

February 4, 2018 - Ex. 22:24 – 23:19 - Justice and the Poor
Torah Reading: Exodus 22:24 – 23:19 - Justice and the Poor
Psalm 58
Haftarah: Isaiah 48:10-18 + 49:3

Exodus 22:26 - "If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury."

"usury" = *neshek* - from a root that means to bite or strike with a sting as a serpent, thus to oppress with interest on a loan.

See **Genesis 49:17** - "Dan shall be a serpent by the way, an adder in the path, that biteth (*nashak*) the horse heels, so that his rider shall fall backward."

Compare **Leviticus 25:35–37** - "And if thy brother be waxen poor, and fallen in decay (shaken, overthrown) with thee; then thou shalt relieve him: yea, though he be a stranger, or a sojourner; that he may live with thee. Take thou no usury of him, or increase: but fear thy God; that thy brother may live with thee. Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase."

and **Deuteronomy 23:20** - "Unto a stranger thou mayest lend upon usury; but unto thy brother thou shalt not lend upon usury: that the LORD thy God may bless thee in all that thou settest thine hand to in the land whither thou goest to possess it."

Evidently the concept of secured loans existed, as the Torah expressly prohibits using a cloak or a millstone as the security, as this would put the debtor in jeopardy of his life.

Exodus 22:26-27 - "If thou at all take thy neighbor's raiment to pledge, thou shalt deliver it unto him by that the sun goeth down: For that is his covering only, it is his raiment for his skin: wherein shall he sleep? and it shall come to pass, when he crieth unto me, that I will hear; for I am gracious."

But among fellow Jews, loans on interest were forbidden. In fact, not only the lender was liable, but the debtor, the scribe who drew up the contract and any witnesses to it were culpable.

See **Ezekiel 18:5,8** - "A righteous man who doeth judgment and righteousness, giveth not into usury, and taketh not interest."

Spiritually, leaving the moment to rely on expectations of the future in any way leaves us indebted to the future and should be considered usury.

Civil Discourse and Civil Obedience

Exodus 22:28 - "Thou shalt not revile the gods, nor curse the ruler of thy people."

"the gods" = *'elohiym* - God

Targum of Jonathan interprets *'elohiym* as "judges," but this usually requires the article before, as in "the *'elohiym*."

Quoted by Paul:

Acts 23:4-5 - But those standing nearby said, "How dare you insult the high priest of God!" "Brothers, Paul replied, "I was not aware that he was the high priest, for it is written: 'Do not speak evil about the ruler of your people.'"

See **Romans 13:1** - "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God."

1 Timothy 2:2 - "First of all, then, I urge that petitions, prayers, intercessions, and thanksgiving be offered on behalf of all men for kings and all those in authority, so that we may lead tranquil and quiet lives in all godliness and dignity."

First Fruit Offering

Exodus 22:29 - "Thou shalt not delay to offer the first of thy ripe fruits, and of thy liquors: the firstborn of thy sons shalt thou give unto me."

Even before the offering is laid out in the Torah, it has been already talked mentioned:

See **Exodus 13:1** - "And the Lord spake unto Moses, saying, 2 Sanctify unto me all the firstborn, whatsoever openeth the womb among the children of Israel, both of man and of beast: it is mine."

and **Exodus 13:11-13** - "...thou shalt set apart unto the Lord all that openeth the matrix, and every firstling that cometh of a beast which thou hast; the males shall be the Lord's. And every firstling of an ass thou shalt redeem with a lamb; and if thou wilt not redeem it, then thou shalt break his neck: and all the firstborn of man among thy children shalt thou redeem."

Exodus 22:30 - "Likewise shalt thou do with thine oxen, and with thy sheep: seven days it shall be with his dam; on the eighth day thou shalt give it me."

Probably for the comfort of the mother, who would need to nurse her young. Any time after 7 days, it could be brought and redeemed for five shekels.

"How long are Israelites bound for the bringing of the firstborn, i.e. before they offer it to the priest? in small cattle thirty days, in large cattle fifty days." (Mishnah Becorot, c. 4. sect. 1.)

Exodus 22:31 - "And ye shall be holy men unto me: neither shall ye eat any flesh that is

torn of beasts in the field; ye shall cast it to the dogs."

Expanded in **Deuteronomy 14:21** - "thou shalt give it unto the stranger that is in thy gates, that he may eat it; or thou mayest sell it unto an alien."

Because of this connection, Gentiles were later referred to as "dogs."

See Jesus' word to the woman of Canaan in **Matthew 15:22-28** - "But he answered and said, It is not meet to take the children's bread, and to cast it to dogs. And she said, Truth, Lord: yet the dogs eat of the crumbs which fall from their masters' table." Because of her faith, Jesus healed her daughter.

This seems to complement and/or override a Talmud saying:

Why does the Torah say "to the dogs"? Because the Holy One, blessed is He, does not withhold the reward of any creature, as it is said: "But to all the children of Israel, not one dog will whet its tongue" (Exod. 11:7). Said the Holy One, blessed is He, "Give it its reward." -[From Mechilta]

Fake News

Exodus 23:1 - "Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness."

The Jewish translation is "You shall not accept a false report."

Rashi - for a judge [it dictates] that he should not hear the plea of one litigant until his opponent arrives (Mechilta, Sanh. 7b).

Apparently God values always considering both sides of a story.

Justice

The previous verse is wedded to the next verse - one leads to the other:

Exodus 23:2 - "Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline after many to wrest judgment: Neither shalt thou countenance a poor man in his cause."

Rashi - "You shall not follow the majority for evil": If you see wicked people perverting justice, do not say, "Since they are many, I will follow them."

Also - You shall not bestow honor upon [the destitute man] by deciding in his favor in his lawsuit, saying, "He is a poor man; I will decide in his favor and honor him."

"many" = *rabbim* - can also mean "great men," men of influence or honor or fame.

We must not “pervert judgment” either in favor of the rich or of the poor. Justice alone should determine the outcome.

See **Leviticus 19:15** - "Thou shalt not respect the person of the poor."

Targum of Jonathan - "the poor that is guilty in his judgment or cause, his face (or person) thou shalt not accept to have pity on him, for no person is to be accepted in judgment."

The New Testament restatement is not to "respect persons."

James 2 talks about this in terms weighted towards the poor, but then restates the Exodus decree, referring to the "legal judgments" we make in our minds about people:

James 2:8-9 - "If ye fulfill the royal law according to the scripture, Thou shalt love thy neighbor as thyself, ye do well: But if ye have respect to persons, ye commit sin, and are convinced of the law as transgressors."

A judge must not take advantage of a person's poverty to misrepresent his cause, or to refuse to give him an impartial hearing.

Exodus 23:6 - "You shall not wrest the judgment of thy poor in his cause."

"thy poor" - to emphasize that they are part of the community.

Compare **Deuteronomy 1:17, Deuteronomy 16:19**

and **Leviticus 19:15** - "Ye shall do no unrighteousness in judgment: thou shalt not respect the person of the poor, nor honor the person of the mighty: but in righteousness shalt thou judge thy neighbor."

Exodus 23:7 - "Keep you far from a false matter; and the innocent and righteous slay you not: for I will not justify the wicked."

"Be cautious of inflicting capital punishment on one whose guilt was not clearly proved. A doubtful case was rather to be left to God Himself, who would 'not justify the wicked,' nor suffer him to go unpunished though he might be acquitted by an earthly tribunal."
- *Barnes' Notes*

Exodus 23:9 - "Also thou shalt not oppress a stranger: for ye know the heart of a stranger, seeing ye were strangers in the land of Egypt."

"oppress" = *lachsats* - afflict, crush, force, hold fast, oppress

Though foreigners/aliens might not inherit lands among Israel; yet, they must have justice done for them.

Sabbatical Year

Exodus 23:10-11 - "And six years thou shalt sow thy land, and shalt gather in the fruits thereof: But the seventh year thou shalt let it rest and lie still; that the poor of thy people may eat: and what they leave, the beasts of the field shall eat. In like manner thou shalt deal with thy vineyard, and with thy oliveyard."

Sabbath Day

Exodus 23:12 - "Six days thou shalt do thy work, and on the seventh day thou shalt rest: that thine ox and thine ass may rest, and the son of thy handmaid, and the stranger, may be refreshed."

Exodus 23:19 - "The first of the firstfruits of thy land thou shalt bring into the house of the LORD thy God. Thou shalt not seethe a kid in his mother's milk."

"Thou shalt not seethe a kid in his mother's milk."

Miamonides "Guide of the Perplexed" (111:48) and other commentators suggest this may have been a pagan practice for fertility commonly associated with any first fruit offerings.

Another view:

Joseph ben Isaac Bekhor Shor of Orleans (12th century) - According to the plain meaning, the term "bishul" here means grow or complete, similar to its use [in the verse (Gen. 40:10)]: "its clusters ripened (הבשילו) into grapes." This is what the verse is saying: do not allow [the kid] to grow up and be weaned from its mothers milk. [In other words, do not] wait until [the kid]'s mother grows it with her milk, rather bring it at the beginning. This fits with the context of the first part of the verse, "the choice first fruits of your soil [you shall bring]."

Nevertheless, this is the foundation for the Jewish Kosher custom of dividing meat and milk products, not eating or storing them together, keeping separate dishes and utensils, etc.

The prohibition is repeated in **Exodus 34:26** and **Deuteronomy 14:21**.

One interpretation was that the word for boil can be interpreted as "found" - meaning that if a sacrifice (for the First Fruit Offering) was discovered to be pregnant, it was not accepted.

Others saw it as a gesture of compassion.

Philo: "And having also given a command that no one shall sacrifice the mother and the offspring on the same day, he goes further, and is quite prodigal on the particularity of his injunctions, adding this also, "Thou shalt not seethe a lamb in his mother's milk." For

he looked upon it as a very terrible thing for the nourishment of the living to be the seasoning and sauce of the dead animal..."

Clement of Alexandria agreed, saying it "teaches the need for compassion."

Ibn Ezra: We have no need to seek the reason that it is prohibited, for this is hidden even from those of understanding. But perhaps God commanded us not to do it because it demonstrates a certain cruelty. The commandments "no animal from the herd or from the flock shall be slaughtered on the same day with its young" (Lev 22:28) and "do not take the mother together with her young" (Deut 22:6) are similar."

Possibly, the current kosher laws about separation of meat and milk developed after the destruction of the Temple, as a way to mark a distinction between the emerging Christians and the synagogue, "by making social interaction with non-Jews via table fellowship a near impossibility."

- *'You Shall Not Boil a Kid in its Mother's Milk' The Interpretive History of a Curious Commandment*, Tim Hegg, Torah Resource Institute