

שירת הצדק והמשפט *The Song of Justice*

The Ways of Law

Parashat Haazinu revolves around one central axis of the concepts of law and justice, providing a fascinating historic overview thereof at the same time. Haazinu opens with the proclamation that absolute Divine justice is the mechanism by which the entire world is run:

הצור תמים פָּעֵלוּ כִּי כָּל דְּרָכָיו מִשְׁפָּט
אֵל אֱמוּנָה וְאֵין עוֹל צְדִיק וְיֹשֶׁר הוּא.

**The Rock, His deeds are perfect, for all His ways are *mishpat* (just);
He is a faithful G-d, without injustice; He is righteous and upright.**

(D'varim 32,4)

The Hebrew word *mishpat*, מִשְׁפָּט, can be understood in two ways: Behavioral guidelines, or a one-time legal judgment. An example of the first definition is the word's usage by Manoach, father of the Biblical judge Shimshon, asking what will be required of him in raising the son who is to be born to him:

וַיֹּאמֶר מְנוּחָה, עֲתָה לְבָא דְבָרְיָךְ מָה יִהְיֶה מִשְׁפָּט הַנְּעָר וּמַעֲשָׂהוּ.

Manoach said: "Now your words will come forth:

what is the proper behavior for the lad..." (Judges 13,12)

Mishpat is similarly understood in this verse:

...וְנָשָׂא אַהֲרֹן אֶת מִשְׁפָּט בְּנֵי יִשְׂרָאֵל עַל לְבוֹ לִפְנֵי ה' תָּמִיד.

**Aaron will bear the *mishpat* of the Children of Israel on his heart
before G-d at all times. (Sh'mot 28,30)**

It means that Aharon will carry on the Breastplate on his chest the guidelines for leading the nation, such as when to go out to war and other national needs.

We must now clarify, however, the difference between *chok*, חֹק, and *mishpat*, since both of them mean "law." The answer is found in the following verse:

...וַיִּשֶׂם אֹתָהּ יוֹסֵף לְחֹק עַד הַיּוֹם הַזֶּה עַל אֲדָמַת מִצְרַיִם לְפָרְעָה לְחֹמֶשׁ...

Yosef instituted it as a *chok* (statute) to this day,

that one-fifth of the land of Egypt is for Pharaoh. (B'reshit 47,26)

The word *chok* means a regular and repetitive pattern of behavior. For instance, a daily or weekly portion of food is known as *chok*, as in this verse:

כי חק לפהנים מאת פרעה ואכלו את חקם אשר נתן להם פרעה...
...for the priests had a *chok* (regular allotment) from Pharaoh,
and they ate their allotment that Pharaoh gave them. (verse 22)

In the same way, the Torah terms the annual commandment of Pesach and daily tefillin as *chok*:

ושמרת את החקה הזאת למועדה מימיה.
You shall keep this statute at its appointed time, from year/day to year/day.
(Sh'mot 13,10)

Another example is found in this verse:

זאת חקת התורה... ויקחו אליך פרה אדמה...
This is the *chok* of the Torah... They shall take to you a Red Heifer...
(Bamidbar 19,2)

That is, this is the regular cycle that will repeat itself every time a new Red Heifer is needed, after the ashes of the previous one are depleted. It follows the path of the cyclical nature of life and death that has accompanied mankind ever since the expulsion of Adam from the Garden of Eden.

In sum, the above meaning of *mishpat* refers to principles of obligatory behavior, while *chok* applies to repetitive and regular obligatory behavior.

The second, and more familiar, definition of *mishpat* is a judgment or a legal law, one whose application is not cyclical, but rather only to specific cases. For instance:

...כי ראו כי חכמת אלהים בקרבם לעשות משפט...
They saw that G-d's wisdom was within him, to do judgement. (Kings I 3,28)

In any event, all laws and behavioral guidelines in the Torah are subservient to the absolute Divine justice, as Moshe Rabbeinu informs Bnei Yisrael in his parting speech:

ומי גוי גדול אשר לו חקים ומשפטים צדיקים
ככל התורה הזאת אשר אנכי נתן לפניכם היום.
Who is as great a nation [as you], that has laws and statutes *tzaddikim* (so just),
as in this entire Torah that I give before you today? (D'varim 4,8)

Though the word *tzaddikim* is used, it means *tzodkim*, i.e., just and correct. What comprises justice? Three elements:

- Equality of all before the law, with no favoritism
- Consistency and trustworthiness
- Balance and fairness.

Parashat Haazinu is a song entirely based on these elements. It begins as Moshe calls on the heavens and earth as witnesses to his words to Israel, and says: "**When I proclaim G-d's name, give greatness to our G-d**" (32,3). How is G-d's name given greatness? That is, how is it magnified and sanctified? The answer is: via law and justice, as in the next verse:

הצור, תמים פֵּעֵלוֹ, כִּי כָּל דְּרָכָיו מִשְׁפָּט. אֶ-ל אֱמוּנָה וְאֵין עָוֹל צְדִיק וְיֵשֶׁר הוּא.
**The Rock, His deeds are perfect, for all His ways are just;
He is a faithful G-d, without injustice; He is righteous and upright.** (verse 4)

This verse is the source for the words of the Prophet Yeshayahu:

וַיִּגְבֶּה ה' צְבָאוֹת בְּמִשְׁפָּט וְהָאֱ-ל הַקְּדוֹשׁ נִקְדָּשׁ בְּצִדְקָה.
**The Lord of Hosts shall be exalted in judgment,
and the holy G-d shall be hallowed with justice.** (Yeshayahu 5,16)

The song continues by explaining that despite G-d's integrity and justice, Israel behaves with injustice, disloyalty, and ungratefulness:

הֲלֹה' תִּגְמְלוּ זֹאת עִם נָבֵל וְלֹא חֲכָם...
וַיִּשְׁמֹן יִשְׂרָאֵל וַיִּבְעֹט... וַיִּטֹּשׁ אֱ-לֹהֵי עֲשָׂהוּ... בְּנִים לֹא אָמֵן בָּם.
**Is this how you repay Hashem, you disgraceful, unwise people?!...
Jeshurun became fat and rebelled... and abandoned the G-d Who made them...
These are faithless children... (D'varim 32,6-20)**

Let us now outline four historical stages in which the principles of Divine law and justice are manifest, as they are reflected in the Haazinu, Moshe Rabbeinu's song of rebuke for Israel.

Disgraceful Nation

The first stage in this song of reproof highlights the lack of symmetry in the relationship between Hashem and Israel: G-d's fatherly concern and care for Israel, on the one hand, and Israel's ungratefulness and back-turning, on the other. Moshe, clearly pained at the turn of events, asks:

שָׁחַת לוֹ?! לֹא בָנָיו מוֹמָם?! דֹּר עָקָשׁ וּפְתִלְתֵּל!
**Is corruption His? No, the blemish is that of His children;
a generation crooked and perverse.** (verse 5)

"Is Israel actually perverting its ways before G-d?" Moshe asks in incredulity. "Is this not a terrible blemish on His children's part? This is the way of a crooked generation that takes twisted and perverted paths!"

הֲלֹה' תִּגְמְלוּ זֹאת עִם נָבֵל וְלֹא חֲכָם?!
Is this how you repay the Lord, you disgraceful, unwise people?! (verse 6)

"Does Hashem deserve having you return His good favors with such wickedness, as true rogues act?" Certainly not! Moshe then recounts G-d's unrequited kindnesses to Israel:

יִמְצְאוּהוּ בְּאֶרֶץ מִדְבָּר וּבְתַחֲוֵי יָלֵל וְשִׁמּוֹן, וְסִבְבָּנְהוּ וּבִוְנֵנְהוּ וְצָרְנְהוּ כְּאִישׁוֹן עֵינָו.
**He found them in a desert land, in a desolate, howling wasteland. He encompassed them
and granted them understanding; He protected them as the pupil of His eye.** (verse 10)

כִּנְשֹׁר יַעִיר קֶנוּ עַל גּוֹזְלָיו וְרַחֵף...
וְרִכְבָּהוּ עַל בְּמַתֵּי אֶרֶץ וַיֵּאכֵל תְּנוּבַת שָׂדֵי וַיִּנְקְהוּ דָּבֶשׁ מִסָּלַע וְשִׁמּוֹן מִחִלְמֵי שׂוֹר.
**As an eagle awakens its nest, hovering over its fledglings... He had them ride
over the high places [Eretz Yisrael], and they ate the produce of the field.
He had them suck honey from a rock, and oil from the flinty rock.** (verses 11-13)

How did Israel repay these tremendous favors? Most wretchedly:

וַיִּטְשׁ אֱ-לֹהֵי עֲשָׂהוּ וַיִּנְבֵּל צוּר יִשְׁעָתוֹ.
יִקְנָאָהוּ בְּזָרִים בְּתוֹעֵבֹת יִכְעִיסָהוּ. יִזְבְּחוּ לִשְׂדֵיִם...
...to idols...
...with detestable things...
...they sacrificed to demons...

**They abandoned the G-d Who made them, and spurned the Rock of their salvation.
They provoked His zeal with alien worship;
they angered Him with abominations; they sacrificed to demons...**

צוּר יִלְדָּךְ תִּשִׁי וַתִּשְׁכַּח אֵל מְחַלְקֶךָ.
**Of the Rock Who bore you, you were unmindful;
you forgot the G-d Who produced you. (verses 15-18)**

Measure for Measure

The second stage in the Song of Haazinu describes the proportionate punishment G-d meted out to Israel for its treacherous ungratefulness. It begins with the "hiding" of the Divine countenance – a measure-for-measure punishment for Israel's sin (in the above-quoted verse) of forgetting G-d:

וַיֵּרָא ה'... וַיֹּאמֶר אֶסְתִּירָה פְּנֵי מַהֵם, אֶרְאֶה מָה אַחֲרֵיהֶם...
**G-d saw... and said, "I will hide My face from them,
and see what will be their end." (verses 19-20)**

Immediately afterwards comes more of the same:

הֵם קִנְאוּנִי בְּלֹא אֵל, כְּעֲסוּנֵי בְּהֵבְלֵיהֶם,
וַאֲנִי אֶקְנִיאֵם בְּלֹא עָם, בְּגוֹי נִבְלֵ אֲכַעִיסֵם.
**They provoked Me with a non-god, and angered Me with their worthless acts,
and I will provoke them with a non-nation; with a vile people I will anger them.
(verse 21)**

Tit for tat: Israel prefers meaningless acts, G-d will choose a vile people; they turn to a non-god, and G-d turns to a non-people.

The Revolving Sword Blade

Now comes the third stage in this song of rebuke – and it turns the entire picture upside-down. Like the others, this stage is a sharp manifestation of Divine law and justice, but this time it is directed against those who would destroy Israel.

Hashem sees that the vicious nations He sent to punish Israel are not doing so in accordance with the mission He gave them. They have turned their backs on Him, arrogantly declaring their own strength, haughtily showing that their cruel persecution of Israel is their own choice – and as such, their ruthless torment of Israel is harsher than called for by the Divine plan:

...פֶּן יִנְכָרוּ צְרִימוֹ. פֶּן יֹאמְרוּ גְדִינּוּ רָמָה וְלֹא ה' פָּעַל כָּל זֹאת.
כִּי גוֹי אֲבָד עֲצוֹת הָרָמָה וְאִין בְּהֵם תְּבוּנָה.
...lest their adversaries should misjudge and say:
"Our hand is strong; not G-d has brought about all this."
For they are a nation void of counsel, and they have no understanding. (verses 27-28)

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This heartless behavior on the part of Israel's enemies will lead the blade of the punitive sword (see B'reshit 3,24) to revolve in the other direction – away from Israel, and in vengeance towards its enemies:

אם שנותי ברק חרבי ותאחז במשפט ידי,
אשיב נקם לצרי ולמשנאי אשלים.

**I will whet My lightning sword and grasp judgment in My hand,
I will bring vengeance against My foes, and repay those who hated Me.**
(verse 41)

The results of this vengeance will be quite lethal for those who seek to destroy us:

אשפיר חצי מדם וחרבי תאכל בשר...
הרנינו גוים עמו פי דם עבדיו ונקם ושיב לצריו...

**I will make My arrows drunk with blood; My sword shall devour flesh...
Sing aloud, O nations, of His people, for He will avenge His servants' blood,
and will bring vengeance upon His adversaries.** (verses 42-43)

Historic Conciliation

The fourth stage of the song of Haazinu concludes the story of the ultimate law and justice: The terrible injustice caused to the land of Eretz Yisrael when its sons were banished to the four corners of the earth will come to an end.

The Children of Israel will return in droves and masses in the End of Days, back to their homeland. This process will be the historic reconciliation for the Land of Israel, as we read in Haazinu: וְכָפַר אֲדָמְתוֹ עָמוֹ, **G-d's Nation will appease G-d's Land** (D'varim 32,43).

How will Israel appease the Land? By returning to it en-masse; by building it up and planting it; by establishing cities and towns; by building synagogues and yeshivot for the study of Torah and G-d's way; by establishing good government; by ensuring security and a strong economy; and by restoring its ancient glory. This process will be the pinnacle of the historic process of justice and law - and it is all outlined here in Parashat Haazinu.

The Prophet Yeshayahu sums it up in this historic prophecy:

ציון במשפט תפדה ושביה בצדקה.

Zion will be redeemed by law, and its returnees – with justice.
(Yeshayahu 1,27)

Taking Responsibility

Though this shows great love by Hashem for His people, we must ask: On what basis of justice does Hashem behave this way? How can we justify Israel's ultimate redemption, no matter to what sinful depths they may have sunk? After all, the very verse with which we began this lesson, from the beginning of Haazinu, states clearly that G-d is "**without injustice; He is righteous and upright.**" How is G-d's justice manifest in rewarding Israel no matter what they do wrong?

Let us delve deeply into the concept of justice, and we will uncover the vision of the Final Redemption. The Talmud (B'rachot 32a) states:

R. Elazar said: Eliyahu the Prophet had harsh words towards G-d in Heaven, saying, "**You have turned their heart backward.**" (Kings I 18,37)

In his public display of sanctification of G-d's Name on Mount Carmel, Eliyahu accused G-d of having created a world in which men do bad things at the instigation of their evil inclination. Eliyahu was actually saying, "G-d, You had it within your power to prevent Israel's deterioration into sin, by creating the world without any evil inclination!"

The Talmud continues:

R. Shmuel said in the name of R. Yitzchak: From where do we know that G-d later admitted that Eliyahu was right? The Prophet Micha says (Micha 4,6), "**On that day, G-d says, I will assemble her that limps, and I will gather her that is driven out and her that I have afflicted.**"

G-d "admits" to having caused affliction, apparently agreeing with Eliyahu's accusation. He tells the Prophet Micha that He will gather in "**those that limp... and those He has afflicted**" - meaning, He will gather the People of Israel, likened to a flock of sheep that has been stricken and scattered in all directions. "I also share some of the responsibility for this," G-d says. The Gemara then expands upon this deep point:

R. Hama the son of R. Hanina : "If not for the following verses, Israel would have no legs to stand upon, Heaven forbid. [One of them is the above-quoted verse from Micha,] **those that I have afflicted.**"

R. Yannai adds that Moshe said to Hashem, "Master of the Universe, it was the silver and gold that You gave them from Egypt that led to their making of the Golden Calf."

Can it be that the Talmud is really saying that it is G-d's fault when Israel sins?

The true and profound explanation is this:

The bottom line of the deepest and purest justice is that Hashem, the Creator of the World, is the One Who created Free Will, man's ability to distinguish between good and bad, and man's ability to choose between them. He is also the One Who created the physical platform on which man acts, and which is given to the influence of the Evil Inclination. There is thus no question, after all is said and done, that it is Hashem Who caused the formation of man's Evil Inclination. And therefore, at the critical moment in the End of Days, Hashem will take responsibility for the world and say, "I am responsible for this entire reality that enables man to sin."

Therefore, if despite all the lessons and teachings, the Nation of Israel still does not take to heart what it must do, and still commits sins, Hashem comes along to intervene. In the end, He will redeem Israel and "remove its heart of stone from within its flesh."

There is a difference, of course, between those who chose well and those who did not. Everyone who has merited to purify himself from his sins - on his own! - and to come close to G-d by keeping His Torah, will have succeeded in attaining a very high level, one from which he will never descend. But whoever did not do so, will be redeemed along with all those like him, on the very lowest level.

For we must not forget that everything that G-d did and does, including the creation of evil, is in order to enable man to reach the highest spiritual levels on his own merits and by virtue of his own struggles. We must also not forget that Hashem brought the Nation of Israel to a **land of milk and honey** in order that they may merit to serve Him amidst great plentitude and blessing.

The fact, however, that they did not take advantage of this blessing, but rather chose wrongly and rewarded G-d's goodness with evil - this is their own fault! Taking advantage of G-d's blessing in order to turn away from G-d is a sin for which the perpetrators will have to pay.

But despite all, and no matter what, the bottom line is that Hashem will take responsibility even for the sinners, and He will grant Israel an everlasting Redemption. This, as we see in the Song of Haazinu, is the vision of the Final Redemption that is dependent on nothing other than the date and time that Hashem our G-d, in His infinite, unfathomable wisdom, has chosen.