

Parasha Mishpatim

1-26-2021

Chaverai v'Rabotai

Introduction

42 years ago, laining Parashat Mishpatim, I became a fountain pen. Yes, this is my Bar Mitzvah parasha.

The number 42

Anyone who has read the classic science fiction works of Douglas Adams, especially his "Hitchhiker's Guide to the Galaxy" will immediately identify the importance of the number 42 – it is "The Answer to the Ultimate Question of Life, The Universe, and Everything". It is interesting that he chose that number (not being Jewish) since in our Kabbalistic tradition, 42 is "the number with which G-d created the Universe". And while I am not sure if this was done on purpose or not, it is also interesting to note that Google (where today we get all our answers to everything) spelled out in Hebrew letters, has a gematria of 42. (Gematria, if you are not familiar, is the practice of assigning a numerical value to a word or phrase according to the value of each letter). All told, I think it is most certainly an auspicious anniversary!

Becoming a Bar Mitzvah

Like many others who have also become Bar (or Bat) Mitzvah, I had to give a drash. While I don't recall the specifics, I do recall the topic (which is pretty impressive since I can't remember what I had for lunch!). I chose at the time to focus on how this Parasha continues the introduction of Jewish Laws to our people. I'd like to use this opportunity to reconsider that topic, but with some more life experiences to bring.

A Jewish Court

The parasha begins, “וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תָּשִׂים לִפְנֵיהֶם:”, “These are the statutes that you shall set before them”. The “you”, or course, are us – the Israelites, but who are the “them”? Rashi is quick to explain to us, citing the Talmud in Gittin (88b), that “It is derived from here that one may go to court only before them, Jewish judges, and not before gentiles.” The Midrash Tanchuma on Mishpatim explains that the reason for this is because “...gentile judges desecrate the name of G-d and cause idols to be honored and praised.” Then the prohibition is against the introduction of other religions into the ruling, and not the religion of the actual judge. This means that a secular court, whether in Israel (with Jewish judges) or here in Galus (exile), would be acceptable since religion (of any type) does not enter into the proceedings. From this we learn the principle of “dina d’malchuta dina”, “the civil law of the country is binding upon its Jewish inhabitants”.

Even so, is there anything unique about the Jewish legal system and the laws that we begin to encounter here in Mishpatim? To me, one of the most unique of the laws that we find is against charging or accepting interest on a loan (Ex. 22:24-25):

אִם־כֶּסֶף | תַּלְוֶה אֶת־עַמִּי אֶת־הָעֹנִי עִמָּךְ לֹא־תִהְיֶה לוֹ כְּנֹשֶׁה לֹא־תִשְׁיָמוּן עָלָיו וְנֶשֶׁךְ:

If you lend money to My people, to the poor among you, do not act toward them as a creditor; exact no interest from them.

Before I delve into the importance of this law, I'd like to take a slight tangent through the final Hebrew word, Nesech. Rashi points out that the word for interest is the same one used for a snake bite. He likens this to the fact that a snake bite is a small wound that the victim may not even feel at first but will lead to much suffering. So it is with interest.

The Or HaChayim suggests that if we find ourselves in possession of more than we need, we are to lend it to someone whom the Torah (by which we mean, HaShem) describes as עַמִּי, "My people." Meaning that, if you become aware that you have more money than you need for yourself, it is clear that the excess had originally belonged to someone else, i.e. "the poor amongst you."

I believe that we should learn from this that we should open our hand to lend to the poor what used to be theirs or had been intended for them. If what is being loaned was originally intended for the person by HaShem, how could the loaner credit himself with being a superior person, a creditor in this instance? In fact, our sages said that "if the creditor sees the debtor walking towards him, it is incumbent on the creditor to change direction so as not to embarrass the debtor with any reminders of the loan."

Rabbi Shlomo Riskin takes this one step further by comparing this message with that of the Exodus, learning that “no individual ought ever be owned by or even indebted to another individual, we must only be indebted to G-d”. We can learn from this that Rabbi Riskin’s statement applies not only to the law of not charging interest, but extends to many of the laws we see in Mishpatim – those involving the enslaved, the infirm, the orphan, the widow, the stranger and the convert.

We see that even the name of the parasha connects us to this view of Jewish laws being Just. Back in the story of S’dom vAmorah (Gen 18), Abraham cries out: "Hashofet kol haaretz lo ya'aseh mishpat? Shall not the Judge of all the earth do justice?" Today in modern Hebrew a courthouse is a בית משפט *beit mishpat*.

Conclusion

While I don’t recall what I concluded all those many years ago, today my takeaway is clear. We should look at the laws we follow, whether Jewish or secular, through the eyes of our Torah. It is its ethical foundations that we should use to guide our lives, especially as we go out into the world. I especially like what Rabbi David Wolpe (a modern Conservative rabbi) said, "We don't sufficiently think about the fact that because the idea is that you're supposed to be an אור לגויים, a light to the nations, that you can't do it if you never do anything among the nations. If you only have your light on at home, nobody else sees it."

Shabbat Shalom