YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Before Sinai: Jewish Values and Jewish Law**

**By Rav Dr. Judah Goldberg**

**Shiur #46:**

**Spirituality (1):**

***Tzedaka U-mishpat* as Spirituality**

This *shiur* begins our unit on the fourth value of *berit Avot*, the mandate to pursue a close and personal relationship with God. On the one hand, this would seem to be the aspect of *berit Avot* that is most thoroughly developed by the elaborate ritual laws of Sinai, which form the crux of our God-worship (*avodat Hashem*). On the other hand, as with the other values of *berit Avot*, we must wonder if its call for spirituality has indeed been completely subsumed by *berit Sinai*; or if this call still has broader implications, beyond the meticulous observance of Sinaitic law.

We start this unit on spirituality from an unlikely place. The first three *shiurim* deliberately overlap with the prior unit of *tzedaka u-mishpat* and constitute an epilogue to it, as they address the convergence of values #3 and #4 of *berit Avot*. They contend that **pursuit of *tzedaka u-mishpat* is itself emulation of God and thus the highest form of ritual worship**. *Tzedaka u-mishpat* belong, first and foremost, not to Avraham or King David, but to God Himself. Through *tzedaka u-mishpat*, then, we cleave to Him and partner with Him in ways that observance of *berit Sinai* alone cannot completely duplicate.

**Divine *Tzedaka U-mishpat*** **in *Tanakh***

As Prof. Moshe Weinfeld thoroughly documents in *Mishpat U-tzdaka Be-Yisrael U-ve’amim*, *tzedaka u-mishpat* characterize not only Avraham and the Davidic dynasty in *Tanakh*, but also God. Multiple verses speak about God’s fondness for and performance of *tzedaka u-mishpat* and widely impact our liturgy, either through direct incorporation into the prayer book or by their influence on rabbinic formulations.

Let us examine the two books in which Biblical references to Divine *tzedaka u-mishpat* are concentrated.

***Tehillim***

*Sefer Tehillim* declares that God “loves ***tzedaka u-mishpat***; God’s *chessed* fills the earth” (33:5). This verse is echoed later, together with an explicit reference to Divine performance of *mishpat* and *tzedaka*:

Mighty King Who loves ***mishpat***, You established equity, You **performed** ***mishpat u-tzdaka*** in Ya’akov. (99:4)

The first half of this latter verse again mentions God’s love of *mishpat*, specifically in the context of his Kingship. Combining this phrase with the previous verse (33:5) yields the closing to the eleventh blessing of the *Amida* prayer: “King Who loves ***tzedaka u-mishpat***.”[[1]](#footnote-1)

Commentaries explain the second half of 99:4, which describes God, like Avraham and David, as performing *mishpat u-tzdaka* for the Jewish people*,* in different ways. It may refer to God’s interventions in Jewish history, including justice and salvation (see Malbim). Alternatively, performance of *mishpat u-tzdaka* may refer to the giving of the Torah, through which God “established equity.”[[2]](#footnote-2) In that case, the parallel to terrestrial leaders is even closer: As King, God performs *mishpat u-tzdaka* for the Jewish people through righteous legislation. Furthermore, the law becomes an expression and embodiment of the values of *mishpat u-tzdaka*. The laws of Sinai give content and substance to the ethical values of *berit Avot*.[[3]](#footnote-3)

Other verses in *Tehillim* also assign *mishpat* and *tzedaka* to God:

Your ***tzedaka*** is like mighty mountains, Your ***mishpat*** is [like] the great deep. (36:7).

God performs ***tzedakot*** and ***mishpatim*** for all the aggrieved. (103:6)

Prof. Weinfeld notes that these verses, too, are echoed in our liturgy. The blessing following the morning recitation of the *Shema* states, “At the height of the universe is Your seat, and your ***mishpatim*** and ***tzedaka*** reach the ends of the earth” (121). This, too, is in the context of God’s kingship, which is mentioned nine times in the blessing.

Finally, *Tehillim* also contains two parallel pairings of *mishpat* with *tzedek* (righteousness) as the base of God’s throne. In each case, the *midrash* reinterprets *tzedek* as *tzedaka*, which yields the familiar pairing of *tzedaka u-mishpat*:

Great is ***tzedaka***, for it reaches the Throne of Glory, as it says, “***Tzedek*** and ***mishpat*** are the base of Your throne” (89:15). (*Midrash Mishlei* 14)[[4]](#footnote-4)

So, too, is the Throne of Glory praised through ***tzedaka***, as it says, “Cloud and fog surround Him, ***tzedek*** and ***mishpat*** are the base of His throne” (97:2). (*Tanna De-vei Eliyahu Zuta*, 1)[[5]](#footnote-5)

Following these interpretations, *tzedaka u-mishpat* again appear in the context of God’s kingship. They are essential to His rule, just as they are for kings on earth.[[6]](#footnote-6)

***Yeshayahu***

*Yeshayahu*, too, repeatedly speaks of God’s *mishpat* and *tzedaka*. The following verse is familiar from the *Amida* prayers for Rosh Hashana and Yom Kippur:

The Lord of Hosts is exalted through ***mishpat***, and the Holy God is sanctified through ***tzedaka***. (5:16)

As the Malbim (5:7) notes, this verse is part of the continuation of the Parable of the Vineyard, in which Yeshayahu laments that “[God] hoped for ***mishpat***” from the Jewish people, “but behold, *mispach* (a blemish); for ***tzedaka***, but behold, *tze’aka* (cries)” (5:7). In other words, God soars where the Jewish people flounder; while “man bows and is humbled” (5:15) by his deviance, God is exalted and sanctified through *mishpat* and *tzedaka*.[[7]](#footnote-7)

Admittedly, some commentaries interpret “*tzedaka*” here as “*tzedek*” (righteousness) and thus conflate it with “*mishpat*” in the first half of the verse. Radak, for instance, writes that “the meaning of ‘through *tzedaka’* is with fairness (*yosher*), like *mishpat.*”[[8]](#footnote-8) Others, though, such as Rashi, deliberately keep the two halves of the verse separate. The following *midrash* similarly interprets this verse, linking it to yet another verse from *Tehillim*:

“To David, a song, [about] *chessed* and ***mishpat*** I will sing; to You, God, I will offer praise” (*Tehillim* 101:1). This is what Scripture says, “The Lord of Hosts is exalted through ***mishpat***, and the Holy God is sanctified through ***tzedaka***” – if through ***mishpat***, [then] “The Lord of Hosts is exalted through ***mishpat***,” and if through ***tzedaka***, [then] “and the Holy God is sanctified through ***tzedaka***.”

R. Huna said in the name of R. Acha: This is what David said before the Holy One, Blessed be He: “If you perform *chessed* with me — ‘I will sing’; and if you perform ***mishpat*** with me — ‘I will sing;’ either way, ‘“To You, God, I will offer praise.’”[[9]](#footnote-9)

According to the *midrash*, these verses portray *tzedaka*/ *chessed* and *mishpat* as two different Divine modes, which together comprise the composite Divine ideal of *tzedaka u-mishpat*.[[10]](#footnote-10)

Divine *tzedaka u-mishpat* also appear elsewhere in *Sefer Yeshayahu*. Yeshayahu foretells a day when God, metaphorically, “will make ***mishpat*** the ruler and ***tzedaka*** the level” (28:17). Several chapters later, Yeshayahu anticipates the praise that the people will offer upon salvation:

God is exalted, for He dwells on high, he filled Zion with ***mishpat u-tzdaka***. (33:5)[[11]](#footnote-11)

Conversely, God withdraws His *mishpat* and *tzedaka* in response to sin (59:9, 14) — retribution, the Radak notes (9), for the people’s rejection of *mishpat* and *tzedaka*.

In each of these verses, the exact meanings of *tzedaka* and *mishpat*, especially when performed by God, may vary. However, the repeated use of these familiar terms in so many different contexts collectively reinforces one general conclusion: God claims the values of *tzedaka* *u-mishpat* as His own.[[12]](#footnote-12)

***Tzedaka U-mishpat* as *Imitatio Dei***

If *tzedaka u-mishpat*, in fact, do not originate with Avraham but are essential Divine traits, then their performance by humans takes on a whole new meaning. *Tzedaka u-mishpat* are not just desired by God but are ways of imitating Him! As such, they carry immense spiritual force, as imitation of God is a prime method of drawing close and cleaving to Him (see *Vayikra Rabba* 25:3).

Furthermore, through performance of *tzedaka u-mishpat*, one joins God in His grand project for creation:

R. Elazar said: One who **performs** ***tzedaka u-mishpat***,[[13]](#footnote-13) it is as if he has filled the whole entire world with *chessed*, as it says, “He loves ***tzedaka u-mishpat***; God’s *chessed* fills the earth” (*Tehillim* 33:5). (*Sukka* 49b)

There is a missing link in this interpretation: The verse is speaking about God, not humans! Apparently, one who performs *tzedaka u-mishpat* steps into the Divine role. As such, he or she is responsible for filling the world with *chessed*, like God Himself.

According to Radak, human imitation is anticipated by the wording of the original verse and is echoed elsewhere in *Tanakh*:

Just as [God] does, He loves that His creations should do. And so did the prophet say: “For I am God, who **performs** ***chessed***, ***mishpat*** and ***tzedaka*** in the land, for these I desire” (*Yirmeyahu* 9:23) — meaning, just as I perform them, I love that you should perform them.

God performs *mishpat u-tzdaka* and wants others to do so as well. In pursuit of *mishpat u-tzdaka*, then, God and humans unite in partnership and together fill the world with *chessed*.[[14]](#footnote-14)

***Tzedaka U-mishpat* as Ritual Worship**

Through this analysis, I think, we can better understand a verse from *Mishlei* and its repeated usage by *Chazal*:

**Performance** **of *tzedaka u-mishpat*** is more precious to God than sacrifice. (21:3)

On its own, the verse only offers a ranking, echoed so many times in various forms by the later Prophets: ethical behavior outweighs the rites of the Temple. Our broader reading in *Tanakh*, however, supplies the rationale: Ethical behavior does not stand in contrast to spirituality or merely complement it, but embodies it and constitutes its highest expression! Through *tzedaka u-mishpat*, values #3 and #4 of *berit Avot* merge into one.

Moreover, performance of *tzedaka u-mishpat* is a more powerful gesture than even the most sacred forms of worship. Through *tzedaka u-mishpat*, we might suggest, a yearning soul is able to bypass the medium of ritual worship and cleave directly to God.

*Sukka* 49b highlights this message:

R. Elazar said: Greater is one who **performs *tzedaka*** than all the different sacrifices, as it says, “**Performance** **of *tzedaka u-mishpat*** is more precious to God than sacrifice.”

Some commentators are perplexed by the reference only to performance of *tzedaka*,[[15]](#footnote-15) but the almost verbatim statement in *Yalkut Shimoni* (*Mishlei*, 959) includes both *tzedaka* and *mishpat*. Similarly, *Midrash Mishlei* states:

R. Elazar, son of R. Shimon, said: Anyone who ***performs*** ***tzedaka u-mishpat***, Scriptures treats him as if he offered burnt offerings and peace offerings, as it says, “more precious to God than sacrifice.”

R. Yirmeya said: Any day in which there is ***tzedaka u-mishpat*** in the world is more beloved before the Holy One, blessed be He, than burnt offerings and peace offerings, as it says, “more precious to God than sacrifice.”

In *Devarim Rabba*, the Sages elaborate further about God’s preference for *tzedaka u-mishpat* over ritual worship:

This is what it means, “**Performance of *tzedaka u-mishpat*** is more precious to God than sacrifice.” It does not say: as precious as sacrifice, but “more than sacrifice.” How so? The sacrifices are only offered in the time of the Temple, but ***tzedaka*** and justice (*dinim*) are practiced with or without the Temple.

Another interpretation: The sacrifices only atone for negligence, but ***tzedaka*** and justice atone for negligence and for willful sin.

Another interpretation: the sacrifices are only practiced on earth, but ***tzedaka*** and justice are practiced both in Heaven and on earth.

Another interpretation: the sacrifices are only practiced in this world, but ***tzedaka*** and justice are practiced in this world and in the World to Come. (5:3)

The *midrash* continues with a practical application from history, regarding a figure who is already quite familiar to us as an exemplar of Avraham’s tradition — King David. In light of the prophecy that the Temple will not be built until after David’s death (*I Divrei Ha-yamim* 17:4), some of his naysayers tease him by disingenuously pining for its construction. The *Talmud Yerushalmi* tells the story this way:

There is no generation that does not have scoundrels. What did the boors of the generation do? They would stand outside of David’s windows and say to him, “David, when will the Temple be built? When will we ‘go to the House of God’?” He would say, “Even though they mean to anger me, [I swear] that I rejoice in my heart — ‘I would rejoice from those who would say to me, ‘Let us go to the House of God’’ (*Tehillim* 122:1).”

God, however, sees things differently:

“When your days have been filled” (*II Shmuel* 7:12) — R. Shmuel bar Nachmani said: The Holy One, blessed be He, said to David: “David, I am counting for you full years; I will not count for you incomplete years. Isn’t your son, Shlomo, building a Temple only to offer sacrifices in it? The ***mishpat u-tzdaka*** that you **perform** is more beloved to me than the sacrifices! What is the reason? ‘**Performance of** ***tzedaka u-mishpat*** is more precious to God than sacrifice.’” (*Berakhot* 2:1)

Meanwhile, the complementary, familiar prooftext is cited by *Devarim Rabba*: “David would **perform** ***mishpat u-tzdaka*** for his whole nation” (*II* *Shmuel* 8:15).

Unlike the jokesters of the generation, God is not impatient for the Temple sacrifices. He savors every moment of David’s legendary *tzedaka u-mishpat*, not only as a prerequisite for the Temple construction but as a supreme form of worship in their own right.

God’s preference for *tzedaka u-mishpat* over sacrifice reverberates throughout history, though the message often falls upon deaf ears. In the era of the Temple, prophets such as Hoshea, Amos, Yeshayahu, and Mikha implore the people to prioritize imitation of God over service of Him, though to little avail.[[16]](#footnote-16) Following the destruction of the Second Temple, Rabban Yochanan ben Zakkai echoes their words:

Rabban Yochanan ben Zakkai was once leaving Yerushalayim, and R. Yehoshua was following and saw the destroyed Temple. R. Yehoshua said: “Woe to us over the fact that it is destroyed —the place in which the sins of the Jewish people would be atoned!” [Rabban Yochanan ben Zakkai] said to him: “My son, do not be upset. We have another[[17]](#footnote-17) atonement that is like it — which is it? This is *gemilut chassadim*, as it says, ‘For I desire *chessed* and not sacrifice’ (*Hoshea* 6:6).” (*Avot De-Rabbi Natan*, A, 4(.[[18]](#footnote-18)

The passage continues with the story of the Second Temple’s destruction, including Rabban Yochanan ben Zakkai’s decision, when given an opportunity by the Roman Emperor Vespasian to advocate for his people, to put other needs before the Temple and its service.[[19]](#footnote-19)

While *Avot De-Rabbi Natan* only quotes Rabban Yochanan ben Zakkai’s plea to spare the town of Yavneh, *Gittin* 56b includes a request for a doctor for R. Tzadok, who was severely emaciated from fasting. Here, too, the message seems to be the prioritization of extending kindness to even a single, suffering individual over preservation of the Temple worship.[[20]](#footnote-20)

In all of these sources, *tzedaka/ chessed* and *mishpat* are not accorded ethical value, but genuine spiritual value. Like the sacrifices, they atone, if not more so. Conversely, repudiation of *tzedaka* is not just a moral problem, but a spiritual one:

R. Yehoshua ben Korcha says: One who hides his eye from [those needy of] ***tzedaka***, it is as if he practices idolatry. (*Bava Batra* 10a)

Pursuit of the values of *tzedaka u-mishpat* is one and the same as pursuit of God. Spurning these values, on the other hand, is turning one’s back on God as well.

***Tzedaka* and Prayer**

We close this *shiur* with a practical application. If *tzedaka u-mishpat* are genuinely spiritual pursuits, then we can perhaps better understand a practice of R. Elazar, which is codified by the Rambam (*Hilkhot Mattenot Aniyim* 10:15) and the *Shulchan Arukh* (*OC* 92:10):

R. Elazar would give a coin to a pauper and then pray. He would say: As it says, “I, through *tzedek*, will see Your face” (*Tehillim* 17:15). (*Bava Batra* 10a)

Here, too, *tzedek* is interpreted as *tzedaka*. Through charity, the verse then says, one approaches God.

If *tzedaka* were to carry only ethical meaning, its relevance to prayer would be puzzling. However, as a way of imitating God, *tzedaka* also constitutes a way of approaching Him. *Tzedaka*, along with *mishpat*, draws one close to the Creator, thus facilitating a direct conversation through prayer.[[21]](#footnote-21)

**Conclusion**

The following *shiur* will continue with the theme of *tzedaka u-mishpat* as imitation of God, specifically exploring its roots in the narrative of *Parashat Vayera*.

**For Further Thought:**

1. As we conclude the last of several *shiurim* that analyze the pairing of *mishpat* and *tzedaka* in *Tanakh*, let us take a step back and consider some linguistic points:
   1. There are three ways to interpret the pairing of *mishpat* and *tzedaka* in *Tanakh*:
      1. Approach #1: *Mishpat* and *tzedaka*, while complementary, each refer to a separate, discrete phenomenon.
      2. Approach #2: *Tzedaka u-mishpat* (or *mishpat u-tzdaka*) together form a single fused concept, distinct from either *mishpat* or *tzedaka* alone.
      3. Approach #3: *Tzedaka u-mishpat* form a hendiadys, in which two conjoined nouns substitute for a noun and an adjective. In this case, *tzedaka* does not stand in contrast to *mishpat* but modifies it and should actually be understood as *tzedek*; the intention is not “justice with charity,” but “righteous justice.” Thus, the phrase becomes the equivalent of *mishpat-tzedek*.
   2. All three approaches find expression regarding various uses of *tzedaka u-mishpat* in *Tanakh*:
      1. *Chazal* and traditional commentaries often follow Approach #1, particularly when *mishpat* and *tzedaka* are separated within the text. Regarding the verses cited in this *shiur*, for example, see *Arakhin* 8b and *Bereishit Rabba* 33:1 about *Tehillim* 36:7; Rashi, *Yeshayahu* 28:17 and 59:9; and Radak, *Tehillim* 33:5 and 99:4.
      2. The rabbinic debate about *II Shmuel* 8:15 in *Sanhedrin* 6b revolves around Approach #1 vs. Approach #2. R. Yehoshua ben Korcha interprets “*mishpat u-tzdaka*” as a wholly new concept, namely, “*mishpat* tempered by *tzedaka*” (Approach #2). The opposing positions, however, separate David’s activities into the two distinct, traditional categories of *mishpat* and *tzedaka* (Approach #1; see *Shiur* #36). As another example of approach #2, note the Ramban’s comment about *Tehillim* 33:5: “I am God Who ‘loves charity and justice’ — that is, that I mete out justice only with charity” (Commentary, *Bereishit* 18:18). Also see R. Soloveitchik, note #11 above.
      3. In a landmark article, “Hendiadys in the Bible,” *Tarbiz* 16 (1945), 173-189, R. Ezra Zion Melamed cites *mishpat u-tzdaka* as a frequent example (Approach #3), even when the terms are not adjacent within the text. A hendiadys can sometimes be poetically split between two symmetric half-verses (as in *Amos* 5:24 and 6:12; *Tehillim* 58:2, 72:2, and 103:6; and *Yeshayahu* 58:2), yet still constitute a single phrase. *Da’at Mikra* makes use of this approach. Regarding the verses cited in this shiur, for example, see Amos Hakham’s commentary on *Yeshayahu* 33:5 and 59:9 and *Tehillim* 99:4 and 103:6.

Precedent for Approach #3 exists as well; see, for instance, *Mishlei* 16:8. See especially the commentary of R. Yosef Kara (an acquaintance of Rashi’s) on *Yeshayahu* 1:27:

Know that every place that you find “*tzedaka*” juxtaposed with “*mishpat*,” *tzedaka* there does not refer to charity, but rather signifies true justice [=*tzedek*]. And so, “**To perform *tzedaka u-mishpat***” (*Bereishit* 18:19); “David would **perform *mishpat u-tzdaka*** for his whole nation” (*II Shmuel* 8:15); and so “***mishpat*** and ***tzedek*** you see in society” (*Kohelet* 5:7); and **so all of them**.

Like R. Melamed, R. Yosef Kara broadly asserts that *tzedaka* in the context of *mishpat* really denotes *tzedek*. Also see his commentary on *Yeshayahu* 5:16, along with ibn Ezra and Radak there. Nevertheless, *Chazal* tend to treat *tzedaka* as a distinct term (Approach #1 or #2), rather than folding it into *mishpat*.[[22]](#footnote-22)

* 1. While Approach #3 essentially converts *tzedaka* into *tzedek*, the Sages frequently do the opposite and reinterpret *tzedek* as *tzedaka*. See *Shiur* #40 regarding *Tehillim* 119:121 and *Iyov* 29:14; *Shiur* #41 regarding *Hoshea* 2:21; this *shiur* regarding *Tehillim* 17:15, 48:11, 89:15, and 97:2; *Bava Batra* 11a regarding *Tehillim* 85:12 and *Yeshayahu* 58:8; *Sanhedrin* 35a regarding *Yeshayahu* 1:21; *Sifrei* on *Devarim* 24:13 regarding *Tehillim* 85:14; *Bereishit Rabba* 43:4 regarding *Yeshayahu* 41:2; *Midrash Tehillim* on 119:138; and *Midrash Mishlei* 14:34 and *Midrash Zuta*, *Shir Ha-shirim* 1:15, regarding *Devarim* 16:20. See especially *Midrash Tanchuma*, *Shofetim*, 6, which offers an interpretation of *mishpat-tzedek* (*Devarim* 16:18) as *tzedaka*!

1. The different approaches above might underlie a debate in *Berakhot* 12b that revolves around *Yeshayahu* 5:16. Rav contends that during the Ten Days of Repentance (between Rosh Hashana and Yom Kippur), one must replace the phrase “the Holy God” in the *Amida* prayer with the phrase “the Holy King.” R. Elazar disagrees, as a verse that refers to this period — “‘The Lord of Hosts is exalted through ***mishpat***’ when? These are the ten days from Rosh Hashana until Yom Kippur”[[23]](#footnote-23) — nevertheless speaks of “the Holy God” in the continuation: “and the Holy God is sanctified through ***tzedaka***.” R. Elazar evidently combines and conflates the two halves of the verse (Approach #3). The Talmud, however, rules against R. Elazar, perhaps because it maintains the two halves as distinct (Approach #1). As *mishpat* is the dominant theme during the Days of Awe, the description of “the Holy God,” Who “is sanctified” specifically “through *tzedaka*,” is not appropriate.
2. Regarding the eleventh blessing of the *Amida*:
   1. What is this blessing about? See, for instance, *Megilla* 17b, Rashi ad loc.; and *Berakhot* 29a, Rashi ad loc. and Rabbeinu Yona, 19a in Alfasi.
   2. While the common practice is to end the blessing with the words, “King Who **loves** ***tzedaka u-mishpat***,” a variant practice is to end with “The God of ***mishpat***” (see Meiri, *Berakhot* 12b; *Tur*, *OC* 118). How might this alter the meaning of the blessing?
   3. Regarding the common practice, the Tur quotes his brother, R. Yechiel, who wonders why God’s kingship is at all relevant. In defense, R. Yechiel cites the verse, “The king through justice stabilizes the land” (*Mishlei* 29:4). Can we recruit other verses in support of the common text?
   4. In the body of the blessing, we ask God to “rule (*melokh*) upon us (quickly), You, God, alone.” The Sephardic text continues, “with *chessed* and with *rachamim*, with ***tzedek*** and with ***mishpat***,” closely adhering to *Hoshea* 2:21. If we assume that Hoshea’s *tzedek* can be understood as *tzedaka* (see above), then here, too, we have a merging of *tzedaka* and *mishpat*. The Ashkenazi text, however, reads, “with *chessed* and with *rachamim*, and find us righteous (*tzaddekeinu*) in ***mishpat***.” In that case, the concept of *tzedaka* does not appear, and the blessing would seem to focus primarily on *mishpat*. How does this alter our understanding of the blessing? Ought we connect this to the issue of the blessing’s closing above?
   5. During the Ten Days of Repentance, one must change the closing of the blessing to “The King of ***mishpat***” (*Berakhot* 12b). Commentaries discuss whether this is critical only for those who typically say “the God of *mishpat*,” or also for those who say “King Who loves *tzedaka u-mishpat*.” How might this debate relate to our interpretation of the blessing? Note, for instance, the Bach’s explanation (*OC* 118) for why the change is essential even for our common practice:

“King Who **loves *tzedaka u-mishpat***” means that He loves His creations when they **perform *tzedaka u-mishpat***, as in “For I have known him in order that he may command his children and his household after him, that they may keep the way of God to **perform *tzedaka u-mishpat***” (*Bereishit* 18:19). However, “The King of *mishpat*” means that He sits on His Throne to judge His creations.

For an insightful analysis of this blessing that relates to many of these points, also see [this *shiur*](https://etzion.org.il/en/halakha/studies-halakha/philosophy-halakha/justice) by R. Ezra Bick.

**Questions or Comments?**

Please email me directly with your feedback at [judahlgoldberg@gmail.com](mailto:judahlgoldberg@gmail.com)!

1. Also see 37:28 and *Yeshayahu* 61:8 regarding *mishpat* and *Tehillim* 11:7 and *Midrash Zuta*, *Shir Ha-Shirim* 1:15 regarding *tzedaka*. [↑](#footnote-ref-1)
2. See *Tanchuma*, *Mishpatim*, 1, quoted by Rashi here, as well as ibn Ezra. Radak cites both interpretations. Following the second interpretation, some Biblical scholars connect this verse to *Devarim* 33:21 — "He **performed** God’s ***tzedaka*** and His ***mishpatim*** with the Jewish people” — which they suggest is describing Moshe’s role as a lawgiver (see *Mishpat U-tzdaka Be-Yisrael U-ve’amim*, 109-110). [↑](#footnote-ref-2)
3. Regarding this verse, also see *Vayikra Rabba* 36:4. [↑](#footnote-ref-3)
4. Also see *Sifrei* on *Devarim* 33:21, as emended by the Vilna Gaon:

   “He **performed** God’s ***tzedaka*** and His ***mishpatim***”: This teaches that ***tzedaka*** is bound up with ***mishpat*** under the Throne of Glory, as it says, “***Tzedek*** and ***mishpat*** are the base of Your throne.”

   Compare to *Devarim Rabba* 5:1 regarding *mishpat*. Also see *Bava Batra* 11a. However, see *Chagiga* 12a-b, which clearly distinguishes between *tzedek* in this verse and *tzedaka*. [↑](#footnote-ref-4)
5. Also see *Yerushalmi Pei’a* 1:1. The Sages similarly interpret *Tehillim* 48:11, contrasting *tzedek* there with *mishpat* (also see verse 12):

   R. Levi and R. Yitzchak said: Two things are in God’s right and two things in His left. Two things in His right — Torah and ***tzedaka***… ***Tzedaka***, from where? As it says, “***Tzedek*** filled Your right.” Two things in His left — the soul and ***mishpat***. (*Vayikra Rabba* 4:1; *Devarim Rabba* 5:4)

   Thus, God employs both *tzedaka* and *mishpat*, but *tzedaka* (metaphorically in His right hand) overpowers *mishpat* (in His left); see *Midrash* *Tanchuma*, *Emor*, 7. [↑](#footnote-ref-5)
6. Also see *Mishlei* 16:11-12 (which ibn Ezra references in his commentary on *Tehillim* 97:2) and *Yeshayahu* 16:5 and 54:14 (also see Rambam, *Hilkhot Mattenot Aniyim* 10:1). [↑](#footnote-ref-6)
7. Also see 2:9-17. The Vilna Gaon connects 5:16 to 1:27, which he interprets as also referring to God’s *mishpat* and *tzedaka*. [↑](#footnote-ref-7)
8. Also see ibn Ezra and R. Yosef Kara. For more on this approach, see For Further Thought #1-2. [↑](#footnote-ref-8)
9. Compare to *Berakhot* 60b. Previously, we also noted that the pairing of *chessed* with *mishpat* can substitute for *tzedaka u-mishpat*; see the end of *Shiur* #41. Ibn Ezra and Radak, in fact, understand that David is referring to his own embrace of *chessed* and *mishpat*, and both reference the verse of “David would **perform** ***mishpat u-tzdaka*** for his whole nation” (II *Shmuel* 8:15) in this context. However, compare to R. Joseph B. Soloveitchik, “*Tzedakah*: Brotherhood and Fellowship,” in *Halakhic Morality: Essays on Ethics and Masorah*, 136. [↑](#footnote-ref-9)
10. Also see *Tanchuma*, *Kedoshim*, 1. Also see *Tanna De-vei Eliyahu Zuta*, 1:

    Avraham, Yitzchak, Ya’akov, Moshe, Aharon, David, and his son, Shlomo, were only praised through ***tzedaka***… So, too, is the Holy One, blessed be He, praised through ***tzedaka***, as it says, “The Lord of Hosts is exalted through ***mishpat***, and the Holy God is sanctified through ***tzedaka***.” [↑](#footnote-ref-10)
11. Radak offers two interpretations: either that God’s salvation is *mishpat u-tzdaka*, or that through His salvation, performance of *mishpat u-tzdaka* will return to Zion. Malbim contrasts the *mishpat u-tzdaka* with which God fills Zion to the physical “bounty” in the preceding verse. [↑](#footnote-ref-11)
12. Also see *Iyov* 37:23. [↑](#footnote-ref-12)
13. Rabbeinu Chananel’s text reads “One who **loves** ***tzedaka u-mishpat***,” mirroring the prooftext. Both versions appear in *Yalkut Shimoni* (*Tehillim* 720, 727, 859). [↑](#footnote-ref-13)
14. See *Reshimot Shiurei Maran Ha-Grid Ha-Levi*, *Sukka.*  [↑](#footnote-ref-14)
15. See, for instance, Maharsha and *Arukh La-ner*. [↑](#footnote-ref-15)
16. See *Hoshea* 6:6, *Amos* 5:21-25, *Yeshayahu* 1:11-17, and *Mikha* 6:6-8. The *haftara* for *Parashat Tzav*, which begins with *Yirmeyahu* 7:21-23 and concludes with 9:22-23 (see Rambam, end of *Sefer Ahava*), conveys the same message. Prof. Weinfeld (127) also notes the contrast between fasting and deprivation, on the one hand, and social justice, on the other, in *Yeshayahu* 58:5-7. [↑](#footnote-ref-16)
17. The text can alternatively be rendered as “one other.” See the Schechter edition; compare to Version B, 8. [↑](#footnote-ref-17)
18. Similarly, see *Pirkei De-Rabbi Eliezer*:

    The Holy One, blessed be He, said to the ministering angels, “Let us go and extend *chessed* to Adam and his companion;” and the Holy One, blessed be He, descended with the ministering angels to extend *chessed* to Adam and his companion.

    The Holy One, blessed be He, said: “*Gemilut chassadim* is more beloved before Me than peace offerings and burnt offerings that the Jewish people will sacrifice before Me upon the altar in the future, as it says, ‘For I desire *chessed* and not sacrifice.’” (16; also see 12) [↑](#footnote-ref-18)
19. Compare to Version B of *Avot De-Rabbi Natan*, in which the story of the Temple’s destruction appears earlier, in a section on “worship” (*Avot* 1:2). [↑](#footnote-ref-19)
20. I recall hearing this observation in the name of *mori ve-rabbi* HaRav Yehuda Amital. Also see [this address](https://www.etzion.org.il/en/why-did-rabban-yochanan-ben-zakkai-weep) by *mori ve-rabbi* HaRav Aharon Lichtenstein. [↑](#footnote-ref-20)
21. The Sages further extol at length the spiritual value of *tzedaka* and *mishpat* individually. Regarding *tzedaka*, see also *Bava Batra* 8b-11a; *Tanna De-vei Eliyahu Zuta*, 1; *Midrash Mishlei* 34:14; and *Midrash Zuta*, *Shir Ha-shirim*, 1:15. Regarding *mishpat*, see also *Sanhedrin* 7a-b; *Bava Batra* 8b; *Shemot Rabba* 30:20; *Devarim Rabba* 5:6; and *Midrash Tanchuma*, *Mishpatim,* 4. [↑](#footnote-ref-21)
22. Prof. Weinfeld opens Chapter 1 of his book by stating that *mishpat u-tzdaka* is a hendiadys and referencing R. Melamed’s article (12). However, in the continuation, he stresses that *mishpat u-tzdaka* is distinct from *mishpat-tzedek*, and his proposed understanding seems closer to Approach #2 (18-21; also see *Shiur* #39). [↑](#footnote-ref-22)
23. Also see Ramban on *Vayikra* 23:24. [↑](#footnote-ref-23)