

We find ourselves after the ecstasy this week. The people heard the thundering voice at Sinai, reverberating in each of us. And this week, poised in the same spot, still assembled at the foot of the mountain, we received *mishpatim*, ordinances, the name of this week's Torah portion. The fire and thunder have passed, but we cement the experience of revelation through rules. As one of my great teachers, mystic and Dr. Melilah Hellner-Eshed once said, "At the heart of every tradition is a fire, but religions, with their rules, are cooling systems."

And that makes sense to me, because in the desire to experience that fire, we can often neglect the basic principles for how to live in community together. So *Mishpatim* comes along, right after the fire, to point out the way.

And there are a great many rules: about treating slaves compassionately, about how to set up courts that will judge fairly, about proper compensation of workers, about avoiding a debt crisis, and about care for the stranger. This parashah is pragmatic; it doesn't assume that there will not be slavery, or crime, or a wealth gap, or refugees. It acknowledges these realities and seeks to build a society that is trained to respond compassionately in each of these situations.

I would have spoken to you more in depth about the commandment to love the stranger, but I know Ari will go into great detail about this in his remarks tomorrow, and Phil Carrasco of Grupo Latino de Accion Directa will be addressing us next week about how we can put this into practice. So tonight I want to discuss what might be a more difficult piece of legislation for us in this parashah. In Exodus, Chapter 23: verses 4-5, we read: "If you encounter your enemy's ox or donkey going astray, you shall surely return it to them. If you see the donkey of

someone who hates you lying under its burden, and are inclined to pass by - you must surely help him - azov ta'azov imo!"

The first question this brings up is the whole premise of having an enemy. Elsewhere in Torah, in Parashat Kedoshim, in Leviticus, we are commanded not to hate, but to remain in relationship with others, even if that requires rebuking them. So one question that the commentators have is why torah is providing for a case where two people are enemies, or someone hates someone else.

One answer, offered in the Mekhilta books of Midrash, in the name of Rabbi Natan, is in the same vein as all of the other pragmatic considerations in this parashah. Rabbi Natan says, "[Your enemy] refers to a situation in which someone becomes your enemy, temporarily, as a result of hitting your child or picking a quarrel with you." In other words, in Rabbi Natan's view, Torah is being pragmatic again. We are forbidden to hate each other in theory, but in fact, people mistreat or offend each other, and so hostilities arise all the time, and it is therefore necessary to legislate towards compassion even in those cases.

The sages, Maimonides, offers a different context for enmity. He comments that this case applies, "If one alone saw another commit a transgression and warned the other [but couldn't bring the other to court, because there is a requirement of two witnesses.] In such a case, it is [the witness's] duty to revile the transgressor until the other repents and turns back from wickedness. Nevertheless, even if the other had not repented, and the witness found him recoiling at the load, it is our duty to assist him in loading and unloading and not leave another in mortal danger..."

Maimonides, in other words, is assuming that this is not a situation of personal grudge or hostility, but rather a situation where someone's behavior has violated the law to an extent that the witness must express a boundary against that behavior. The obligation to distance oneself from transgressive behavior, however, has limits. Maimonides teaches that it does not extend to refusing help in a time of danger, and certainly not to refusing help to a defenseless animal. In such cases, we are not only allowed, but required to offer a helping hand.

Contemporary commentator, Nechama Leibowitz points out a difference in the wording of the two verses. "If you *encounter* your enemy's ox or donkey going astray, you shall surely return it to them." In the case of returning lost property, she notes, "the Torah goes no further than demanding that we restore it to the owner, only when we happen to run into it. We are not enjoined to chase it down." But, "If you *see* the donkey of someone who hates you lying under its burden," "We are told," Leibowitz points out, "to go to the owner's assistance, even when we see it but from afar." This is not just because of the need to prevent the suffering of animals, but because of the qualitative difference between the two kinds of interactions described, which Leibowitz also observes. "A lost article can be returned without a word exchanged, or through a third person. Helping to load and unload a beast, on the other hand, involves direct personal contact and cooperation." It is the latter opportunity that we are instructed to seize, even from a distance: the opportunity to labor physically together in an intimate context, because sharing that labor is likely to be a large step towards reconciliation.

Through this mitzvah demands that we help the enemy in his or her moment of human vulnerability, no matter whether we bear a personal grudge or

knowledge of a major transgression. The fact that another has behaved badly, Torah teaches, does not diminish our obligation to any human in their hour of need. In fact, it increases it. The commandment is in the emphatic: *azov ta'azov imo.*" You shall surely help!

It reminds me of a teaching I have heard attributed to Gandhi. As Gandhi was reported to have taught, in anticipation of a Japanese invasion of India during World War II, "Nonviolent resisters would refuse them any help, even water. For it is no part of their duty to help anyone to steal their country. But if a Japanese had missed his way and was dying of thirst and sought help as a human being, a nonviolent resister who may not regard anyone as his enemy, would give water to the thirsty one."

This capacity to distinguish between the role of the enemy in his or her official capacity, and the humanity of an individual, even an "enemy" individual, in an hour of need, is exactly what Torah is attuning us to. Torah does not say that we have to accept misdeeds. Torah does not say that we have to forgive people who have not done teshuvah. And Torah certainly does not say that we shouldn't fight injustice. But it does remind us, through these spare verses, of an obligation to see the humanity even in those whose behavior we find most abhorrent, when they are most vulnerable. It cautions us, I daresay, against the idolatry of purist politics, the danger of associating a person's behavior with their core humanity. We help not because the other person deserves it, but because helping another person in need is what keeps *us* human. And we need to remember how to stay human, especially in times of purist politics.

Shabbat shalom.