

# Weekly Words of Torah

## Our Numbers Must Be Large: Parshat Mishpatim

### Framing

Parshat Mishpatim, known to scholars as the Covenant Code, could be described as the epilogue to the Exodus narrative, and a hugely important commentary on “bringing them home.” The story reaches its climax at the Red Sea, as the Israelites finally and unambiguously escape the Egyptian government. It achieves denouement at Sinai as God establishes what the relationship between Israel and the Divine will be in the future. Parshat Mishpatim asks the arguably more important question – what is the relationship between Israelites and themselves? What is the covenant of behavior we expect from each other? Phrased better – how am I expected to take care of my fellow Israelite?

### Access Points

■ **Does Eye for an Eye Really Work?** One of the most famous lines in civil jurisprudence history, עין תחת עין, an eye for an eye, is found in this week’s parsha (Exodus 21:24). On a peshat, or literal, level, the text literally means that whatever harm you cause to another person, from black eye to stab wound, is done similarly to you by the courts. This kind of punishment appeals to our most basic instincts of fairness, the kind that makes our inner kindergartner happy. But, to a more mature sense, it appears wildly unfair. Many incorrectly assume that this is why the rabbis of the Talmud, in Bava Qamma 83b, read these verses as referring to monetary compensation after pointing out how the “plain” meaning couldn’t possibly be fair. This is not a radical rabbinic deliberate misinterpretation of the text, rather reflective of the normative practice for thousands of years. The legal concept of *lex talionis*, also known also as retributive or reciprocal justice, isn’t original to the Hebrew Bible; rather it’s found all over the ancient Near East, from Mesopotamia to the Hittites, all pre-dating the Torah by hundreds of years. In most of the ones that we have found, the punishment is always monetary compensation dependent on the precise injury involved. This is because all wise traditions recognize that a literal eye for an eye does nothing but make aggrieved parties feel better, as opposed to compensation which can help cover the injured person’s newfound expenses. This takes the parties out of a cycle of violence and instead working towards prosperity together. Similarly, the cycle of violence between Israel and Gaza, the bombing, the killing, the striking, needs to come to an end. The continued strikes will only serve to inspire more extremism. It’s time to bring the fighting to an end, to support each other in the rebuilding efforts and reach peace and prosperity together.

■ **Three times a year, everyone must show up, because everyone is needed when we do important things. In other words, every voice counts and needs to be heard.** Every observant Jewish home knows the constant cycle of holidays every year. The planning of meals, the guests, the traveling, etc. The main elements of this never-ending circuit, Pesach, Shavuot, and Sukkot, are given the categorical title “שלוש רגלים” - the Three Pilgrimage Festivals - in this week’s parsha (Exodus 23:15-17):

אַתְּ חַג הַמִּצּוֹת תִּשְׁמֹר שִׁבְעַת יָמִים תֹּאכַל מִצּוֹת כֶּאֱשֶׁר צִוִּיתְךָ לְמוֹעֵד חֹדֶשׁ הָאָבִיב כִּי־בו יֵצְאת מִמִּצְרַיִם וְלֹא־יֵרָאוּ פְנֵי רִיקָם:  
וְחַג הַקֹּצִיר בְּכוֹרֵי מַעֲשֵׂיךָ אֲשֶׁר תִּזְרַע בְּשָׂדֶה וְחַג הָאָסֶף בְּצֵאת הַשָּׂנָה בְּאֶסְפְּךָ אֶת־מַעֲשֵׂיךָ מִן־הַשָּׂדֶה:  
שְׁלֹשׁ פְּעָמִים בְּשָׁנָה יֵרָאָה כָּל־זְכוּרְךָ אֶל־פְּנֵי הָאֲדֹן ה’:

The holiday of barleybread you shall observe, for seven days eat barleybread as I have commanded you in the time of the month of the new grain, for that is when you left Egypt; and nobody is to show up empty handed.  
And the harvest festival, of the first fruits of your labor that you will sow in the field,  
and the gathering festival at the going-out of the year, in your gathering of your labor from the field.  
Three times a year, all your males should be seen before the presence of the lord God.

These agricultural festivals are reshaped by the Torah into holidays in honor of God - times when Israel gathers together to honor our Lord. Note that here God is addressed as “ha-adon,” the master, in stark contrast to the competing local deity, Baal, whose name also translates to master. Three times a year we gather for the most holy of purposes, to show how serious we are about preserving our relationship with the one God, Hashem. **This idea of showing up in large groups to show seriousness is the basic premise behind protest and democracy. We can only be taken seriously when our numbers are large; we must all act if we want our leaders to hear our voices.** And even though “it is not on you to finish the work,” according to Rabbi Tarfon, in Pirkei Avot 2:16, he also tells us that “you are not free to abandon it.” We are not free to abandon the work of bringing home each and every hostage.

### Call to Action

This parsha spends a great deal of time detailing the obligations we have to each other in a society. Societies exist in order to share burdens across an entire population, and the Torah's society makes it clear that it does mean an entire population. Exodus 23:5 reads:

כִּי־תִרְאֶה חֲמֹר שֵׂנֵאָדָּךְ רֹבֵץ תַּחַת מְשָׁאוֹ וְחָדְלָתָּ מֵעֲזֹב לוֹ עֲזֹב תֵּעֲזֹב עִמּוֹ:

When you see the donkey of your enemy lying under its burden and would refrain from raising it, you must nevertheless help raise it.

One could read this as an injunction against animal cruelty, but the inclusion of the directive to help him unload the donkey implies that the burden was unintentional. We have a mitzvah to help those we don't like, even when it's inconvenient, even when we don't want to. All the more so, do we have this obligation for those who are our friends. In this difficult time for Klal Yisrael, take the time to see which of your friends have burdens, physical or emotional, which you can help unload..

### Closing Intention

The parsha ends with God promising the Land of Canaan to the Children of Israel. God promises that so long as we follow the rules, God will make sure our enemies cannot harm us. The best way we can protect ourselves is to continue to keep the covenant and take care of each other.