

# Parsha Ponders

Mishpatim | February 20, 2020 | 25 Shevat 5780

## *The merciful Judge*<sup>1</sup>

ואלה המשפטים אשר תשים לפניהם

These are the laws that you shall place before them<sup>2</sup>

This week's *parsha* contains many different types of laws, ranging from monetary to ritual. The monetary laws are primarily directed towards the Jewish judges, known as *dayanim*. These *dayanim* are to follow the Torah's rules and considerations in order to rule properly. *Chazal* teach us<sup>3</sup> that any *dayan* that judges a case properly and rules correctly becomes a partner in creation. What exactly is this referring to? How is it possible to be a partner with Hashem, so-to-speak?

If we look at the beginning of the Torah, it says that *Elokim* created the Heavens and the Earth. Why didn't the Torah use the more familiar name of G-d, יקוק (pronounced, *Ado-nai*, referred to as Hashem)? Our tradition<sup>4</sup> has it that the name of *Elokim* refers to the G-d's attribute of strict justice, whereas the name Hashem refers to attribute of mercy. We learn from here that Hashem originally intended to create the world and run it exclusively through the attribute of strict justice. This would mean immediate punishment, consequences exactly measured by the crime, and no concept of repentance<sup>5</sup>.

Hashem saw that there was no chance the world could survive under such scrutiny, and in the end partnered up the attribute of strict justice with the attribute of mercy<sup>6</sup>. This is even harder to understand. If there's strict justice, by definition there's no room for mercy. Vice-versa as well. How is it possible, or what does it even mean, to partner the two together?

A potential answer is based on a *Midrash*, which says<sup>7</sup> that when there's proper justice executed in the Earthly realm, there's no [strict] justice in the Heavenly realm. This explains why *dayanim* are referred to in the Torah as *Elohim*, which we said is used to describe G-d's attribute of strict justice. A proper *dayan* can't have mercy, as they can't overlook those who flagrantly transgress Hashem's will. To execute proper justice, they can't have mercy on a poor person who is guilty nor honor a wealthy defendant. They have to act with the strict attribute of justice.

When the *dayanim* act this way, the way the Torah wants them to, then Hashem above can act with mercy. There's no need for strict justice in the Heavens, as it's already been executed on Earth. That leaves room for mercy, and Hashem is all merciful. This is what it means Hashem partnered strict justice with mercy. His mercy up above is partnered with the strict justice down below. If we do our part with executing justice, He'll do His part by acting with loving kindness and mercy. This explains the teaching that those who rule properly become a partner in creation. They are tapping into the system that was set up at the very beginning of time, creating the partnership between strict justice and mercy.

Good Shabbos

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<sup>1</sup> Based on [Kesav Sofer](#) to [Exodus 21:1](#) (#5)

<sup>2</sup> [Exodus loc. cit.](#)

<sup>3</sup> [Shabbos 10a](#)

<sup>4</sup> *Inter alia*, [Bereishis Rabbah 33:3](#) (brought in [Yalkut Shimoni § 814](#)); [Sifrei Devarim § 26](#); [Lekach Tov](#) to [Exodus 6:3](#)

<sup>5</sup> See [Mesillas Yesharim](#) Chapter 4

<sup>6</sup> [Rashi](#) to [Genesis 1:1](#) s.v. ברא אלקים

<sup>7</sup> [Midrash Tanchuma Mishpatim § 4](#)