

**Parshat Mishpatim**  
**Making the Ideal Real**  
**Rivka Wietchner**

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“Rabbi says, just as the Holy One Blessed Be He warned us of the Commandments, so did he warn us of the law, for the world depends upon it, as it is written, A king will uphold the land by the laws” (Shemot Rabbah 30:15).

Parashat Yitro deals with a foundational event in the history of the Jewish people – the revelation on Mount Sinai. It is a unique event, described with exceptional vocal and visual qualities. The Ten Commandments mark an absolute boundary, never to be transgressed. It is a Parasha of black and white, do and do not. The following parasha, Parashat Mishpatim, brings us a different kind of Torah. It is one taking place within the daily routine, filled with complex descriptions of mundane events, conditions and details. Our absolute values and boundaries were given from Sinai, but so were the rules of the common and everyday.

The words “if” and “when” appear dozens of times in various forms throughout Parashat Mishpatim. These words are used to form conditional sentences and to describe complex situations, where the law is not simple and clear-cut, but rather depends upon the circumstances. The principles are unambiguous, whereas the ruling is particular and requires constant interpretation according to the specific details of each case. The rulings require delving into the depths of concrete reality, often dealing with non-ideal situations and with deeds committed either with intention or by mistake.

Thus for example, in Yitro we find the commandment *You shall not steal*, (Shemot 20:13) marking an absolute prohibition on theft. However, in Mishpatim we find *when a man steals or if the thief is seized while tunneling*. (Shemot 22:1) In spite of the severe prohibition on theft, situations that deviate from the ideal lawful conduct still need to be addressed and dealt with. In this case – people steal. The Ten Commandments signify the ideal, the direction we are headed as a nation. The laws are a more complicated system, enabling us to deal with the details of reality in light of those values.

If we only had Parashat Yithro, the revelation at Sinai, we would have no way to engage thieves. The ruling allows us to create a society with great ideals that at the same time has room for everyone to continue improving. The ruling deals with crossing the lines and enables us as a society to tell the sinners that even though they seem to have transgressed a boundary from which there is no turning back, they are still part of us and we are still with them.

Parashat Mishpatim deals with our lack of perfection as human beings. *When a man borrows [an animal] from another and it is injured or dies*. (Shemot 22:13) This Pasuk describes a flawed reality – where one does not have enough of their own and they are forced to borrow from a friend. It is a reality subjected to the constraints of this material world, where animals are injured and die. It is a very flawed and very human reality. On the other hand, it is a reality with the potential for improvement by a society aspiring for more, where one person

26 Shevat 5782 | Friday, January 28, 2022

lends their property to another and does not leave them in their time of need. Laws enable us to create such a society, where people can borrow from each other in spite of the uncertainty of this world.

The Talmud describes an argument between Moshe Rabenu and the Heavenly Angels. The angels want to keep the Torah in their care, while Moshe argues that it belongs with the humans. God tells the angels that the Torah teaches: “You shall not murder, you shall not commit adultery, you shall not steal.” Moshe turns to the angels and asks, “Is there jealousy among you, or is there an evil inclination within you?” (Shabbat 88b). Torah is meant for humans, and it is our imperfect humanity that allows us to receive the Torah.



*Rivka Wietchner is a member of the Israeli Rabbinate Beit Midrash at the Shalom Hartman Institute. She is a fellow of the Herzog College Women's Beit Midrash and holds an MA in Theory and Policy of Art from Bezalel Academy of Art. Originally from Har Bracha in Samaria, Israel, Rivka now lives in Jerusalem. Previously, she was part of various Beit Midrash programs and served as an OU-JLIC Co-Director and Educator at University of Chicago Hillel. Rivka has a BA from the Open University of Israel and a Kallah Teacher Certification from Nishmat. Rivka is married to David, a rabbi and doctoral student in philosophy at Bar Ilan University. She is a mother of four and in her free time, she loves to read and paint. Rivka believes in building relationships between different leaders and communities. She hopes to make Torah more relevant to our postmodern culture by bringing together cultural theories and deep Torah studying. She cares about making lifecycle*

*events meaningful for the people around her by preparing and putting together ceremonies and experiences.*