



Parashat Mishpatim
In What Will He Sleep?

by Rabbi Laurence Edwards on Friday February 20, 2009

26 Shevat 5769

Exodus 21:1 - 24:18

Occasionally the Torah offers us moments of what I call “dialogical proximity,” a kind of intimacy through direct address. There are examples, of course, of biblical figures who speak to, even argue with God: Abraham seeking justice in the matter of Sodom and Gomorrah; Moses defending the people against God’s anger at the golden calf. But I mean something different from that. There are a few passages where Torah’s language breaks through the distance between God and us, reaches out directly to engage us in conversation. At least two of them occur in this week’s reading.

Mishpatim is mostly a list of laws, a code of civil and criminal legislation. After the overwhelming event at Sinai, it is as if the Torah now goes on to fill in some of the details of what the “Ten Commandments” actually mean for everyday life – for business, for human relations, for property, and so forth. Some of the laws seem to us today quite archaic, even morally questionable – such as the laws of slavery. And it is a little hard to understand how the Torah can permit slaveholding at the same time that it demands concern for the widow, ... the orphan, ... the stranger.

It is the stranger who brings us to the first of the two passages I have in mind.

V’ger lo toneh v’lo til’chatzenu ki gerim he’yitem b’eretz mitzrayim.

You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt. (Ex. 22:20)

This is the first of many times that the Torah will emphasize this obligation. What interests me here is the way in which the language addresses us directly: I (God) am telling you this, but it is also something you should know on the basis of your own experience. God, or Torah, or the commanding voice of tradition is breaking through to us in this verse, not simply giving instructions, but appealing to us, to the sensitivities and values it assumes we have acquired on the basis of our own experience of the world and of history.



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Our experience of oppression is precisely what forges us into a conscious community, committed to undoing oppression and its effects on ourselves and on others.

And there is another such verse, even more unusual in the way that it is phrased:

If you take your neighbor's garment in pledge, you must return it to him before the sun sets; it is his only clothing, the sole covering for his skin. In what else shall he sleep? Therefore, if he cries out to Me, I will pay heed, for I am compassionate. (Ex. 22:25-26)

"In what else shall he sleep?" The Hebrew is even more terse, two words: *Bameh yishkahv*? Why is this phrase inserted here? What is it doing in this commandment? This is an extraordinary moment in the Torah. The commanding Voice reaches into us, claims us, expects our sympathetic response to a fellow human being, compassionate behavior based on our own ability to think and to feel. It does not, of course, assume that we will always do the right thing, but it does here expect that, once the right thing is pointed out to us, we will immediately recognize its compelling moral logic. It is so obvious: *bameh yishkahv*? In what will he sleep? Think for a moment, reflect on the consequences of your actions, consider your own experience, and you will realize the right thing to do.

Queer Jews experience a double sense of outsidership. In what ways, in your own life, does this angle of vision translate into double sensitivity for those on the outside?



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