

Misunderstandings: We have all experienced them, sometimes laughing at their absurdities, but often frustrated and pained. Our parashah is the source of a number of them. After generations of slavery the Israelites are on the threshold of a new life, a life for which they will need an all-encompassing infrastructure. A vital component of this infrastructure is a body of laws to govern all aspects and contingencies of life. And herein lie some of the most pervasive misunderstandings. First of all, and contrary to popular belief, the word *Torah* does not mean law. Judaism has often been unfavorably described as simply being a religion of law. But the word *Torah*, which derives from a root meaning point out/show/direct/teach, is not law; it is the underlying teaching. Torah enumerates and defines the areas in which laws must be enacted to ensure that society operates smoothly and in keeping with the ethical principles contained in the “Ten Utterances,” commonly called the “Ten Commandments,” that Moses has just brought down from the mountain. *Mitzvah* is another often misunderstood word. A *mitzvah* can be a good deed, but the word simply means commandment. Sefer HaChunuch, a 13th century work that elaborates on the Torah’s 613 commandments, teaches that of the 53 commandments in our parashah, 23 are positive and 30 are negative. It is noteworthy that its anonymous Spanish author wrote it to “awaken the hearts” of his teenaged son and his friends in order to instill in them a connection to Torah. During our formative years we need detailed instruction set within firm, but logical boundaries. To the annoyance of all children, especially toddlers and teenagers with their burgeoning sense of independence, most rules begin with “do not.” Emotionally, the Israelites are teenagers, hence the negative directives. Parashah Mishpatim outlines a series of interpersonal and cultic laws known as the Covenant Code. The word *mishpatim* derives from a root meaning judge/govern/vindicate/order. It deals with rights, privileges, customs, and decisions that cover a multitude of topics. I love the fact that Mishpatim is the 18th parashah of the Torah. The letters *chet* and *yod* spell *chai*, which means life, and their corresponding numbers according to their position in the Hebrew alphabet are 8 and 10, which equal 18. Indeed, Parashah Mishpatim is the lifeblood of our law codes, and its teachings reverberate in the civil and tort laws of many countries today. Liability is a major topic, and it includes another one of the Torah’s most misunderstood concepts, the *lex talionis* (eye for eye, tooth for tooth, etc.). Although pagan law, including the Hammurabi Code, does interpret this literally, Jewish law prohibits mutilating the body, and the Torah’s wording, although not explicit, most certainly denotes material compensation. Wrestling with the impreciseness of the text, the rabbis of the Talmud discuss this at great length, citing a wide variety of reasons that a literal reading would be both cruel and impractical. Dogs are the subject of another misunderstanding, based on many negative references in the TaNaKh and the Talmud, and on egregious behavior toward Jews during the Shoah. Many Jews, including me, definitely do love dogs and include them in their families. We are supported by a number of positive references, one of which occurs during the 10th plague: “But to all the children of Israel, not one dog shall whet its tongue against either man or beast ...” (11:7) Their silence is rewarded in our parashah: “... and flesh torn in the field you shall not eat; you shall throw it to the dog.” (22:30) Mishnah Challah 1:8 acknowledges that even in Talmudic times dogs were not universally reviled: Shepherds who bake bread solely for their dogs are exempt from the commandment to take challah (The mitzvah of challah is based on tithing a portion of each batch of dough for the Temple priests.), but if they plan to share the bread with their dogs, the commandment holds. And tractate Mo’ed Katan, which those of us participating in the *Daf Yomi* program are now reading, states, “In the house of Rav Chisda there was bread from the finest flour even for the dogs ...” (28a). One of the most heartbreaking misunderstandings happened to Aaron’s two oldest sons, Nadab and Abihu, who ascend the mountain with Moses, Aaron and the seventy elders, and later in a rush of youthful enthusiasm misunderstand the limits of their authority. Their being singled out from among Aaron’s four sons gave them special status, but it did not elevate them to the level of their father and uncle, with permission to present their own offerings. Their infraction is the subject of many midrashim and commentaries, but its underlying cause is a tragic case of misunderstanding. How ironic, that the laws and rulings we painstakingly create can end up being so terribly misunderstood and misused. We humans, the only creatures who possess the gift of language, are all too often confused and led astray by the very thing that has allowed us to communicate enough to build civilizations. As they develop, language and cultural differences widen the gulf between sender and receiver. This leads to what science calls psychological noise, the internal thoughts based on biases that are the root of so much misunderstanding. Truly listening with all channels open and free of static is an art that requires continual, diligent practice. Cultivating it is the best way to avoid misunderstanding.

Shabbat shalom!