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**Purim @ E55**

**SATURDAY NIGHT, FEBRUARY 27th @ 8pm**

The East 55th Street Synagogue

308 E55th, New York

**Not to be missed! Costumes welcome!**

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February Shabbat Service Schedule

February 13th Parashat Mishpatim
Shabbat Shekalim / Birchot HaChodesh Adar

February 20th Parashat Terumah

Friday February 12, 2010 **Candle Lighting 5:03 pm**

Shabbat morning -- 9:30

Shabbat Shekalim

Birchat HaChodesh (Rosh Chodesh Adar – Sunday)

Old Whalers Church

This week's Torah reading: **Mishpatim**

Annual (Ex. 21:1-24:18): Etz Hayim p. 456

Triennial (Ex. 23:20-24:18): Etz Hayim p. 474

Maftir (Ex. 30:11-16): Etz Hayim p. 523

Haftarah (2 Kings 11:17[S] or 12:1[A] – 12:17): Etz Hayim p. 1278



Musings on Mishpatim --

Words can be similar but carry different connotations. "Legal" has a good connotation. "Legalistic" does not. Judaism is often accused of being too legalistic. This charge has been leveled not just at the Judaism of the Talmud and subsequent law codes, but also against many of the laws enumerated in the Torah itself. Too often, there is a tendency to take the Ten Commandments (found in last week's parasha) as the only commandments.

The truth is that they are just the beginning; the crucial details begin with the plain introductory statement at the beginning of this week's parasha:

"These are the mishpatim that you [Moses] shall set before them [the Israelites.]" (Exodus 21:1) The Hebrew word *mishpat* (plural: *mishpatim*) does not have just one translation. Menahem Elon, a former justice of the Israeli Supreme Court, explains that the word means several things: court judgments; a system of laws and precepts; legal rights; and fixed customs or usages. (*Jewish Law*, pp. 105-7)

Rabbi Shimon bar Yochai, a 1st Century C.E. sage, appears to understand the word *mishpatim* as meaning court judgments. He asks why the parasha would begin by laying out the necessity for court judgments before listing individual mitzvot (*Mekhilta*, Mishpatim, Nezikin 1). He answers by saying that when people are contending with each other in court, strife prevails; when a judgment is rendered, peace is achieved. To prove the point, Rabi Shimon quotes Moses's father-in-law Jethro who, after advising Moses to set up a court system that would facilitate the rendering of judgments, explains the benefit: "And all the people shall go to their place in peace." (Exodus 18:23)

Giving a somewhat different view, Professor Zev Falk, ("Hebrew Law in Biblical Times", p.25) describes what all definitions of *mishpat* have in common: an action taken in favor of a weak petitioner against a strong adversary.

These explanations vary one from another. Yet they all strive to achieve an ideal society while recognizing that contemporary reality falls short. It would be better if people did not harm their neighbors and their neighbors' property, and if the strong did not take advantage of the weak. But

since all this does occur, it is the job of the law to mitigate what it cannot eliminate. At the same time, Jewish law, as expressed in the Torah and subsequent legal development, does not merely list rules and penalties for disobeying them. More than any secular legal system, it holds out hope for a society of harmony and individual and group well-being.

<http://www.jtsa.edu/PreBuilt/ParashahArchives/5764f/mishpatim.shtml>

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## **Saving Your Enemy's Sorry Ass (and Other Gateways to the Divine)**

***Ki tir'eh chamor son'acha rovetz tachat masa'o, v'chadalta me'azov lo, azov ta'azov imo.***

If you see an ass, i.e. a donkey, that belongs to someone who hates you, collapsed under the weight of its load, and you are inclined not to help, you must nonetheless help your enemy get his sorry ass off the floor.

There are a few fascinating elements to this deceptively simple rule, elements that again demonstrate a deep understanding of human nature and offer a gateway to some larger idea.

1. You're under obligation as soon as you see the poor animal. No waiting until it's in front of your house or until you trip over it. Even if you only see it from a distance, the rule begins to apply. Here again we see the invitation to *chesed*. Relieving an animal's suffering is a compassionate act of transcendent importance.
2. The law doesn't talk about a donkey belonging to someone you hate, but rather belonging to someone who hates you. Why? What's the difference? Perhaps Torah knows that you are likely to say (and believe) that you don't hate anyone, even though some people inexplicably hate you. Maybe it's true; maybe it's not. But this law applies even if you see yourself as blameless in your conflict with the donkey's owner. Even if you are blameless, and this person's hatred is beyond your control, you may not withhold your help. Declining to help your enemies is an indulgence reserved for good times. In hard times that extravagance is not available to you. You must help.
3. Another interesting bit comes at the end of the rule. *Azov ta'azov imo*. You are required to unload the beast's burdens *with* its owner. Not *instead* of its owner. Some commentators say that this is to prevent the exploitation of good Samaritans. "Hey you, come unsaddle my donkey. Torah says so." No, that is not allowed. Some say it's because this is simply a two-person job: if you each lift a saddlebag on opposing sides, the animal will be able to stand up by itself. But there's another possibility too: that Torah understands something here about human nature. Torah knows that if you face an obstacle with someone, you might discover you don't hate each other quite so much as you thought. Torah commands you to love your neighbor, but it can't force you to. However, Torah can maneuver you into a position where you might naturally arrive at mutual respect.
4. The last lovely bit of this rule worthy of mention is that it isn't triggered by simply seeing the suffering animal. It doesn't say, "If you see your enemy's ass lying under its burden, raise it up." Rather it says "If you see your enemy's ass lying under its burden *v'chadalta me'azov lo* – and you would hesitate to help, you must in fact raise it up with him." The law isn't just "do the right thing." It's "overcome the hesitation that keeps you from doing the right thing." It presumes you already know what the right thing to do is. We are commanded to connect with the divine quality of *gevurah*, and with that strength of purpose, overcome our ambivalence, our pettiness, our hatred, our hard place, whatever it is, and unleash the justice and the compassion that are already in our hearts.

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Mishpatim and Hammurapi

A number of parallels have been drawn between the Code of Laws in *Mishpatim* and those of Hammurapi ("the kinsman who heals") but in one particular instance, which we shall come to, there is a more helpful parallel in the Code of Laws from Eshnunna.

The great interest in the Code of Hammurapi, dating from about 1,750 BCE, is based on the fact that most of the 282 laws listed are well preserved, clearly drafted and comprehensible to the modern mind. The same does not apply to other ancient codes of law, such as the one from Eshnunna, a city near Baghdad, and those of Nuzi, a Hurrian town east of the Tigris. They only exist in shorter pieces and speak more about individual cases than general ones, and so are less comparable to *Mishpatim*. But some are quite close. For instance, in the laws of Eshnunna (59 are known in all) law no. 53 states that if one ox gores another to death, the owners shall divide between themselves the price of the live ox and the dead one. This is exactly like Exodus 22:35. The other laws are less similar, except for the one that we shall see below.

Let us look first at some other cases. Hammurapi (see J. B. Pritchard, 1955, *Ancient Near Eastern Texts* [ANET], 163 -177) is similar to *Mishpatim* in that it deals with slaves, property rights, manslaughter and murder, injuries to men, slaves and pregnant women, borrowing and lending rights, kidnapping and stealing. In many ways, Hammurapi is harsher than *Mishpatim*, particularly in some cases of stealing, which are punishable by death. On the other hand, local slaves only serve for three years (not six) and go free in the fourth year (law 117). However, if a male slave runs away and denies his master, then his ear is cut off (law 282), while our Hebrew slave who wants to stay with his master, has his ear pierced (Exodus 21.6). Slaves and ears seem to go together.

For his declaration to stay with his master and the piercing of his ear, the Hebrew slave is taken by his master to appear before *haElohim* (literally "the gods") and the Rabbis take that to mean he is brought before the judges (Rashi *ad loc.*), who would be sitting at the gate of the city (e.g. Deut. 21:19). The question could be raised that, if it means "judges", why does it not say so? For we see that in another case, in Exodus 21:22, it actually uses the word for judges (*pelilim*). However, Hammurapi uses a similar terminology in connection with a borrower who disputes the money that he owes (law 106). In that case the lender has to appear "in the presence of the god" and prove that he lent the money, before he can recover it. Similarly with the borrower and lender of articles (law 107). Again, in *Mishpatim*, if a safekeeper has someone else's article stolen from his house, and the thief is not found, the safekeeper has to come "near to the god(s)" to confirm that the article was indeed stolen, and not taken by him (Exodus 22:7). It is curious that both Hammurapi and *Mishpatim* use the sacred name for what we presume to mean "the judges". What is the reason?

The reason is to be found in the code of Eshnunna, which dates to about 2,000 BCE (ANET, 161 - 163). Law no. 37 is similar to the case above. If a householder has accepted someone else's property for safekeeping into his house, and it is then stolen, together with his own property, in order not to be liable to the original owner he has to go and swear an oath "in the gate of Tishpak" that he himself did not take the object. Tishpak was the name of the chief god of Eshnunna (ANET, 163), and so it is that the householder had to go to the gate of the city, named after its god, where clearly the judges sat in public to dispense the law, and swear his oath in front of them, in front of the "the gate of (the god) Tishpak". To Hammurapi, in civil cases like this, to appear "in the presence of the god" would mean going in front of the judges at the gate, exactly what the Rabbis say it means in *Mishpatim*.



Na'aseh V'nishma

Judaism is often said to be a religion of deed rather than of intention. Though overly simplistic, this description reflects the centrality of *mitzvot* (commandments) in Jewish life, as well as the rabbinic conclusion that, in most cases, a person who performs a mitzvah without focusing on its significance has nevertheless fulfilled his or her religious obligation.

This understanding of Judaism as a religion of action is encapsulated by the biblical verse in which the Jews standing at Mount Sinai signal their acceptance of the Torah with the words "*na'aseh v'nishma*"--"We will do and we will hear/understand." In other words, the Jewish people promise first to observe the laws of the Torah, and only afterward to study these laws. In traditional Jewish culture, this statement has come to epitomize the Jewish commitment to the Torah....

The rabbinic tradition understands the words *na'aseh v'nishma* as a correction of the earlier promises simply to "do" what God has commanded. According to one midrash: "And they [the Children of Israel] said, 'all that God has said we will do and we will hear,'" since they had initially prioritized doing. Moses said to them, 'Is doing possible without understanding? Understanding brings one to doing.' They then said, 'We will do and we will understand,' [meaning] 'We will do what we understand.' This teaches that the people said '*na'aseh v'nishma*' before receiving the Torah" (*Mekhilta d'Rabbi Shimon bar Yochai* 24:7).
http://www.myjewishlearning.com/holidays/Jewish_Holidays/Shavuot/Themes_and_Theology/Celebrating_Submission/Accepting_the_Torah.shtml



Do not Cook a Kid in its Mother's Milk

God: And remember Moses, in the laws of keeping Kosher, never cook a calf in its mother's milk. It is cruel.

Moses: Ohhhhhh! So you are saying we should never eat milk and meat together.

God: No, what I'm saying is, never cook a calf in its mother's milk.

Moses: Oh, Lord forgive my ignorance! What you are really saying is we should wait six hours after eating meat to eat milk so the two are not in our stomachs.

God: No, Moses, what I'm saying is, never cook a calf in its mother's milk!!!

Moses: Oh, Lord! Please don't strike me down for my stupidity! What you mean is we should have a separate set of dishes for milk and a separate set for meat and if we make a mistake we have to bury that dish outside...

God: Moses, do whatever you want.

What would a truly "Jewish" Valentine's Day look like?

Love is more than a need. Love is a form of transcendence. Love is a way of finding God — of discovering higher purpose. Two people can love each other for physical, emotional, even intellectual compatibility, but the single most critical component that makes love eternal is spiritual compatibility. What vision do they share together? What type of home and family do they want to build together; what permanent impact do they want to leave on this earth, which goes beyond their needs?

So though love fills needs, if it begins and ends with needs, it will never last. It requires a transcendental, spiritual dimension that is more than just the need for companionship, intimacy or friendship. The person you love is not only fulfilling your needs and desires — he or she is helping you become greater than you are on your own. Healthy love contains a profound measure of humility in which you remember to ask: How much do I give to the relationship? Not just how much I take. — **Rabbi Simon Jacobson, Founder of Meaningful Life Center**

'Love Means Having To Say You're Sorry'

Erich Segal's famous line in "Love Story" to the contrary, love means being tuned in to knowing when you have hurt another person and then caring enough to repair that relationship in a deep way. Teshuva, the Jewish analog of repentance, offers a pathway for this process: take responsibility for wrongdoing, ask forgiveness and make restitution. When you feel the pain that you have caused someone and this motivates you to work through your own version of teshuva, that's love. — **Dr. Michelle Friedman, director of pastoral counseling at YCT Rabbinical School and psychiatrist in private practice.**

Absolute Commitment

I think what love means in the interpersonal context is a firm, absolute commitment to the other person. I think you can love that person and still get angry. I think love, at its core, is rooted in commitment, and a commitment based on shared values and shared vision — about what you both want out of life and what you both want out of each other. But that doesn't mean love can't involve anger and struggle and challenge. And I think if you don't have those elements, what you have is infatuation — and that can never last over the course of a lifetime.

— **Niles Elliot Goldstein is an author and rabbi emeritus of The New Shul in Manhattan. His most recent book is "The Challenge of the Soul: A Guide for the Spiritual Warrior." www.nilesgoldstein.com.
http://www.thejewishweek.com/viewArticle/c377_a17862/News/JInsider.html**

Quote of the Week

We are here to do;
and through doing to learn;
and through learning to know;
and through knowing to experience wonder;
and through wonder to attain wisdom;
and through wisdom to find simplicity;
and through simplicity to give attention;
and through attention to see what needs to be done.

From the 'Pirke Avot'

Shabbat shalom.

Stacy

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