

Mishpatim

Source Sheet by Rabbi Amy Bernstein

1. Exodus 23:1-8

(1) You must not carry false rumors; you shall not join hands with the guilty to act as a malicious witness: (2) You shall neither side with the mighty to do wrong—you shall not give perverse testimony in a dispute so as to pervert it in favor of the mighty— (3) nor shall you show deference to a poor person in a dispute. (4) When you encounter your enemy's ox or ass wandering, you must take it back. (5) When you see the ass of your enemy lying under its burden and would refrain from raising it, you must nevertheless help raise it. (6) You shall not subvert the rights of your needy in their disputes. (7) Keep far from a false charge; do not bring death on those who are innocent and in the right, for I will not acquit the wrongdoer. (8) Do not take bribes, for bribes blind the clear-sighted and upset the pleas of those who are in the right.

א. שמות כ"ג:א'-ח'

(א) לֹא תִשָּׂא שְׁמַע שָׁוְיָא אֶל־תַּשֻּׁת יִדְדֶךָ
עַם־רָשָׁע לִהְיוֹת עֵד חָמָס: (ב) לֹא־תִהְיֶה
אֲחֵר־רַבִּים לְרָעַת וְלֹא־תַעֲנֶה עַל־רֵב
לְנֹטֹת אֲחֵרֵי רַבִּים לְהָטֹת: (ג) וְדָל לֹא
תִהְדָּר בְּרִיבוֹ: (ד) כִּי תִפְגַּע
שׁוֹר אֹיְבֶךָ אוֹ חֲמֹרֶךָ תַּעֲהֶה הַשֶּׁב תְּשִׁיבֵנוּ
לּוֹ: (ה) כִּי־תִרְאֶה חֲמֹר
שׁוֹנֵאף רֵבִץ תַּחַת מַשְׂאוֹ וְחִדַּלְתָּ מֵעֲזֹב לוֹ
עֲזֹב תַּעֲזֹב עִמּוֹ: (ו) לֹא תִטֶּה
מִשְׁפָּט אֲבִינֶךָ בְּרִיבוֹ: (ז) מִדְּבַר־שֹׁקֶר
תִּרְחֹק וְנָקִי וְצַדִּיק אֶל־תִּהְרֹג כִּי
לֹא־אֲצַדִּיק רָשָׁע: (ח) וְשָׁחַד לֹא תִקַּח כִּי
הַשָּׁחַד יַעֲוֶר פְּקָחִים וַיְסַלֵּף דְּבַר־יְצִדִּיקִים:

2. Rabbi Rami Shapiro (from "Oppress Not the Stranger")

This is but a small slice of a long list of statutes governing the life of the early Israelites. Over and over again concern is with the powerless, the stranger, the poor, the widow and the orphan. It is the hallmark of our law that power is not the currency of society—justice is.

Torah forbids one to harm the stranger, and then it goes beyond the law and appeals to deeper emotions, to our memory of being strangers, and asks that we allow that memory to kindle our compassion for those who are strangers still. The Torah is not satisfied with not harming the stranger, it wants us to identify with the stranger, to share in his or her strangeness. Through this identification will come an end to the

stranger's status as stranger and a beginning of a new status as neighbor and perhaps friend.

Widows, orphans and the poor. In the ancient Mid-East a woman without a man (either a father or a husband) or a child without a father had few rights and often suffered great abuses. Torah seeks to protect them by tying their welfare to God. This was a very radical social innovation. Hitherto, societies were used to having their gods side with the powerful, here the Jewish God takes the side of the powerless. The same is true when it comes to dealing with the poor. Credit may be given but not at the cost of further impoverishment. Pledges may be taken but not at the expense of the other's dignity.

I am compassionate. Again a radical innovation: a compassionate God. And we, created in his image, chosen to walk in his way as a light unto the nations, must ourselves be compassionate.

The Jewish concept of God is a wholly new idea. It is not our concern for monotheism that makes our concept unique; other peoples, the Egyptians included, experimented with that idea. What makes the monotheism of the Jews so unique is its ethical component. Ours is an ethical monotheism: one God is not enough, it must be a commanding God who establishes ethical standards by which harmony is maintained and justice insured.

You shall be holy people to me. What does it mean to be holy? Holiness is the state of compassion that reveals the unity and interdependence of all life and the mutual responsibility of each to the whole. We are holy when we treat others with respect and kindness. We are holy when we safeguard the powerless. We are holy when we protect the earth. We are holy when we see to the holiness of others. We are holy when we do holy things- and the bulk of Torah is a listing of what those things are.

3. **Rabbi Rachel Goldenberg (from "We the People: on Covenant and Constitution"; IJS weekly Torah commentary)**

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This week's Torah portion, Mishpatim, is also called the "Sefer Ha-Brit," or the "Book of the Covenant." God gives this set of foundational laws to the Israelites in order to create a just and compassionate society. At the heart of these laws lie principles such as dignity for the poor and the stranger, responsibility of neighbors and even enemies for each other, and respect for life itself...

We may not agree with all of the laws in this parasha, in particular the laws around slavery, women, and the laws involving capital punishment. However, the larger principles underlying these laws are some of the most sacred values we have. And in my understanding, and I would venture to say, in the understanding of Rabbinic

Judaism, a commitment to this "brit" brings with it a responsibility to wrestle with these laws and to amend and interpret as times change and as new contexts require. In saying that they will do and then understand, the Israelites express faith that because this system is rooted in God's vision for humanity, it will (or is intended to) create a just and loving society where they are safe and cared for.

Where does this faith come from? I think that same verse, 24:7, has the answer - "we will do." Sometimes faith has to come through doing. The Israelites have already "done" a whole lot. They have celebrated the first Pesach, departed from Egypt, walked through the parted Sea, have heard God's voice at Sinai. These external experiences have brought the Israelites an internal sense that they are loved and cared for and have purpose....

Especially in these challenging times, I too draw faith from doing - from my participation in our democracy, through voting and advocacy and activism. When I stand in line at the booth or am squished shoulder to shoulder at a demonstration. When I attend a town hall meeting or leave yet another message on Senator Schumer's voicemail because he is flooded with calls, I remember that I am part of a nation that is founded on a system of sacred values. This system is intended and designed to create a just and caring society for me and my children. While the system has many flaws, and while there is certainly a dark side that rears up all too often, it is ultimately this lineage of love and caring, expressed in our Constitutional covenant, that gives me the faith to continue saying "I will do."

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Rabbi John Lewis Eron (from *Having Yourself Been Slaves in Egypt*)

One of the greatest challenges our ancestors faced after leaving Egypt was to find the appropriate way to use the experience of slavery and oppression to shape their political structures and social conscience. They needed to answer the question of how the memory of slavery and slaughter would be expressed in the life and culture of the Jewish people. As they forged a new society in the course of their wanderings from the borders of Egypt to the Land of Promise, under Moses' leadership and God's guidance, they needed to grapple with the horrendous experiences of slavery and slaughter, powerlessness and despair. The question that had to be answered was this: Would their bitter memories lead to a society built on anger and resentment or to one founded on compassion and concern?

We cannot diminish the seriousness of their task. The path they followed defined our distinctive Jewish value system, which stresses concern for the stranger because we remember that we were strangers in Egypt (Exodus 22:20; 22:9)

and support for the vulnerable members of society because we know that God, who heard our cries in Egypt, pays heed to cries of the poor and oppressed (22:21-26).

As Jews living just a half-century after the Holocaust, an experience at least as shattering as that of Egypt and far more painful to us because it is still part of our living memory, this question challenges us anew. We are still in the process of rebuilding Jewish life after the destruction of European Jewry. As we construct monuments and erect museums to the memory of the Holocaust, we need to ask ourselves if our memory of those dark days will turn us into another small angry people, or instead will we remain the proud descendants of ex-slaves who taught us and the world that suffering can also motivate us to compassion.

5. **Rabbi Jonathan Sacks - Mishpatim; Vision and Details**

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The Israelites had experienced slavery to make them cherish freedom. They had suffered, so that they would know what it feels like to be on the wrong side of tyrannical power. At Sinai God, through Moses, had given them a mission statement: to become "a kingdom of priests and a holy nation," under the sovereignty of God alone. They were to create a society built on principles of justice, human dignity and respect for life.

But neither historical events nor abstract ideals - not even the broad principles of the Ten Commandments - are sufficient to sustain a society in the long run. Hence the remarkable project of the Torah: to translate historical experience into detailed legislation, so that the Israelites would live what they had learned on a daily basis, weaving it into the very texture of their social life. In the parsha of Mishpatim, vision becomes detail, and narrative becomes law.

The Torah is a unique combination of nomos and narrative, history and law, the formative experiences of a nation and the way that nation sought to live its collective life so as never to forget the lessons it learned along the way. It brings together vision and detail in a way that has never been surpassed. That is how we must lead if we want people to come with us, giving of their best. There must be a vision to inspire us, telling us why we should do what we are asked to do. There must be a narrative: this is what happened, this is who we are and this is why the vision is so important to us. Then there must be the law, the code, the fastidious attention to detail, that allow us to translate vision into reality and turn the pain of the past into the blessings of the future. That extraordinary combination, to be found in almost no other law code, is what gives Torah its enduring power. It is a model for all who seek to lead people to greatness.

6. **Rabbi Alexis Roberts - Law and Love**

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The even-handed enforcement of well-made laws is the best thing a people, or a nation, can do for itself. A just and peaceful society is the aim, where no one takes unfair advantage. This merges into ritual and religious life, because the purpose of all of it is not to thrive materially, but to make it possible to be holy. The basis for all of these varied laws is a religious vision that, having been saved from humiliating oppression, we must cherish the holiness and dignity of every human being out of respect for our Creator and Redeemer. Perhaps this is why the portion ends with a vision of the divine; a society that kept all these principles would be a place where God would be vibrantly present and apparent to all.

7. **Rabbi Marc Margolius (Ex. 23:1-3)**

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In general these passages wake us to our innate and sometimes contradictory "bents" and "inclinations," and call us to account for them honestly in our *bechirah* points, our moments of active discernment. As we assess our actions and others', this parashah asks that we consider every individual being as of equal and infinite value. This perspective, upon which the laws of parshat Mishpatim are based, is born of our experience of powerless and "other-ness" in Egypt.

We have the lived experience of being "other," invisible, powerless, seen by others as without inherent value. Israelite society-Jewish life-is to be constructed upon a foundational belief in the innate, infinite value of every human being. Therefore, we are called to notice and avoid judging human beings themselves, or bending behavioral standards according to their social status or the group(s) with which they are identified. We are to look to and assess only human actions, ours and others'-and these, only by a single, uniform standard, free of bias which would diminish any other human being, or ourselves, in our eyes.

8. **Rabbi Yitz Greenberg (from The Book of the Covenant)**

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The utopian total transformation of nature and history will be realized through a pragmatic, human-centered, real life process. The essence of this paradoxical method is to start by affirming the value of the real world as it is and the importance of living life in it. At the same, time the covenant focuses on the future ideal world; participants commit to move the present status quo toward that desired ideal state. This will be done by upgrading conditions, step by step, bringing improvements while affirming human dignity (even of proponents of the status quo) and accepting human limitations (i.e. not overriding or coercing people to move to a higher level). The Divine sets goals, instructs, inspires, and judges-but the human partner must actively participate in the process or the desired outcome will not happen.

Living by the covenant translates into reviewing every behavior in life. Each action is shaped and reshaped. While fully anchored in the present reality, each behavior should reflect some movement toward the ideal, honoring the ultimate standard...

I defend the Torah's choice of temporarily incorporating social evils out of the belief that the future ideal world is best realized by the covenantal method. Partnership with God and between the generations-working via gradualism, compromises, respect for human nature and the dignity even of opponents, and never ceasing until complete repair is achieved-may be slower and morally compromised but it will more likely get to the goal. I acknowledge the heavy human cost along the way. Still, I believe that there is a lesser toll and less human suffering in this method than has been done by the more ideologically driven, more universal, more immediate, totally demanding movements for redemption that have proliferated, particularly in recent centuries.



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