

Parshat Mishpatim
Ex 21:1-24:18
By Rebecca Schwartz

Mishpatim means ‘laws,’ and as you might then expect, this section lists a variety of legal statutes, including laws concerning slaves, animals, idolatry, business practices, holiday and Shabbat observance, and treatment of the stranger in our midst.

Two major themes emerge when reading through this laundry list of commandments. The first thing I noticed was the issue of responsibility. Taking responsibility for one’s actions, whether deliberate or accidental, receives detailed attention from the *parsha*. (for example: if a man digs a pit and a donkey falls into it the owner of the pit has to make restitution to the owner of the donkey)

In a parallel but very different example: if two men are fighting and a pregnant woman is accidentally hurt in the commotion and the woman miscarries, the one who bumped into her has to pay a fine – the payment goes to her husband, not to the woman herself, but that’s another lecture!

The second theme is the often-repeated commandment to remember that we were strangers in the land of Egypt. Memory plays a large role within Judaism, but this is quite specific and appears numerous times, in different forms. We encounter it as a positive commandment “you shall love the stranger,” and as a negative commandment, “you shall not oppress the stranger.”

Why is *this* commandment so important?

The simplest explanation seems to be that, one who remembers having been mistreated is less likely to mistreat others. Unfortunately, both history and psychology disprove this. We know that abused children often grow up to abuse children, and that victimized populations once in power may well become tyrants themselves.

The Ramban saw this repeated reminder not to oppress the stranger as a warning: God takes the side of the oppressed; therefore, he wrote, “do not afflict the stranger, thinking there is no one to save him.” The Torah passage we read this week is both harsh and explicit, declaring in Ex 22:21:

“You shall not cause pain to any widow or orphan. If you cause them pain, for if they shall cry out to Me, I shall surely hear their outcry. My wrath shall blaze and I shall kill you by the sword, and your wives will be widows and your children orphans.”

If the Ramban had lived in our century he might have said, “What goes around, comes around.”

Just as every year at Passover we re-tell the story of **our** oppression, we must also continually ask ourselves how **we** are using the power **we** have now. We hold personal power, in our families and relationships -- how do we treat our spouses, our children, our aging parents? We hold financial power, in our communities – where do we invest our money, how do we treat our employees, where do we direct our philanthropic dollars? And we hold political power, both in the United States and in Israel. Do we use it to promote peace and justice?

The Torah does not discriminate between ritual, and ethical, commandments; known as *mitzvot ben adam l'Makom* (between humans and God) and *mitzvot ben adam l'chavero* (between humans and each other). Both sets of commandments are of equal value and significance. Biblical commentator Nahum Sarna noted that “The Torah treats life holistically”, that both secular and religious mitzvot can be a path to God.

To me this means that even if we do not live what might traditionally be called a ‘religious’ life; if we don’t pray every day, if we don’t keep kosher, but we **do** live an ethical and moral life, and use our power accordingly, this too is a path to God. And perhaps, ultimately, the more important one.

Shabbat Shalom.