

The Torah

Social Contract

Commentary to Parshat Mishpatim

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Torah has always been more than a religious document. It is a social contract. Torah is the constitution for the united tribes of the Israelite nation. Torah outlines an economic and political system very different from anything in practice in western society today. Modern economic and political systems place emphasis on the centrality of the State and how the individual is just a single cog in the greater machine. Torah places emphasis on the individual and that he is the central unit that uses the State as his appendage and not the other way around. Modern society is socialist. Torah society is individualist. The two are diametrical opposites.



I would say that the one greatest element that separates the Torah path from socialism is the issue of government entitlements. While it has become very popular in western culture to expand the power and reach of government into almost every social sphere, such governmental involvements are unknown in Torah.

Unlike western culture, Torah is not at all based on Grecian style democracy. Torah culture has always been monarchical. Governmental power has always been in the hands of the king and he could choose to rule by either law or by decree. No one challenges the

king and no one survives who disrespects him. Yet, with all the king's power, his role in government never included providing social endowments for the needy of the nation.

There has never been such a concept as national entitlements in Torah. Still, in ancient days, just like today, there have always been the poor and indigent. If they were not helped, they would have faced terrible misfortune. Nonetheless, Torah never delegated their care into the hands of government. On the contrary, the care for all needy, in financial matters and otherwise was placed squarely into the hands of the individual. The individual citizen of means had the obligation, both moral and legal to provide for all the needy that he could. Indeed, individual greatness and wealth were defined by how much one was able to give and to provide for others.

How very different this is from today. Today, citizens in western democracies expect the government to provide for the needy, thus relieving the individual of personal responsibility. In ancient times, such an abrogation of personal responsibility was the height of immorality and was actually illegal. While many in modern society like to view the ways of the ancients with contempt, dismissing them as antiquated and outdated, still, the ancient ways produced an entire culture of individuals who cared for and provided for one another personally, without the need of a huge impersonal and thus uncaring bureaucracy.

Torah laws, aside from those dealing with the ritual worship of G-d, always placed emphasis on the need for the individual to refine his moral character. Indeed, one's relationship to both G-d and religion were defined by how one treated one's fellow human beings. Real religion, the path of Torah has always defined true spirituality by how we treat one another, more so than how we treat G-d. Ultimately, how one treats one another actually defines how one is treating G-d. Modern western culture, by removing individual obligations to provide for the needy has in fact prevented the individual from growing in spirituality and righteousness. Maybe this explains why western secularism has grown in relationship to the spread of socialism. Socialism and secularism are systems that by definition are contrary to both Torah and selfless individualism.

Torah law enacted numerous laws for providing food and support for the poor. Each individual land owner was required to make sure an unmeasured amount of his regular produce was not gathered in, but left in the fields for the poor to collect. The land owner had no obligation to gather food and to give it to the poor. He merely had to leave it in the field and allow the poor to make the necessary efforts to provide for themselves. Indeed, entire families were cared for in this way.

Torah law even includes a system of occupational reeducation. Yet, this too was performed at the individual level; it was never a function of government. If one became indigent for whatever reason, one was able to indenture himself as an apprentice to a

trade master. This indentured apprenticeship was to last for a period of six years, in which time one learned a trade and was thus able to support oneself after the apprenticeship time period expired. One not only learned a trade, one was paid for one's services. More than this, one was paid up-front for the entire length of one's service. The individual was thus able to address emergency debt as well as learn a way to avoid debt in the future. No government came to bail out the individual from his personal troubles. If the individual was in a mess, it was up to himself to get out of it and his fellow citizens considered it a privilege and honor to assist him in these endeavors.

Serving G-d meant to serve one another. Of course, like in every system, there were abuses. Yet, the bad apples in the bushel did not taint the bounty of the field. The ancient Torah system worked because it was based upon a common denominator, this being the good and caring heart of one's neighbor. When the Torah commanded that one should love one's neighbor as oneself, this was not an edict speaking about one's feelings or emotions, rather it was speaking about one's behavior and actions. In truth, this is always what love is all about. It is not about how someone feels; rather it is about what someone does. In this way, even if someone does not like another person, he can still love him by treating him with proper respect and acting towards him with honorable moral character.

Torah law does not concern itself with styles of government. Indeed, for centuries, in Biblical times, no centralized Israelite government ever existed. The tribes worked together as individual states, working for the common good only when necessary. Torah law placed emphasis on economic issues. Social issues, when dealing with individual welfare was placed in the hands of individuals. Social issues that dealt with lapses in morals on a collective scale were dealt with by the collective as a collective. Once when a small group of individuals from one tribe acted in a heinous way, they were not judged or punished by that tribe's collective judicial system. This led to all the other tribes intervening and declaring a civil war, not just on the criminal perpetrators, but on their whole tribe who did not bring them to trial and punishment. No king declared a war, no centralized government was involved. The people themselves recognized a problem and the people themselves addressed it.

Years later, when a monarchy was finally established, G-d considered such a move to be a rejection of His direct rule over the people. Instead of the people having to deal with matters themselves, they could fall back and rely upon the government of a king. In the end, the monarchy became corrupt and ultimately led to the destruction of the state and the murder of its people. We learn from this that bad government will always lead to bad times, social disaster and ultimate destruction. Ancient Israel is only one example of many of this sad but true political reality.

Bloodshed and murder were always considered capital crimes. Intentional murder was always punished with the death penalty. Unintentional manslaughter was also punishable, but it was not a capital crime. Vengeance was also justified under the law in proper and appropriate circumstances. The concept of forgiveness is foreign to Torah law. While forgiveness might find a place in the human heart, it has no business in the human court of law. Criminal behavior must be punished by the court and sometimes even by the individual. While vigilante justice was not endorsed or condoned, nonetheless we do have examples of it being practice and tolerated. If justice is ultimately served and morality safeguarded, then even vigilantism can have its place.

Justice must always be defined as that which maintains social equilibrium. Social equilibrium was defined as what is best for the individual and the society at large. These definitions were never subject to human interpretation and personal opinion. Proper social equilibrium was defined at Mt. Sinai by none less than G-d Himself. Torah social laws were ordained specifically to maintain such social equilibrium. Laws and practices that would inhibit society from living up to these lofty Divinely revealed ideals were never tolerated.

Torah laws were thus static and stable. They were not subject to change in accordance to the whims and desires of public fluctuations. Indeed as society changed over years and centuries, prophets arose specifically to remind the people of their social obligations and to warn both individual and the collective of the consequences for violating the bedrock foundations upon which the Torah society was built.

There was a form of ancient democracy practiced in Torah society. However, its forms and authority was sharply different from the forms practiced today. In a Torah society, the foundational laws were ordained from Mt. Sinai. Of Divine origins, Torah laws were not subject to change or abrogation, regardless of majority opinion or desire. Societal moral foundations were a bedrock of stability. Torah was the constitution. It was revealed by the Hand of G-d. It may be subject to interpretation of application, but never to change.

Indeed, Torah law itself prohibits any additions or subtractions to its vital core. Any additional practices adopted by the Sages throughout the centuries had to be clearly earmarked as not being Divine in origin or intent. Such laws were therefore observed, however penalties for violation were radically less and the forms of observance were indeed subject to change. Human law can indeed be altered and adapted to meet the present needs of the society and of the individual; Divine laws are beyond us and we have no authority whatsoever to destabilize them.

Democracy was therefore limited to the expression of opinions in open forum. Councils of elders met regularly in Torah society and discussed the events of the day. Certainly many opinions were expressed at such gathering; however, there was never any form of vote

taken to decide a majority opinion or majority rule. Torah democracy was not a numbers game. In Torah society, discussions amongst the Elders of the land were not academic expressions of philosophies. They were instead passionate expressions of feelings and opinions. Their purpose was meant to persuade and motivate. No votes were even taken. When the strongest, most forceful and persuasive speech was uttered, it touched the hearts of all who heard. Such powerful convictions thus convinced the local leaderships as to what course of action needed to be followed.

Torah democracy was not about numbers, it was about heart. It was about doing what was right for no other reason than it was the right thing to do. Heart is the foundation of stability in both the individual and the society. When the heart is strong, so too is the individual and the society at large. When the individual heart is weak, so too will be societal resolve. When the heart of the individual is weakened, societal stability is shaken to its core. In the end, individual weakness of heart and a lack of personal courage and resolve lead to societal collapse. After all, a society is only a collection of individuals, united by a bedrock foundation and pledged to work together for a common good.

Torah society was thus a constitutional monarchy. Although the king held absolute power, he was nevertheless still obligated to observe and uphold Torah like every other citizen. The king was thus never above the law. Indeed, history has recorded that whenever a king did attempt to act above the law, or even in additional ways not dictated by Torah but still against the will of the people, the people could and did rise up, replacing both king and country.

The split in ancient Israel into northern and southern kingdoms happened specifically because a new king desired to institute a series of new taxes that the people were unwilling to accept. Taxation for the needs of the collective was within the authority of the king to proclaim and collect. However those societal needs had to be clear and evident to the individual. Nebulous taxation for the sake of aggrandizing either the king or government was unheard of and considered to be unacceptable. The modern day system of taxation is so foreign to the ancient Torah culture and society that, in its day, such expressions led to political revolution.

Today, so-called liberal elements in society hold that it is the role of government to provide for the general needs of every citizen. In order to pay for the needs of those who have less, those who have more are required to pay larger and larger portions of their earnings for taxes. Such a concept and practice in Torah society is nothing other than institutionalized theft. Torah law absolutely prohibits such an imbalanced and unnecessary taxation. Indeed, according to Torah law, such an imposition of taxation would be justification for a revolt and against the government and the establishment of a replacement.

This is what happened in Biblical times. Of course, such talk of modern political upheavals would be construed as revolutionary and possibly illegal. Modern socialist states, which in honesty must include the United States, are not founded upon the model of the individual as was the Torah state. Modern socialism does not establish itself upon an unchangeable bedrock foundation. Modern socialism by definition endeavors to be fluid, to address and meet the changing whims of the society. Maintaining collective happiness is the modern goal, even if the means to favor the whims of the majority at the expense of the minority.

The inherent flaw in this system is that the whims of the majority and thus public opinion and policy can be manipulated and guided by the hands of the very few who appear as if they are the voice of the majority, when in fact they are only serving their own interests. Once in place the socialist system controls all facets of life and the economy. It becomes impossible to address grievances in anything other than in a symbolic and meaningless way.

One may express one's opinions all one wants; one may even be willing to convince others. However, socialist laws are dictated by the majority and the majority opinion is controlled by the ruling elite through their information vehicle, the public media that provides both information and entertainment. Essentially therefore modern socialism is an absolute dictatorship under the guise of being a benevolent "big brother" whose only concern is for the underprivileged individual. Believing such, the majority of the public accepts their entitlements and thus hooks up to the system, eventually becoming incapable of providing for themselves without governmental involvement. This is a modern form of slavery that exemplifies the Biblical archetype of ancient Egypt.

Torah teaches us to daily remember how we were brought out of Egypt. This was not meant to be a mere historical reminder. It was supposed to remind us of what ancient Egypt was really all about and to not allow ourselves to sink back into a state of such societal and governmental oppression. Apparently, we have failed miserably to actualize the meaning of this law and have found ourselves enslaved in a modern day Egypt. How we will get out of this one is anybody's guess. Prophecy did predict that this type of modern enslavement would occur. Prophecy also predicts that the modern Egypt would collapse under Divine judgment even as did the ancient model. So, in the meantime, we live as slaves, even as did our ancestors.

At least we have the Torah. We can study its laws and learn what, at least, is supposed to be right and just. Although we are not able to implement Torah societal laws and thus throw off our yoke of socialist slavery, we can still learn to remember what true freedom is and what it means to live it, however theoretically. This, at least, is still an obligatory and observable part of our collective Torah social contract.