



DVAR TZEDEK

Parshat Mishpatim 5771

By Dani Passow

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After describing a series of laws dealing with property, damages, injury and other torts, our *parsha* concludes the section with a final warning: "Do not oppress the stranger; you know the feelings of a stranger, for you were strangers in the land of Egypt."¹ Explaining the seemingly odd placement of this verse, Rabbi Shimshon Refael Hirsch, a 19th-century German rabbi, writes:

Twenty-four times, whenever, and in every case, where the Torah lays down the law concerning rights of persons and things, the "stranger in the land" is placed under the special protection of the law. The degree of justice in a land is measured, not so much by the rights accorded to the native-born inhabitants, to the rich, or people who have, at any rate, representatives or connections that look after their interests, but by what justice is meted out to the completely unprotected "stranger." The absolute equality in the eyes of the law between the native and the foreigner forms the very basic foundation of Jewish jurisdiction.²

According to Hirsch, the quality of a society's laws is judged not by how they serve the rich or privileged, but by how well they protect its most vulnerable residents. Hirsch's message leads us to view all the laws of *Parshat Mishpatim* in light of the admonition not to oppress the stranger. Through this lens, each law is only as valuable to the society as it is to its weakest members.

The Torah, recognizing this need to universally apply the robust laws mentioned in *Parshat Mishpatim*, makes added mention of the broad requirement not to oppress the stranger because foreigners often face unique hardships. They are disadvantaged actively through xenophobia and unequal treatment under the law, and passively, by virtue of being unfamiliar with the language, culture and legal structures of a new society. Our national experience as oppressed strangers in Egypt compels us to be vigilant in making sure contemporary strangers do not become victims of the same maltreatment.

Yet most countries, including our own, fail to prioritize foreigners and immigrants. One example is the treatment of ethnic minorities from Burma who flee military dictatorship and economic hardship to work in Thailand. These migrant workers (like those in many countries) live in constant fear of arrest and deportation, work in difficult and often dangerous jobs and are frequently paid below minimum wage.

There are legal strictures aimed at protecting foreign workers in Thailand, but these laws don't always translate into practice. For example, the Labor Protection Act of 1998 assures workers in Thailand the right to minimum wage and overtime pay regardless of their legal status. However, many migrant workers in Thailand are either unaware of their rights, cannot afford counsel or face reprisal if they attempt to pursue justice in courts.³

¹ Shemot 23:9

² Commentary on Shemot 1:14

³ http://www.mapfoundationcm.org/map_2010/

Weak or unenforced laws are often just as useless as having no laws at all. In his book, *Human Rights and Development*, human rights expert Peter Uvin writes:

It is worth nothing to have laws and policies – even if these laws and policies conform to human rights standards – if they are not implemented, if certain groups are excluded from them, if the relevant facts are not known to most people, if channels of redress do not function, if laws are systematically circumvented, or if money, guns, and political influence always tend to get the better of them.⁴

In other words, just as Hirsch asserts, without equality for all in the eyes of the law and equal enforcement of those laws, a nation has no justice.

Grassroots organizations all over the world work to increase the rule of law in order to protect the rights of the stranger and the marginalized. One such organization that works in Thailand with migrant workers from Burma is Migrant Assistance Program (MAP).⁵ An AJWS grantee, MAP provides free legal counsel, and safe housing when necessary, to employees whose rights have been violated. MAP also initiated The Labor Rights for All Program, which spreads public awareness about the lack of rights for domestic workers, who are not currently included in what labor protections do exist, and lobbies the government to change Thai law to protect these workers.

The foundational experience of the Jewish people was our enslavement in Egypt and the subsequent freedom from that bondage. The Torah, having been given immediately following the Exodus, can be viewed as the blueprint for an anti-Egypt—a declaration that, having suffered the hardships of the stranger, we will not stand by as others suffer similarly. The Torah’s defining characteristic is not in the breadth of its laws, but in the scope of people to whom those laws apply, demanding radical equality under the law. Both domestically and globally, this value has not been realized. Though Rabbi Hirsch’s comments speak only about strangers within our society—recognizing the tragic history of being abandoned by others during our suffering, we must stand up for the rights of strangers throughout the world. In this way, our support of MAP and organizations like it is an act that fulfills our primary role as a nation.



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⁴ Uvin, Peter. *Human Rights and Development*, 2004. p 155

⁵ http://www.mapfoundationcm.org/map_2010/

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