



PARSHAS MISHPATIM – PAUL TAYLOR

Is Mishpotim *the* sedra on human rights? Not quite; for instead of *rights* against others it takes a different perspective. Posuk after posuk set out our *duties* to the most vulnerable sections of society. "You shall not abuse a stranger and you shall not oppress him, for you were strangers in the land of Egypt. You shall not persecute any widow or orphan.." [22:20-21], you will not take interest and will treat the poor creditor with dignity and respect [22:24]. And if these groups are persecuted we are told that Hashem will hear their cry because He is compassionate.

The dinim of the eved Ivri are also set out. But this is not a treatise setting out the powers and rights of the slave owner, but rather a list of duties and protections given to the slave. The usual power relationship is seemingly upturned, with the most vulnerable section of society being the centre of the Torah's concern. [Indeed the Rambam refers to the "equality" of the relationship and the observation in Kiddushin 20a where it states that "Whoever purchases a Hebrew servant purchases a master for himself." Hilchot Avadim, 1:9].

So what is all this telling us? Don't do anything to oppress the poor and the vulnerable? Is it limited to ensuring that we do not do any action or say anything or persecute those who are powerless and need our help? Are these posukim setting out a warning only to avoid negative actions? I would suggest that the exhortation of the Torah is the opposite. It is to take action. This idea can be illustrated in the following way.

After every meal involving bread we recite a series of brochos, and parts of tehillim. Right near the end it states from tehillim: "I was young and now am old, but I have not seen a righteous man forsaken, nor his children begging for bread." [37:25] Rabbi (Lord) Sacks in his commentary on the Haggada says that he once heard a beautiful explanation of this posuk from Rav Moshe Feuerstein of Boston. The key phrase "lo raiti" is generally translated as "I have not seen". But the verb ra'iti occurs twice in Megilla Esther with a quite different meaning. "How can I bear to watch (eichachah uchal veraiti) the disaster which will befall my people? And how can I bear to watch the destruction of my family?" [8:6]

The verb here does not mean "to see". It means to stand by and watch, to be a passive witness, a disengaged spectator. It means to see and do nothing to help – or to see and not even question what you can do to help. That for Esther and Dovid Ha Melech was a moral impossibility. We may not stand by whilst our neighbour suffers. We *are* our brother's keeper.

So the verse can now be read "I was young and now am old and I have not merely stood still and watched when the righteous was forsaken and his children forced to beg for bread."

Read this way, it ends every significant meal with a moral commitment. Yes, we have eaten and are satisfied. But that has not made us indifferent to the needs of others.

As Jews we act to treat others with compassion because they are fellow human beings; they are all created b'tzelom Elokim. Our treatment towards the vulnerable is the true test of us as a People. As Nelson Mandela said in relation to prisons, but that can be applied equally to society generally: "A nation should not be judged by how it treats its highest citizens, but its lowest ones."