בס"ד פרשת משפטים

Parshat Mishpatim Petitioning the King

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What does one do when they have a grievance in In "modern" Saudi Arabia, all a monarchy? citizens of full age have a right to attend, meet, and petition the king directly through the traditional tribal meetings.¹ At times, the king sets up his tent in a public square in order to greet and hear directly from the people about any complaints and suggestions that they may have. It is a way to curry favor with the subjects, be more attentive or attuned to their needs and ensure justice prevails in the kingdom. This ability to directly appeal to the king about injustices is a longstanding tradition in monarchies and has a remnant in modern day democracies with the presidential or primeministerial pardon. In the early days of the State of Israel (first thirty years or so) and in the United States, one was able to walk-in, meet and speak personally to the prime-minister or president.² Aside from last week's Parsha (see Parshat Yitro - Delegating Authority), this unique feature of kingships, appealing to the king directly, appears a number of times in Tanach.

After Avshalom murders his half-brother Amnon, the crown-prince, to avenge the raping of his sister Tamar by Amnon, he escapes to the kingdom of his grandfather Talmai, the king of G'Shur.³ When Yo'av, the general of the army, realizes that Dovid HaMelech is pining to reconcile with his son Avshalom, he devises an intricate plot to convince Dovid to return him home.4 Yoav summons a wise-woman from Teko'a and tells her to disguise herself as a woman who has been mourning for a long duration over a loss. He then tells her to solicit the king's help in resolving an emotional situation with a difficult moral dilemma. Her two sons were quarreling in the field and one killed the other. The family (גואלי הדם) wants to avenge the murdered brother's death by killing his brother, the murderer. She is a widow mourning the loss of her first son and she petitions the king to protect her only remaining son from death which would leave her and her husband bereft of children and

without a name or a remnant. Dovid promises to intercede on her behalf and ensure the safety of her son. At the woman's prodding, Dovid later realizes that the fabricated story is about himself and he instructs Yoav to bring Avshalom back to Yerushalayim. The amazing part of the story is how a vulnerable widow that has no protector and is on the periphery of society is able to so easily gain access to the king of Yisrael and she says as much. "And the reason I have come to say these things to the king, my lord, is that the people have frightened me. Your maidservant thought I would speak to your majesty; perhaps your majesty would act on his handmaid's plea. For your majesty would surely agree to deliver his handmaid from the hands of anyone seeking to cut off both me and my son from the heritage of God..."5 The people clearly see the king as the ultimate arbiter of justice and the protector of their rights and that is how he is described by the Navi, "And Dovid reigned over all Yisrael, and Dovid executed judgment and justice (משַׁפּט וּצַדקה) to all his people."6

Shortly afterwards, the Navi describes Avshalom laying the groundwork for his planned insurrection to usurp the kingship from his father Dovid. Avshalom would awaken early and sit by the gate to intercept all those making the pilgrimage to seek an audience with his father Dovid the king. He would inquire as to where they hailed from and what issue they hoped to present before the king. After hearing their claim, he would sympathize with their position, but warned that unfortunately they would not be able to get the ear of the king since there was no one assigned to listen to their He would then wonder out loud, within earshot of the claimant, that if only it were I that was the arbitrator or the king then I would ensure that justice was properly served to each individual. In response to his care and concern, when the person went to bow before him, he would stop them from bending down and kiss them as if to say that, if he became king, he would be a peer with them, a "king of the people." Avshalom did this to everyone who came to the king for judgment and "he won over (literally: stole) the hearts of all the people of Yisrael." Here again, it is clear from the

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See the story of Andrew Jackson and the Cheese Party and the fact that legal open access for citizens to the White House and/or its grounds existed until World War II

⁸ וְאַבְשֶׁלְוֹם בָּרַח וַיַּלְךְ אֶל־תַּלְמֵי בֶּן־עִמִיהוּד מֵלֶךְ גְּשָׁרר וַיִּתְאַבֵּל על־בְּנִוֹ כְּל־הַיָּמִים: וְאַבְשֶׁלוֹם בָּרַח וַיִּלְךְ גְּשָׁרר וַיִּהִי־שָׁם שְׁלְשׁ שְׁנִים: וַתְּכַל דְּוָד הַמֶּלֶךְ לְצֵאת אֶל־אַבְשְׁלוֹם בְּרַח וַיִּלְךְ גְּשָׁרוֹ וַיִּהִי־שָׁם שְׁלִשׁ שְׁנִים: וַתְּכַל דְּוָד הַמֶּלֶךְ לְצֵאת אֶל־אַבְשְׁלוֹם כֵּירַנְחָם עַל־אַמְנוֹן כִּי־מֵת: (שמואל ב יג,לז-לט)

אָחִיו וּנְמְּתֵהוּ בְּנֶפֶשׁ אָחִיוֹ אֲשֶׁר הָרָג וְנִשְׁמֵידָה גַּם אֶת־הַיּוֹרֵשׁ וְכְבּוּ אֶת־הַחַלְתִּי אֲשֵׁר נְשְׁאֵרֶר לְבִלְתִּי שִׁים־לְאִישִׁי שַׁם וּשְׁאֵרֶית עַל־פְּנֵי הָאֲדָמָה: וַיִּאמֶר הַמֵּלֶךְ אֶל־הָאִשֵּׁה לְכִי לְבִיתַךְ וַאֲצִי אֲצֵוֹה עָלִיְרְ: וַחְׁאמֶר הָאשֶׁה הַתְּקוֹעִית אֶל־הַפֶּּלֶךְ עָלֵי אְדֹנִי הַמֶּלֶךְ הָעִין וְעַל־בִּית אָבִי וְהַמֶּלֶךְ וְכִסְאוֹ נָקִי: וַיִּאמֶר הַמֵּלֶךְ הָמְדְבֵּר אַלִּיֹךְ וַבְּאתוֹ אַלִּי וְלָא־ יִטְרָם עְלִיבְּה בְּעָלִיךְ אָת־יְקוֹקְ אֶלֹּיֶךְ הַמְּרְבַּת גֹאֵל הַדָּם לְשָׁחַת יְלָא שִׁר יִנְאר בְּנֵי וַיִּאמֶר הַיִּקְלֹּ אֶת־יִקּוֹקְ אֶלּלֶיךְ מִהַּרְבַּת גֹאֵל הַדָּם לְשָׁחַת וְלָא יַשְׁמִידוּ אָת־בְּנֵי וַיֹּאמֶר חֵי־יְקּוֹּךְ אִם־יִפֶּל מִשְּעַרת בְּנֵרְ אַרְיָה: (שמואל ב יד.א-וּאָר וְיִּא שְׁבִיה.)

ןٌעתָּה אֲשֶׁר־בָּאתִי לְדַבָּּר אֶל־הַמֶּלֶךְ אֲדֹנִי אֶת־הַדְּבֵּר הַּזֶּה נְּי יֵרְאֵנִי הָאֵם וַתְּאֹמֶר שִׁפְחַתְרְּ אֲדַבְּרַה־נָּא אָל־הַמֶּלֶךְ אוּלֵי יַעֲשֶׁה הַמֶּלֶךְ אֶת־דְּבָר אֲמִתוֹ: כֵּי יִשְׁמֵע הַמְּלֶךְ לְהַצִּיל אָת־אֲמָתוֹ מִבֶּף הָאִישׁ לְהַשְּׁמִיד אֹתָי וְאָת־בְּנִי יַׁחַדְ מִנְּחַלֶּת אֱלֹקִים: וַתֹּאמֶרְ שִׁפְחַתְרְּ יְהִיָּה־בָּא דְּבַר־אִדֹנִי הַמֶּלֶךְ לְמִנוּחֵה כִּיוֹ כְמַלְאָךְ הָאֱלֹקִים כֵּן אֲדֹנִי הַמְּלֶךְּ לִשְׁמֹעַ הַטָּוֹב וְהָלָע וַיִּקֵוֹק אֱלֹקֶיךְ יְהִי עִמֶּרְ: (שמואל ב יד,טו-יז)

וַיִּמְלֶּךְ דָּוֶד עַל־כָּל־יִשְׂרָאֻל וַיִּתְּי דְּוֹד עְשֶׁה מִשְׁפֵּט וּצְדָקָה לְכָל־עִמּוֹ: (שמואל ב ח,טו) וַיִּהְי מַאָחָרִי כִּן וַיַּעָשׁ לוֹ אַבְשָׁלּוֹם מֶרְכָּבֶה וְסְסֵים וְחַמִּשִׁים אִישׁ רָצִים לְפָבֵיו: וְהְשָׁכִים אַבְשָׁלּוֹם וְעִמָּד עַל־יֵד דָּרָךְ הַשָּעַר וְיָהִי כָּל הַאֵישׁ אֲשֶׁר־יָהִיִּה־לוֹ־רִיב לְבֹוֹא אֵל־הַמַּלְךְ

בס"ד פרשת משפטים

flow of judicial seekers and Avshalom's conversations with them that the people's expectation was that they would have unfettered access to the king who would provide them with just and rightful outcomes.

Shlomo HaMelech is also complemented by the queen Sh'va in a similar fashion to that which was said by the Navi about his father Dovid. She notes how lucky and beloved Yisrael must be to God that He provided them a king of Shlomo's caliber who "executes judgment and justice (משפט וצדקה)."8 It is this feature of his character that wins the people's reverence for Shlomo. In the aftermath of the famous case of the two prostitutes where Shlomo renders the correct and just verdict and outcome,9 the Navi says, "When all of Yisrael heard the decision that the king had delivered, they stood in awe of the king; for they saw that he possessed divine wisdom to execute justice (ci-ָחָכָמַת אֱלֹקִים בִּקְרָבָּוֹ לַעֲשָׂוֹת מִשְׁפַּט."¹⁰ The amazing part of the story, maybe even for those who heard about it at the time, was not only Shlomo's immense wisdom in discovering the true mother of the baby, but the fact that he was hearing the case The judgment involved two prostitutes, undesirables at the lowest echelons of society, 11 yet they had an audience with the king to adjudicate their situation. To the people of the time and to the reader, that case epitomizes a monarch who cares about the plight of each individual, especially those without advocates or protection, and embodies the principles of justice that he personally models and expects to characterize his kingdom.

Another example of this phenomenon is found with regards to an anonymous king in the Northern Kingdom of Yisrael. The prophet Elisha would pass through the city of Shunem on his tour circuit of the Northern Kingdom (Haftorah of Parshat Vayera). A woman of stature, who was a resident of Shunem, pressures Elisha to eat by her whenever he would pass through the city. She then convinces her husband to add an upper level to their house so that they can provide Elisha with a room in which to lodge in addition to hosting him for meals. Elisha solicits from the woman what he might provide her in order to express his tremendous gratitude and repay her for her

kindness in hosting him. The woman from Shunem dismisses the overture declaring that she connected and enjoys socioeconomic and societal standing. Elisha then looks to his assistant Gei'chazi for a possible suggestion as to what gift he could provide this woman. Elisha's assistant notes that the woman's husband is of an advanced age and she has yet to bear a child. Elisha calls the Shunamit woman and informs her, prophesies, that in the following vear (see Parshat Vavera - Promises Fulfilled?) she will be a mother to a child. Unfortunately, the boy passes away at a young age and the Shunamit woman travels to inform Elisha of his death. Upon hearing the devastating news and seeing the mother's utter despair, Elisha travels to Shunem and miraculously resurrects the boy.

Later on, Elisha returns to the Shunamit woman and her son (it seems that her husband who was older had already passed away) and advises them to abandon their property and take up residence somewhere else because where they lived was about to suffer a seven year long famine. 13 The woman heeds Elisha's advice and leaves town to spare herself and her son from the famine, but upon her return to her homestead and ancestral property after seven years, she finds it occupied by others who refuse to return it to her. It seems in the interim that Elisha has either passed away or is out of town and therefore she then heads out to be seech the king to intercede on her behalf to reclaim her rightful ownership of her house and field. When she arrives at the palace, the king had just asked Gei'chazi, Elisha's protégé, to regale him with miraculous stories about his master Elisha. He was in the midst of retelling how Elisha resurrected the son of the Shunamit woman when the Shunamit herself, along with her son, suddenly appears to petition the king regarding her disenfranchisement from her home and field. She corroborates the story Gei'chazi was recounting about Elisha to the king and the king then hears her grievance. In response to her complaint, the king assigns a minister to accompany the woman and ensure that not only is her field and home returned, but also all the harvests from the seven years she was absent. This is a similar genre of story, whereby some weaker member of society seeks justice and

לַמִּשְׁפָּט וַיִּקְרָא אַבְשָׁלִּוֹם אֲלִיוֹ וַיֹּאמֶר אֵי־מָזֶה עִירֹ אֵׁתָּה וַיֹּאמֶר אֵי־מָזֶה עִירֹ אֵתָה וְיֹּאמֶר אֵי־יִשְׁרָאֵל עַבְּיִּרְ טוֹבְים וּנְכֹחֵים וְשֹׁמֵע אֵין־לְּךָ מֵאֵת הַמֵּלְרְ: וַיִּאמֶר אַלִּיוֹ אַבְשְׁלוֹם רְאָה דְּבָרֶךְ טוֹבִים וּנְכֹחֵים וְשֹׁמֵע אֵין־לְךָ מֵאֵת הַמְּלְרְ: וַיִּאמֶר אַבְשְׁלוֹם מִי־יִשְׁמֵנִי שַׁפָּט בָּאֵרֶץ וְעַלִי יָבָוֹא כָּל־אִישׁ אֲשֶׁר־יִהְיָה־לּוֹ־רֵיב וּמִשְׁפֵט וְּהָדָקְיִיוּ: וְהָיָה בְּקְרֶב־אִישׁ לְהשִׁתְּחָוֹת לְוֹ וְשָׁלֶח אֶת־יָדָוֹ וְהְחֵזֶיִק לְוֹ וְנְשִׁק לְוֹ: וַנַּעשׁ אַבְּשְׁלוֹם אֶת־־אָבְוֹ הַבְּלֶרְ וִיְגַנֵב אַבְשְׁלוֹם אֶת־ּבְּיִי שְׁרָאֵל: (שמואל ב טו,א-ו)

לֵב אַנְשִׁי יִשְׂרָאֵל: (שמואל ב טו,א-ו)

יָהִי יְקֹוֹק אֲלֹדֶׂוֹרְ בָּרֹיּף אֲשֶׁר ֹחָפֵץ בְּךֹּ לְתתְּךָ על־כפֵא יִשְׂרָאֵל בְּאַהָבָּת יְקֹוַק אֶת־יִשְׁרָאֵל לְעלֶם וַיִּשְּׁימָךָ לְעָשָׁוֹת מִשְׁפֵט וּצְדָקָה: (מלכים א י,ט)

⁹ מלכים א ג,טז-כח

¹⁰ וַיִּשְׁמְעוּ כָּל־יִשְׁרָאֵל אָת-הַמִּשְׁפֶּטֹ אֲשֵׁר שְׁפַּט הַפְּׁלֶךְ וַיִּרְאוּ מִפְּנֵי הַמֵּלֶךְ כִּי רְאוּ כִּי־חָכְמֵת אֵלקִים בְּקַרְבָּוֹ לַעֲשָׁוֹת מִשְׁפָט: (מלכים א ג,כח)

מֶיֹאָן ם בְּּאָן בְּיִּ זְּצְּפְּװִנ הִּפְּבָּטּ. (נוּלכים א ג,טוּ) 11 אַז תַּבֹאנָה שְׁתַּיִם נָשִׁים זֹנְוֹת אֶל־הַמֶּלֶךְ וַתַּעֲמִדְנָה לְפָנֵיו: (מלכים א ג,טז)

¹² מלכים ב ד,ח-לז

פרשת משפטים

protection through appealing to the king, and once again confirms this practice among monarchs. Nevertheless, in this instance the Navi does not opine that the king regularly engaged in judgment and justice and that is likely influenced by the story immediately preceding the story of Elisha and the Shunamit woman (also in the Haftorah of Parshat Vayera).

The Navi tells of a widow of one of the disciples of the prophets that cries to Elisha to save her from her terrible predicament.¹⁴ She informs Elisha that her husband has passed away and reminds him that her late spouse was a God fearing individual. Her husband's passing left her unable to repay their debts and the lender was threatening to seize her two children as slaves as fair compensation in lieu of repayment of the loan. Elisha instructs her to gather as many empty vessels as possible and then close herself and her children in their house and they should begin to pour from the miniscule cruse of oil they have to fill all the empty utensils they collected. Miraculously, the oil keeps on pouring from the small vial until they no longer have any empty vessels remaining. They are then able to sell the oil in order to repay their debts and to live off the oil in excess of the loans thereby sparing the woman from the tragedy of her children being taken away as slaves.

This is a classic case where we would have expected the widow to solicit the king's help in resolving her issue rather than engaging the Navi's help. It could be because her husband was a disciple of the prophets that she felt more comfortable approaching Elisha or because she believed that Elisha would take responsibility for the situation given her late husband's relationship with Elisha. Though it seems more likely that the reason she did not approach the king with her grievance is because the king was unlikely to aid her in this situation. That is because the case presented here conforms to the circumstances

and behavior that the Torah warns the lender from engaging in towards a desperate and subsistence debtor. It would seem that this usurious and exploitive lending practice was commonly accepted¹⁵ and that this widow had no one to protect her or alternate avenue of recourse. More pointedly, Chazal identify the creditor here as the king himself.¹⁶

In this week's Parsha it says: "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt. 17 You shall not mistreat or oppress any widow or orphan. If you mistreat them, I will heed their outcry as soon as they cry out to Me, and My anger shall blaze forth and I will put you to the sword, and your own wives shall become widows and your children orphans. If you lend money to My people, to the poor among you, do not act toward them as an oppressive creditor; exact no interest from them. If you take your neighbor's garment as collateral, you must return it to him before the sun sets; it is his only clothing, the sole covering for his skin. In what else shall he sleep? Therefore, if he cries out to Me, I will pay heed, for I am compassionate." There are two similar verses found in Sefer Devarim. One with regards to withholding lending as the "Beware lest you Shemitta year approaches. harbor in your heart the base thought saying, 'The year, the year of remission, approaching,' so that you are miserly to your impoverished brother and therefore you give him nothing. He will cry out to God against you, and you will be accountable for the sin."18 Later on in Sefer Devarim, it discusses one's obligations towards subsistence laborers. "You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land. You must pay him his wages on the same day, before the sun sets, for he is needy and urgently depends on it; otherwise he will cry to God against you and you will be accountable for the sin."19 The common denominator between all these cases is that one

3

וּאָפָּה אַחָת מּנְּשֵׁי בְּנִי-בּُנְבִיאִים צָעַלָּה אָל־אֵלִישָׁע לֵאמֹר עַבְּדְּךְּ אִישִׁי מַׁת וְאַתָּה יָדְעָהָ כִּי עַבְדְּךָּ הָנָה יָרָא אֶת־יְקֹוֶק וְהַנִּשֶּׁה בָּא לָקְחַת אֶת־שְׁנֵי יְלַדְי לָוֹ לְעַבְּדִים: וַיּאַמּר אֵלֶיהָ אָלִישָּׁע מָה אֶעֲשָּׁה־לָּךְ הַגִּיִדִי לִי מַה־יָש־ לֶךְ בַּבְּיִם וֹהַאַמֶּר אַין לְשִׁפְּחָתְךָ כֹל בּבִּיִת וֹּהַאַמֶּר אַין לְשִׁפְּחָתְךָ כֹל בּבִּיִת כִּי תַּמְשִׁיעִי: וּבְּאַת וְסְגַּרְתּ הַדֶּלֶת בְּעָדָה וּבְעַד־בְּנִיךְה תֵּלְת עַל כְּל־הַכּלִים הָאֵלָה וְהַמָּלֵא תַּמְיעִי: וּבְּאַת וְסְגַּרְתּ הַדֶּלֶת בַּעָדָה וּבְעַד־בְּנִיךְה מֵאָת כְּל־יְסַכְּלִים הָאֵלָה וְהַמָּלֵא תַּמְיעִי: וּבְּאַת וְסְגַרְתּ הַדֶּלֶת בַּעָדָה וּבְעַד־בְּנִיּהְ הָבְיֵי מָבְּרָי אֵלִיהְ אֵיִּין עָוֹד בָּנִים וְמָשְׁרָה אֵין עָוֹד בָּלִי עוֹד בָּלִי עוֹד בְּלִי וַיְאמָר אַלֵּיה אֵין עוֹד בָּלִי עוֹד בְּלָי וַיִּאמָר אַלִּיה אֵין עוֹד בָּלִי מִבְּרְ הַבְּיִבְּים וַמְּאַמְר אָלִיים הָאָלָה וַהְּמָּלֵא וְתְּחִוּ בִּמְלְאת הַבַּלִים וִתְּאַבָּי הְאָים הָאֵלְּהְם וֹיֹּאמְר הְבִּעִּים הַאָּה אַבְּרָר הָּעָּע בְּבְּרָּב הָּבְּיִם הָּעְּיִם הָּאָנְה הָּיִין עוֹדְּי בְּבָּר בְּבָּים הַבְּעָר הְּבְּיבְּיה בִּיי וְתְּחוֹ בִּמְלְּאת הַבּּילְים הָּלְיוֹ בְּבְּדְים הְאָבְיּר הָבְּיִים הְאָשְׁלְּבְּים הָשְׁלְּים הְּבְּיִים וְּבְּעָבְּיה הָבְּעָר בְּבָּיה הָאַבְיר הָבְּיִים הְעָבְּיוֹב הְבָּבְּים הַבְּעָּיה הָבְעִר בְּבָיים הַבְּילְה הָבְּיוֹ הְעִיבְּיוֹ בְּיוֹבְית בְּבְּיבְּיה הָּבְייִב הְיִבְּיים הְאָבְיים הְבָּילְים הְבָּיבְיים בְּבְּבָּים הָּבְּיִבְיים הְעִבְּדְבּיים הְּבָּעְר הְבָּעִר הְבְּעָר הְבָּילְים הְּבָּים הְשָּבְּים הְּבָּיים בְּבְּים הְיִבְיים בְּיִבְּיִים הְּיִבְיים הְּיִבְיים הְבָּיבְיים הְּבְּיבִיים הְיבְיים הְיבְיים הְבָּיבְים הְבְּיבְיים הְבָּייִים בְּעְבְּיבְייִים בְּיבְיבְיים הְבְּיבִיים בְּבְּיבְיִים הְבָּיבְייִים בְּעְבָּים הְבָּיים הְבָּיבְיים הְּבְּיבִיים בְּעְבָּבְייִים בְּיִבְיים הְּיְבְיבְייִים בְּיבְיים בְּבָּבְיים בְּיבְיים הְיבְיבְיים בְּבְּיבְיים בְּבְּים בְּבְיבְיבְיים בְּבְּבְיבְים בְּבְיבְיבְּבְיים בְּבְּים בְּבְּיבְיבְיבְּבְיבְים בְּבְיבִים בְּבְיבְיבְיבְּיבְיב

If anyone fail to meet a claim for debt, and sell himself, his wife, his son, and daughter for money or give them away to forced labor: they shall work for three years in the house of the man who bought them, or the proprietor, and in the fourth year they shall be set free.

(Hammurabi Code 117)

¹⁶ ד"א אם כסף תלוה את עמי הה"ד (תהלים טו) כספו לא נתן בנשך, בא וראה כל מי ד"א אם כסף תלוה את עמי הה"ד (תהלים טו) כספו לא נתן בנשך, בא וראה כל מי שיש בו עושר ונותן צדקה לעניים ואינו מלוה ברבית מעלין עליו כאלו קיים המצות כלן שנאמר כספו לא נתן בנשך ושוחד על נקי לא לקח עושה אלה לא ימוט לעולם, ומי היה זה עובדיה שהיה עשיר אפוטרופוס של אחאב שנאמר (מ"א יח) ויקרא אחאב אל עובדיה אשר על הבית והיה עשיר יותר מדאי והוציא כל ממונו לצדקה שהיה זן את הנביאים כיון שבא כל אותו הרעה היה לוה בנשך מן יהורם בן אחאב מה שהיה מספיק לנביאים, זה קיים כספו לא נתן בנשך, אבל יהורם שהלוה ברבית www.swdaf.com

אמר האלהים עד עכשיו זה קיים יבא יהוא ויהרוג אותו שנאמר (שם ב ט) ויהוא מלא ידו בקשת ויך את יהורם בין זרועיו ויצא החצי מלבו, ולמה בין זרועותיו ויצא מלבו לפי שהקשה את לבו ופשט ידיו לקבל הרבית לקיים מה שנאמר (יחזקאל יח) בנשך נתן ותרבית לקח וחי לא יחיה, לכך מזהיר להם אם כסף תלוה את עמי (שמות רבה משפטים לא,ד וגם מובא ברש"י וברד"ק)

¹¹ וְגֵר לֹא־תוֹנֶה וְלָא תִּלְחָצֵנּוּ בִּי־בֵּרִים הֵיִּיתָּם בְּאָרֵץ מְצֵרֵיִם: כְּל־אּלְמָנֶה וְיָתוֹם לְאׁ תְענְּוּוּ: אָם־עַנָּה תִעֶנָּה אֹתֵּוֹ כִּי אָם־צְּעָלְן יִצְעַלְ אֵלִי שְׁמָע אָשְׁמֵע צֵעַקְתוֹ: וְחָרֶה אָפִּי וְהְרַגְּתִּי עְמֶּרְ לֹא־תִתְיֵה לִוֹ כְּנֹשֵׁה לְא־תִשִּׁמוּן עֻלִיו נְשֶׁרְ: אִם־חָבְל תַּחְבָּל שַׁלְמֵת רַעֲךְ עַד־בְּא הַשְּׁמֶשׁ תִּשׁיבֶנּוּ לְוֹ: כִּי הָוּא כְּסוּתוֹ לְבַדְּה הָוֹא שְׁמְלְתָוֹ לְעֹרָוֹ בַּמֵּה יִשְׁלֶּב וְהָיָה כִּי־יִצְעָק אֵלֵי וְשָׁמֵעָתָּי כִּי־חַנְּוּן אָנִי: (שמות כב,כ-כו) אֵלֵי וְשָׁמֵעָתָּי כִּי־חָנָּוּן אָנִי: (שמות כב,כ-כו)

נְי־תָשֶׁהֹ בֵּרֶעָךָ מַשָּׁאת מָאֲוֹמָה לֹא־תָבֹּא אֶל־בֵּיתָוֹ לָעַכְּט עַבֹּטְוֹ: בַּחָוֹץ תַּעְמֶד וְהָאִישׁ אַשֶּׁר אָתָהֹ נַשֲׁה בֹּוֹ יוֹצֵיא אֵלֵיךָ אֵת־הָעַבוּט הַחָוּצָה: וָאִם־אֵישׁ עַנִי הָוּא לֹא תִשְׁכָּבּ

בס"ד פרשת משפטים

is dealing with individuals who are marginalized in society and have no one to stand up for their rights or to protect them. It makes them easy targets to be taken advantage of without any recourse to the exploiter.

In dealing with this issue, the Torah is revolutionary. It first and foremost sees the protection of the weak and disadvantaged as being a societal obligation upon each individual. If that fails, then God says he will intervene on behalf of these individuals because he is the ultimate protector of the oppressed. The Ramban explains that "...if he will only just cry at all unto Me I will at once hear his cry'; he does not need anything else at all, for I will save him and avenge his cause from you.²⁰ Since the reason you oppress him is because you think he has no one to help him against you, but behold he has more help than anyone else. For other people will try to find saviors to save them, and assist them to avenge their cause, and perhaps they will not deliver or save them. On the other hand, these individuals will have the intercession of and be unfailingly saved by God merely through their crying out, and He will certainly take vengeance on you, for God is a jealous and avenging G-d...' Therefore if society fails these individuals, the king who is God's representative and expression on earth is the next stop for salvation.

This is made clear by the Navi Yirmiyahu when God sends a message to the king and his people that, "Thus says God: Do what is just and right (עֲשָׂוּ מִשְׁפֶּטֹ וּצְדָקֹה); rescue from the defrauder him who is robbed; do not wrong the stranger, the fatherless, and the widow; commit no lawless act, and do not shed the blood of the innocent in this place. For if you fulfill this command, then through the gates of this palace shall enter kings of Dovid's line who sit upon his throne, riding horse-drawn chariots, with their courtiers and their subjects. But if you do not heed these commands, I swear by Myself, declares God, that this palace shall

become a ruin."21 The subsequent chapter contains a similar message that the salvation of the people is dependent on the rise of a righteous king who champions justice and that which is right. "Behold, days are coming, declares God, when I will fulfill the promise that I made concerning the House of Israel and the House of Judah. In those days, and at that time, I will cause a branch of righteousness to grow up to Dovid; and he shall execute justice and righteousness in the land..."22 The king's right to the throne is premised on his carrying out justice and protecting the weak and disadvantaged of society. If the king fails to act as God's emissary, then God will depose the king and intervene on behalf of the oppressed.²³ That is likely why the widow turns to Elisha as God's representative when she is failed by society and the king because the corruption and mistreatment has become so endemic or accepted within society that she has no other avenue for recourse. This story likely casts a shadow on the subsequent story of the Shunamit where the king does intercede on her behalf and that is why one does not hear the same accolades for that king that the Navi gives to characterize the behavior of Dovid and Shlomo.

Despite God's loftiness, He does not just hobnob with the powerful, high-class and wealthy.²⁴ God is the "father and protector" of the widow, the orphan and the destitute and He puts His name together with them. This week's Parsha, through its revolutionary perspective, teaches us that our obligation to emulate God means that we must seek to protect and elevate those that are less We should keep company with the fortunate. same individuals that God does and look to be championing the side of the oppressed and not the facilitators of the oppressors. Most importantly, should not become comfortable complacent in our social circles, but rather seek opportunities to improve the lives of others.

Shabbat Shalom and Chodesh Tov

בל הַגָּה יָאָים בָּאָים נְאָם־יְּקֹוֶק וַהַקְּמִתְּיֹ אֶת־הַדְּבֶר הַטּּוֹב אֲשֶׁר דִּבְּרְתִּי אֶל־בֵּית יִשְׂרָאֵל וְעַלֹּבֵית יְהוּדֶה: בַּיְמִים הָהֵם וּבְעַת הַהִּיא אַצְּמִים לְדָוַד צְּמח צְדָקָה וְעֲשָׁה מִשְׁפֵּט וּצְדָקָה בְּאָרְץ: בַּיָּמִים הָהַם תִּוַשְׁע יְהוּדָה וִירוּשְׁלֵם תִּשְׁכְּוֹן לְבֵּטַח וֵזֶה אֲשֶׁר־ יִקְרְא־לֶהּ וִירוּשְׁלֵם תִּשְׁכְּוֹן לְבֵּטַח וֵזֶה אֲשֶׁר־ יִקְרְא־לֶהּ יְירוּשְׁלֵם תִּשְׁכְּוֹן לְבֵּטַח וֵזֶה אֲשֶׁר־ יִקְרָא־לֶהּ יְקוֹן צְדָקָנוּ: (ירמיהו לג,יד-טז)

בּי אֵלִיתְּלִּזְלֹּדֶּדְ כִּי דַלֹּהְוּא וְאֵלֹּהְתְּבָּא עְנִי בַּשְּׁעַר: כִּי־זְקוֹק יָרִיב רִיבֶם וְקְבָּע אֶת־ לְּבְעֵיהָם נֵפָשׁ: (משלי כב,כב-כג) \\ מַרְבֶּה הְוֹנוֹ בְּנֶשֶׁךְ וְתַרְבֵּית לְחוֹנֵן דִּלִּים יִקְבְּצָנּוּ: (משלי כח ם)

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בַּעַבֹּטְוּ: הָשַׁבֵּ מָּשִּׁיב לָּוֹ אֶת־הַעֲבּוֹט כְּבָוֹא הַשְּׁמֶשׁ וְשָׁבָב בְּשַׁלְמָתָוּ וּבֵּרְכֵּךְ וּלְּךְ תִּהְיֵה צְדָּקָּה לְפָבֵי יְּקֹוֶק אֱלֹקֵיךְ: לֹא־תַּעֲשָׁק שָׁכִיר עָנִי וּאָבְיָוֹן מַאְחָיךְ אָוֹ מִגַּּרְךְ אֲשֶׁר בְּאַרְצְּךְ בְּשְׁעַרִיךְ: בִּיוֹמוֹ תַּמָּן שָׁכְרוֹן וְלֹא־תָבְוֹא עָלִיוּ הַשָּׁמְשׁ כִּי עָנִי הוּא וְאַלְּיו הָוּא נַשֵּא אָת־ נַפְשָׁוֹ וְלָא־יִקְרָא עָלִירְ אֶלֹּ־יְלְוֹּךְ וְהַיֵּה בְּךָ חֲטָא: (דברים כד,י-טו)

^{20 ...}והנכון בעיני כי יאמר אם ענה תענה אותו רק צעוק יצעק אלי בלבד מיד אשמע צעקתו, איננו צריך לדבר אחר כלל, כי אני אושיענו ואנקום אותו ממך. והטעם, כי צעקתו, איננו צריך לדבר אחר כלל, כי אני אושיענו ואנקום אותו ממך. והטעם, כי שאר אתה לוחץ אותו מפני שאין לו מושיע מידך, והנה הוא נעזר יותר מכל אדם, כי שאר האנשים יטרחו אחרי מושיעים שיושיעום ואחרי עוזרים לנקום נקמתם, ואולי לא יועלו והצל לא יצילו, וזה בצעקתו בלבד נושע בה' וינקם ממך, כי נוקם ה' ובעל חמה (נחום א ב): ויבא כענין הזה בכתובים רבים, כגון מה שאמר (משלי כב כב כג) אל תגזל דל כי דל הוא ואל תדכא עני בשער כי ה' יריב ריבם, יאמר אל תגזול דל בעבור שהוא דל ואין לו עוזרים ואל תדכא העני אשר בשעריך כי ה' יריב בעבורם, וכן אמר (שם כג י - יא) ובשדה יתומים אל תבוא כי גואלם חזק ה' צבקות שמו, שיש לום גואל חזק וקרוב יותר מכל אדם. אף כאן אמר כי בצעקתו בלבד יושע. וכמוהו כי כאשר ירד הגשם והשלג מן השמים ושמה לא ישוב כי אם הרוה את הארץ אלי ריקם כי אם עשה את אשר חפצתי (ישעיה נה י יא), בשניהם יאמר שלא יעשו דבר אחר, כי אם שירוה את הארץ מיד, וכן כי אם שישה מה שחפצתי, והנה הוא כטעם אלא, וכן כי אם אל ארצי ואל מולדתי אלך (במדבר י ל): (רמב"ן שמות כב,כב)

²⁴ אמר רבי יוחנן: כל מקום שאתה מוצא גבורתו של הקדוש ברוך הוא אתה מוצא ענוותנותו; דבר זה כתוב בתורה ושנוי בנביאים ומשולש בכתובים. כתוב בתורה כי ה' אלקיכם הוא אלקי האלקים ואדני האדנים, וכתיב בתריה עשה משפט יתום ואלמנה. שנוי בנביאים - כה אמר רם ונשא שכן עד וקדוש וגו', וכתיב בתריה ואת דכא ושפל רוח. משולש בכתובים דכתיב סלו לרכב בערבות בי-ה שמו, וכתיב בתריה אבי יתומים ודין אלמנות. (מגילה לא.)