

## **Mishpatim/Shekalim 5781** **Equality and Equity**

This Shabbat is known as Shabbat Shekalim - the Shabbat of the Shekels. It's a sign that it will be Purim in two weeks' time, and it gives us a special Torah reading and a special haftarah.

In the haftarah, we read about how King Yehoash - one of the few rulers praised in the Books of Kings - sets up a fund to maintain the Temple that the priests have allowed to fall into disrepair. All monies have to be put in a chest by the altar and spent for the building's upkeep. And in the Torah, we read how a flat tax of half a shekel was levied on the community to pay for the work of the Mishkan, the sanctuary. The Torah is very specific about this tax: the rich do not pay more, the poor do not pay less.

(Even today our members pay a flat rate to keep our own building in good condition, the BEMA fund contribution!)

As we move past the thunder and the lightening and the first ten mitzvot of the Torah, we encounter the first *sefer mishpatim* in the Torah - a collection of rules and laws that will form the basis of a new society, a new morality. And we see that theme of equality and even-handedness again in a number of places:

*When a man lets his livestock loose to graze in another's land...he must make restitution.*

*When a fire is started and spreads...the one who started the fire must make restitution.*

*You shall not subvert the rights of the needy in their disputes...*

*Do not take bribes...<sup>1</sup>*

And perhaps the most familiar version:

*But if damage ensues, the penalty shall be life for life, eye for eye, tooth for tooth, hand for hand, burn for burn, foot for foot, bruise for bruise.<sup>2</sup>*

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<sup>1</sup> Shemot 22:4, 22:5, 23:6, 23:8

<sup>2</sup> Shemot 21:23

So the Torah seems to be clear: just like the flat tax of half a shekel, this is a society that is going to be founded on equality. It's not one law for one section of society and another for another - same rules, same breaches, same consequences, regardless of who a person is and where they fit.

Except that's not exactly true.

I listened this week to an interview with the author Mary-Frances Winters. She is the founder and president of The Winters Group Inc, a diversity and inclusion consulting firm. She pointed out that equality and equity aren't the same thing.<sup>3</sup>

The example she gave is one that we might have seen on the internet. Three children - one tall, one middle-sized and one short - are standing behind a wall. Beyond the wall is a football game the children want to see. So their teacher treats them equally by giving them each a box of the same height to stand on. The tall child, who could already see over the wall, gets taller. The middle child, who couldn't, can now watch the game. The smallest child is still looking at the wall.

Winters points out that applying equality to the situation won't help all the children. What's needed here is equity - the tall child doesn't need a box, the middle child should have one and the smaller child, two. And then they will all get to watch the game.

And if we look back at the parashah with equity in mind, we very quickly see it at work in the rules for the society that's being created. Here are just a few examples:

*You shall not ill-treat any widow or orphan...*

*If you lend money...to the poor among you...exact no interest from them*

*If you take your neighbor's garment in pledge you must return it to him before the sun sets...*

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<sup>3</sup> If you want to read in more depth about the subjects I cover in this sermon, I recommend her recently published book *Black Fatigue*.

*Six years shall you sow your land...but in the seventh you shall let it rest..let the needy among your people eat of it<sup>4</sup>*

We come back again to the title of the parashah, *mishpatim*. How should we translate it? My colleague Lindsey Taylor Guthartz - headed to be England's first Orthodox woman rabbi - wrote this week:

Midrash Tanchuma links the parasha's opening verse 'These are the rules that you shall set before them' (Shemot 21: 1) to Psalm 99: 4: 'O mighty king who loves justice [mishpat], it was You who established equity, You who worked righteous judgement in Jacob'. The midrash concludes that 'All the might, praise, greatness, and power of the Ruler of all rulers is the love of justice.'

Built into the new system from its very origin is the idea that equality is desirable but there are times that it will not be enough to achieve justice. There also has to be equity - special rules that protect the vulnerable, preserve their dignity, uplift them, and help ensure they are not pushed to the fringes of society. And if these rules are broken, the Torah teaches, the Holy One will step in personally - as it were - to right the wrong that has been committed. *I am gracious*, the Holy One teaches. *I am compassionate*.

Graciousness, compassion and equity are not optional add-ons to justice: they occupy its heart. And by extension, they should occupy our hearts too.

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<sup>4</sup> Shemot 22:21, 22:24, 22:25, 23:10-11