"The Soul of the Stranger"
Mishpatim 2011
Beth Shalom Cambridge
Professor Marc Saperstein

To use the title of Simon Shama's wonderful book on 17th-century Amsterdam, this *parashah* contains an "embarrassment of riches" for a preacher. As we have seen, most of it is of a legal character, the first *parashah* to be devoted almost entirely to fundamental principles of Jewish law, on which hundreds of pages of the Talmud are based: laws of damages, bailment, theft, money-lending, assault and battery, the court system and judicial procedure.

Now to be sure, there are passages in this largely legal *parashah* that seem totally alien to our own value system: "You shall not allow a sorceress to live. Whoever lies with a beast shall be put to death. Whoever sacrifices to a god other than the Lord alone shall be proscribed" (Exod. 22:17–19). Such verses reflect an environment, a society and a religious world-view that are very different from ours; they sustain our belief that progress can indeed be made and must be integrated into our religious life.

But I will focus on the very familiar verse that immediately follows these three. I consider to be one of the most important verses in the Torah:
וגר לא תונה ולא תלחצנו כי גרים הייתם בארץ מצרים
"You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" (Exod. 22:20).

Now like the previous three verses, this is technically apodictic law, presented in the form of a commandment ("You shall . . .", "You shall not"), not case law as appears in the entire *parashah* up until the verses I just quoted (Exod. 21: 1–22:16). It is extremely unusual for the Torah to provide an explanation for a commandment, and that is what we have here. The reason why we must not oppress a stranger is an appeal to the past, to history: we were strangers in the land of Egypt.

A logical explanation? Not entirely. Cynthia Ozick, an American Jewish novelist, once pointed out that in ancient Greece, when they were looking for task-masters to place in charge of a group of slaves, they would take someone who had been a slave himself, because he would remember the kind of sanction that was most painful to him and therefore be able to inflict it most effectively on the slaves he was now responsible for.

The experience of suffering in the past does not automatically, necessarily produce an unwillingness to make others suffer. Indeed to the contrary. We all know the mentality—fortunately not very common—"I was born into poverty and hunger and pulled myself up to success, and I know that my experience strengthened me, so let those who are poor and hungry today do the same thing." We can imagine a different commandment: "You shall not allow yourself to be enslaved, for you were slaves in the Land of Egypt." So

what is the connection between having been strangers or aliens in the past—or more accurately, the historic memory of our ancestors having been aliens in the past—and a benign policy toward the stranger, the alien in the present?

The connecting link is suggested a few verses further in our *parashah*, where almost the same verse is repeated with the addition of 5 words:
"You shall not oppress a stranger, ואתם ידעתם את נפש הגר, for you know the feelings (literally 'the soul') of the stranger, for you were strangers in the land of Egypt" (Exod. 23:9).

According to this verse, the historic memory of having been outsiders, aliens, enables you to understand what it is like to be an alien, and that requires that when you see aliens today, you must imagine that you are in their place, and treat them accordingly, the way you would want to be treated yourself.

This act of imagination is what we call empathy. It is a buzz word in contemporary discourse. But we should appreciate that it is not at all self-evident. The philosopher David Hume wrote in his *Treatise on Human Nature* that "No quality of human nature is more *remarkable*, both in itself and in its consequences, than that propensity we have to sympathise with others." Indeed, this verse, and the ideas and feelings that it evokes, may well represent a monumental innovation in human thinking. There seems to be no evidence of this kind of attitude previously in the ancient world – not in the literature of the Babylonians or the Egyptians or the Greeks.

For the ancient Greeks, the world was divided into categories: you were Greek or you were barbarian, you were free or you were slave. No act of the imagination led to identification with the Other across these boundary lines. It was the innovation of the Torah that all human beings share a common essence, expressed in that enigmatic phrase "*tselem Elohim*", and that we can imagine, understand, have compassion for the feelings of others. And so this quality of empathy with someone apparently quite different is repeated frequently in the Torah, and it appears also in the rabbinic literature, as in the statement:

אל תדין את חברך עד שתגיע למקומו,
"Do not judge your associate until you stand in his place (Mishnah *Avot* 2:5).

Some neuroscientists have recently argued that this capacity for empathy is inherent in human nature and even within the higher animal kingdom. They talk about "mirror neurons" discovered in the brains of macaque monkeys, that are activated not only when the monkey grasps for food, but also when it sees the experimenter grasping for food. But "mirroring" behaviour is different from empathy. Setting the scientific evidence aside, our knowledge of human behaviour in history and our own experience certainly does not suggest that empathy is hard-wired or encoded in our brain cells. Seeing a

person who is horribly disfigured, or living in squalor, is as likely to trigger feelings of disgust in the observer as feelings of compassion.

Gladiatorial combat, jousting tournaments, public executions, bull-fights, boxing matches, lynchings in the American South, round-ups of Jews in East European communities for ghettoization or deportation—all of these events, intended to result in pain, suffering and death, seem to have been a source of entertainment and pleasure for large numbers of the populations of various countries and ages.

The Polish Christian asked to shelter Jews during the Nazi occupation had no naturally ingrained empathy for those Jews. They often had to overcome antisemitic stereotypes through a leap of empathetic imagination in order to decide to provide secret shelter at considerable risk to themselves and their families. The majority of Christians under those circumstances understandably declined to provide such shelter, but a substantial number agreed, and many survivors owe their lives to that decision.

That empathy toward the Other cannot be taken for granted is all too clear from the media news almost every day:

- The devastating attacks against minority Christian communities in Iraq and in Egypt;
- The forced expulsion of Roma populations from France;
- The persecution of gay citizens in Uganda;
- The blatantly prejudiced anti-Islamic discourse that has become increasingly wide-spread in the United States and here in the UK;
- The antagonism toward immigrants, resident aliens and refugees in these two countries even on the part of those who themselves come from immigrant families;
- The Orthodox rabbinic prohibitions in Israel against property owners renting space to Israeli Arabs – even an 87 year old Holocaust survivor in Nazareth renting a room to an Israeli Arab student.

"You must not oppress the stranger, *ki atem yedatem et nefesh ha-ger*, for you know *the soul of the stranger*." You are capable of imagining what it is like to be a stranger and acting accordingly. That is one of the great gifts of our Torah and our people to world consciousness. What a tragedy that the insight expressed in this mitzvah seems to be falling increasingly into abeyance in our time.