RABBI MEIR SOLOVEICHIK TIKVAH

Parashah and Politics: How Torah Changed the World

Parashat Mishpatim, Exodus, Chapters 21-24

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Mishpatim vs. The Beatles: A Reflection on Law and Love

This week, we will contrast two very different statements uttered during the mid-20th century. The first is well known today, because it was sung by some of the most famous figures in modern musical history, the Beatles. The statement that they bequeathed to us is:

> All you need is love.

In contrast, in the same time period, a very different figure, Rabbi Joseph Soloveitchik, stated:

> Judaism is first a discipline and second a romance.

These very different perspectives embody two very different approaches to the relationship between law and love. We shall reflect on this difference by focusing on several incredible artistic images, and the structure of our *parashah*.

Let us begin with art. One of the wonderful paintings in Amsterdam's Rijksmuseum that was *not* painted by Rembrandt is by an artist whose work is often compared to that of the great Dutch master. It is by Jozef Israëls, and it is an exquisite depiction of a Jewish wedding:

The beauty of the painting lies in the way in which, while depicting what is clearly a very formal ceremony, it nevertheless captures the romantic, intimate encounter at the heart of the celebration. The artist has highlighted the moment known as *kiddushin*, or sanctification, the first stage of the Jewish marriage ritual. With visible warmth, Israëls illustrates the radiant sanctity of the couple's love.

And yet: those of us who have officiated at weddings know very well what will often follow immediately after this moment. In every Ashkenazi ceremony, and in many Sephardi ones, the moment's intimacy is interrupted as the *k'tubah*, the technical, legal document about the marriage, is declaimed. For several minutes, the words those present are listening to are about law rather than love. And then, suddenly, the theme of romance is restored, as the blessings marking the *nisuin*, the completion of the wedding, are recited. In these blessings, husband and wife are described as *re'im ahuvim*, beloved friends existentially joined in covenantal union. The liturgy compares the couple's wedding to the initial encounter between Adam and Eve in Eden, as if, the crowd notwithstanding, bride and groom are alone with each other. They are blessed with an assortment of synonyms for joy and love: *gilah*, *rinah*, *ditsah*, *hedvah*, *ahavah*, *achvah*, *shalom*, *re'ut*. The *k'tubah*, the discussion of law, interrupts the intimacy of love, and then the intimacy of love seems to be restored. Upon pondering the poetry of the ritual, one might indeed wonder whether it would have been better to precede the wedding with the reading of the *k'tubah*, and then allow the romantic moments to proceed uninterrupted, without any intrusion on the intimacy.

Yet, when we consider the creation of the covenant between the Almighty and Israel at Sinai, we are struck by a similar interruption of intensely technical law that appears to intrude on an intimate encounter with God—indeed, the most intense and intimate encounter ever experienced by mankind. We learned in last week's reading of the extraordinary nature of the experience at Sinai, in which all human senses seemed to merge with one another:

> And all the people saw the sounds, and flames, . . . and the mountain in smoke. (Exodus 20:18)

Suddenly, as our reading begins, we confront the technicalities of law. Moses, with God on Sinai, is instructed:

> And these are the laws that you shall place before them. (Exodus 21:1)

This may seem anticlimactic, but according to Moses Nahmanides, and many other commentators, the Torah is continuing in chronological order. This means the revelation at Sinai was followed immediately by an introduction to the many laws of the Torah. Many of these regulations relate to the mundane aspects of life: the protection and freeing of indentured servants, damages, and borrowed property. These laws have served as the source of some of the most intricate of talmudic tractates: *Bava Kama*, which discusses tort law; *Bava Metzia*, which relates to the laws of lost objects, custodians, and monetary loans, among other significant subjects; and *Bava Batra*, which focuses on property disputes, relations between neighbors, inheritance, and much more. Those who have studied these tractates know their complexities, and how they relate to so many aspects of everyday life.

Thus, the Sinai revelation is immediately followed by civil law. Our reading continues with many other laws relating to religion: prohibitions on sorcery, the obligations of the Sabbath, the sabbatical year, the holidays, and some of the central aspects of *kashrut*.

And then, after these many laws, Moses, not entirely unlike a rabbi at a wedding reading the *k'tubah*, declaims all these laws before the people:

> Moses came and told the people all the words of the Lord and all the ordinances; and all the people answered with one voice, and said, All the words which the Lord has spoken we will do. And Moses wrote all the words of the Lord. . . .
>
> Then he took the book of the covenant, and read it in the hearing of the people; and they said, All that the Lord has spoken we will do, and we will hearken. (Exodus 24:3–4, 7)

Thus the laws are read. And then the focus on legality ceases, and intimacy is experienced again, just as at a wedding. The elders of Israel, representing the people, ascend Sinai, and undergo an incredible experience:

> Then Moses and Aaron, Nadab, and Abihu, and seventy of the elders of Israel went up, and they saw the God of Israel; and there was under his feet as it were a pavement of sapphire stone, like the very heaven for clearness. And he did not lay his hand on the chief men of the people of Israel; they beheld God, and ate and drank. (Exodus 24:9–11)

We cannot truly understand what has occurred here; all we know is that the experience was existentially profound. Similarly, the final moment, the last verses, of the weekly reading known as *Mishpatim*, "Laws," gives us not law but intimate encounter:

> Now the appearance of the glory of the Lord was like a devouring fire on the top of the mountain in the sight of the people of Israel. And Moses entered the cloud, and went up on the mountain. And Moses was on the mountain forty days and forty nights. (Exodus 24:17–18)

We have thus an almost perfect parallel between the order of a traditional Jewish wedding and the way in which biblical Israel became the people of God. The intimacy of encounter at Sinai is interrupted by descriptions of law, and then the intimacy occurs again. We are not wrong to make this comparison between the *huppah* and Sinai, for as Rabbi Joseph Soloveitchik has noted, it is the prophets and sages who link the Jewish wedding to the conclusion of the covenant in the desert:

> The Bible equated the great historical covenant binding the charismatic community of God with the limited private covenant that unites two individuals in matrimony. On the one hand the great covenant has been compared by the prophets time and again to the betrothal of Israel to God; on the other hand, the betrothal of woman to man has been raised to the level of covenantal commitment.

This means that much about Jewish marriage reflects the larger nature of Jewish life. The joining of love and law, intimacy and exhortation, at the *huppah* ceremony is given to us by the artist Moritz Daniel Oppenheim, in his own depiction of a Jewish wedding:

All the elaborate elements of the ritual are portrayed. Here too the bride and groom are intimately ensconced in a prayer shawl under the *huppah*; here too the moment of sanctification is about to take place. Our eyes are drawn to bride and groom. Yet as we look at the larger canvas, we see the rabbi, holding the technical *k'tubah* in his hand. As we scan further, we see others in the wedding party holding in their hands the texts whose words they will soon be singing: the blessings describing the love between husband and wife. Again: love, law, and love.

Why is *Mishpatim*'s joining of law and love so important? Why must Israel's intimate encounter be interrupted with lengthy laws? A comparison between marriage and Judaism allows us to understand better why this is so. While love should be at the core of a marital relationship, a relationship must be sustained by a sense of obligation and duty that spouses feel for one another, which is ideally reflected in everyday action, in sacrifice for each other. Rabbi Soloveitchik put it this way:

Why must Israel's intimate encounter [with God at Sinai] be interrupted with lengthy laws?

> We may say that the marital union is both an objective institution and a subjective experience. Of course, the motivating force driving man to unite with another self, wholly and forever, is the distressing feeling of an incomplete lonely existence which can be redeemed only through love. The latter constitutes a very important element in the formation and sustenance of the marriage community. The Bible often mentions love in conjunction with the act of entering into matrimony. Yet to confine the essence of marriage to love would be tantamount to building a magnificent edifice upon quicksand.

In other words, the powerful emotion of love is built upon, and sustained by, sacrificial action; Judaism disagrees, and disagrees strongly, with the claim of the 1960s school of philosophers known as the Beatles that "All you need is love." (Judaism disagrees as well with their other maxim, that "love is all you need.") Love is wonderful, but what is required is responsibility and action and fidelity to demonstrate and to sustain that love. It is in Judaism's emphasis on the importance of duties, joined with love, that we find our faith to be profoundly countercultural. There is no love without responsibility, there can be no love if it is not firmly founded on dedication, commitment, and action.

What is true about marriage is true about religion and the Jewish approach to ethics. Judaism emphasizes that true faithful formation and covenantal connection with God comes not only through grand religious experiences, but through the daily performance of required rituals. Similarly, it is not enough to *feel* empathy or love for others in our lives; we must express that feeling through dutiful action on behalf of others, as Rabbi Soloveitchik wrote:

What is true about marriage is true about our relationships with God and with others; emotion is essential, elemental, but habits of obligation and fidelity form us fully as members of a covenant, so that the religious experience, and religious law, go hand in hand.

> There are two aspects to the religious gesture in Judaism: strict objective discipline and exalted subjective romance. Both are indispensable. For instance, the commandment of *sh'ma* requires, on the one hand, an inner act of surrender to the will of the Almighty. On the other hand, this subjective experience of submission must be translated into a physical act of reciting the *sh'ma*. The same is true of prayer. It consists of both experiencing the complete helplessness of man, his absolute dependence upon God, and the performance of the ritual of prayer, of reciting fixed text. The Bible spoke of the commandment to love one's neighbor. However, in talmudic literature, emphasis was placed not only upon sentiment, but upon action, which is motivated by sentiment.

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If there is a painting of a marriage in Western art that joins the themes of love and law, it is one of the most famous works in art history, created by the 15th-century Flemish painter Jan van Eyck. The painting seemingly depicts a couple, the Arnolfini family, on their betrothal day. We may wonder, having seen so many portraits, what is so exciting about this image; but as many art historians note, no one had ever done this before. Art until this point was focused on religious and classical idealistic scenes, but, as the great art historian E.H. Gombrich puts it, in this picture:

> A simple corner of the real world had suddenly been fixed onto a panel as if by magic. It is as if we could pay a visit to the Arnolfinis in their house. The young woman has just put her right hand into Arnolfini's left and he is about to put his own right into hers as a solemn token of their union. Probably the painter was asked to record this important moment as a witness, just as a notary public might be asked to declare that he has been present at a similar solemn act. This would explain why the master has put his name in a prominent position on the picture with the Latin words "Johnannes de eyck fuit hic" (Jan van Eyck was here).

This is, in other words, a portrait that serves, to use the Hebrew, as a form of *edut*, a testimony to the fact that the wedding occurred, which would explain the artistic twist: the mirror in the image reflects not only the couple, but also the artist himself. As Gombrich writes:

> In the mirror at the back of the room we see the whole scene reflected from behind, and there, so it seems, we also see the image of the painter and witness. This new kind of painting may be compared to the legal use of a photograph, properly endorsed by a witness. For the first time in history the artist became the perfect eyewitness in the truest sense of the term.

According to this understanding, the painting is a legal memorialization of the wedding: the artist as notary public. But some modern scholars have noticed another theme, hinted in one apparent oddity in the painting: the fact that the chandelier contains only one lit candle.

There are therefore those that suggest that the painting is memorializing a marriage after the passing of the wife; the candle marks how the husband still lives, while their handholding reflects the fact that their love crosses beyond the boundaries of earthly existence.

Is the painting a legal memorialization, or a testimony to love? In truth, both of these themes go together; law and love are not opposites; they enhance each other, and, ideally, express each other. Marriage is about love but also obligation; both these elements appear in the painting, making it all the more mesmerizing.

The appearance of *Mishpatim*, laws, in the midst of an intimate religious encounter thus embodies the profundity and complexity of the Jewish perspective. For Judaism, the notion that "all you need is love" is one of the profoundly wrong, indeed damaging, notions of our age; and the relationship between law and love is one of the great ideas that Judaism offers to the world. There are complex reasons for the development of the tradition to interrupt the marriage ceremony with the *k'tubah* reading, but poetically, the legal intrusion does *not* detract from the moment. In fact, it expresses something profound at the heart of the covenant being formed. Similarly, the seeming intrusion of technical laws in the midst of the Sinai encounter highlights how the Torah is the *k'tubah* of the Jewish people in its marriage with the Divine, and how love and law, faith and fidelity, ardor and action are joined in the ritual life of the Jews.

In his memoir *Fear No Evil*, Natan Sharansky describes how, the day after their Moscow wedding, he bid farewell to his wife Natasha, later Avital, as she boarded a plane to travel to Israel.

> Squeezing Natasha's hand, I said, "I'll be there within six months at the latest." I spoke loudly, trying to jam my nervousness. . . . Natasha nodded silently, but I could see my words weren't reaching her. In her other hand was the *k'tubah*, our marriage certificate, and for her it was this, rather than my arguments, that guaranteed our future together. . . .

> "Before you finish learning Hebrew I'll be there. We'll find an apartment and begin our life." "Where?" "In Jerusalem, of course." By the time we reached the airport our anxiety had almost disappeared. The customs officials were surprised that Natasha was carrying only one small bag, but neither of us had many possessions. We had been concerned about the *k'tubah*, for according to Soviet law no documents can be taken out of the country. But the customs man looked at it, asked what it was, and said, "Fine." The entire procedure, which often takes hours, was completed in fifteen minutes, which seemed to confirm the *k'tubah*'s special power. Natasha's flight was called, but for a long time we couldn't separate. Finally I said, "See you in Jerusalem." The tears we held back were of joy and hope.

Of course, it would be much more than six months before they saw each other again. But it is fitting that she clung to her *k'tubah*, for their own relationship would ultimately embody, for the Jewish people, the joining of love and duty, the willingness to undertake daily acts of sacrifice, and an emotional bond that crossed great distances. We bear this mind as we read this week of the *k'tubah* between God and His people, understanding the true meaning of love—and of the place of our sacred law within it.

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May the merit of our study together bring a swift victory to the Jewish people.