

A Few Thoughts on Parashah Mishpatim (Exodus 21:1 - 24:18; Jeremiah 34:8-22 & 33:25-26) February 21, 2025

This week the Israelites are beginning a new chapter in their lives. Slavery is behind them, and their next step is to establish laws that uphold the ethical principles outlined in the “Ten Statements” that Moses has just brought down from the mountain. They have only experienced autocracy, with its fuzzy boundaries between humans and gods and its rigid societal structures. Now, they face the enormous task of creating laws derived from the unique concept of legal impartiality based on the equally unique concept of HaShem. It is noteworthy that the first word of our parashah begins with “and.” Rashi points out that a section beginning with אֵלֶּה (eyleh – these), is disconnected from the previous section, i.e., a new topic is begun. But when it begins with וְאֵלֶּה (v’eyleh – and these), it adds to what has previously been said. In other words, we are beginning the work of interpreting and enacting the Ten Statements, a work that continues to this day. Like the civil laws of every democratic society, Torah law is not set in stone; it is continually reviewed and amended in order to maintain its relevance no matter when or where we live. Indeed, we call our laws *halachah*, a word derived from the Hebrew root הלך – to go/walk/proceed. Furthermore, contrary to popular belief, the word *Torah* does not mean law; it derives from the root תור *tur* – to point out/show/direct/teach. But why does it begin with laws concerning slaves? Didn’t the Israelites just leave slavery behind? What about the very first of those Ten Statements: “I am the Lord, your God, who delivered you from the Land of Egypt, the house of slavery.” (20:2)? Our sages, who also grappled with these troubling verses, pointed out that we were freed from being slaves to Pharaoh in order to become servants of HaShem, i.e., we are no longer subservient to the whims of human beings; instead, we are to observe the life-affirming rules HaShem outlined for us on Sinai. Unfortunately, we humans have always engaged in exploitation, and slavery is one of its many manifestations. In its most egregious form, slavery is the unconditional ownership of human beings by other human beings, with owners having unlimited power over their completely disenfranchised “possessions.” HaShem’s delivery of the Israelites from the pain and indignity of this form of slavery did not make other, milder forms disappear. There were still people in dire financial circumstances, as well as convicted thieves who needed to repay what they had stolen. In that world, and far into the modern era, their only recourse was to indenture themselves to their creditors until their debts were paid off. Beginning with rules for the treatment of these individuals is an eloquent reminder that we should never inflict upon others the pain and indignity we endured as slaves to Pharaoh. “If you buy a Hebrew bondman – in Hebrew עֶבֶד עִבְרִי – *eved ivri* ...” (21:2) Rashi acknowledges the ambiguity of these words, which can mean a bondman who is a Hebrew, or a Canaanite bondman whom you bought from an Israelite. Whoever this person is, he or she must be treated with respect. Last week the Fourth Commandment ensured universal Shabbat rest. (20:10) And now, the Torah restricts the time of servitude: “... he must serve for six years, and in the seventh year he must go free.” (21:2) This is a monumental innovation! Bondswomen (daughters sold by fathers who are in financial straits) may be married to their owner or his son, or may be given their freedom. In all three options, their rights are contractually guaranteed (21:7-11). Slaves must also be compensated for the loss of an eye, tooth, or limb, and “If a man strikes his bondman or bondwoman with a rod, and he or she dies, he or she must be avenged.” (21:20) According to Rashi, this means that someone who kills a slave with any implement capable of killing a person, must be executed by sword. “But if the [slave] survives for one full day, he must not be avenged.” (21:21) In a long series of discussions on ethical rules for holding slaves, Talmud Tractate Kiddushin 22 emphasizes that these people must be treated as equals: “... in food and in drink. There shall not be a situation where you eat fine bread and he eats inferior bread; when you drink aged wine and he drinks new [inferior] wine; you sleep on soft sheets and he sleeps on straw. From here the sages stated that anyone who acquires a Hebrew slave is like one who acquires a master for himself.” Other pages of the same tractate discuss severance pay for freed slaves (based on Deuteronomy 15:13-14), and also debate when people who have been ill for part of their six-year tenure may be freed: “If he was sick for three years and served for three, he is not obligated to complete the full six years of labor. But if he was sick for all six years, he is obligated to complete them. [The former] refers to a case where he is unable to perform strenuous labor, but can execute minor tasks, such as needlework. ... If he was ill for four years, he becomes as one who was sick for all six years, and he must complete the six years of labor.” The tractate also teaches that children born to enslaved parents must be provided for, since they are not able to work. Slavery has existed all over the world, well into modern times. In the USA, Britain, and Russia, slaves were not freed until the 19th century. People professing “biblical values” – alas, even some Jews – engaged for centuries in the African slave trade, often citing the story of Noah’s son Ham as justification (Genesis 9:22-25). Remnants of slavery persist today, even in our so-called “civilized” world with its human traffickers and unscrupulous employers. By beginning with laws concerning slaves, our Torah teaches us that every human life is precious. Most of us work for a living, some in highly skilled professions, others in menial jobs. All provide services we cannot do for ourselves. As *avadim Adonai* – servants of HaShem – we are obligated to treat all those who serve us in whatever capacity with deference and gratitude.

Shabbat shalom!