

JEWISH SLAVERY?

by Rabbi Aron Tendler

Following the giving of the Torah in last week's Parsha, the Torah pauses in its chronological presentation of the events to introduce laws of social interaction and justice. A full spectrum of social laws are presented in Parshas Mishpatim: the Jewish slave and maidservant, manslaughter, personal injury and damages, custodianship, seduction, occult practices, money lending, and the three main holidays, to name but a few.

1. Why are these laws discussed at this juncture in the Torah; first conclude the story of Revelation and then discuss social law?
2. A nation that had just been freed from centuries of bondage should find slavery abhorrent, and the suggestion that they might engage in the enslavement of their own brethren deeply insulting. Why begin the body of social law and justice with the emotionally challenging cases of the Jewish slave and maidservant?

Rav Samson Raphael Hirsch offers a perspective on this Parsha that is fundamental to understanding the entire Torah. The last five of the 10 Commandments focus on the laws dealing with human relations and interaction. The presence of G-d in religious practices and observances is standard for all religions; however, the total inclusion of G-d in our familial and social lives, is unique to observant Judaism. As we know from the famous story of Hillel and the convert, the clearest expression of Hashem in our lives is when His wishes are manifest in our social engagements and behaviors. Therefore, immediately following the conferral of the last five commandments that focus on social law, the Torah presents the more detailed framework of social and personal responsibilities found in this weeks Parsha.

If you or I were to write a legal and moral constitution for society, we would likely choose to begin with a set of laws that reflect the greatness of our heritage and the goals toward which we aspire. We might select the laws of charity or the sanctity of the Bais Hamikdash. We might highlight the laws of honor and awe for parents or the respect necessary for monarchs and judges. We might even begin with a presentation of the sanctity of life and the rights of personal property. However, we certainly wouldn't have chosen the laws of an apprehended thief who, unable to pay back what he stole, is sold to another Jew as a means of rehabilitation and recompense! We certainly would not begin the body of social, familial, and personal law

with the Jewish maidservant who is sold to another family by her own father! In fact, the opposite is true. The laws dealing with the Jewish slave and maidservant are the very first laws in Parshas Mishpatim!

Our adherence to Torah and Rabbinic law is fundamental to the sanctity and preservation of Judaism. We govern our lives by the Halacha because we believe that both the Written and the Oral Torah were given to Moshe on Har Sinai. If we approach the study of the Written Torah independent of the Oral Law, our analysis, study, critique, and conclusions would be 100% wrong. Having been created in the image of G-d, we delve into Hashem's instructions in an attempt to better understand our responsibilities and how we might emulate divine actions and intent. The will of G-d can only be interpreted while contiguously cross referencing its associate oral explanation. To do any less is to pursue our own image rather than the image of G-d. By introducing social law with the emotionally imposing cases of the Jewish slave and maidservant, it demands that we seek out the Oral Law for further information and understanding. Can this be? Can we enslave another human being created in the image of Hashem? Can a father truly sell his daughter for so much barter or cash?

The Written Torah should be viewed as the abbreviated notes that the student writes during a much more elaborate and involved lecture. Every word, line, circle, highlight, cross-out, or case history and example has meaning to the student as he reconstructs the lecture. It is the Oral Law which reconstructs the notes into the more elaborate lecture that Moshe received from G-d on Har Sinai. Hashem's intent in presenting specific cases such as the Jewish slave or maidservant was to illustrate essential legal principals that can be applied to other instances and circumstances. True, slavery and indentured servitude are abhorrent to our thinking; however, the Eved Ivri is a far cry from the "slaves" of other societies. The Amaah Ivriah is not the callused act of an uncaring chauvinistic father selling his daughter to the highest bidder. Both cases are extreme examples of human dignity and individual rights as they are dispatched with responsibility, compassion, and justice. Hashem, in His infinite wisdom, began His presentation of social and familial law by focusing on the very instances where other societies would deny the rights of the individual and relegate the destiny of a thief, or a young impoverished girl, to the whims and limits of human emotions. Instead, the Torah, rather than have the thief languish in some prison with no hope of bettering himself, caring for his family, or paying back his debt, shows care and concern for the Jewish thief by placing him in a nurturing environment where he can develop into a caring and responsible member of society. The young girl is from an impoverished family where she has little hope of receiving the training and schooling otherwise afforded by a wealthier home. Her father, hoping to better his daughter's lot, can arrange for his daughter to live with a family where she would be trained in the intricacies and protocols of maintaining a proper home - for a limited period of time. There was also the possibility of marrying into that family, and by the time her training period had concluded, both the host family and the girl could make an educated and emotionally sound

decision.

If you wish to evaluate the moral fiber of a society, research the way they treat their imprisoned and their unfortunate; then you will know whether or not the society is founded upon the values of human dignity and individual rights. This is why our Parsha begins with these laws.

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