

THE TRUTH ABOUT FREEDOM

by Rabbi Aron Tendler

There is a Talmudic discussion in Tractate Gittin whether it is better for a Canaanite slave to remain a slave, or for the slave to be freed. The discussion involves the legality of a third party accepting a Document of Emancipation on behalf of a slave without the pre-knowledge or consent of the slave.

Fundamental to the discussion is the understanding that without the slaves consent the third party can only act on his behalf if it is clearly for the benefit of the slave.

For example: Your neighbor won the Publisher's Clearing House Sweepstakes but was not home to accept the check. If the sweepstakes bylaws allow for it, you could accept the check on your neighbor's behalf. By taking possession of the check your neighbor would in effect be taking possession of the check. Through your having assumed the position of "agent" your neighbor would not have to initiate any other form of possession (Kinyan) in order to be considered the rightful owner of the award money.

On the other hand, accepting an offer on behalf of your unsuspecting neighbor that would obligate him in some way to do something that could be construed as detrimental would render your assumed act of agency as unwanted, unwarranted, null, and void. (For example: Accepting the award money means that your neighbor will be ineligible to continue medicare. Unfortunately, your neighbor has a medical condition that costs him far more than the amount of the award. In such an instance accepting the award on his behalf would be a detriment.)

The Talmudic discussion focuses on the question of whether or not freedom for the Canaanite slave is a benefit and a third party can accept the Document of Emancipation without the slaves consent; or, is freedom for a Canaanite slave a detriment and therefore a third party cannot accept it on his behalf without the slaves prior consent?

The Talmud records various opinions and reasons; however, let it suffice to say that there are recognized Talmudic authorities that conclude that freedom for a Canaanite slave is not necessarily a benefit.

Let us be honest. The notion of personal freedom has become a corner stone of Western philosophy, morals, and politics. Is it possible to imagine anything more important than personal freedom? The Talmud was not discussing such heart wrenching decisions as personal freedom VS love of family, or personal freedom Vs religious freedom. The Talmud presumes a case of personal freedom Vs the materialistic benefits of slavery! Yet, there are those who conclude that it is better to

remain a slave than to be free! Even the consideration that the freed slave becomes a full-fledged Jewish convert (obligated in all 613 Mitzvos rather than remaining in his state of lesser obligation) does not outweigh the benefits of remaining a slave!

I believe that we can glean a powerful lesson from this Talmudic discussion that is also fundamental to this week's Parsha.

Following the extraordinary experience of Kriyas Yam Suf (Parting Of The Sea - Parshas Bshalach) and Mattan Torah (Revelation - Parshas Yisro), G-d commanded Moshe to teach the Jews the basic laws of social engagement and responsibility (this week's portion - Parshas Mishpatim). The placement of these social laws immediately following the giving of the Torah makes it obvious that G-d expected His Torah to elevate His Chosen People into paradigms of ethical and moral social behavior.

That this is G-d's intention is reinforced through Hillel's famous answer to the convert who asked to be taught the entire Torah while standing on one foot. Hillel answered, "That which is hateful to you do not do to your friend. Now go and study the rest of the Torah!" Meaning, the manner in which you interact with your fellow human being is G-d's primary concern. The rest of the Torah is intended to develop the ethical and moral human being by addressing all physical and spiritual aspects of the human experience. If successful, the truly religious personality will be evident in how he or she interacts socially. If the individual's interaction with society is concerned, sensitive, honest, and respectful, the person may also be G-dly and religious. If however the person's social interaction is abusive, insensitive, uncaring, dishonest, and disrespectful that person is definitely neither G-dly nor religious! How religious and devotional he or she may appear to be is of zero consequence if the person is not socially moral and ethical.

However, how do we know if that which is hateful to me should also be hateful to you? How do I know if that which I enjoy should also be enjoyable to my friend? How do I know if my likes and dislikes are reflections of truth and morality?

Hillel's answer was contained in his last words, "Now go and learn the rest of the Torah!" The only way we can ever know whether our thoughts and feelings, desires and aspirations are true and moral is if we study G-d's word. Through the intense study of Torah we are awoken to the absolute truths of G-d's intentions and expectations.

For most of us, personal freedom is an absolute, immutable, moral truth; however, the Torah challenges us to rethink the absolute quality of this basic tenet. It is possible that history, circumstance, and human psychology dictate a different moral conclusion. Under certain conditions slavery could be desirable and assuming differently would have definite legal consequences. It could be that the Canaanite slave desires to remain a slave rather than become a full-fledged member of the Jewish nation; therefore, accepting a Document of Emancipation on his behalf without his prior consent would be to his detriment and not his benefit!

In a recent conversation with a young adult considering conversion I explained that Judaism does not encourage proselyzation or conversion. For Judaism to do so would be a form of theological racism. To do so would suggest that being Jewish is the only true way to serve G-d; and that just isn't true! Judaism's claim on being "Chosen" is chosen to represent G-d in a way that proclaims His intention for all of humanity to be ethical, moral, and G-d fearing. Jew and non-Jew alike are obligated to serve the Creator by doing His commandments. The Canaanite slave, whether born into servitude or initiated into it, was obligated to renounce all idol worship, keep Shabbos, eat kosher, and live a almost completely Jewish life style. At the same time his master was commanded to treat him with the utmost respect and consideration. The Torah fundamentally forbids mistreating or demeaning any human, regardless of his social or spiritual standing. How much more is the expectation that a person who lives a lifestyle akin to Judaism should be treated with respect and consideration? A Canaanite slave in the household of a G-d fearing person would have been treated as a valued and cherished member of the household. A Canaanite slave in the household of a G-d fearing person would have been exposed to the richness of a lifestyle woven with spirituality, meaning, decency, respect, and consideration. Isn't it conceivable that such a slave would not want to leave the "employ" of his master? Isn't it conceivable that such a slave would not wish to undertake more obligations and restrictions as a full fledged convert to Judaism? That is one reason why the Talmud argues whether or not accepting Document of Emancipation without prior permission is or isn't to the slaves benefit.

At the core of Parshas Mishpatim is the mandate to follow G-d's law, regardless of personal feelings, intellectual or emotional. At the end of Parshas Yisro G-d commanded Moshe to say to the Jews, "You have seen that I have spoken to you from heaven. Do not make for yourselves gods of silver..." ggods of silver - Avodah Zara - deny our most fundamental relationship with G-d. Our relationship with G-d is founded upon the principle that G-d's word is the only truth and anything that replaces G-d's word is by definition a form of idol worship. Actions generated by personal feelings and thoughts that are in conflict with G-d's Torah are as much a form of Avodah Zara as worshipping a crafted image of gold or silver!

The challenge of putting G-d's wishes before our own is a question of faith. Do we have such trust in G-d and His Torah that we will suspend our own feelings and thoughts in favor of doing G-d's commandments? Do we truly believe that G-d knows what is best for us? Are we willing to sacrifice the gods of intellect and moral reasoning on the altar of our faith in G-d?

The experience in the desert was intended to reinforce the faith of each individual and the nation in G-d. Everything, from the miracles of the Exodus, being led by pillars of cloud and smoke, and the daily Maana that fell in such abundance challenged the nation to focus their trust in G-d rather than themselves. To the degree that each person began to fully trust G-d was the degree to which each person became a paradigm of morality and truth.

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