

Shabbat Mishpatim Shalom



by Phyllis Chesler

Here are some of the many laws we are commanded to obey. I cry out against those concerning forced/arranged marriage, even though it was the best of only two options back then; the regulations concerning slavery, even though they were humane for their time; the murder of mainly female witches, although it was feared that such practices were an intrinsic part of goddess-related idol worship. Such commandments offend my modern and feminist sensibility.

However, some laws are ethically revolutionary both for their time and for all time. I am thinking about what Mishpatim tells us will happen if one “oppresses” a stranger “ke gerim hayetem b’aretz mizrayim”—“because you were strangers in Egypt” (22:20). Immediately thereafter, we are told that we must not “mistreat” a widow and orphan children without risking severe punishment (22:22-23). Leave it to the great [Nehama Leibowitz](#) to interpret this for us in the most technical and therefore most astute, perhaps most radical of ways. She points out that:

“In Bava Metzia (59b) the Torah cautions us regarding our

behavior towards a stranger no less than 36 times! No other mitzva, not even the commandment to love God, keep the Sabbath...are so often referred to."

Leibowitz goes on to explain that God does not expect former slaves to necessarily be kind to others. "A history of alienation and slavery, the memory of your own humiliation is by itself no guarantee that you will not oppress the stranger...that the hate, persecution, and shame...do not act as a deterrent."

How true this is.

But there's more. She quotes Abravanel and concludes that the grammatical transition from singular to plural in (22:23) teaches us that God will not only "kill the evil-doer with a sword" but will also kill the bystanders as well. "Etchem" not just "you." The exact phrase is: "Eem aney ta'aney otoh ki eem tzaok alei." This is singular, addressed to one evil-doer; but God then says "V'hargati etchem be'herev"—I will kill you all by sword—plural.

Let's hear it for God!

Leibowitz writes: "This concept that passively standing by is tantamount to implication in the crime...is found in many places in the Bible." A Jew must not mistreat those weaker, more vulnerable, than him or herself—and if one does, those who see it are supposed to stop it. If not, they become part of the wrongdoing. If only we understood that today and acted upon it.

Among my favorites are the following:

"Lo tehiyeh aharei rabim l'raot" (23:2). Do not follow the majority to do evil. "Lo tahtey mishpat evyonicha v'rivo (23:6). Do not bend justice, (not even) for your needy in his dispute. "Midbar sheker terhak." (23:7). Keep far away from anything false." (23:7).

I love these laws. Don't you?