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 #40:**

**Pursuit of the Ethical Life (11)**

**The Jewish People and *Tzedaka U-mishpat***

**Part I:**

**In *Tanakh* and *Chazal***

Until now, in our attempt to demonstrate the eternal relevance of *berit Avot*’s ethical vision, we have examined isolated phenomena that seem better explained by the values of *tzedaka u-mishpat* than by any specific laws of *berit Sinai*. *Kofin al middat Sedom*, the Rambam’s emphasis upon charity, arbitration, and the king’s employment of moral intuition all have textual and conceptual links to the complementary values of *tzedaka* and *mishpat*, and, in turn, validate *tzedaka u-mishpat* as active, potent forces within the Jewish experience, independent of the ethical demands and regulations of Jewish law.

Upon this backdrop, we now seek to explore the manifestations of *tzedaka u-mishpat* within *Torah She-bikhtav* and *Torah She-be’al Peh* more fully. If, in the [last *shiur*](https://www.etzion.org.il/en/shiur-39-pursuit-ethical-life-10-king-and-tzedaka-u-mishpat), we saw how both demanding and empowering *mishpat* and *tzedaka* are for Jewish kings, in this *shiur* we turn our attention to the masses. In the eyes of our prophets and our Sages, *tzedaka u-mishpat* not only define the Davidic mission but also must pervade the fabric of collective public and private Jewish life. Though not the object of any Torah commandment, pursuit of *tzedaka u-mishpat* carries the potential to hasten the redemption; conversely, its abandonment, as with the House of David, can lead to destruction.[[1]](#footnote-1)

***Tzedaka U-mishpat* as a Goal for the People**

Aspiration towards *tzedaka u-mishpat* and expectation for them are persistent themes throughout *Tanakh* regarding the commoner and the king alike. Specifically, *Tanakh* often speaks of “performing” (*assiyyat*) *tzedaka u-mishpat*, which is reminiscent of “**to perform** (***la-asot***) ***tzedaka u-mishpa****t*”in *Bereishit* 18:19.[[2]](#footnote-2) In *Sefer Yechezkel*, “**performing** ***mishpat u-tzdaka***” is synonymous with all-around righteousness (18:5, 19, 21, 27 and 33:14, 19). Yirmeyahu, in addition to exhorting kings to perform *mishpat* *u-tzdaka*, anticipates a time when the Jews “will swear by the life of God with truth, with ***mishpat***, and with ***tzedaka***” (4:2).[[3]](#footnote-3) *Sefer Tehillim* praises those “who protect ***mishpat***, who **perform *tzedaka*** consistently” (106:3).

Amos both chastises the nation for its lack of *tzedaka u-mishpat* and pushes for their prioritization, as does his disciple, Yeshayahu (see Rambam’s introduction to *Mishneh Torah*). In the negative, Amos laments those “who turn ***mishpat*** into wormwood and cast ***tzedaka*** to the earth” (5:7); the people have “turned ***mishpat*** into poison and the fruit of ***tzedaka*** into wormwood” (6:12). Prof. Moshe Weinfeld (126n) notes that Yeshayahu echoes this metaphor of *mishpat* and *tzedaka* as plants that have gone bad. God bemoans the corruption that has befallen His “vineyard,” the Jewish people: “He hoped for ***mishpat***, but behold, *mispach* (a blemish); for ***tzedaka***, but behold, *tze’aka* (cries)” (*Yeshayahu* 5:7). God further decries the people who disingenuously “seek Me daily and knowledge of My ways desire, like a nation that performed ***tzedaka*** and did not abandon ***mishpat*** of its God” (*Yeshayahu* 58:2).[[4]](#footnote-4)

In the positive, Amos pleads with the people to hold back their ritual worship and let *mishpat u-tzdaka* abound instead:

Spare me your many hymns, and let me not hear the music of your lutes/ Let ***mishpat*** issue forth like water, and ***tzedaka*** like a mighty stream. (5:23-24)

This contrast is echoed in *Chazon Yeshayahu*, which we examined in [*Shiur* #32](https://www.etzion.org.il/en/shiur-32-pursuit-ethical-life-3-sedom-and-yerushalayim) and which culminates with a prediction:

Zion will be redeemed through ***mishpat***, and her captives through ***tzedaka***. (1:27)

The Jewish people can survive without sacrifice, but they are crippled without *tzedaka u-mishpat*.[[5]](#footnote-5) On the flipside, their rehabilitation will ultimately come through returning to their ethical roots.

***Tzedaka U-mishpat*: Obligations or Values?**

What is striking about this Biblical survey is that *tzedaka u-mishpat* form such a central thread throughout the texts but rarely appear in the form of a command. Rather, they seem to be taken for granted as core elements of our national identity and mission, as if they transcend, or even predate, the particular rules of halakhic Judaism.

Of course, this is entirely fitting for *tzedaka u-mishpat*’s essential character as values of *berit Avot*. *Berit Avot* is all about vision and expectations, rather than rules and commandments, and *tzedaka u-mishpat*, for the most part, stay true to this form throughout the rest of *Tanakh*. When the prophets invoke *tzedaka u-mishpat*, they are not holding the people accountable for violating duties, but for disowning their national heritage.

Only once in *Tanakh*, to my knowledge, does God directly command the Jewish people to uphold *tzedaka* *u-mishpat*, parallel to the charges to the leadership in *Yirmeyahu* (22:3) and *Yechezkel* (45:9):

Thus said God: “Protect ***mishpat*** and **perform *tzedaka***, for My salvation will arrive imminently, and My generosity will be revealed.” (*Yeshayahu* 56:1)[[6]](#footnote-6)

Yeshayahu’s command to the people, together with Yirmeyahu’s and Yechezkel’s messages to the monarchy, validate *tzedaka u-mishpat* as duties and not mere ideas. At the same time, these verses are the exceptions to the rule. More typically, *Tanakh* relates to *tzedaka u-mishpat* as presumed traits: present in Avraham, David, Shlomo, and other kings, and lacking in Yehoyakim and, too often, the nation as a whole. If the people are to find redemption, Yeshayahu is telling them, they need not to cross off *tzedaka u-mishpat* from their checklists, but to rediscover and embody the spirit and ethos of *Parashat Vayera*.

***Tzedaka U-mishpat* and Redemption in *Torah She-be’al Peh***

Yeshayahu’s direct charge is underscored by *Chazal*. Coupling it to a verse from *Tehillim*, they portray the Jewish people as heeding its call, seeking God’s support, and asking for the reciprocity that God promises.

In *Shemot Rabba*, the Jewish people seek to answer Yeshayahu’s directive, but oppression stands in their way. Like King David in *Tehillim*, they appeal to God for help:

“Protect ***mishpat*** and **perform *tzedaka***” — this is what it says, “I **performed *mishpat*** and ***tzedek***,[[7]](#footnote-7) do not subject me to swindlers” (*Tehillim* 119:121). The Jews said, “Master of the Universe, see that we wish to **perform** ***tzedaka u-mishpat***, but we are afraid of pagans; do not hand us over to them.” This is “I **performed *mishpat*** and ***tzedek*** [etc.].” (30:22)

R. Shmuel Yaffe Ashkenazi explains that according to this Midrashic interpretation of *Yeshayahu* 56:1, God’s “salvation” is not a reward for *tzedaka u-mishpat*, but a means to their achievement (*Yefei To’ar*).[[8]](#footnote-8) *Tzedaka u-mishpat* and redemption, then, are mutually supportive: *tzedaka u-mishpat* lead to salvation, but salvation allows for the unhampered pursuit of *tzedaka u-mishpat*.

*Midrash Tehillim*, too, links the verses in *Yeshayahu* and in *Tehillim*, but regarding their plain meanings. Both King David and the Jews seek God’s reciprocity for their respective performances of *tzedaka u-mishpat*:

“I **performed *mishpat*** and ***tzedek***, do not subject me to swindlers” – Yeshayahu said, “Zion will be redeemed through ***mishpat***, etc.” (1:27). Thus said the Holy One, blessed be He: “If the Jews would only **perform** ***mishpat u-tzdaka***, they would be immediately redeemed. Not only that, but I would [also] hold their enemies accountable… David said, “Through ***mishpat*** they will be redeemed? I also ‘**performed** ***mishpat*** and ***tzedek***’!”

And so it says, “Protect ***mishpat*** and **perform** ***tzedaka****.*” Thus said the Jewish people: “Did we not fulfill our pledge, **like our forefather Avraham**, as it says, ‘For I have known him that he will command his children, etc.’ (*Bereishit* 18:19)? We fulfilled our pledge; You now do yours.” (119:53)

Here, the Midrash specifically ties Yeshayahu’s charge to *berit Avot*. In claiming their fulfillment of Yeshayahu’s exhortation, the Jewish people note how in doing so, they follow in the footsteps of Avraham.

*Chazal* emphasize the redemptive power of *mishpat u-tzdaka* by further highlighting the prophecies of Yeshayahu. Speaking in God’s voice, the Midrash says:

“If you observe both of them — *tzedaka* and justice — immediately I will bring you the complete redemption. From where? As it says, “Thus said God: ‘Protect ***mishpat*** and **perform *tzedaka***, for My salvation will arrive imminently, and My generosity will be revealed.’” (*Devarim Rabba* 5:6)

*Tanna De-vei Eliyahu Rabba* (11) expands this redemptive power to the Davidic dynasty and even to God Himself!

One who performs ***mishpat u-tzdaka*** and supports many people, about him Scripture says, “Redeems my soul in peace” (*Tehillim* 55:19). At that moment the Holy One, blessed be He, says, “Who redeemed Me from the place of My Presence,[[9]](#footnote-9) and redeems the Jewish people from exile? One who **performs *tzedaka u-mishpat***”…[[10]](#footnote-10)

When the Jews perform ***mishpat u-tzdaka***, what is said about them? “[God] loves ***tzedaka u-mishpat***” (*Tehillim* 33:5). And when the Jews do not perform ***mishpat u-tzdaka***, what is said about them? “Truth went missing [… God was upset, for there was no ***mishpat***]” (*Yeshayahu* 59:15).[[11]](#footnote-11)

The passage ends by addressing the Davidic monarchy directly:

House of David, why are you sitting? What do you seek? The days of the Messiah and the redemption? “House of David, so said God: adjudicate ***mishpat*** in the morning, and rescue the robbed from the embezzler” (*Yirmeyahu* 21:12)!

The key to the restoration of the Davidic monarchy, *Tanna De-vei Eliyahu* explains, is hiding in plain sight, in *Sefer Yirmeyahu*! If only the people and the leadership would together heed the calling of *Parashat Vayera* and its echoes in the mouths of the prophets, “My salvation will arrive imminently, and My generosity will be revealed.”[[12]](#footnote-12)

**Conclusion**

The next *shiur* will continue this survey of *tzedaka u-mishpat* within *Torah She-be’al Peh*.

**Questions or Comments?**

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

1. Prof. Moshe Weinfeld presumes that the obligation of pursuing *tzedaka u-mishpat* falls primarily upon the monarchy and only secondarily upon individuals (see *Mishpat U-tzdaka Be-Yisrael U-ve’amim*, 125-128). From the evidence in *Tanakh* and *Chazal*, I come to the opposite conclusion: pursuit of *tzedaka u-mishpat*, as the legacy of Avraham, is the joint mission of all Jews, but the monarchy is uniquely situated to advance these values in practice. [↑](#footnote-ref-1)
2. Noting the recurrent usage of “*oseh* *tzedaka u-mishpat*,” *Midrash Zuta* comments that “only one who is used to doing so regularly will do so” (*Rut* 1:2). In other words, the aspiration is not just to perform *tzedaka u-mishpat* sporadically, but to become, like Avraham, a reliable executer of *tzedaka u-mishpat*. [↑](#footnote-ref-2)
3. Prof. Weinfeld compares the conclusion of the verse to *Bereishit* 18:18 (125-126). [↑](#footnote-ref-3)
4. “Knowledge of My ways” echoes both knowledge of God in *Yirmeyahu* 9:23, 22:16 and “ways of God” in *Bereishit* 18:19. Also see *Hoshea* 4:1 and Radak. [↑](#footnote-ref-4)
5. Also see *Hoshea* 6:3, 6 and Radak, 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*), also conveys this message. [↑](#footnote-ref-5)
6. Also see *Hoshea* 12:7 and Radak, as well as *Makkot* 24a. [↑](#footnote-ref-6)
7. In the previous *shiur*, we distinguished between “*tzedek*” and “*tzedaka*,” and for that reason I have restricted myself to citing verses that specifically refer to *tzedaka* only. However, *Chazal* sometimes equate them, as in this case. Perhaps we can differentiate between “*tzedek*” as a modifier of or in conjunction with “*mishpat*” (as in *Vayikra* 19:15; *Devarim* 1:16, 16:18-20) and “*tzedek*” juxtaposed with “*mishpat*” (as in this verse and *Hoshea* 2:21, which will be discussed in the following *shiur*). Also see *Midrash Tehillim* 24:1 regarding *Iyov* 29:14 and Rashi on *Mishlei* 1:3 (as well as 2:9). [↑](#footnote-ref-7)
8. The Midrash seems to be reading the word “*ki*” as “because,” instead of as “for.” [↑](#footnote-ref-8)
9. The original Hebrew text seems to be corrupted here; I have amended it in line with the continuation of the paragraph. I presume that God is being redeemed from self-imposed exile with the Jews; compare, for instance, to another interpretation in *Shemot Rabba* 30:22:

   “For My salvation will arrive imminently” — it does not say: for your salvation is near, but “My salvation.” May His name be blessed! Were it not written, it could not be said! The Holy One, blessed be He, said to the Jewish people, “If you do not have merit, I will do so for My own sake. It is as if the whole time that you are suffering [in exile], I am with you, as it says, ‘I am with him in suffering’ (*Tehillim* 91:15).”

   Also see [*Shiur* #22](https://www.etzion.org.il/en/shiur-22-land-israel-5-land-israel-place-divine-presence-%E2%80%93-part-2), “For Further Thought” #2. [↑](#footnote-ref-9)
10. According to the Ish-Shalom edition, there is a small gap in the manuscript here. [↑](#footnote-ref-10)
11. Also see the preceding verse: “***Mishpat*** retreated, and ***tzedaka*** stays away.” [↑](#footnote-ref-11)
12. Also see *Tanna De-vei Eliyahu Rabba*, 18: “When the Jewish people **perform *tzedaka u-mishpat***, the Holy One, blessed be He, is happy with them.” *Chazal* also reference Yeshayahu’s prophecies with regard to *tzedaka* and *mishpat* individually. See *Shabbat* 139a; *Bava Batra* 10a; *Shemot Rabba* 30:12, 19-20, 22; and *Midrash Tanchuma*, *Mishpatim*, 3. [↑](#footnote-ref-12)