

Kol Rina
An Independent Minyan
Parashat Mishpatim/Shabbat Shekalim
February 18, 2023 ** 27 Shevat, 5783

Mishpatim in a Nutshell

https://www.chabad.org/parshah/article_cdo/aid/1298/jewish/Mishpatim-in-a-Nutshell.htm

Following the revelation at Sinai, G-d legislates a series of laws for the people of Israel. These include the laws of the indentured servant; the penalties for murder, kidnapping, assault and theft; civil laws pertaining to redress of damages, the granting of loans and the responsibilities of the “Four Guardians”; and the rules governing the conduct of justice by courts of law. Also included are laws warning against mistreatment of foreigners; the observance of the seasonal festivals, and the agricultural gifts that are to be brought to the Holy Temple in Jerusalem; the prohibition against cooking meat with milk; and the mitzvah of prayer. Altogether, the Parshah of Mishpatim contains 53 mitzvot—23 imperative commandments and 30 prohibitions. G-d promises to bring the people of Israel to the Holy Land, and warns them against assuming the pagan ways of its current inhabitants. The people of Israel proclaim, “We will do and we will hear all that G-d commands us.” Leaving Aaron and Hur in charge in the Israelite camp, Moses ascends Mount Sinai and remains there for forty days and forty nights to receive the Torah from G-d.

Shabbat Shekalim

https://www.chabad.org/holidays/purim/article_cdo/aid/644308/jewish/Shekalim.htm

When the Holy Temple stood in Jerusalem, each Jew contributed an annual halfshekel to the Temple. The funds raised were primarily used to purchase cattle for the communal sacrifices. The leftover monies were used for a variety of communal purposes, including providing salaries for the judges and maintenance of the Temple, its vessels, and the city walls. This annual tax, known as the machatzit hashekel, was due on the 1st of Nissan. One month earlier, on the 1st of Adar, the courts began posting reminders about this Biblical obligation. In commemoration, the Torah reading of the Shabbat that falls on or before Adar is supplemented with the verses (Exodus 30:11-16) that relate G-d's commandment to Moses regarding the first giving of the half-shekel. The Shekalim haftorah (II Kings 11:17-12:17) continues on the same theme, discussing the efforts of King Jehoash (9th century BCE) to earmark communal funds for the upkeep of the first Holy Temple. (We too give a commemorative half shekel to charity—on the Fast of Esther. Click here for more about this practice.) "Parshat Shekalim" is the first of

four special readings added during or immediately before the month of Adar (the other three being Zachor, Parah and Hachodesh). The Shekalim reading is also related to the upcoming holiday of Purim. According to the Talmud, Haman's decree was averted in merit of the mitzvah of machatzit hashekel.

Food For Thought

Doing and Hearing: Mishpatim by Rabbi Jonathan Sacks z"l

<https://www.rabbisacks.org/covenant-conversation/mishpatim/doing-and-hearing/>

One of the most famous phrases in the Torah makes its appearance in this week's *parsha*. It has often been used to characterise Jewish faith as a whole. It consists of just two words: *na'aseh venishma*, literally, "we will do and we will hear" (Ex. 24:7). What does this mean and why does it matter?

There are two famous interpretations, one ancient, the other modern. The first appears in the Babylonian Talmud,^[1] where it is taken to describe the enthusiasm and whole-heartedness with which the Israelites accepted the covenant with God at Mount Sinai. When they said to Moses, "All that the Lord has spoken we will do and we will hear," they were saying, in effect: Whatever God asks of us, we will do – and they said this *before they had heard any of the commandments*. The words, "We will hear," imply that they had not yet heard – neither the Ten Commandments, nor the detailed laws that followed as set out in our *parsha*. So keen were they to signal their assent to God that they agreed to His demands before knowing what they were.^[2]

This reading, adopted also by Rashi in his commentary to the Torah, is difficult because it depends on reading the narrative out of chronological sequence (using the principle that "there is no before and after in the Torah"). The events of chapter 24, according to this interpretation, happened before chapter 20, the account of the revelation at Mount Sinai and the Ten Commandments. Ibn Ezra, Rashbam, and Nachmanides all disagree and read the chapters in chronological sequence. For them, the words *na'aseh venishma* mean not, "we will do and we will hear," but simply, "we will do and we will obey."

The second interpretation – not the plain sense of the text but important nonetheless – has been given often in modern Jewish thought. On this view *na'aseh venishma* means, "We will do and we will understand."^[3] From this they derive the conclusion that *we can only understand Judaism by doing it, by performing the commands and living a Jewish life*. In the beginning is the deed.^[4] Only then comes the grasp, the insight, the comprehension.

This is a signal and substantive point. The modern Western mind tends to put things in the opposite order. We seek to understand what we are committing ourselves to before making the commitment. That is fine when what is at stake is

signing a contract, buying a new mobile phone, or purchasing a subscription, but not when making a deep existential commitment. The only way to understand leadership is to lead. The only way to understand marriage is to get married. The only way to understand whether a certain career path is right for you is to actually try it for an extended period. Those who hover on the edge of a commitment, reluctant to make a decision until all the facts are in, will eventually find that life has passed them by.^[5] The only way to understand a way of life is to take the risk of living it.^[6] So: *Na'aseh venishma*, "We will do and eventually, through extended practice and long exposure, we will understand."

In my [Introduction to this year's Covenant and Conversation series](#), I suggested a quite different, third interpretation, based on the fact that the Israelites are described by the Torah as ratifying the covenant three times: once before they heard the commandments and twice afterward. There is a fascinating difference between the way the Torah describes the first two of these responses and the third:

The people all *responded together*, "We will do [*na'aseh*] everything the Lord has said." (Ex. 19:8)

When Moses went and told the people all the Lord's words and laws, they *responded with one voice*, "Everything the Lord has said we will do [*na'aseh*]." (Ex. 24:3)

Then he took the Book of the Covenant and read it to the people.

They *responded*, "We will do and hear [*na'aseh venishma*] everything the Lord has said." (Ex. 24:7)

The first two responses, which refer only to action (*na'aseh*), are given unanimously. The people respond "together." They do so "with one voice." The third, which refers not only to doing but also to hearing (*nishma*), involves no unanimity. "Hearing" here means many things: listening, paying attention, understanding, absorbing, internalising, responding, and obeying. It refers, in other words, to *the spiritual, inward dimension of Judaism*.

From this, an important consequence follows. Judaism is a *community of doing* rather than of "hearing." There is an authoritative code of Jewish law. When it comes to *halachah*, the way of Jewish doing, we seek consensus.

By contrast, though there are undoubtedly principles of Jewish faith, *when it comes to spirituality there is no single normative Jewish approach*. Judaism has had its priests and prophets, its rationalists and mystics, its philosophers and poets. Tanach, the Hebrew Bible, speaks in a multiplicity of voices. Isaiah was not Ezekiel. The book of Proverbs comes from a different mindset than the books of Amos and Hosea. The Torah contains law and narrative, history and mystic vision, ritual and prayer. There are norms about how to act as Jews. But there are few about how to think and feel as Jews.

We experience God in different ways. Some find Him in nature, in what Wordsworth called “*a sense sublime / Of something far more deeply interfused, / Whose dwelling is the light of setting suns, / And the round ocean and the living air.*” [7] Others find Him in interpersonal emotion, in the experience of loving and being loved – what Rabbi Akiva meant when he said that in a true marriage, “the Divine Presence is between” husband and wife.

Some find God in the prophetic call: “*Let justice roll down like a river, and righteousness like a never-failing stream*” ([Amos 5:24](#)). Others find Him in study, “*rejoicing in the words of Your Torah...for they are our life and the length of our days; on them we will meditate day and night.*” [8] Yet others find Him in prayer, discovering that God is close to all who call on Him in truth.

There are those who find God in joy, dancing and singing as did King David when he brought the Holy Ark into Jerusalem. Others – or the same people at different points in their life – find Him in the depths, in tears and remorse, and a broken heart. Einstein found God in the “fearful symmetry” and ordered complexity of the universe. Rav Kook found Him in the harmony of diversity. Rav Soloveitchik found Him in the loneliness of being as it reaches out to the soul of Being itself.

There is a normative way of performing the holy deed, but there are many ways of hearing the holy voice, encountering the sacred presence, feeling at one and the same time how small we are yet how great the universe we inhabit, how insignificant we must seem when set against the vastness of space and the myriads of stars, yet how momentously significant we are, knowing that God has set His image and likeness upon us and placed us here, in this place, at this time, with these gifts, in these circumstances, with a task to perform if we are able to discern it. We can find God on the heights and in the depths, in loneliness and togetherness, in love and fear, in gratitude and need, in dazzling light and in the midst of deep darkness. We can find God by seeking Him, but sometimes He finds us when we least expect it.

That is the difference between *na’aseh* and *nishma*. We do the Godly deed “together.” We respond to His commands “with one voice.” But we hear God’s presence in many ways, for though God is one, we are all different, and we encounter Him each in our own way. [1] [Shabbat 88a–b](#). [2] There are, of course, quite different interpretations of the Israelites’ assent. According to one, God “suspended the mountain over them,” giving them no choice but to agree or die ([Shabbat 88a](#)).

[3] The word already carries this meaning in biblical Hebrew as in the story of the Tower of Babel, where God says, “Come let us confuse their language so that people will not be able to understand their neighbour.” [4] This is the famous phrase from Goethe’s *Faust*.

[5] This is similar to the point made by Bernard Williams in his famous essay, “*Moral Luck*,” that there are certain decisions – his example is Gauguin’s decision to leave his career and family and go to Tahiti to paint – about which we cannot know whether they are the right decision until after we have taken them and seen how they work out. All such existential

decisions involve risk. [6] This, incidentally, is the Verstehen approach to sociology and anthropology; namely that cultures cannot be fully understood from the outside. They need to be experienced from within. That is one of the key differences between the social sciences and the natural sciences. [7] William Wordsworth, "Lines Composed a Few Miles Above Tintern Abbey, on Revisiting the Banks of the Wye during a Tour, July 13, 1798."

[8] From the blessing before *Shema* said in the evening prayer.

Stranger in our Healthcare System by Rabbi Natalie Louise Shribman
<https://truah.org/resources/natalie-louise-shribman-parshat-mishpatim-moraltorah2023/>

As a hospital chaplain, every patient is at first a stranger and then a friend. They become part of me as I visit with them and their families, holding their hands and offering reassurance, hugs, and a caring presence. Recently, a family I met with unexpectedly lost their father. According to the family, he had been improving, but then was given the wrong kind of bed and medicine, and the next morning, he was gone. The family kept repeating, "He has been a patient here for years, and yet they treated him like a stranger."

The law not to oppress the stranger isn't new to us — it's mentioned in the Torah 36 times, suggesting that if we respect the stranger, both of our lives can be improved. Often, the Hebrew word, *ger*, can be understood to mean "foreigner" or "immigrant." Our Torah portion, *Mishpatim*, explicates many necessary laws for Moses to give the people as they are traveling in the desert to the Promised Land. Exodus 23:9 reads, "You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt." This verse reminds me that my experience helps me have compassion towards others.

When sitting with a patient or family member whom I have just met, I often think about my experience as a patient to help guide our conversation and to create a connection. With the family mentioned above, they were incensed and felt betrayed by their healthcare system. I gave them space to complain confidentially, closing the door and telling the medical personnel to wait to come in until the family was ready. On their way out, I gave them information for the patient experience line to formally report their complaints.

Unfortunately, this family is one of many who are frustrated by the healthcare system in this country and feel ignored, blamed, or victimized. Some feel a loss of control, and others feel overwhelmed and frustrated by confusing medical language, wait times, or medical bills. All of these feelings can make us feel like strangers.

Adrienne Haslet, who was injured in the Boston Marathon Bombing in 2013, was interviewed for a New York Times opinion piece, "How Much Does Your M.R.I. Cost?"

Buy it First to Find Out,” in August of 2022. She and other speakers helped raise awareness for price transparency in the medical field. Martin Schoeller, photographer for this piece, talked about how debilitating medical bills can be, from giving birth to what should have been a simple doctor’s visit. On January 1, 2021, the United States government’s Hospital Price Transparency rule went into effect, requiring hospitals to give clear information about medical bills. However, 86 percent of hospitals in the United States aren’t complying with government requirements. Hospitals have successfully concealed prices from patients, medical staff, and even the government, allowing the prices to continually increase even with insurance. Schoeller argues that “profits are being put before patients and patients are being financially destroyed.” People can no longer just focus on recovering from the illness or grief they are going through. This is another way we are being treated like strangers in our healthcare system. It shouldn’t have to be this way. Being blindsided by sky-high prices forces us to advocate for ourselves in addition to healing. I recommend leaning on support staff at hospitals, such as chaplains and social workers, when addressing these concerns. In addition, before contacting your insurance, reach out to your hospital’s patient experience department to access more information about medical bills and to make your needs heard. We have to make ourselves known within medical systems and insurance companies to access justice — we can no longer afford to be strangers within the healthcare system. *(Rabbi Natalie Louise Shribman is a chaplain for the Marshfield Clinic Health System in Marshfield, Wisconsin. She is the rabbi for Temple Sholom in Eau Claire, Wisconsin. Rabbi Natalie lives in Wausau, Wisconsin.)*

Why Does the Torah Care About Returning Lost Property? By Yael Landman

<https://www.jtsa.edu/torah/why-does-the-torah-care-about-returning-lost-property/>

When I was in kindergarten at a Jewish preschool, anytime a student would find a toy or snack of unknown provenance, they would stand up in the middle of the room and announce, “Hashavat avedah! Hashavat avedah!” in an attempt to return it to its rightful owner. This practice impressed upon me the importance of the mitzvah of returning lost property (called hashavat avedah), which is first delineated in Parashat Mishpatim, not about Koosh balls or a pack of Dunkaroos but with respect to one’s enemy’s load-bearing animal:

“When you encounter your enemy’s ox or ass wandering, you must take it back.”
(Exod. 23:4)

There is no obligation in the common law to retrieve someone’s lost property and return it. So why does the Torah make a point of establishing such a requirement? Why does the Torah specify that the owner of the lost animal is the finder’s enemy, and what is the scope of the finder’s responsibilities?

The Mekhilta de-Rabbi Ishmael connects **Exodus 23:4** with the lost property law of **Deuteronomy 22:1–3**, which adds more details about what to do upon finding lost property and relates not only to animals but to other inanimate, movable objects. According to Deuteronomy, the finder should not ignore the lost property, but rather return it to its owner (who is called “your brother” rather than “your enemy”). But what if the owner lives far away, or if the finder does not know who owns the property? In that case, the finder must bring the property home and wait for its owner to come and claim it (“until your brother seeks it”; **Deut. 32:2**).

The Mekhilta de-Rabbi Ishmael elaborates upon these words, “until your brother seeks it”), with three statements:

Until your brother seeks: Until you seek out your brother.

Until your brother seeks: Until the public crier has gone around [announcing the discovery of the lost property].

Until your brother seeks it: You must investigate whether “your brother” is a deceiver or not a deceiver.

The most obvious interpretation of the words “until your brother seeks it” would take “your brother” as the subject of the action signified by “seeks,” so that the person doing the seeking is “your brother,” i.e., the owner. In this plain-sense reading of the text, the finder should keep the lost property in their home until the owner comes to seek it. The Mekhilta’s first statement, however, instead reads “your brother” as the object of seeking, and understands the finder as the subject: “until you (the finder) seek out your brother.” This reading becomes difficult when one tries to include the next word—“it”— – in the translation, but the Mekhilta brackets that word for the purpose of this particular derash. Instead, the Mekhilta makes a point, insisting that the finder actively seek out the owner. What is the scope of this requirement? The Mekhilta elaborates further in its second and third comments: the finder must arrange for a public proclamation about the property, and once someone comes and alleges to be the owner, the finder is obligated to verify that that person is truly the owner and not a fraud. These obligations, which the Mekhilta states rather concisely, receive ample elaboration in the Mishnah and Tosefta, and even more in the Talmud, addressing details such as where, when, and how a finder ought to fulfill the obligation of public proclamation, and under what circumstances a person is considered a “deceiver.”

When compared to the Mekhilta and other rabbinic literature, the Torah’s laws of lost property place a relatively small burden of responsibility on the finder. According to Deuteronomy, the finder should either return the property directly, or hold onto it until the owner comes. The law in Parashat Mishpatim is even more succinct and specific: The finder must return their enemy’s lost property, with no further elaboration. There is no mention whatsoever in the Torah of public

proclamation, nor does the Torah demand that the finder assess the credentials of a person claiming to be the owner. Rabbinic law gives the finder a good deal of work to do, well beyond what the Torah appears to envision. And beyond this, rabbinic law addresses a whole host of other questions that the Torah does not entertain: What kind of property should be returned? Can the finder ever keep the property? How long does the obligation to return lost property apply?

In order to arrive at a workable system for dealing with lost property, it is clear that one must look to halakhah, and not only at the law of the Torah. What, then, is the point of the Torah's law here, if it is so incomprehensive with regard to details of how one might carry out its obligations in practice?

The very brevity of the lost property laws in the Torah, which the detailed character of our rabbinic sources throws into relief, may help us focus our attention on what the Torah does emphasize. **Exodus 23:4** establishes a requirement to return property, specifically the property of one's enemy (which one might be inclined not to return), amid a series of laws relating to the theme of justice; Deuteronomy states twice within three verses that one may not ignore the lost property, capping off the law with the statement that "you must not remain indifferent" (**Deut. 22:3**). This, ultimately, is the Torah's warning and plea: Even when it's hard, whether because the owner of lost property is the finder's enemy (as in Exodus) or because the owner lives far away (as in Deuteronomy), there is a right thing to do, and we are charged to do it.

It is easy to ignore lost property; after all, no one would ever know. But the Torah and Jewish law require a finder to go out of their way, even if it is difficult or inconvenient, and even if no one would ever know the difference. This is perhaps the crux of the Torah's lost property law: though it would be easy to do nothing, we must not remain indifferent.

Shabbat shalom. (*Yael Landman is Assistant Professor of Bible at JTS*)

Yahrtzeits

Neal Fox and all of Kol Rina remember our dear friend and Kol Rina member Susan Marx on Sun. Feb. 19.

Lenny Levin remembers his mother Hadassah Ruth Routtenberg on Mon. Feb. 20.