



# DVAR TZEDEK

## Parashat Mishpatim 5774

### *Turning Memory into Empathy: The Torah's Ethical Charge*

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*This week's Dvar Tzedek is written by guest scholar Rabbi Shai Held and is provided through a special arrangement with [Mechon Hadar](#). To receive Rabbi Held's weekly essays on the Torah portion, please click [here](#).*

One of the Torah's central projects is to turn memory into empathy and moral responsibility. Appealing to our experience of defenselessness in Egypt, the Torah seeks to transform us into people who see those who are vulnerable and exposed rather than looking past them.

*Parashat Mishpatim* contains perhaps the most well-known articulation of this charge: "You shall not oppress a stranger (*ger*), for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt."<sup>1</sup> By *ger*, the Torah means one who is an alien in the place where he lives—that is, one who is not a member of the ruling tribe or family, who is not a citizen, and who is therefore vulnerable to social and economic exploitation. The Torah appeals to our memory to intensify our ethical obligations: having tasted the suffering and degradation to which vulnerability can lead, we are bidden not to oppress the stranger. The Torah's call is not based on a rational argument, but on an urgent demand for empathy: since you know what it feels like to be a stranger, you must never abuse or mistreat the stranger.

This prohibition is so often cited that it's easy to miss just how radical and non-obvious it is. The Torah could have responded quite differently to the experience of oppression in Egypt. It could have said: since you were tyrannized and exploited and no one did anything to help you, you don't owe anything to anyone; how dare anyone ask anything of you? But it chooses the opposite path: since you were exploited and oppressed, you must never be among the exploiters and degraders. You must remember what it feels like to be a stranger. Empathy must animate and intensify your commitment to the dignity and well-being of the weak and vulnerable. And God holds you accountable to this obligation.

On one level, of course, the Torah is appealing to the collective memory of the Jewish people: the formative story around which we orient our collective life is about our harrowing sojourn in Egypt and our eventual miraculous redemption by God. We should not oppress the stranger because we as a people remember what oppression can mean. But I would argue that we should also individually personalize the Torah's demand that we remember. Each of us is obligated, in the course of our lives, to remember times when we have been exploited or abused by those who had power over us. (Such experiences are blessedly rare for some people. Tragically, they are part of the daily bread of others.) From these experiences, the Torah tells us, we are to learn compassion and kindness.

It may be tempting to imagine a Manichean world in which the "good guys" learn compassion from experiences of vulnerability and suffering, while the "bad guys" learn only hostility and xenophobia. But it is far more honest, I

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<sup>1</sup> Exodus 23:9; cf. 22:20.

think, to wrestle with the ways that each of us often has both responses at the same time: part of us responds to the experience of suffering by wanting to make sure that no one else has to endure what we did, but another part of us feels entitled and above reproach: if you had been through what I've been through, we can hear ourselves saying, you would understand that I don't owe anybody anything. As contemporary writer Leon Wieseltier once remarked of the Jewish people, "The Holocaust enlarged our Jewish hearts, and it shrunk them." The Torah challenges us to nurture and cultivate the compassionate response and to make sure that the raging, combative one never becomes an animating principle of our lives.

Where Exodus commands us not to oppress the stranger and ties that obligation to the ways memory can be harnessed to yield empathy, Leviticus goes further, moving from a negative commandment (*lo ta'aseh*) to a positive one (*aseh*): "When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I the Lord am your God."<sup>2</sup> With these startling words, we have traveled a long distance; we are mandated to actively love the stranger. A lot can be (and has been) said about what the commandment to love the neighbor<sup>3</sup> does and doesn't mean in Leviticus, but one thing is clear: the love we owe to our neighbor we also owe to the stranger who resides among us. In the Gospel of Luke, Jesus is famously asked about the reach of the obligation to love your neighbor as yourself: "Who is my neighbor?"<sup>4</sup> Leviticus anticipates the question and offers a stunning response: the stranger is your neighbor, and what you owe to your own kin you owe to her as well. The Torah forcefully makes clear that the poor and downtrodden, the vulnerable and oppressed, the exposed and powerless are all our neighbors. We are called to love even those who are not our kin, even those who do not share our socio-economic status, because, after all, we remember only too well what vulnerability feels like.

Deuteronomy subtly introduces still another dimension to our obligation to love the stranger. Along the way, it offers a remarkably moving lesson in theology:

For the Lord your God is God supreme and Lord supreme, the great, the mighty, and the awesome God, who shows no favor and takes no bribe, but upholds the cause of the fatherless and the widow, and loves the stranger, providing him with food and clothing. You too must love the stranger, for you were strangers in the land of Egypt.<sup>5</sup>

The text begins by praising God as "great, mighty, and awesome. Of what does God's greatness, mightiness, and awesomeness consist? According to these verses, not of God's having created the world, and not of God's having demonstrated God's ability to smite God's enemies. No, God's grandeur is rooted in God's fairness ("who shows no favor and takes no bribe") and in God's championing the oppressed and the downtrodden. This is reminiscent of a verse from Psalms that we recite every Shabbat and holiday morning. The verse begins, "All my bones shall say, 'Lord, who is like You?'" What is the source of God's incomparable greatness? Again, it is not raw power or might, but rather mercy and care for the vulnerable. "You save the poor from one stronger than he, the poor and needy from his despoiler."<sup>6</sup> The God Jews worship, in other words, is a God who cares for the distressed and persecuted.

All of this helps us to understand Deuteronomy's presentation of our obligation to love the stranger. Here, loving the stranger is a form of "walking in God's ways," or what philosophers call *imitatio dei* (the imitation of God). Just as God "loves the stranger," so also must we.<sup>7</sup> The Torah here presents a radical challenge and obligation: If you want to love God, love those whom God loves. Love the fatherless, the widow, the orphan, and the stranger. In other words, Deuteronomy gives us two distinct but intertwined reasons for what lies at the heart of Jewish ethics: we must love the stranger both because of who God is and because of what we ourselves have been through.

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<sup>2</sup> Leviticus 19:33-34.

<sup>3</sup> Leviticus 19:18.

<sup>4</sup> Luke 10:29.

<sup>5</sup> Deuteronomy 10:17-19.

<sup>6</sup> Psalm 35:10.

<sup>7</sup> Deuteronomy 10:18-19.



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Exodus teaches us the baseline requirement: not to oppress the stranger. Leviticus magnifies the demand: not only must we not oppress the stranger, we must actively love her. And Deuteronomy raises the stakes even higher: loving the stranger is a crucial form of “walking in God’s ways.”

Literature scholar Elaine Scarry hauntingly asserts that “the human capacity to injure other people is very great precisely because our capacity to imagine other people is very small.” By reminding us again and again of our vulnerability in Egypt, the Torah works to help us learn to imagine others more so that we allow ourselves to hurt them less.

The obligation to love and care for the stranger and the dispossessed is a basic covenantal requirement incumbent upon us as Jews. We surely have moral obligations which are incumbent upon us because of the simple fact that we are human beings. In its recurrent appeals to memory, the Torah seeks to amplify and intensify those obligations, to remind us, even when it is difficult to hear, that the fate of the stranger is our responsibility. This mandate may seem overwhelming at times, and its concrete implications may sometimes be difficult to discern. But loving the stranger is fundamental and lies at the heart of Torah. If we wish to take the obligation to serve God seriously, and to be worthy heirs of the Jewish tradition, we have no choice but to wrestle with these words, and to seek to grow in empathy and compassion.



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