

The Biblical Roots of “No Food after Dinner”

Rachel Burstein '99 | BronfmanTorah | Mishpatim 2016

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As parents to a young child, my husband and I find ourselves transformed into law-givers, co-deciders in-chief, the authors of the rules of our household. It's an awkward and challenging position. As I read this week's Torah portion about the rules that God gives to the Israelites, I found myself reflecting on my own role as developer of our family's legal code.

This week's Torah portion, [Mishpatim \(Exodus 21:1-24:8\)](#) begins with a recitation of the rules that God gives Moses at Mt. Sinai:

“These are the laws that you must set before them” (Exodus 21:1)

וְאֵלֶּה, הַמִּשְׁפָּטִים, אֲשֶׁר תִּשִׂים, לִפְנֵיהֶם. (שמות כא:א)

We then get lists of what the Israelites should and should not do -- and how they should do it -- accompanied by the occasional rationale, and the punishments for certain infractions. The rules do not seem to appear in any discernible order. Punishments vary tremendously, with offenses resulting in a fine (e.g. restitution for a dead animal) mixed in with offenses punishable by death (e.g. striking one's father or mother). Some rules are stated without further explanation (e.g. not tolerating a sorceress), while others are given a clear justification (e.g. not wronging a stranger, for you were strangers in the land of Egypt).

Despite the clear instructions to-do and not-to-do, the order of the text is murky at best. What's the logical progression from rules about slavery to rules about Passover to rules about kashrut? Why include rules pertaining to property rights, social interactions, religious observance, and ethical behavior in the same Torah portion? Why treat the seemingly important alongside the seemingly mundane?

As a modern reader, it's hard to make sense of the mess. Do we pick and choose between the statutes? What are the modern analogues to the Biblical requirements? Everyone sees something different in this text. So, a [commentary on the Reform movement website](#) mounts a defense of abortion rights based on the parsha (citing a rule with differing punishments for inadvertently hurting a fetus, and inadvertently hurting a pregnant woman).

A [commentary on the Chabad website](#) identifies the roots of modern conceptions of social justice in seemingly archaic verses on the treatment of slaves.

Is this exercise of looking for contemporary relevance and a framework for our behavior today even worth it? As I read *Mishpatim*, I can't help being reminded of the nineteenth century American abolitionist debate about the Constitution. In setting out rules regarding slavery, did the document legitimize that institution? At its core, is it a proslavery document that we should ignore (or burn, as William Lloyd Garrison did)? Or is it possible to read the Constitution as an antislavery document that refuses to make all of the concessions that slaveholders asked of it? Is it possible to use that document and the political institutions and concepts that it establishes to fight against slavery?

I can't say that I have a dog in this fight of what we do with Biblical laws in the modern world. But the conversation fascinates me. The questions of when and how to observe rules, which ones are simply stated and which ones are rationalized, which transgressions are associated with clear punishments and which ones are left without enforcement mechanisms are ones that I try to sort out every day. My two-and-a-half year old daughter sees to that.

So the no-more-food-after-dinner rule has the but-you're-sick or but-we're-tired caveats. The no-hitting rule is always punishable with time-out. The rationale for the no-hitting rule is clearly stated, but the no-more-food-after-dinner rule is more amorphous, devolving into the circular, "because that's the rule." In our house, the rules evolve as we evolve, with no clear timeline or framework. Because at the end of the day, it's not a long-lasting legal code or ethics code that we're developing. Rather, it's a strategy for getting through the day without compromising our core principles too much.

I wonder if something similar is happening in this week's Torah portion. The jumble of different types of rules are ones that will let the Israelites get through the day – ranging from the "biggies" that appear without compromise (the equivalent to our no-hitting rule), to guidelines that make interactions between neighbors, friends, or family members that much easier (rather like our pleas to use "please" and "thank you"), to the clarifications of punishments aligned to different misdeeds (similar to the distinction between a time out-worthy offense or a case when a privilege is taken away).

There is something reassuring in this. The rhythm of rules in *Mishpatim* is the rhythm of my rules, too -- at times jumbled, erratic and imprecise. But I also wonder about the longevity of those rules. My rules bend and evolve as my daughter grows, as the day goes on, or as we anticipate a new child. So, too, the Israelites' situation will change. God's mood will shift. Our understandings of the world will evolve. There is a certain beauty in letting ourselves imagine new rules -- derived from the old rules -- that will respond to those changes.

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