

Mishpatim

February 25, 2017

וַיֹּאמֶר, הַמִּשְׁפָּטִים אֲשֶׁר תִּשִׂים לִפְנֵיהֶם

Exodus 21:1 Now these are the ordinances which you shall set before them.



Immediately following last week's narrative that describes both giving and the content of the Ten Commandments, the Torah notes: "Now these are the ordinances which you shall set before them." (Ex. 21:1) What follows is a long list of commandments and laws dealing with violence between people, limits on ownership of slaves and servants, property, jurisdiction of communities, court procedures, and that which makes up the social order of a just society. These comprehensive laws for how to live in a community is the most extensive, if not the very first of its sort, to emerge—a true revolution in the history of humankind.

Centuries later, with the destruction of the Second Temple in 70 CE, the majority of Jews scattered throughout the Middle East and Europe. This law code, in the form of a Torah scroll, accompanied the Jewish people to each destination. The portability of the Torah and the tradition of reading it year after year allowed Jews to maintain a deep historical connection to the land of Eretz Yisrael and its laws of social order. Their story as a Jewish people, along with the structure of sacred traditions, customs, rituals, and laws for living a Jewish life, traveled with them to geographic locations near and far. In different lands and communities, Jewish enclaves defined how these Torah laws would be applied to life irrespective of where they were observed. Adaptation of these original laws has continued ever since.

The establishment of the State of Israel was for the Jewish people the next greatest revolution. It had been nearly 2000 years of wandering. And now, scattered throughout the entire world, having adapted their laws and ways of being to all the nations which they inhabited, the Jewish people finally insisted that they were no longer willing to be a footnote to other people's national histories. Rather they insisted on being the subjects in their own sentences.

Early Zionist thinkers, in response to brutal persecution in states and regions, facing a lack of acceptance as civic equals, along with physical attacks on their lives, properties, and synagogues, adopted the plan to reestablish their ancient homeland in Eretz Yisrael. As these Zionists planned to immigrate to Eretz Yisrael, pogroms against Jewish life and property continued. The pogroms of the early 1900s served as brutal examples of the precariousness of Jewish existence in the Diaspora. And the well-known Torah and its laws shaped this idea of a Jewish nation. The laws would inform not just observant Jews, rather they would be the basis for structuring social order and communal living. The translation of Jewish values from the Torah (with its hundreds of ethical commandments, like those found in this week's portion *Mishpatim*) to a 20th century way of life in modern Israel resulted in many compromises between secular and religious Zionist outlooks. Reconciling the laws of Torah with modern needs is still a major part of how life is governed in Israel today.

How is a modern country established which is rooted in Jewish principles while being committed to a democracy? Is it even reasonable to expect people to behave in the ideal ways of the ethical laws spelled out in the Torah? By the 20th century, Jewish ideals according to the Torah had been interpreted throughout the centuries by different and sometimes opposing schools of thought. It would be a long and winding road to the ideal Jewish society, particularly because a significant segment of Israel's citizenry (20%) were and are to this day not even Jewish. In some instances, this seems to be addressed in a reasonable and ethical manner. Consider Israel's labor laws, outlined in the Ministry of Aliyah and Immigrant Absorption Employment [manual](#) (page 43), which provides employees with an option to take off their own particular day of rest. For Jews this is Shabbat and for others it can be Friday or Sunday depending on their religious observance. The law prohibits employers from refusing to employ anyone because they are unwilling to work on their day of rest. In cases that concern this law, former Supreme Court Chief Justice Meir Shamgar has written that "in determining the principle of the existence of a weekly day of rest and setting it on Shabbat, the legislator was aiming to achieve two objectives combined: Firstly, a social purpose, securing a weekly rest day for each person to be able to rest from his work, spend time with family or with friends, and make time for the recreation and entertainment of his choice and preference. The rest day also aims to protect the health of workers and to ensure decent working conditions. Secondly, setting the day of rest on Shabbat was done in accordance with Jewish law and tradition." The nod to the importance of Shabbat as a Jewish tradition extends to non-Jews as well, allowing them to designate their "Shabbat" according to their own religious tradition.

Navigating a democratic, religiously committed country is messy. Consider the "hot potato" issue of businesses being open on the Sabbath. Establishing the bylaws concerning grocery stores in Tel Aviv operating on the Sabbath has been passed from court to court over the past decade. As the case came before the interior minister in Israel's federal courts last year, this year they seemed eager to pass it back to municipal courts to make a ruling. And vice versa. The challenges seem overwhelming as Israeli lawmakers attempt to satisfy the desires of religious communities and their leaders while being responsive to the larger majority of secular citizens.

The early Zionists were not intent on emerging from degradation in Europe to form a nation that would be "just like other nations" in the world. Rather, they sought a departure from the difficulties imposed upon them and their ancestors for countless centuries. The new sovereign Israel, while it would most certainly struggle with many of the same challenges as other democratic nations, was to be a land imbued with the promise of the best humanity could be. Despite ongoing internal and external tensions, Israel shows an ongoing commitment to live up to these high ideals of humanity through its Declaration of Independence, the Basic Laws, and in continued efforts to be a model of the synthesis between hallowed traditions and universal ideals.

Discussion Question:

What are some examples that illustrate the ways in which Israel demonstrates its commitment to contemporary laws of social order and justice? [Suggestions could include: robust laws protecting those with disabilities, a supreme court comprised of all segments of society, exemplary track record of preventing and reducing human trafficking (see article below)].

Additional Resources:

Brand, Yitzchak, and Yedidia Z. Stern. Non-Jewish Courts in the Jewish State, Policy Paper 83 . Israel Democracy Institute. July 2010. Accessed February 2, 2017.
https://www.idi.org.il/media/3474/83_abstract_en.pdf.

Cashman, Greer Fay. "Israel Leading the World in Prevention and Reduction of Human Trafficking." The Jerusalem Post, December 2, 2104. Accessed February 2, 2017.
<http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Israel-leading-world-in-prevention-and-reduction-of-human-trafficking-383473>.

Sharon, Jeremy. "Cabinet Passes Responsibility for Tel Aviv Shabbat Laws Back to Deri." Jerusalem Post, January 29, 2017. Accessed February 2, 2017.
<http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Cabinet-passes-responsibility-for-Tel-Aviv-Shabbat-laws-back-to-Deri-479935>.