

Parshat Mishpatim

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The word mishpat has two meanings- It means both law and justice. Parshat Mishpatim begins by using the first of the two meanings. Bnai Israel is told about the rules regarding the eved ivri, the Hebrew slave and the requirement to set him free in the seventh year, we are taught about the punishment for a man who strikes another, and the goring ox. In the second half of the parsha, the narrative begins to change. Instead of a somewhat dry law code, God begins to tell us why we observe law-God says, "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt." (Exodus 23:9) This particular law explains why we should observe law in the first place, to create a more just society by remembering our own experience with injustice. This law is the culmination of both meanings of mishpat: law and justice.

At the end of the parasha, there is a miraculous, redemptive moment. After God has told Moses all of the laws and Moses recites them to bnai Israel, God allows Moshe, Aaron, Nadav and Avihu and the 70 elders to ascend Mount Sinai what do they see—the text tells us that "they saw the God of Israel: under his feet there was the likeness of a pavement of sapphire, like the very sky for purity." (Exodus 24:10) They saw God!! How many times are we told that we cannot see God and live. That Moshe is the only human that can see God panim el panim, face to face. And yet, at the end of this parsha, something has occurred to permit others to see the glorious vision of God.

Why were they able to ascend? Because, as Midrash Tanhuma tells us, God loves justice. I believe that God is sending a message to the people by saying, when you create a society through just laws, you will then be able to see Me. You will have earned the right to see My Presence and experience redemption.

The work for us is to continue to transform and mold our society through laws that would merit God's presence.

I believe that the laws in this parsha were a blueprint for what could be. Not a bunch of laws written in stone, never to be changed. As we all know, ethics change from generation to generation. We know more about technology, science, and psychology than those that came before us. And there are some laws within this parsha that are not eternally true and redemptive: Slavery, Selling one's children, not tolerating other religious practices such as sorcery, the killing of the other in the land of Canaan.

It is our holy work as descendents of the rabbinic tradition, to look into our system of law and to guard and observe the laws that keep us holy. To practice ethically in business, to treat others with dignity and to treat others fairly. And when we examine our laws and there is something which is no longer true, it is our duty to amend the law. God teaches us to use law to get us from one place to another, to help us to envision how we want to live, and to build the structure by which to get there.

In her interpretation of Robert Cover's theories on law, the scholar Rachel Adler gives us a wider picture of the role of law. She quotes:

'Raw coercion is insufficient to authorize law. It must claim legitimating moral qualities, which it locates in its constitutive narratives. But narratives are generated within the bounds of space and time and culture. Their resonances echo within these social contexts, always unstable, always open to the possibility of transformation. Halakha, Jewish law, comes from the root lekh or walk or go...Halakha is the act of going forward of making one's way.

To determine where we ought to go, we must reflect on where we have been. As individuals, we continually rework and relate our life stories to ourselves and to others and project ourselves into possible futures through dreams and fantasies. We also lay claim as members of groups to the collective memories of the group. Transmitted from generation to generation, they help to constitute our sense of who we are and to shape our future actions.

(Engendering Judaism by Rachel Adler, pg 52)

This process does not only reign true with the Halakhic system, but with the system of the Constitution as well. Though the vision of God is not ultimate redemption in the American law system, we do hold ultimate values and ideals as citizens. Those ideals include believing in life, liberty and the pursuit of happiness. We believe that our Democratic system has helped us to create a society worth living in. We value life itself, the freedom for open dialogue in the private as well as the public sphere, and the right to pursue happiness within reason. When our government and its advisors and all who exercise authority begin to change the basic narrative of what we have agreed on as a people, we should be concerned.

What happens to our quest for justice when our leaders endorse torture, what is the meaning of liberty when the private conversations of citizens become the property of the government, and what happens to the value of happiness when we fail to give each citizen the tools they need to survive in our society: tools such as healthcare, protection at work, and respect.

When Jewish law causes violence to the members of its community, we stand up. We say that we believe in the system of Halakha and as such we need to change the laws that do not allow us to evolve as a people. We have done that with homosexuality and with the inclusion of women in the synagogue. How did we do it? We raised our voices, we said there was another way, we told of the pain and violence we caused in the lives of human beings because we excluded them or told them that their practices were immoral.

We did it for our community and we must also do it for the land in which we live. We should stand up against unjust laws and practices not because we dislike leaders or disagree with their way of life, but because our Torah teaches us that just laws lead us to redemption and push us towards the world that we pray for. May we use our power, our voices and text so that we as a people and as a country can be an influence for good throughout the world and so that we might reach a redemptive justice through law.