

JANUARY 24, 2011

Parashat Mishpatim

The Rule of Law

That you shall place before them (Exodus 21:1)

אשר תשים לפניהם (שמות כא:א)

The Torah states that God instructed Moses to place the laws before the people. Explaining the words “before them,” Rabbi Chaim HaKohen of Aram Tzova, in his book *Torat Chacham* (see Ma’ayan Hashavua, Shemot page 336), asserts that because the final section of Parshat Yitro deals with ritual laws connected to the offering of sacrifices in the Temple (see Exodus 20:18-22), we may mistakenly think that the Torah places greater emphasis on ritual laws rather than on interpersonal laws. For this reason, the Torah explicitly states that Moses was instructed to place the *mishpatim* (the laws of justice and judgment) before the laws of ritual. As such, we learn that ritual can only have spiritual meaning in the context of justice and the rule of law.

The Torah’s emphasis on placing interpersonal law before ritual law highlights the critical importance of upholding justice in communal life, a concept which Israel recently put in to action with the conviction of a former president.

In December 2010 an Israeli court convicted former Israeli President Moshe Katzav on charges of two counts of rape. While the heinous crime was in a large sense a tragedy for the entire Jewish state, it also demonstrated Israel’s greatest strength in its willingness to mete out justice even to the most powerful members of society. The [Washington Post](#) reports that while Israeli Prime Minister Benjamin Netanyahu noted that the verdict marked a “sad day for Israeli society,” he also said that “the court delivered two clear-cut messages: that everyone is equal before the law, and that every woman has exclusive rights to her body.” According to the [Jerusalem Post](#), “[Israeli] Defense Minister Ehud Barak said that ‘this is a difficult and sad day for the state of Israel, a day in which our former president was convicted of such serious crimes. However, this is also a day in which our justice system proved again that everyone is equal before the law. The justice system is a central source of strength for Israeli democracy.’”

Katzav’s conviction reinforces the primacy of placing justice before all else—and reminds us that in the democracy that is the modern state of Israel, the rule of law reigns supreme. ■

Where there is Smoke

But God caused it to come to hand (Exodus 21:13)

והאלקים אנה לידו (שמות כא:יג)

The Torah tells us that the accidental killer must flee to a city of refuge to atone for an inadvertent death. Yet, the text describes the unfortunate incident as having been “caused to come to hand” by God. Why would God cause one individual to bring about the death of another? S’forno (on 21:13, also see Rashi on 21:13) states that while the killer may not have been culpable in this specific death, the involvement in this loss of life indicates some sort of divine judgment of guilt in another area—“For we lay blame in the hands of the liable.”

The concept underlying S’forno’s explanation can best be summed up by the idiom “where there is smoke there is fire,” an idea which highlights the broader notion of recognizing signs of malevolence. Today, the actions of Iran’s leadership are the “smoke” that makes clear that the Islamic Republic’s nuclear program is anything but peaceful.

Almost a decade after Iran's secret nuclear program was exposed by an exile group, Iranian officials continue to insist that their nuclear research is for peaceful purposes only. In order to substantiate its claims, the Islamic Republic recently invited representatives from several Western powers to tour some of its nuclear facilities, conveniently neglecting to invite representatives from the U.S. and the International Atomic Energy Agency (IAEA). [Voice of America](#) noted that while "the European Union refused to send anyone, insisting that only inspectors from the International Atomic Energy Agency are competent to judge if Iran's nuclear program is peaceful," the group that did visit the Arak heavy water reactor in central Iran included "Diplomats from at least five countries, Algeria, Cuba, Egypt, Syria and Venezuela." Meanwhile, the IAEA has reported that Iran is pressing ahead with its nuclear efforts, more efficiently operating a greater number of centrifuges and advancing work on weaponization and missile technology. Recently imposed international sanctions are having a real impact in Iran, yet they have not brought about a change in the regime's behavior so far. Sustaining and increasing that pressure offers the best prospect to persuade Tehran to change course. For more on Iran, visit www.aipac.org/Iran.

The actions of the Iranian regime, the leading state sponsor of terrorism and a brutal oppressor of its own people, have made its intentions crystal clear. Just as we "lay blame in the hands of the liable" upon the accidental killer, Iran's actions are the smoke indicating the fire of a program bent on developing nuclear weapons. ■

A United Message

And the entire nation answered in one voice (Exodus 24:3)

ויען כל העם קול אחד (שמות כד:ג)

When Moses told the Israelites about the laws and ordinances of the Torah, they responded: "all of things that God spoke"—*na'aseh*— "We will do!" The text adds an interesting detail about the people themselves, describing their response as an answer "in one voice." Netziv, in *Ha'amek Davar* (on 24:3), explains that the first time that Moses presented the nation with the laws of the Torah (see Exodus 19:8), the response of the Israelites only came from the leadership. Yet, "on this day they [the whole nation] had already grown accustomed in their mouths to speak plainly, and they all [together] said, 'all of the things God said we will do!'"

After uniting together for the purpose of accepting the Torah, the Jewish people learned to powerfully articulate their will in a single voice. Following a recent shakeup in Israel's governing coalition, the government of the Jewish state is now in a similar position, capable of communicating a united message to the Palestinian leadership.

It has been four months since the last round of direct talks between Israel and the Palestinian Authority (PA), a period in which Israeli Prime Minister Benjamin Netanyahu has continued to call for a resumption of negotiations. Many analysts believe that one reason the talks have not resumed is that the PA recognized that Israel's governing coalition was unstable, and felt that Netanyahu could be coerced into meeting additional Palestinian preconditions. With the formation of the new Independence Party, a breakaway of Labor which will stay within Netanyahu's coalition, the Israeli government is now united behind the prime minister in his mission to reach a two state solution with the PA through direct talks and without preconditions. Ehud Barak, leader of the Independence Party, summed up the situation: "the Palestinians must understand that Israel's government is stable, cohesive and capable of ruling. This, in turn mandates that the Palestinians think about advancing the peace process rather than wait for a new government from which they will be able to extract better conditions."

Israel is a thriving democracy where the freedom to dissent encourages the constant flow of new ideas, individual initiative and progressive thought. While that stormy difference of opinion can at times lead to volatility, the recent shakeup of Israel's government established greater stability and reinforced its commitment to reaching a two state solution with the Palestinian people. Like the Israelites in the desert demonstrated, speaking with one united voice has the power to move the Jewish people forward. ■