

# OPEN SCROLL

An Undergraduate Parshah Sheet for the Harvard Hillel Community

Parshat Mishpatim

February 12-13, 2010

Sh'vat 28-29, 5770

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## Ari Kriegel

*"Now these are the ordinances which you shall set before them."*

Parshat Mishpatim begins on the heels of the giving of the Ten Commandments in Yitro. B'nai Yisrael has just experienced the revelation at Sinai, complete with "thundering" "lighting" and the "mountain smoking," what we can only imagine would have been the most awesome moment in history. And yet the parshah begins with the mundane, the ordinances—*mishpatim*. Or at least, it does for the first six verses. These verses discuss various laws surrounding Hebrew slaves, prescribing the terms by which a slave might stay with his master if he chose to do so. And this is the last time we see mundane in this chapter. The rest of the chapter and all of the next is a compilation of various situations in which the death penalty is called for—murder, patricide, kidnapping, cursing one's parents, and negligence among others.

My first thoughts about this topic were that it is in some ways fitting to have *mishpatim* follow the Ten Commandments. While the Ten Commandments are certainly important, the Torah never implies that they are any more important than any other *mitzvot*. Following the awesome moment of receiving the Ten Commandments with the comparatively dreary issue of Hebrew slaves serves as a balance with the divine, juxtaposing laws governing daily life with laws governing moral action and heightening our appreciation for both. And maybe there was a time when this truly was the case—that is, when laws such as these really governed people's lives. But in a modern context, these back-to-back chapters have to raise different questions. The Ten Commandments juxtaposed with a chapter which demands

the death penalty—a penalty which I believe is wrong—to the crime of cursing one's parents! We have just heard in the Ten Commandments to "honor thy father and mother," a positive commandment which is so often used as a model for child behavior. Yet if there's a death penalty hanging behind that commandment, I'm not sure I'm on board...

My point is rather simple in the end, if I've arrived at it by a very roundabout route. For me, this parshah carries contradicting messages. I initially considered writing about the most famous line of the parshah, "*Na'aseh v'nishmah*," "We will do and we will listen," which is the response B'nai Yisrael gives to receiving the Torah. The fact that doing comes before listening is often used to illustrate the value of faith, of accepting the Torah with no reservations. This attitude is central to much of Jewish tradition, and numerous pious people have lived their lives accepting the Torah with no reservations. And I do feel compelled by this idea of surrendering to faith, of letting God decide what's right and trusting God entirely. But to me Chapter 21 serves as an obvious reminder that I am a human being capable of discerning right from wrong, as I can say with no reservations that it is wrong to kill a child for "cursing his parents." Faith is powerful, and valuable, and I believe its existence and strength is responsible for the endurance of the Jewish people. Yet B'nai Yisrael did not just pledge to do, they also pledged to listen, to understand, to *reason*. I think too much emphasis has been put on the order. It's not about which is more important, faith or reason, it's about understanding that both are necessary to be a responsible Jew.

*Ari Kriegel '11 is a Organismic and Evolutionary Biology Concentrator in Kirkland House. He loves his parents, he swears.*

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## Emily Shire

I don't believe that religion should influence politics. I believe quite firmly in the separation of church and state, as do most if not all members of our Hillel community. I think religion in all forms and, for me personally Judaism, holds incredible significance in my life. But, I think it is equally important to examine why the Bible should not be the legal authority for all of America. There is a major problem among many different interest groups in America claiming the Bible has a right to be a voice of authority over American legislation and policies. Thus, I couldn't resist the opportunity for analysis when I noticed that this week's parsha, Mishpatim, contained one of the passages most widely cited by pro-life advocates. I decided to take the opportunity to examine how different interest groups within America try to use the Bible to justify political decisions that affect people of all religions, or lack thereof.

There are many things that I find problematic with political policies relying on religious passages. First and most obvious, it is completely undemocratic to subject all Americans to the authority of the Bible. Still, what I find even more interest-

ing and problematic is that the Bible does not provide singular, clear response to any dilemma or controversy. The beauty of the text of the Bible is that it can be explored and interpreted in different ways and that people are meant to grapple with it, perhaps never coming to one, firm conclusion.

This is why I find it particularly disturbing and highly false when pro-life groups claim Exodus 21: 22-3 as support for making a woman's right to choose illegal. In this parsha, a number of crimes and their respective punishments are outlined, such as when two people get into a fight or handling different types of slavery (a dvar-worthy subject certainly in itself). Exodus 21: 22-3 states what should happen if a pregnant woman gets injured in the crossfire of a fight: "And should men quarrel and hit a pregnant woman, and she miscarries and there is no fatality, he shall surely be punished, when the woman's husband makes demands of him, and he shall give [restitution] according to the judges' [orders]. But if there is a fatality, you shall give a life for a life." Pro-life advocate Rich Deem argues that since this passage shows that a man is supposed to be punished for causing an early delivery and the fetus to

## Emily Shire (continued)

die, G-d, as he writes, "values life before birth."

However, as educated, thoughtful Jews and citizens, it is our responsibility to never accept an interpretation of the Torah without questioning and exploring it on our own. There are other ways to look at this passage. One may read it as showing a fetus is not valued the same way the mother or another person is. The fact that the man must only pay a fee if he causes a miscarriage, but "give a life for a life" if there is a fatality in addition to the miscarriage suggests support actually for pro-choice advocates. The significantly more severe punishment is reserved for taking the life of an already-born human as opposed to causing the loss of a fetus.

In the end, the goal of this examination is not to be pro-life or pro-choice, but rather, to show how one passage can be analyzed so radically differently. Each interpretation is certainly

valid, and I wouldn't argue otherwise. In fact, that is the essential thing to take away: there is no one, singular, black-and-white way to read the Torah. Therefore, when some individuals and groups assert the one-and-only, ultimate interpretation over the text of the Torah, which is the time when we should begin questioning their authority. Regardless of your views on abortion or any other issue where the Bible is often cited as support, it is essential that we do our own work, our own critical thinking and analyses. As Jews and American citizens, it is important to remember that, as Albert Einstein said, "The Important thing is not to stop questioning."

*Emily Shire '11 is a History and Literature Concentrator in Eliot House and the only person in this week's Open Scroll who did not attend Jewish day school; staring at a blank page at 3:30 am was the first time she began to regret that.*

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## Avishai Don

Apparently the Revelation at Sinai brought some added medical benefits. The Midrash Tanchuma from last week's parsha comments that before coming to the mountain, God healed all of the damaged limbs and senses of the nation. Those who had been maimed, deafened, or blinded while in Egypt would, in other words, regain all of their capacities before finally becoming God's people. One of the Tanchuma's main proofs is a verse from this week's Parsha, in which the Israelites promise that "we will fulfill, and we will hear" all of God's commandments (24:7). Surely, the Tanchuma implies, there were members of the people who were mutilated in Egypt and could not possibly fulfill every mitzvah, and surely there were deaf Israelites who could not even hear them being spoken. It must therefore be that God healed the entire people beforehand.

This is a beautiful Midrash until you read the reason it gives for why God did this. Rather than asserting that God wanted everyone in the nation to be both willing and able to observe His laws, the Midrash posits that God thought to Himself that "it is unfathomable that I would give my Torah to the crippled," and thus healed them all first. This is a bit strange. Granted that it might be a bit harder to follow certain commandments if one is handicapped, but that make one any less human or worthy of Revelation? What, exactly, has God got against the crippled?

In The Particulars of Rapture, Dr. Avivah Zornberg attempts to answer this question by retelling a story from the famous Oliver Sacks book *The Man Who Mistook His Wife for a Hat*. In an essay called "Hands," Sacks describes the case of a woman with cerebral palsy who has been blind from birth. Although she is extremely intelligent, none of her knowledge comes from books because her hands, she claims, have been useless "lumps of dough" for as long as she could remember. Because cerebral palsy does not normally affect the hands, her claim strikes Sacks as odd, and upon further investigation he discovers that all of the sensory nerves in her hands are completely intact. Her hands could detect heat, cold, and pain but could not identify any objects, such as other hands, placed into them. She had, in other words, sensation without perception,

and Sacks theorized correctly that this happened because her parents never allowed her to use her hands to their full potential. After extensive therapy, however, the patient experiences a spiritual rebirth, and begins to create art indicative of a "meditative and creative mind, just opened to the full sensuous and spiritual reality of the world." She had finally become entirely conscious of a world of which she had only previously been dimly aware.

This psychological revelation, Zornberg asserts, is the effect that God attempted to induce in the Israelites. The Israelites who had been crippled in Egypt had essentially been turned into the woman described by Sacks, namely possessing sensations at the base level but lacking any sense of self to recognize the deeper meaning of their actions. "The damage done in Egypt," Zornberg writes, "is not only a violation of muscles and bones, but of an inner self-mapping and coherence. The ordeal at Sinai is a way of bringing back into use the imaginary equivalents of the broken limbs." It is this shock to the system, this upwelling of emotion and ecstasy as the healed is thrown back into the world and finally able to breathe life in its fullest that God wanted the handicapped to experience before the revelation. It is only when they could experience the world for what it truly is that they would be worthy of accepting the Torah.

Now that the semester is starting to gear up and work is starting to pile, it is incredibly hard not to fall into a lifeless routine and become the sort of zombie described by Sacks, experiencing sensations without understanding the bigger picture. This is a trap that is incredibly easy to stumble into at Harvard, but the greater the challenge the greater the reward. We should, quite simply, attempt to expand our horizons and seek out adventures even when our day seems too planned to experience a bit of spontaneity. Indeed, we need to wake ourselves up the most when it seems so easy to remain comfortably secure and comfortably numb.

*Avishai Don '12 is a Social Studies Concentrator in Pforzheimer House. His Open Scroll column appears on alternate semesters... unlike his Crimson Editorial Column which appears on alternate Wednesdays.*