

Parshat Mishpatim
“Who is a Jewish Congresswoman?”
January 29, 2011
Rabbi Alan B. Lucas

Last week we read the drama of the giving of the 10 commandments. This week we read of the myriad of details found in *Parshat Mishpatim*. Last week detailed the giving of the torah with God Himself coming to the mountain top surrounded by fire and smoke, thunder and the blast of the *shofar*. This week: Moses, expounding the small print, the laws and ordinances of *Mishpatim*. Last week: “Thou shalt not murder, Thou shalt not steal!” This week: “don’t plow with an ox and an ass together, when a man gives money or goods to another for safekeeping, and they are stolen...” After the excitement and thrill of last week's *parshah*, when the Children of Israel received the Torah at Mount Sinai, accompanied by the drama of fire, smoke, thunder and blasts of the *shofar*, this week's reading seems so very mundane. After all, the revelation at Sinai was an awe-inspiring national and historical event, which was seared into the consciousness of the Jewish people for generations and generations to come. What a letdown it is, after being lifted to such heights, to follow this event with *Mishpatim*, which lists rules and ordinances elaborated in sometimes seemingly painful detail.

Our sages comment on this difference in mood. Rashi points out that this week's *parasha* begins with a conjunction- it begins with the word “and”. *V'eyleh hamishpatim...* “*And these are the rules that you shall set before them...*” And Rashi explains that this conjunction “and,” is specifically placed here to link this weeks reading of *mishpatim* with last week's reading. Just as the Ten Commandments were revealed at Sinai, so were the laws of *Mishpatim* presented at that awesome moment; this moment is a continuation of that moment, this one as important as that one and therefore, they are equally holy. As important and compelling and dramatic as are the Ten Commandments so are they just broad strokes that need to be concretized in everyday life – and that is the business of this week's reading.

A man who was famous for his love of children put down a cement walk in front of his house. When the cement was wet, children came and put their feet in it, marking the sidewalk with shoe prints. Becoming very angry, the man chased the children away. A neighbor, surprised at his reaction, said, “I always thought you liked children,” to which the man replied, “I like them in the abstract, but not in the concrete.” We all like the concept of being a good person and of loving humanity. But while it's relatively easy to embrace these values in the abstract, it's far more difficult to concretely apply them to daily living. That's why the rules in *Mishpatim* are spelled out in detail. For example, we are told: “If you lend money to My people, you must not exact interest.” “You must not mistreat any widow or orphan.” “If a man opens a pit... and does not cover it, and an ox or ass falls in, the owner of the pit shall make restitution.” “When you see the ass of your enemy lying under its burden and would refrain from raising it, you must nevertheless raise it with him.” “You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt.” Judaism is a religion of *Yitro* and *Mishpatim* – of grand concepts and mind numbing details. And we ignore one or the other at our peril.

Let me give you an example of how this has played out recently. We have all been saddened by the tragic events in Tucson and have offered prayers, the funerals of innocent people who were killed by a disturbed gunmen, the wounded who are now condemned to years of difficult and painful rehabilitation. We have offered prayers on behalf of Representative Gabrielle Giffords whose progress after being shot in the head has been nothing short of amazing. We have offered prayers on her behalf as part of our

misheberach prayers that we offer daily for those who are ill in the presence of the torah. Now when we offer our prayers for those who are ill – we offer them for Jews and non-Jews. The invitation that I give inviting those who wish to offer a prayer to come forward – is to offer a prayer for friends and loved-ones who are ill. It makes no difference in our prayers if that friends or loved one is Jewish or non-Jewish. If they are Jewish we try and use their Hebrew name and obviously if they are not Jewish we use their English name. So the question was asked of me – if we should pray for Representative Giffords using her Hebrew name – *gavriella bat sarah* or using her English name, Gabrielle Giffords.

What is the question? Well the question is whether or not she is Jewish.

This same question has been debated in the Jewish press – and a recent editorial in The Jewish Week asked: “Is Gabrielle Giffords ‘Jewish’ enough.”

What’s the problem? Well it appears that The Jewish Week received a number of letters complaining that their coverage of Rep. Giffords makes reference to her as Jewish, when in fact, they point out, she is not. Giffords’ father is Jewish; her mother is a Christian Scientist. So according to halacha, they argue, she is not Jewish. One letter writer insists it is “intellectually dishonest” to suggest otherwise.

The question of ‘Who is a Jew’ has always been a subject of interest and debate – as old as the Bible itself – but never has it been as much a subject of ongoing debate as it has in our own time. In Israel with Russian Jews, here in America with Reform embracing a concept of Patrilineal descent that recognizes a person as Jewish if their mother or father is Jewish – all of this has created new and real challenges some of the most basic issues of Jewish identity in the 21st century – and now even poor Rep. Giffords who has enough troubles – has become the focus of a discussion as to her Jewishness- but a discussion that is worthy of a few moments of our reflection this morning.

Now let’s begin with a gut check. What was your immediate reaction to those who questioned Rep Jewishness? Some of you were immediately offended – look if she considers herself Jewish – she is Jewish and any challenge to her own perception is offensive. Some of you – probably thought – for the last 2000 years a Jew has been defined as someone born of a Jewish mother or someone who converted to Judaism – if she meets either of those criteria – she’s Jewish – if not than she is not – and her feelings, or anyone else’s *feelings* – on the matter is irrelevant. And then some of you are pulled in both directions.

Let’s see if I can help.

Some of you have read last week’s *parasha* – of *Yitro* with the Ten Commandments – but seem to forget that it continues with this week’s *parasha* of *Mishpatim*. Some of you have read this week’s *parasha* of *Mishpatim* but seem to forget it was preceded by *Yitro*. And some of you understand the tension created by remembering them both.

On the extreme left are those who argue – that if someone believes themselves to be Jewish – then Jewish they are and no one else can challenge their self-definition. These are 10 commandment Jews – they believe in the big concepts and have no patience with the details. Religion to them is about belief and not about observance. But with just the slightest of challenge – it becomes clear that this approach when taken to its extreme leads to absurd situations. So Jews for Jesus are Jews – just because they insist they are. We the community have no right to self-definition – we are at the mercy of anyone who considers themselves a Jew. If millions of Palestinians who live in the Middle East would just declare that as descendants of Abraham they now consider themselves Jews – they could exercise the right of return, become citizens of Israel and vote us out of our

homeland. Clearly – a definition that places *all* the authority in the hands of the other – is a prescription for disaster. There has to be some sort of objective criterion for who is a Jew. *Yitro* without *Mishpatim* leads to absurdity.

But on the other hand – details void of a conceptual approach that remembers why we have details in the first place is equally challenging. The person who wrote the letter is correct that for a long long time – halacha has defined a Jew as one born of a Jewish mother or converted to Judaism. But even this has become difficult – as zealots challenge whether or not your mother was *really* Jewish or your conversion was *really* authentic. In 2011 to insist that an halachik definition of who is a Jew – is the only definition of who is a Jew – not only leads to the disenfranchisement of millions of Jews, but the kind of absurd realities where in Israel this Orthodox rabbi does not accept that Orthodox rabbis conversion – and you say your mother was Jewish – prove it! *Mishpatim* without *Yitro* also leads to absurdity.

According to Reform Judaism, Rep. Giffords is Jewish because her father was Jewish. She belongs to a Tucson Reform congregation and has said that her first trip to Israel in 2001 had a profound affect on her identity. And she appears to have applied her Jewish values to her work in Congress and in her personal life. As The Jewish Week states, “the former director of the Jewish Community Relations Council in Tucson noted that Giffords’ position on the status of illegal aliens – an especially contentious issue in her state – was influenced by her “sense of the Jewish values around how we treat the stranger.” And in an address she gave in 2006, she asserted: “In my family, if you want to get something done, you take it to the Jewish women relatives. Jewish women, by and large, know how to get things done.”

Jewish society is changing dramatically. Our way through the challenges that confront us – is neither to throw open the doors and say that anyone who considers themselves Jewish is – or to shut the door against anyone who is not like you, to limit the definition to a small but fervent minority. No the challenge is to embrace the vision of *Yitro* and the details of *Mishpatim* – the wisdom of our people has been our ability to embrace both and navigate a course that lays between the extremes.

Traditionalists argue that watering down the halachic definition of who is a Jew weakens the Jewish people and leads to further assimilation. The more liberal point of view suggests that a Jewish community with an aging population and shrinking birth rate would be wise to be more inclusive, welcoming those living in Jewish households or having one Jewish parent. And in a way they are both right.

What I believe all the liberal religious movements have in common – and by religious movements – I mean Reform, Conservative, Reconstructionist as well as liberal Orthodox and the so-called post-denominational Judaism – what all of these have in common is a desire to embrace both *Yitro* and *Mishpatim*. We all reject the absurdity that comes from the extreme rejection of the one or the other. We know that a Judaism that allows any and all definitions of who is a Jew will dilute Judaism to the point of non-existence. We also know that a Judaism that is too restrictive in its definition of who is a Jew will limit our numbers into extinction and irrelevance. The challenge is to find a way to do both. And there is no simple answer of how to do this. Reform has embraced patrilineal Judaism – we Conservative Jews prefer to remain with a more traditional definition but also embrace these Jews and find ways to encourage their halachik identity through conversion – we may argue over the details of the best way to achieve our goal – but because we embrace the torah of *Yitro* and *Mishpatim* – we agree on the fundamental goal that the future of Judaism and the survival of Judaism will come – in finding ways to embrace rather than reject those who want to affiliate with us.

Remember that man and his freshly paved cement sidewalk. The one who got angry when the kids messed it up? Remember what he said when challenged about his love of children? "I like them in the abstract, but not in the concrete." Well I love them in the concrete. And I know that means they are going to schlep that mess into my living room, and make life so much more difficult. But that's ok. Any parent, or grandparent knows – the only way to keep the house clean – is to keep the kids out. But what good is a house without the kids? That's not a house – that's a museum. The whole point of having a house – is to create a place for the kids. So, I say, let 'em in. We'll deal with the mess later!