

Learn Torah With... Jonathan D. Sarna and Rabbi Daniel Pressman

PARASHAT MISHPATIM: (Exodus 21.1-24.18)

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"IF YOU LEND MONEY TO MY PEOPLE"

"Our aim is deeper than charity, better than asylums or almshouses, of more comfort than hospitals. Our aim is not alone to reach the bodies of the needy, but the mind... We provide the needy with the means to provide for themselves."

These words, spoken in 1921 by the longterm president of the Hebrew Free Loan Society of New York, Julius Dukas, serve as a commentary on a celebrated verse in this week's biblical portion of Mishpatim. "IF YOU LEND MONEY TO MY PEOPLE, TO THE POOR AMONG YOU," chapter 22 verse 24 reads, "DO NOT ACT TOWARD THEM AS A CREDITOR, EXACT NO INTEREST FROM THEM." Those who lend money in this way, without interest, merit an even greater reward than those who distribute charity, the Talmud teaches us. The reason, Rashi explains, is that when a loan is tendered, dignity is preserved. Free loans meet Maimonides' standard for the highest form of *zedakah*: they promote rehabilitation of the poor allowing them to maintain both their self-respect and their independence.

The commandment to "EXACT NO INTEREST" in lending to the poor, part of the covenant between God and Israel enacted at Sinai and recounted in Parashat Mishpatim, was widely observed among Jews in all periods of their history. In the modern period it became institutionalized. Practically every Jewish community in Europe established what was lovingly known as a *gemah*, acronym for a *khevrach gemilluth hasadim*, a benevolent society dedicated to loaning money to the poor without interest.

Here in America, free loans like all communal responsibilities, were initially the responsibility of the synagogue. As early as the mid-18th century, Michael Judah, a New York Jew, received a five pound interest-free loan from Cong. Shearith Israel in New York to help him open a business in Norwalk, Connecticut. The loan was subsequently repaid, and the grateful Judah left the congregation a substantial bequest in his will. After the Revolution, Cong. Mikveh Israel in Philadelphia distributed interest free loans ranging from 10 to 20 pounds to help new-

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ZOOMING OUT

Graphics and page layout software allow you to "zoom out" so that you can get an overview of the whole design. When you come to a portion like Parashat Mishpatim, a thick soup of laws with no narrative seasoning, it helps to do something similar. The laws can be divided into a number of topics:

Judicial:

Criminal law, including the capital crimes of murder, abuse of parents, and kidnapping; and law concerning theft.

Civil Law, including laws of damages, laws of guardians and borrowers, and the prohibition of bribery or bias in administering justice.

Social and ethical:

Regulation of slavery.

The penalty for being a seducer.

Prohibition of oppression of the powerless.

Laws of lending to the poor.

Prohibition of cursing a judge, a leader, or God.

The commandment to unload an overburdened beast.

Ritual:

Shabbat rest

The Sabbatical Year

Food regulations:

terumah, *t'refah*, and the prohibition of mixing milk and meat.

Laws of sacrifices and offerings.

The prohibition of idolatry (including sorcery).

The Haftarah by Elon Sunshine

Haftarat Mishpatim: Having just escaped from Egypt, the Israelite community lacks focus and purpose. So, God gives the Torah at Mount Sinai, including the laws in Parashat Mishpatim governing humane treatment of slaves. In Haftarat Mishpatim (Jeremiah 34.8-22; 33.25-26), the kingdom of Judah is about to be destroyed, and Jeremiah explains why: "THOSE WHO BROKE MY COVENANT, ... THEIR DEAD BODIES SHALL BECOME FOOD FOR THE BIRDS OF THE SKY AND THE BEASTS OF THE EARTH" (Jer. 34.18-20). However, he continues, if the Israelites repent and reinstate God's laws concerning slaves, God "WILL RESTORE THEIR FORTUNES, AND TAKE THEM BACK IN LOVE" (Jer. 33.26). The parashah teaches us proper concern for others, and the haftarah reminds us what happens when we neglect our fellow human beings. Today, God will not send an enemy army as punishment; nonetheless, we must be wary of a decaying social fabric which could destroy us from within.

Remember:
"One who says
Torah in the
name of the
person who said
it, hastens the
Redemption of
the world."

MEGILLAH 15A

PRESSMAN

The first thing we learn from this exercise is that the laws of this section cover a broad range of human activity. Torah legislation penetrates to every corner of life. Modern categories—criminal and civil law, public legislation and private ethics—obscure the big picture.

The broader significance of this parashah is spelled out in a lecture by Moshe Greenberg published by the Melton Research Center thirty years ago. He points out that three realms are combined in this parashah. "If you go outside of Israel you would have to go to three different addresses to get the material which is now put together in Mishpatim." The Torah combines here law, as in the Code of Hammurabi; cultic instructions, as from a priestly manual; and moral exhortations, as found in wisdom literature. "This is the only Near Eastern Literature in which an amalgam of these three interests is found, an amalgam of law, cult, and wisdom. This implies that all norm-setting comes from God."

This turns out to be a far-reaching theological statement. Will Herberg wrote, "What does the kingship of God mean in the context of Hebraic religion? Above everything else it means that the God who created the universe is the absolute Lord over nature, life and history. No aspect of existence escapes his sovereign rule: 'All men must bring all their lives under the whole will of God.' Life cannot be departmentalized into secular and sacred, material and spiritual, with the latter alone falling under divine jurisdiction. No such distinction is recognized in Hebraic religion."

Herberg teaches us that we cannot separate any aspect of human life from God's influence. We cannot brazenly say to God, "This is none of Your business." The reason for this is simple. If Parashat Mishpatim is a continuation, expansion, and application of the Ten Commandments, then we have here not only God's covenant requirements, but the start of the handbook for how to become *mamlechet kohanim v'goy kadosh*, "A KINGDOM OF PRIESTS AND A HOLY NATION." The Jew must refrain from bloodshed, theft, and cruelty. He must also live a careful life, securing his animals and property so that they are not a danger to others. She must lend to the poor and help the stranger, widow, and orphan. Even slaves are entitled to equity and compassion. To live a life of service to God bound by the covenant is a comprehensive task. Looking at our parashah, the scope and even the lack of apparent order of the laws convince us that not only is the whole earth filled with God's glory, but it is also full of opportunities and demands to serve God in the daily details of life. To say that there is no deed outside of God's concern is also to say that there is no act that cannot be sanctified. That is the burden and the glory of a holy people.

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SARNA

comers open businesses or to protect them from creditors in the difficult economic circumstances of that day. The example of Haym Salomon, the well-known Revolutionary patriot, may have been important here. He extended interest-free loans not only to Jews but to non-Jews during the Revolution; Robert Morris and James Madison were both indebted to him.

In the 19th century, as the number of synagogues in American cities proliferated—part of the move from the "unified synagogue-community" of an earlier era to the "disunified community of competing synagogues" that we know today—the first known independent Jewish free loan society came into existence, called the Bachelors' Hebrew Benevolent Loan Association, founded in 1847. We know that many bachelor associations in those days mixed highminded benevolence with more mundane forms of conviviality, but in this case it is the stated objectives of the organization that interest us:

The Bachelors' Hebrew Benevolent Loan Association intends to loan to industrious persons, whose means are scanty, the necessary funds wherewith to commence business or purchase tools for any particular trade. Knowing the obligation they are under of returning the money loaned them, and feeling that upon their exertion depends the means of gaining a livelihood, it acts like a spur to their ambition, and eventually leads to independence, and often to the foundation of a fortune.

Here from the very beginning we have articulated the hope that underlies all free loan societies: the noble goal of assisting poor industrious workers to achieve self-sufficiency, the basis for success.

Unfortunately the Bachelors' Hebrew Benevolent Loan Association soon went out of existence (whether that was due to a change in the members' financial status or a change in their marital status is not clear). Jews did, however, continue to extend credit to their fellow Jews-in-need through other institutions. In an era when gentile sources of credit were generally closed to Jews, the immigrant Jewish community generated its own investment capital through free loans—as well as through credit unions, and eventually Jewish-owned banks.

With the coming of East European Jewish immigrants late in 19th century, the problem of how to provide needed economic assistance without the stigma of charity became critical. The Jewish population had expanded rapidly, needs were acute, and immigrants expressed a strong desire to help themselves, and not become a burden on outsiders. So it was that in 1892 a small group of immigrant Jews from Vilna who had achieved modest success in the New World met in the Vilna Schule on New York's Henry Street, and established a *gemah*, a free