canaan are punished for abominable rituals, such as child sacrifice,[3] but not for idolatry.

The reference in the Decalogue to not taking the name of the Lord in vain, by taking an unnecessary or a false oath while invoking God's name, finds its expansion in our sidrah in the law of the one who takes a false oath, claiming that property that was entrusted to his safe keeping was stolen from him, when in fact it was still in his possession.

And the fifth commandment, to honour parents, is also amplified in our sidrah, which establishes such acts as cursing or striking a parent as falling squarely within the category of capital offences.

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The latter command, of honouring parents, constitutes the fulcrum of the entire Decalogue. Both the previous four laws, referring exclusively to relations with God, and the last five, dealing with man's interaction with his fellow, are hinged on that law of *Kibud av va'eim*, honouring parents.

It is as if the Torah is telling us that parents are the key to understanding the nature of God as well as enabling man to relate with justice and compassion to others. We gain our first, albeit naive, conception of a deity by extrapolating from our notion of parents. God becomes the super-parent, the embodiment of wisdom, strength, and goodness. He is the synthesis of the *Avinu* and the *Malkeinu*, the parent and the king, the power that is near as well as the remote power. Hence the duty of honouring parents is strategically placed as the fifth commandment, climaxing the laws of the first tablets, those delineating our relationship with God.

But parents are also the key to our relationship with a fellow man. The way they bring us up – the values they teach, the ideals towards which they strive and direct us, and the ethics and morals they employ in dealing with their peers – will determine the nature of our nature and the quality of our character. And since we are created in the image of God, and conditioned by the image of our parents, that partnership dictates that any diminution of parents' honour is also an affront to the honour of God. This explains why it is a capital crime to strike, curse, or demean, a parent.

We have learned more about the nature of our relationship with our parents over these past few decades than was ever dreamt of before. The science of genetics and the discovery of DNA and the human genome, have all enabled us to appreciate the way the contours of the human map are perpetuated down the ages and the extent to which we are directly shaped by the biological make-up of all our forebears. We are now aware of the extent to which we pass on both the strong and the weak genetic factors to our children, and are now able to alter a genetic configuration to isolate, remove, or replace, any rogue genes that make us susceptible to illness or disability.

Our understanding of psychology has also revealed how, in the moral sense, we are frequently the clones of our parents and how their treatment of us in our formative years may affect our emotional make-up and consequently our actions in later life.

In an article on teenage pregnancies ("Why girls become pregnant when their fathers vanish," see The Daily Telegraph/Elecronic Telegraph, 12th January 2001.) Mary Kenny related that she interviewed twenty-two 14-15-year-old mothers, chosen at random, and was forcibly struck by the fact that eighteen of them had had no fathers themselves during their childhood years. Their fathers had abandoned the family, a fact that they nearly all dwelt upon without any prompting in their talk to the interviewer. One girl said she slept around 'just to annoy her dad.' Another said that she set out to become pregnant because she hadn't seen her father for two years previously, and he had been a big part of her life. All this produced a rush into a sexual relationship and motherhood. It also provides a deeper understanding of the phrase *Pokeid avon avot al banim*, that 'the sins of fathers are visited upon children, to the third and fourth generation.' Cause and effect are distinctly visible in the unfolding of the parent-child-grandchild continuum.

Kenny summed it up in these words: 'Hearing these young women talk about their upbringing brought home something to which I hadn't previously given much thought: the value of a good father in a girl's life, one who protects and watches over his daughters, and provides them with a safe but masculine source of love.'

Bearing in mind the paramount influence of parents on our physical, moral, and emotional health explains why the Torah was so zealous that we honour and cherish them throughout

their lives. Often, it is only when children grow up and become parents, that they realise what love, selflessness and sacrifice parenting involves, and how much they owe to them.

This leads us to focus on one of the most heinous of the crimes perpetrated by Hamas, that of nurturing generations of mindless hate-mongers and cold-blooded murderers. Instead of striving, like Jewish parents, to instil within their children a sense of *ahavat ha-bri'ot*, 'love of humanity,' they imbue them with an attitude of *sin'at ha-bri'ot*, hatred toward all but those outside of their own violent fraternity. Instead of promoting peace, with war as a last resort (See Deut. 20:10), and of sowing within the hearts of their children the seeds of faith, moral strength, and goodness, the heritage they hand down to theirs is the justification for beheading other children, and the code they commend to their wives is the rape of captive women.

The contrast with our Jewish mission could not be more stark, and is summed up in the concluding words of the first tractate of the Talmud (*Ber*.64a):

'And all your children (*banayich*) shall be taught of the Lord, and great shall be the peace of your children' (Is.54:13). Read not *b**a**nayich* ('your children'), but *b**o**nayich*, 'your builders.'

This Talmudic homily, though expressed as a simple play-on-words, contains, in a nutshell, the objective of Torah education, namely to ensure that each new generation 'builds' an extra storey to the spiritual and moral edifice created by its forebears, intensifying the knowledge and practice of Torah and the holy and constructive way-of-life that it promotes.

For Palestinian leaders to order the brainwashing of youngsters to abhor, de-humanize, and seek to exterminate Jews – publishing schoolbooks that further that aim in the crudest of

ways and conscripting youngsters into terrorist activity – is the very worst form of child exploitation.

While we educate our children to be builders, they educate theirs to be destroyers. The likes of Hamas, Hezbollah, and the Houthis are not only a danger to all Palestinians and Middle Eastern states, but their brand of Islamic extremism impels them to work toward the imposition of Islam across the world, and, with it, the eradication of Western democracy, its values and its way of life. Both external and internal crimes against humanity? Most certainly.

NOTES

1. See Mish. *B.K*. ch. 8.

2. That the Decalogue's 'Thou shall not steal' refers to kidnapping, see Tal. *San*. 86a, and *Rashi* on Ex. 20:13. The law prohibiting theft of property occurs in Lev. 19:11.

3. See Lev. 18:24-30; Deut. 12 :31; 20:18.

Shabbat shalom,

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