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LEO BAECK COLLEGE
Sternberg Centre for Judaism
80 East End Road, Finchley N3 2SY
Tel: 020 8349 5600 Email: info@lbc.ac.uk
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Parashat Mishpatim

Dr Annette M Boeckler

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דְּבַר תּוֹרָה
D'var Torah

It was still dark; the film had ended; now the names of its makers were scrolled down on the screen while people started to leave the cinema. How lucky am I of NOT being like one of those characters depicted in "The Wolf of Wall Street", that my world is millions of miles away from theirs, that I am such a better person. I wonder if probably all the people around me were actually thinking the same at that moment. Some may be a bit upset: Is really nobody punished at the end? And we may judge THE society. And yes, I could identify with this or that minor behaviour shown in this or that scene. But would anybody say: yes, for me money is really that important, that I would do anything for money, not being aware about losing human dignity, because money and power is what I need? We all know that this is crazy. Nevertheless I also had the feeling, this film is about us and our time.

Last week one of our students said to me that we are all unconsciously influenced by our contemporary world view. At first there had been a religious world view, which then was replaced by a scientific world view. And now – at least in our part of the world - we share the world view of a consumer society. Capitalism influences – if we want it or not – our values and our judgments, not only of things but also about how we see people and how we understand religion. How useful is something or somebody? What do we gain from this or that?

Our torah portion this week, too, shares the culture of its time. Scholars have long recognized that what they call the "covenant code" (Exod 20:22-23:33) – liturgically spoken basically parashat Mishpatim – is one of the closed parallels between biblical and Ancient Near Eastern texts.

To give you a taste of how Babylonian law sounds: "If a slave has escaped from the hand of his owner, that aristocrat shall so affirm by god to the owner of the slave and he shall then go free. If an aristocrat has destroyed the eye of a member of the aristocracy, they shall destroy his eye. ...If an aristocrat has knocked out a tooth of an aristocrat of his own rank, they shall knock out his tooth. If an aristocrat's ox was a gorer and his city council made it know to him that it as a gorer, but he did not pad its horns or tie up his ox, and that ox gored to death a member of the aristocracy, he shall give one-half mina of silver" – some examples from the Law Code by King Hammurapi, written in 18th century BC, much older than the laws in the torah, but still laying the foundations of the Ancient Near Eastern society, as we know from cuneiform texts much younger, still mirroring in principle similar values (generally spoken).

The goring ox, an eye-for-an-eye, rules about servants – this is what Parashat Mishpatim is about, too. At times in our history we Jews consciously longed to be part of our societies, at other times we shared ideas of our times unconsciously, only now when analysing minorities within their surrounding societies in past times we can academically realize, how close both groups in fact usually were. But looking back one could also see where a minority differed.

The purpose of the Assyrian-Babylonian laws, for example, was to protect property. But parashat Mishpatim is not concerned with this at all, even though the style and sometimes even the wordings of the laws sound so similar. Both, the Babylonian Code and the torah talk about an-eye-for-an-eye.

But whereas the Babylonians saw this as if hurting someone's possession, which besides can have different values – the eye of a "commoner" is of course cheaper, it just costs a bit of money, not the actual eye of the culprit. And if someone has destroyed the eye of a slave, he just has to pay a very little sum correspondent to the value of the slave. Parashat Mishpatim does not differentiate: it is an eye-for-an-eye, whose eye ever it may have been. – Besides: Ancient Oriental law is about setting up a value system, it was never meant to be done literally. - Parashat Mishpatim does not differentiate the values of eyes, because the goal of its laws is not the protection of property, but the protection of life, the protection of all life in all its diversity which is all equal: the lives of Israelites, strangers, slaves, men and women and even unborn children and enemies and even donkeys. So when reading this week's parashah, try to read it with this in mind, and then it becomes also clear why the parashah ends with laws about our festivals: they are a celebration of life.

We are part of our modern society; we share its values, consciously or not. What the torah teaches is, I think, to do this with open eyes, with a critical sensitivity for life. There is life in "The Wolf of Wall Street", one of the characters wears a necklace with the Hebrew word "chai" that is often shown and certainly all the characters involved think of themselves as having lots of life. Parashat Mishpatim defines life differently. We need to study these laws and understand how they define the dignity, freedom and diversity of life.

Dr Annette M. Boeckler
Scholar Librarian Leo Baeck College