

**"AND THESE ARE THE JUDGMENTS THAT YOU
SHALL SET BEFORE THEM" (EX. 21:1):
"AS A SET TABLE" (MEKHILTA)¹**

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This particular metaphor, "as a set table [שולחן ערוך]" employed by Aki-ba to explain the manner in which Moses is instructed to present the judgments [משפטים] has over the generations become quite famous,² although I fear its full meaning has not been grasped. This metaphor might have remained buried in the *Mekhilta* were it not for the perceptive eye of Rashi, the most popular of biblical commentators, who incorporated it in his commentary on Exodus 21:1:

The Holy One, blessed be He, said to Moses: Let it not enter your mind, saying, "I will teach them the chapter or the law two or three times until they can repeat it verbatim but I shall not trouble myself to make them understand its reasons and explanations." Therefore, it is stated "that you shall set before them" like a table that is set (with food) and ready to be eaten by a human being.

Although Rashi uses his own words, he remains faithful to the sense of Aki-ba's interpretation that in the words, *you shall set before them* [אשר תשיבם לפניך] Moses is being given important pedagogical instructions. Sometimes Moses is told: *Speak to the children of Israel and you shall say to them* (Ex. 20:19), which is fulfilled simply by informing them once what has been said. On another occasion, Moses is told *teach it* [למדך] *to the children of Israel* (Deut. 31:19), which implies repetition. Another time, he is told: . . . *place it* [שיבם] *in their mouths* (Deut. 31:19), which can mean give them the ability to teach it to others. However, in regard to these judgments, God insists that the people achieve the level of knowledge: *Unto you it was shown that you might know. . .* (Deut. 4:35). This is to be done by arranging the material before them "like a set table."

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What was it that prompted Akiba to think of the metaphor of a "set table"? Let us see if we can trace the steps in his thinking. First, the use of the verb *lasim* [to set, to place], in connection with laws or ordinances is in itself not unusual. Thus, for example:

1. *And Moses set before them* [וַיִּשֶׂם לִפְנֵיהֶם] *all these words which the Lord commanded them* (Ex. 19:7).
2. *And this is the law that Moses set before* [וַיִּשֶׂם לִפְנֵי] *the children of Israel* (Deut. 4:44).
3. *There he set for them* [וַיִּשֶׂם לָהֶם] *a statute and judgment* (Ex. 15:25).

It would seem that the usage, "to set *before*" is found when something is being presented for consideration or for judgment, as in No. 1 above, where Moses is informing Israel to consider God's proposal to make of them a *kingdom of priests* and, in No. 2, where Moses is referring to the Ten Words of the Covenant that Israel had been bold to accept. However, when laws are unilaterally imposed, then the expression is *set for them* rather than *set before them*.

Let us turn to our text (Exodus 21:1): *These are the judgments that you shall set before them*. The question is: Who are "them"? It should first be noted that these judgments are not apodictic, such as *You shall not steal*, but, rather, take a conditional form: *If you buy a Hebrew servant. . . . If an ox gore a man. . . . If a man shall dig a pit. . . .* Such judgments should properly be brought to the attention of officers of the court or judges so that they may apply them in actual cases. Therefore, if the *them* are judges, then the expression *You shall set before them* is quite appropriate, for then the material is being brought before them for their study, adoption and application.³

Evidently, however, Akiba believed that *them* refers to the subject earlier mentioned, which is the people of Israel (Ex. 20:19). If so, what is the meaning of *set before them*? Moses' responsibility as a teacher would seem to be no different here than in regard to the other commandments: to inform, to drill, to teach. What is being asked of him in addition with *that you shall set before them*?

At this point, the creative imagination that is at the root of the literary process called midrash takes over. Since these judgments are given soon after the completion of the formal Covenant, Akiba senses in the pronouncement *And these are the judgments that you shall set before them* a more relaxed

tone of pride. No longer the coercive imperative, but rather an attempt to impress and persuade: "Moses, exhibit before Israel this rich profusion of moral judgments to be exercised in the many diverse, familiar and practical situations of life."⁴ But, since the term "to set" is also used in connection with food,⁵ how natural that the image of a set table should come to mind! – "set it out before them these equitable and useful ordinances like food on a table."

Akiba was surely familiar with the popular Psalm 23: . . . *prepare for me a table* [תַּעֲרֶךְ לִפְנֵי שׂוֹלֵחַ].⁶ The familiar domestic call: "The food is on the table" means that the food has been prepared appropriately in terms of quantity, taste, temperature and digestibility, and is ready for immediate consumption. So, too, is Moses instructed to analyze and present these judgments in a manner which makes clear to the people their inner logic of fairness and how they answer to their social needs: a veritable set table.

The primary problem facing religious leaders from Moses on is how to convert the biblical ordinances, ritual, civil and moral, into a practical way of life that would be sensitive to changing conditions. It is with Ezra (c. 450 BCE) and the Men of the Great Assembly that we first have evidence of the development of what is called the Oral Law: traditions preserved orally, elaborate analysis and interpretation of the text, and rabbinic enactments. Committing all this to writing in the Mishna and Talmud (c. 500 CE) was only the first stage, to be followed by 1,000 years of commentaries, codes, novellae and responsa. But it is the middle of the 16th century that a scholar and mystic in Safed would be the first to have the temerity to announce that the ordinances given to Moses can finally be presented as a "set table – [שׂוֹלֵחַ עָרֵךְ]" – ready for immediate use by any literate Jew.

While the achievement of Joseph Karo was historic in its breadth and analytic depth, it can be questioned whether his work really lived up to the full impact of the *Shulhan Arukh* metaphor. For Karo's work was immediately followed by additions, emendations and even more abbreviated works, suggesting that it was not really ready for immediate consumption.

What, indeed, are the implications of the "set table" metaphor? When invited to a formal dinner and upon being seated at a set table, even in the absence of a printed menu, one is able to gain a general idea of the magnitude and nature of the meal to come. By observing the number and size of the plates, the variety of the cutlery, the amount and nature of the glassware, one

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can deduce that there will be an appetizer, soup, main course, drinks of a certain type, dessert. That is to say, a "set table" gives one a picture of the whole and a sense of the relationship of the parts to each other.

Judaism, as well, is to be presented in a way that provides a picture of the whole, to include a philosophy of history, nature and the purpose of the commandments. Instruction in Judaism should include an understanding of the relationship of the halakha to the ethical, and of both to its theology.

Eating is a physical necessity, an activity we share with the animals. But dining before a set table with friends elevates the activity to a human and social level. A "table set for a king" implies not only sumptuous and plentiful food but its presentation in an organized and aesthetic manner befitting the dignity of man. So, too, the Jewish way of life in all of its complexity must be presented in a way that exhibits its inner logic and rationale. Jewish education that does not provide such a Jewish world-view is not worthy of man created in the image of God.

NOTES

1. This is a tannaitic midrash on the Book of Exodus. It is called *Mekhilta 'de-Rabbi Yishmael*, having been produced by the school of Yishmael ben Elisha no later than the third century C.E. It is essentially a halakhic midrash although parts of it deal with aggadic matters.

2. The words *Shulhan Arukh* [*The Prepared Table*] were chosen by Joseph Karo (1488-1575) as the title for his code of Jewish law, published in 1567. This was an abridgment of his massive work covering the four areas of talmudic law which affect the daily life of the Jew. It soon spread to all the lands of the dispersion and became the authoritative guide for the religious life of the mass of Jewry. In calling his code *Shulhan Arukh*, Karo was clearly influenced by the interpretation of Rashi on Exodus 21:1. Karo had organized and arranged the talmudic material in a form that was ready for immediate use, i.e., even the non-scholar would find it helpful as a guide for practical observance. When Moses Isserles (1530-1572) made annotations to Karo's code, listing the practices and rulings of Ashkenazic Jewry, he appropriately called his work the *mappah*, the "cloth" to Karo's "Prepared Table."

3. Indeed, the expression "to come before" or "to stand before" is used repeatedly in the context of the courts: *Then both men shall stand before. . . the priests and the judges. . .* (Deut. 19:17); *Until the [manslayer] stand before the congregation for judgment* (Num. 35:12); and *And Moses brought their judgment before the Lord* (Num. 27:5).

4. Moses will exclaim later on with pride: *'What great nation is there that has statutes and judgments so righteous as this entire Torah that I give before you this day!'* (Deut. 4:8).

5. See Genesis 24:33: *And there was set before him to eat . . .* Also, Joseph orders his servants: *'Set on bread' and they set on for him . . .* (Gen. 43:31,32). Presumably, the bread was placed on a table.

6. The exact words **וּשְׁלֹחַן עֵרֹךְ** occur in Ezekiel 23:41: *You sat on a stately couch with a table prepared before it*, that is, before the couch. Thus, **עֵרֹךְ** here is serving as an adverb rather than as an adjective.