

Parshat Mishpatim Voices in the Gates

Rabbi Alana Suskin - Advanced Kollel: Executive Ordination Track Class of 2020

In the Talmud (Bava Batra 7b) there's a disagreement about whether or not a group can compel individuals within it to build certain kinds of structures. The mishna says that a group of people who share a courtyard can collectively compel the individual members to build a gatehouse and a door to the courtyard. Rabban Shimon ben Gamliel dissents, asserting: not all courtyards need a gatehouse. The mishna returns to say that a city may compel its residents to build a wall, doors and a bar for the doors. Again, Rabban Shimon ben Gamliel dissents: not all towns require walls.

The Gemara challenges the assumption that building a gatehouse is a laudable action: what about the pious man with whom the prophet Elijah was accustomed to speak, who built a gatehouse, and afterward Elijah did not speak with him again?

Rashi explains that the reason that Elijah no longer spoke with him is because the gatehouse blocks off the poor who are crying out (*tzoakin*) and their voices are not heard. Rashi repeats this explanation twice, saying again that the door to the courtyard is locked and the poor person cries out and the gatehouse between them blocks the voice.

The pious man can't hear the voice of the poor; neither will he hear the voice of Elijah anymore.

My friend and teacher Rabbi Aryeh Cohen points out in his book, *Justice in the City*, that there is almost universal agreement with Rashi among the medieval commentators that the wrongdoing of that "pious man" was that his building a gatehouse blocked out the voices of the poor, and that this understanding, despite lacking any overt clue in the text, is being presented as obvious by Rashi in his use of the word *tzaakah* –outcry, the same word that the Torah uses in our parsha this week in regards to strangers, widows, and orphans (Shemot 22:20-22) "Do not immiserate or oppress a stranger, for you were strangers in the land of Egypt; do not afflict any widow or orphan. If you do afflict them, and they cry out (*tza'ok yitzak*) to Me, I will surely hear their cry (*tza'akato*)..."

Parshat mishpatim is constructed to emphasize the obligation to hear the voice of the oppressed. It begins with a slave who refuses his freedom being brought to the door and having his ear bored through with an awl; a gesture widely taken as symbolic: the slave is marked in the ear because he closes himself off to God's voice, setting a human instead as his master over himself. The parshah ends (24:7) with the entire nation of Israel affirming *naaseh v'nishmah*: we will do and we will hear. In between, the verb for hearing appears five times.

Hearing is more than listening – it is actually to allow a piece of someone else inside you, to remain there, in your head as part of you. When the widow or the orphan cries out and God hears, it is God against whom the offense has been dealt. When Israel accepts Torah with *naaseh v'nishmah*, we are promising to bring into ourselves that piece of God which speaks, and let it reside in us. And when we build the gatehouse, which blocks out the voice of the

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immigrant, or the poor, we are breaking our word, the promise to take God mitzvot into us, and hear.

In the gemara, Elijah represents God. When that “pious man” builds the gatehouse, the reason Elijah no longer speaks with him is a merging of the literal and spiritual metaphor – he can no longer be heard, because the gate keeps him out.

Those of us committed to Jewish life try to live in the four amot of halacha. We care deeply about trying to find the Way to God through discerning the obligations that God has set out for us. But unless we both do and hear, God cannot enter us. And the ones whom we must hear are the very people we often think we can – or even must – cut ourselves off from in order to live halachic lives.

We are living through an era in which so many of us are building gatehouses in our courtyards, and walls around our cities. This is literally true, as groups gather and isolate ourselves according to our assorted communal norms, and it is true metaphorically as we subject those unlike us in our orbits on an individual scale to gatekeeping; shunning; constant, cutting little comments; questioning – and on a macro-scale, when we allow our governments to implement policies against immigrants and refugees.

In the mishna, Rabban Shimon ben Gamliel warns: not every courtyard needs a gatehouse; not every city needs walls. That is each of us: we are the courtyard that needs no gatehouse; we are the city that needs no walls. In building these literal or metaphorical walls, in failing to hear, we are breaking the brit. In parshat mishpatim, we are reminded that we must hear the voices of those clamoring to enter, even if when they enter they are strange to us. To bring God inside, we must be open to allowing the strange to reside within and to hear each and every voice.

Elijah is trying to speak to us – we can’t hear him because of the gatehouses we have erected. God and the poor are trying to tell us something - we need to take our gatehouses down so we can hear it.



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