



*“Words from the Heart
Enter the Heart”*

SHEMOT > Mishpatim

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Mishpatim

Is Slavery Kosher?



Meaningful Sermons “Words from the Heart Enter the Heart”

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ABSTRACT

The Super Bowl is this Sunday. The Oscars are next Sunday. Both of these have generated much conversation about race. A new movie about the African-American track star, Jesse Owens, and his victory in the 1936 Olympics hosted by Nazi Germany is very aptly titled: Race.

Race automatically conjures up images of slavery. And coincidentally or not, this week’s Torah reading, *Parshat Mishpatim*, begins with laws of slavery.

How is it that the Torah, a book of divine light, which emphasizes human dignity and human freedom, also sets forth the laws of slavery? And how is it that the Torah does this right after a detailed description of the redemption of Jewish slaves from Egyptian bondage?

Perhaps the Torah sets forth the laws of slavery to teach us what it truly means to be free.

The mystics derive a profound and revolutionary understanding of slavery from the grammar used by the Torah in this discussion, and from a seeming redundancy therein:

Freedom, they teach, must come freely.

IS SLAVERY KOSHER?

1. Prisoners of War (Joke)

The President of Iran was sitting in his office when his telephone rang.

“Hallo! Mr. President,” a heavily accented voice said. “This is Moshe from Israel. I am ringing to inform you that our morning minyan is officially declaring war on you!”

“Well, Moshe,” the President replied with a smirk, “This is indeed important news! Tell me, how big is your army?”

“At this moment in time,” said Moshe after a moment’s calculation, “there is myself, my cousin Shlomy, my next door neighbor Yossi, and the entire 6 a.m. minyan – that makes 18!”

The President laughed – it was such a pleasure to play with a crazy Jew – and went on to say, “I must tell you Moshe that I have 1 million men in my army waiting to move on my command.”

“Oy vay!” said Moshe, “I’ll have to ring you back!”

Sure enough, the next day Moshe rang back. “All right, Mr. President, the war is still on! We have managed to acquire some equipment!”

“And what equipment would that be, Moshe?” the President asked.

“Well, we have 2 combine harvesters, a bulldozer and Yankel’s tractor from the farm.”

Once more the President laughed. “I must tell you, Moshe, that I have 16 thousand tanks, 14 thousand armored personnel carriers, and my army has increased to 1 and a half million since we last spoke.”

“Really?” said Moshe “I’ll have to ring you back!”

Sure enough, Moshe rang again the next day. “Hello Mr. President, the war is still on! We have managed to get ourselves airborne! We’ve modified Shimon’s ultra-light with a couple of rifles in the cockpit and the 8 a.m. *minyan* has joined us as well!”

The President was silent for a minute, then suppressing his amusement, replied: "I must tell you Moshe that I have 10 thousand bombers, 20 thousand MiG 19 attack planes, my military complex is surrounded by laser-guided surface-to-air missile sites, and since we last spoke, my army has increased to 2 million."

"Oo lah lah!", said Moshe, "I'll have to ring you back." Sure enough, Moshe called again the next day. "Mr. President, I am sorry to tell you that we have had to call off the war."

"I'm sorry to hear that," said the Iranian President. "Why the sudden change of heart?"

"Well," said Moshe. "We all, from both *minyanim*, had a chat, and we concluded that there's no way we can feed 2 million prisoners."

2. Of Slaves and Servants

The Torah makes it clear that you have to feed anyone under your care or control. If you have 2 million prisoners of war, you have 2 million mouths to feed. This is but one example of how the Torah protects prisoners, servants and slaves.

And that brings us to the subject of slavery with which our Torah reading opens. But here is the strange thing – after many chapters discussing the *redemption* of slaves, the Torah switches to the *acquisition* of slaves.

If it wasn't the Torah, one could presume this was some kind of mistake. No sooner do we leave the slavery of Egypt for freedom, then we begin with the laws of slave ownership.

After documenting the horrors of slavery (in the Egyptian bondage) how could the Torah suddenly sanction slavery?!

What can this mean? If slavery is a bad thing, should not the Torah abolish slavery instead of instituting laws concerning it?

Could slavery have layers we never knew about?

3. Parshat Mishpatim

Parshat *Mishpatim*, the name of our Torah reading, literally means “laws.” After the giving of the Ten Commandments at Sinai, about which we read last week in *Parshat Yitro*, we now begin to read about the rest of the laws that God gave to the Jewish people – specifically laws governing a just society.

That said, you have to admit that the first law is not one of the most appealing. If you were shooting a commercial to advertise the Torah path to a just society, the following would probably not be the subject you would choose:

And these are the laws that you shall set before them. Should you acquire a Hebrew slave, he shall work six years, and in the seventh, he shall go out to freedom freely.¹

This passage raises many questions:

1. Why begin this recitation with the law of slave acquisition, seemingly not the most divine of all mitzvot?
2. How is slavery a mitzvah in the first place?
3. What is slavery?
4. What exactly are *mishpatim*? What kind of laws are these?
5. Who are “them” they were “set before”?
6. What does it mean to “acquire” a human being?
7. What is a “Hebrew” slave?
8. Why work for six years, and the seventh go free?
9. What does *freedom freely* mean? Why the redundancy?

All these questions can be answered, and the Torah’s revolutionary understanding of slavery clarified, by explaining one seeming grammatical discrepancy in our verse, where the Torah jumps from using the plural to using the singular:

¹ Exodus 21:1-2.

And these are the laws that you shall set before them. Should you acquire a Hebrew slave ...

*Set before them is plural. Should you acquire is singular. Grammatically correct, it should have read: *And these are the laws that you shall set before them. Should they acquire a Hebrew slave...**

So why the change from plural to singular?

4. Defining the Term *Eved*

To answer all these questions let us return and define the actual term used here – *eved*: *Eved* literally means one who serves, a servant. It can also mean slave, but its definition is far broader, including servant/worker/laborer. *Avodah* is the word used for service – including serving God.

With that in mind, the meaning of these verses are actually not talking about slavery as we know it – the horrific process of one person (or group of people) enslaving another against their will. Indeed, the Torah abhors any form of slavery.

What the Torah is addressing here – should you acquire a Hebrew slave – is referring to an *eved Ivri*,² one who was obliged to pay off a debt. When a Hebrew was indebted to a fellow Hebrew – say by robbing him or damaging him in some way – and didn't have the ability to make good on the debt, he would pay it off with servitude (this includes a case in which he would choose to sell himself to another with his own free will due to poverty³). He served for a maximum of six years and had to be freed on the seventh.⁴ Indeed, if after seven years he chose to

² The Torah makes a distinction between an *eved Ivri*, the Hebrew slave, and an *eved Canaani*, a Canaanite slave who was an idolater, and who was not freed after seven years. This distinction is enormously complex and beyond the scope of this sermon.

³ Rashi on the verse 21:2.

⁴ See Exodus 22:2 (Mechilta; Rashi ad loc). See Leviticus 25:39, Deuteronomy 15:12.

remain a slave, he was admonished and his ear pierced for defying the law that his ear heard “that you For the children of Israel are slaves to Me,” to God, not slaves to My slaves (other humans).⁵

This kind of servitude was not really slavery as it was practiced in Egypt or the American South. Actual slavery, as we know it, meant imprisonment without human rights of any kind, being forced to labor for one’s master without an end in sight, without a goal in mind. But this type of *servitude* had a goal and an end.

Incidentally, this biblical law was operational in the early days of United States of America. However, a worker who would be freed after seven years was not called a slave; he was called an indentured servant. This was a popular “rags to riches” path for many, as upon completion of his servitude, the indentured servant got a nice chunk of severance pay – in Pennsylvania, for example, he received 50 acres of land.

Today, there is no Torah concept of slavery or of servitude. So why did the Torah – an eternal guidebook to life – open this portion with these laws? And why did it use such an odd grammatical structure in this verse – the change from plural (*them*) to singular (*you*)?

5. Grammatical Discrepancy

The Torah is more than a book of laws. It is a blueprint for life. Thus the verse here is not just addressing the legal and financial process of acquiring a servant/slave (to repay debt etc.); it is providing us with a new way of looking at our lives and our responsibilities in fulfilling our calling.

The Torah therefore moves from the plural to the singular to emphasize the personal/singular lesson to each one of us, beginning with Moses himself (to whom this command was issued). And this change

⁵ Leviticus 25:55.

(in the form of a seeming grammatical discrepancy) opens the gateway to understanding the Torah's entire revolutionary take on slavery, as part of our spiritual mission.⁶

And these are the laws that you shall set before them – God is instructing Moses to place the laws before them, the Jewish people. This is why it's them, plural. Before them (*lifneihem*) also refers to their innermost being (*penimiyut*), a law that pierces and permeates them to their core.

But how was Moses to place these laws before the Jews and into their innermost souls? To answer this, the Torah continues:

Should you acquire a Hebrew slave – God is telling Moses, singular, *should you, Moses, acquire a Hebrew slave...* In other words: the way for you, Moses, to place these laws before them, Israel, is for you to acquire a Hebrew slave. (Read not *should you*, but *you should*.)

But wait! Why should Moses acquire a Hebrew slave?

6. Moses, the Leader

Moses was the leader of the Jewish people. His job was to inspire the Jews to live up to their mission as set forth by God, to be “a holy nation.”⁷

Moses, a man of God, was connected to the highest of the high. Moses literally “downloaded” the entire Torah from God (“Moses received the Torah from Sinai and passed it on to...”⁸). But now, Moses was to place the law before all of Israel and connect this supreme divine reality with the mundane universe, including even the lowest of the low, the Hebrew slave, the person shackled to materialism, enslaved to his desires, and completely unaware of his or her soulful heritage.

⁶The following interpretation of the verses is based on Torah Ohr, Mishpatim 74c-76c.

⁷Exodus 19:6.

⁸Opening of Pirkei Avot, Ethics of the Fathers.

How was this possible? How could Moses ever connect the heights of Mount Sinai with the lowness of slave mentality? God tells him how: “You should acquire (*tikneh*) a Hebrew slave...”

In Hebrew, the verb “acquire” is *tikneh*, and it is related to the noun *kinyan*, meaning “acquisition.” The big finance houses of the world have “Mergers & Acquisitions” departments, dedicated solely to one entity acquiring the assets of another entity. God told Moses that the way to reach the Hebrew slave, the person enslaved and unconsciously living by rote, was simply to move assets from one entity to another. As follows:

A slave is a human being out of touch with his or her soul or purpose. Moses’ job was to rectify this by taking the lofty assets of the Torah given at Mount Sinai and placing them in front of the newly freed Jewish slaves so that they could acquire them.

Moses did not have to create new assets. Moses simply has to transfer the assets from the heights above to the lows below. To reveal the inherent freedom that is the birthright of every Jew.

What does this teach us?

Often times a Jew who is enslaved by temporal things and lives unconsciously like a robot does so because he mistakenly thinks himself as a product of this material world, enslaved to the demands and needs of material life. Our verse changes that mindset: You are inherently a free spirit, not a slave. A slave is a slave because the material world is harsh and human beings make mistakes that often enslave them. However, there is a lofty and sublime truth that is embedded in every single Jew’s soul – the challenge is not to create anything new, the challenge is only to reveal the innate truth within and “acquire” its assets.

The Hebrew word for “acquire,” *tikneh*, is also related to *tikkun*, meaning “rectification.” When we acquire our inherent assets, we rectify mistakes.

7. The Ramifications

The ramifications of placing these laws before the Jewish slave by means of acquisition are profound:

He shall work six years, and in the seventh, he shall go out to freedom freely.

When a Jew realizes that he is inherently free and simply has to move assets from one entity to another, then the work of transformation away from slavery begins – the ultimate goal being to reach the *seventh year* and go to *freedom freely*, but in order to do so the Jew must first work *six years*.

The week serves as a model for this. We are meant to toil for six days and rest on Shabbat, the seventh. As we read last week in the Ten Commandments: *Six days may you work and perform all your labor, but the seventh day is Shabbat...*⁹

As the week operates according to this model, so does all of existence and life. During the six work days of the week one can feel enslaved to their job, subjugated to their employer and to the demands of the workplace. But in truth, the six days of work are only leading to the seventh day of Shabbat, When our inherent spiritual freedom is revealed.

When a Jew feels enslaved, he or she need only acquire the heavenly truth that is embedded in each of us: “Six days (or years) you shall labor but come the seventh, you shall go out to freedom freely.”

Our job is to work in this world, toil with blood, sweat and tears in order to infuse enslaved matter with free spirit. We do this by following the laws God has placed before us through his messengers – Moses and the righteous Jewish leaders throughout history.

This is why *Parshat Mishpatim* begins with this specific mitzvah of slavery, because this mitzvah embodies the means of going from confinement to freedom, of acquiring our rightful selves by merging the highest assets of Mount Sinai with our daily lives.

⁹Exodus 20:9-10.

8. Freedom Freely

This ultimately leads to: *in the seventh, he shall go out to freedom freely* (lachofshi chinam).

Why the redundancy, *lachofshi chinam*, “freedom freely”? What is “freedom” as the Torah understands it?

Freedom is when we live divinely, not out of obligation, not because God commands us, but because it is simply natural.

For example: a healthy human being does not have to be told, commanded, or convinced to breathe; breathing comes naturally without thinking. An unhealthy person with weak lungs needs help to breathe, may have to be ordered by a doctor to do breathing exercises to ingest more oxygen or to put on an oxygen mask. A healthy person breathes freely; for the ailing person, breathing is labored.

For six days, we have to work hard in order to breathe Godliness. But then, after we have labored these six days to change the world, comes the seventh day when we go out to *freedom freely*. Also in the seventh year, akin to Shabbat, the slave goes to *freedom freely* – for now freedom is natural to him.

9. Personal Lesson (Conclusion)

Finally, let’s make this personal.

Imagine reading the opening of our Torah portion and translating it for our everyday modern lives, as follows:

God speaks to the Moses, the leader, inside of each and every one of us: These are the paths (*mishpatim, halachot*), the ways of living, the connections and conduits between the highest of the high and the lowest of the low, that you shall place (*lifneihem*) into their innermost beings (*penimiyut*) of all of Israel. And how should you do this?

You should acquire (*tikneh*) a Hebrew slave – you shall influence the Hebrew slave, a Jew who is enslaved by this material world, and reveal in him his inherent spiritual freedom, the spiritual assets of the Torah which are his natural birthright.

In our modern day, a slave is someone who is imprisoned in the trappings of material life. A slave is spiritually unconscious, asleep. He goes through all the motions and routines but has no life, no freedom.

We all have times when we are in this “enslaved” mode. Who doesn’t know a religious Jew like this? Who doesn’t know a secular Jew like this? Who doesn’t have a semblance of this slavery in his or her life?

Comes this week’s Torah portion and identifies with the state of the “Hebrew slave,” and tells us that we can and should “acquire” and free this slave from the slave mentality. Because every one of us, by virtue of our divine souls, are truly free. We are only trapped in a material world. But that does not define us. We are free people. We need only choose freedom and it will be ours.

- We are all Moses.
- We have to serve.
- Six days we work, but that leads us to the freedom of Shabbat.
- And this is how we ultimately become free, freely.

Shabbat Shalom!