

5783 – Exodus 21-24 - Mishpatim (Judgements)

^{21:2}"If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything.

1. (v. 2) כִּי תִקְנֶה עֶבֶד עִבְרִי—*If you buy a Jewish bondsman*. The first law is devoted to safeguarding the human rights of those at the lowest level of the social hierarchy—the servants and slaves. **A Hebrew servant is one who has been forced by circumstances, such as financial distress, to accept a period of servitude.** The Torah emphasizes that such servitude must be of a temporary nature and that afterward the servant must regain his individual freedom. Eventual liberation is important **because of the inherent worth and dignity of each person.**

However, the Torah did not intend to abolish slavery as such. Jewish law prefers concrete justice over vague declarations of charity. We have seen many so-called "free" societies in which the lower classes are treated far worse than any slave. **The servant or slave needs to be treated with dignity and so the Torah places strict limitations upon his master's power over him.**¹

There are only three limited and regulated circumstances by which a person can be subject to bondage. A Jew who is convicted of theft but is unable to repay his victim may be sold into limited servitude to raise the necessary funds. A Jew who is financially destitute may also choose to voluntarily sell himself into limited servitude to feed and shelter his family. The last case of servitude applies to the Canaanite slave who was legally acquired. **Besides these three well defined cases no one is permitted to enslave his fellowman by force or coercion, under any circumstances.** Furthermore, **the practice of Jews being sold into bondage for any reason was abolished by the Sages at the beginning of the Second Temple period** (Gittin 65a). Nevertheless the laws concerning the Hebrew servant are still part of the living Torah because they offer many lessons of justice and morality that apply for all time.

In the case of the insolvent thief, the Torah rejects imprisonment as an appropriate solution. The hostility toward this punishment happens to coincide with that of modern reformers who contend that such sanctions not only fail to improve the individual, but further demoralize him. The prisoner spends his time associating with other criminals, growing accustomed to idleness, which encourages vice and a progressive corruption of the spirit. In contrast, Jewish law encourages reform through the coercive imposition of labor which is of direct benefit to the

victim of the crime (*Rambam, Hil. Geneiva* [Laws of Larceny²] 3:11). This system aims at developing both the moral conscience and redressing the crime, while the servant is assured the continuity of his family life and the safeguarding of his moral and social rights.

The second case concerns a destitute man seeking to recover his economic balance through servitude. In effect, the master becomes the patron and protector of the servant during this period. In this time of difficulty and uncertainty, the servant is assured the safeguarding of his moral and social rights while being shielded from the relative instability of freedom.

The third case concerns the Canaanite slave who represents the fulfillment of Noah's curse: *Cursed is Canaan; a slave ... shall he be to his brothers* (Gen 9:25). Here also, despite the preordained fate of Canaanite slaves, **the Torah insists upon their being treated with dignity and protected by a complete system of social rights.**

a. During Europe's Middle Ages, debtors, both men and women, were locked up together in a single, large cell until their families paid their debt. Debt prisoners often died of diseases contracted from other debt prisoners. **Conditions included starvation and abuse from other prisoners.** If the father of a family was imprisoned for debt, the family business often suffered while the mother and children fell into poverty. Unable to pay the debt, the father often remained in debtors' prison for many years. Some debt prisoners were released to become serfs³ or indentured servants (debt bondage) until they paid off their debt in labor.⁴

b. **Slavery is a condition in which one human being was owned by another. A slave was considered by law as property, or chattel, and was deprived of most of the rights ordinarily held by free persons.**

There is no consensus on what a slave was or on how the institution of slavery should be defined. Nevertheless, there is general agreement among historians, anthropologists, economists, sociolo-

² For centuries, common law countries have distinguished between larceny and robbery. Larceny was traditionally defined as "the felonious taking and carrying away of the personal goods of another." Robbery was considered a "compound larceny," meaning that it contained all of the elements of larceny, but also required two other elements. First, the taking must be directly from a person or in his presence. Second, the taking must be done by "violence or putting [the victim] in fear." Modern American statutory definitions are essentially the same—<https://jewishandamericanlaw.wordpress.com/2011/09/15/robbery-vs-larceny-which-is-worse/>.

³ Feudalism was a set of legal and military customs in medieval Europe that flourished between the 9th and 15th centuries. It can be broadly defined as a system for structuring society around relationships derived from the holding of land, known as a fiefdom or fief, in exchange for service or labour.

⁴ https://en.wikipedia.org/wiki/Debtors%27_prison

¹ Rabbi Elie Munk, *The Call of the Torah, Shemos*, (Mesorah Publications, Ltd.), pp. 295-302.

gists, and others who study slavery that most of the following characteristics should be present in order to term a person a slave. **The slave was a species of property; thus, he belonged to someone else.** In some societies slaves were considered movable property, in others immovable property, like real estate. They were objects of the law, not its subjects. Thus, like an ox or an ax, the slave was not ordinarily held responsible for what he did. He was not personally liable for torts or contracts. The slave usually had few rights and always fewer than his owner, but there were not many societies in which he had absolutely none. **As there are limits in most societies on the extent to which animals may be abused, so there were limits in most societies on how much a slave could be abused.** The slave was removed from lines of natal descent. Legally, and often socially, he had no kin. No relatives could stand up for his rights or get vengeance for him. As an “outsider,” “marginal individual,” or “socially dead person” in the society where he was enslaved, his rights to participate in political decision making and other social activities were fewer than those enjoyed by his owner. The product of a slave’s labour could be claimed by someone else, who also frequently had the right to control his physical reproduction.⁵

- c. We believe everyone, everywhere has the right to a life free from slavery. But right now, millions of children and adults are trapped in slavery in every single country in the world. Including yours.⁶

Modern slavery is the severe exploitation of other people for personal or commercial gain. Modern slavery is all around us, but often just out of sight. People can become entrapped making our clothes, serving our food, picking our crops, working in factories, or working in houses as cooks, cleaners or nannies.

From the outside, it can look like a normal job. But people are being controlled—they can face violence or threats, be forced into inescapable debt, or have had their passport taken away and are being threatened with deportation. Many have fallen into this oppressive trap simply because they were trying to escape poverty or insecurity, improve their lives and support their families. Now, they can’t leave.

40 million people are estimated to be trapped in modern slavery worldwide:

- 1 in 4 of them are children.
- Almost three quarters (71%) are women and girls.

- Over 10,000 were identified as potential victims by the authorities in the UK in 2019.

c. Philemon 1:1-21 (CJB)

¹From: Sha’ul, a prisoner for the sake of the Messiah Yeshua, and brother Timothy To: Our dear fellow-worker Philemon ... ³Grace and *shalom* to you ... ⁴I thank my God every time I mention you in my prayers, Philemon, ⁵for I am hearing about your love and commitment to the Lord Yeshua and to all God’s people. ⁶I pray that the fellowship based on your commitment will produce full understanding of every good thing that is ours in union with the Messiah. ⁷For your love has given me much joy and encouragement. Brother, you have refreshed the hearts of God’s people. ⁸Therefore, I would not hesitate, in union with the Messiah, **to direct you to do the thing you ought to do.** ⁹But since I Sha’ul, am the kind of person I am, an old man and now for the Messiah Yeshua’s sake a prisoner besides, I prefer to appeal to you on the basis of love. ¹⁰My request to you concerns my son, of whom I became the father while here in prison, Onesimus. ¹¹His name means “useful,” and although he was once useless to you, he has now become most useful—not only to you but also to me; ¹²so that **in returning him to you I am sending a part of my very heart.** ¹³I would dearly have loved to keep him with me, in order for him to serve me in your place while I am in prison because of the Good News. ¹⁴But I didn’t want to do anything without your consent, so that the good you do for me may be voluntary and not forced. ¹⁵Perhaps the reason he was separated from you for a brief period was so that you could have him back forever, ¹⁶**no longer as a slave but as more than a slave, as a dear brother.** And that he is, especially to me. But how much dearer he must be to you, both humanly and in union with the Lord! ¹⁷So **if you are in fellowship with me, receive him as you would me.** ¹⁸And if he has wronged you in any way or owes you anything, charge it to me. ¹⁹I, Sha’ul, write with my own hand. I will repay it. **(I won’t mention, of course, that you owe me your very life.)** ²⁰Yes, brother, please do me this favor in the Lord; refresh my heart in the Messiah.

²¹**Trusting that you will respond positively, I write knowing that you will indeed do more than I am asking.**

- 1) Slavery in ancient Rome played an important role in society and the economy. Besides manual labour, slaves performed many domestic services and might be employed at highly skilled jobs and professions. Accountants and physicians were often slaves. Slaves of Greek origin in particular might be highly educated.

⁵ <https://www.britannica.com/topic/slavery-sociology>

⁶ <https://www.antislavery.org/slavery-today/modern-slavery/>

Unskilled slaves, or those sentenced to slavery as punishment, worked on farms, in mines, and at mills.⁷

Slaves were considered property under Roman law and had no legal personhood. Most slaves would never be freed. Unlike Roman citizens, they could be subjected to corporal punishment, sexual exploitation (prostitutes were often slaves), torture and summary execution. Over time, however, slaves gained increased legal protection, including the right to file complaints against their masters.

One major source of slaves had been Roman military expansion during the Republic. The use of former enemy soldiers as slaves led perhaps inevitably to a series of *en masse* armed rebellions, the Servile Wars, the last of which was led by Spartacus. During the *Pax Romana* of the early Roman Empire (1st–2nd centuries [CE]), the emphasis was placed on maintaining stability, and the lack of new territorial conquests dried up this supply line of human trafficking. To maintain an enslaved workforce, increased legal restrictions on freeing slaves were put into place. **Escaped slaves would be hunted down and returned (often for a reward).** There were also many cases of poor people selling their children to richer neighbours as slaves in times of hardship.

2. (v. 2) וּבִשְׁבַּעַת—*And in the seventh.* Every Jew is entitled to the Sabbatical (seventh) year, a time to rest his body and soul, a time dedicated to the worship of Hashem. The *Zohar* explains that **a servant who is subservient to a human master cannot serve Hashem adequately, for he cannot truly serve two masters and by choosing a human master he has taken a step towards liberating himself from his Heavenly Master**, that is, from the עֹל מַלְכוּת שָׁמַיִם, *the yoke of Heaven*, (*Zohar on Genesis* 20a) ...

Consequently, if the slave rejects his freedom in the seventh year, preferring to stay with his master, **he will be marked as one who is not ready to fully accept Hashem as his Master.** This disgrace will remain marked upon his ear (v. 6), the very same ear which heard the commandment ordering man to serve God [in the *Shema Yisrael*] This marking will occur at a doorpost, near the *mezuzah*, which was the witness to the exodus of the Israelites from bondage to freedom, that is, **freedom to the worship of God rather than man.** Note that the word מְזוּזָה has the same numerical value as Hashem's Name—Master.

$$65 = (10) \text{ י} - (50) \text{ נ} - (4) \text{ ד} - (1) \text{ א}$$

$$65 = (5) \text{ ה} - (7) \text{ ז} - (6) \text{ ו} - (7) \text{ ט} - (40) \text{ מ}$$

a. Luke 16:13

¹³"**No one can serve two masters.** Either you will hate the one and love the other, or you will be devoted to the one and despise the other. You cannot serve both God and money."

3. (v. 5) וְאִם-אָמַר יְהוָה אֱמַר—*But if the bondsman shall say.* **The Torah's concept of a servant's status, exceeds the social level of domestics and laborers of most civilized countries, even today.** Rambam lists the psychological and social reliefs which make the servant almost equal to his master. He concludes with the Talmudic adage (*Kiddushin* [Betrothal] 20a) that **one who acquires a slave actually buys himself a master** (*Hil. Avadim*).

a. Hilchot Avadim, Introduction

- 1) The laws governing the acquisition of a Hebrew servant;
- 2) Not to sell him in the manner that servants are usually sold;
- 3) Not to make him perform excruciating labor;
- 4) Not to make him perform servile tasks;
- 5) Not to allow a resident alien to make him perform excruciating labor;
- 6) To grant a Hebrew servant a severance gift when he attains his freedom;
- 7) Not to let him go free empty-handed;

4. (v. 6) וְעַבְדּוֹ לְעֹלָם—*And he shall serve him forever.* Rashi comments that the word לְעֹלָם, *forever*, is not to be taken literally. It actually designates the fifty-year Jubilee period at the end of which, each of you shall return to his family (*Leviticus* 25:10). Furthermore, **the servant only serves from the time of his purchase up to the Jubilee year**, whether it is near or far. However, by retaining the expression לְעֹלָם, *forever*, the Torah conveys the message that even "forever" has a limit. **Misery is not everlasting.** Hashem, Who sets an end to darkness (*Job* 28:3), also terminates the tribulations inflicted on human beings. This message of hope brought out by the Jubilee year, brings relief to the unfortunate and destitute person. **The freeing of slaves was the first law addressed to the Jewish people while they were still in Egypt. It was the prerequisite for their own liberation.** In fact, the prophet Jeremiah considers the transgression of this law as the ultimate cause for the ruin of the Jewish nation.

a. Exodus 6:10-13

¹⁰Then the LORD said to Moses, ¹¹"Go, tell Pharaoh king of Egypt to let the Israelites go out of his country." ¹²But Moses said to the LORD, "If

⁷ https://en.wikipedia.org/wiki/Slavery_in_ancient_Rome#:~:text=Slavery%20in%20ancient%20Rome%20played,in%20society%20and%20the%20economy.&text=Slaves%20of%20Greek%20origin%20in,and%20had%20no%20legal%20personhood.

the Israelites will not listen to me, why would Pharaoh listen to me, since I speak with faltering lips?"¹³ Now the LORD spoke to Moses and Aaron **about the Israelites and Pharaoh king of Egypt**, and **he commanded them to bring the Israelites out of Egypt**.

OKE—and **gave them commandment to the sons of Israel** and unto Pharaoh king of Mizraim **for the going forth of the sons of Israel from the land of Mizraim**.

PJE—and **gave them admonition for the sons of Israel**, and sent them to Pharaoh, king of Mizraim, to send forth the children of Israel from the land of Mizraim.

1) **לְהוֹצִיא אֶת־בְּנֵי־יִשְׂרָאֵל מֵאֶרֶץ מִצְרַיִם**—*To take the Children of Israel out of the land of Egypt*. According to the Talmud Yerushalmi (*Rosh HaShanah* 3:5), this command referred to those Israelites who themselves owned Hebrew slaves. It seems that some Israelites led an aristocratic lifestyle and bought slaves which the Egyptians offered for sale (*Meshech Chochmah* [Duration of Wisdom]). Freeing those slaves was the first mitzvah which the Jews performed in Egypt, before the Torah was given. **How could the Jews aspire to national and individual freedom while denying their slaves, their own brethren, such freedom?** Jeremiah gives a lengthy account of the agreement between Hashem and our ancestors regarding the Hebrew brethren sold to them. At first their obligations to free purchased slaves after a designated period were respected: however, eventually each took back his slave and each his maidservant and enslaved them once again. This violation of the formal agreement caused many severe punishments to be inflicted on the people (Jeremiah, ch. 34). **Social justice is a requisite condition for becoming a sovereign nation**.⁸

2) Lincoln, in a speech at Peoria (IL: 10/16/1854), attacked slavery on the grounds that its existence within the United States made American democracy appear hypocritical in the eyes of the world.⁹ "I can not but hate [the declared indifference for slavery's spread]. **I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world**—enables the enemies of free institutions, with plausibility, to taunt us as hypocrites—causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an

open war with the very fundamental principles of civil liberty—criticising [sic] the Declaration of Independence, and insisting that there is no right principle of action but self-interest."

Declaration of Independence (2nd paragraph)

We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness**. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ...

3) Genesis 1:27

²⁷So God created **mankind in his own image**, in the image of God he created them; male and female he created them.

a) What is revolutionary in this declaration is not that a human being could be in the image of God. That is precisely how kings of Mesopotamian city states and pharaohs of Egypt were regarded. They were seen as the representatives, the living images, of the gods. That is how they derived their authority. **The Torah's revolution is the statement that not some, but ALL HUMANS SHARE THIS DIGNITY. REGARDLESS OF CLASS, COLOUR, CULTURE, OR CREED, WE ARE ALL IN THE IMAGE AND LIKENESS OF GOD**. Thus was born the cluster of ideas that, though they took many millennia to be realised, led to the distinctive culture of the West: the non-negotiable dignity of the human person, the idea of human rights, and eventually, the political and economic expressions of these ideas: liberal democracy on the one hand, and the free market on the other.¹⁰

4) Genesis 9:6

⁶"Whoever sheds **human** blood, by humans shall their blood be shed; for in the image of God has God made mankind.

5) The Rabbi and the Exceedingly Ugly Man¹¹

On one occasion Rabbi Eleazar son of Rabbi Simeon was coming from ... the house of his teacher. He was riding leisurely on his donkey by the riverside and was feeling happy and elated because he had studied much Torah. There he chanced to meet an exceedingly ugly man who greeted him, "Peace be upon you rabbi." He, however, did not return his greeting but instead said to him, "*Raca* ['Empty one' or 'Good for nothing'] how ugly you are! Is

⁸ Munk, *The Call*—, Shemos, pp. 80-81.

⁹ <https://www.nps.gov/liho/learn/historyculture/slavery.htm>

¹⁰ Rabbi Jonathan Sacks, *Covenant & Conversation: Exodus*, (Maggid Books & The Orthodox Union), pp. 283-287.

¹¹ Ta'anith 20a-b, Abot de Rabbi Nathan version, version A, ch. 41, ed. S. Schechter (Vienna: Lippe, 1887), 66a. The Soncino Talmud version is slightly different.

everyone in your town as ugly as you are?" The man replied; "I do not know, but go and tell the craftsman who made me, 'How ugly is the vessel which you have made.'" When R. Eleazar realized that he had sinned he dismounted from the donkey and prostrated himself before the man and said to him, "I submit myself to you, forgive me!"

a) When he made his stinging insult (R. Eleazar) **failed to see each person as created in the image of God** ... In the world of *haggadah*, one discovers the healthy tension between a scholar and an unlearned man. In this case, the lofty scholar, who had the privilege of studying all day, crossed paths with the ignorant day laborer. The scholar rides a donkey, the ugly man walks. The scholar's opportunities in education and superior financial standing far exceed that of the day laborer, who had to work hard to survive. **But who has greater wisdom?**¹²

6) Leviticus 19:18

"Do not seek revenge or bear a grudge against one of **your** people, but **love your neighbor** as yourself. I am the LORD.

a) Sifra on Leviticus 19.18

'And you shall love your neighbor as yourself.' Rabbi Akiva says, This is a great principle in the Torah. Ben Azzai says '**This is the book of the generations of Adam**' (Gen. 5:1)—**this is an even greater principle.**

b) Taken on its own, Akiva's statement was about 'an important,' not necessarily the most important principle of all. The impact of Ben Azzai's statement is to introduce an element of comparison: **as soon as we say that one principle is great, but that another is greater, it seems that we are after all talking about fundamental principles of ethical values, 'the greatest commandment.'**

Ben Azzai, a rabbi contemporary with Akiva, **gives us another 'general principle', which he teaches is more important.** This is from Genesis 5:1: 'This is the book of the generations of Adam.' The biblical quotation continues: 'In the day that God created man, in the likeness of God made he him.' Ben Azzai, Akiva's contemporary, seems to have chosen a very strange text as a fundamental principle. On the face of it the Leviticus statement is a command from God, whereas the Genesis verse occurs in a narrative introduction to a list of names! **What kind of commandment is this? How**

can it be a principle of Torah? This is typical of rabbinic exegesis: the whole Torah was from God, so a command could be embedded in any verse. To try to understand it, we have to consider our next text.¹³

c) Genesis Rabba 24.7 (on Genesis 5.1)

Ben Azzai says 'This is the book of the generation of Adam' is a great principle in the Torah. Rabbi Akiva says 'And you shall love your neighbor as yourself' (Lev 19:18) – this is a great principle in the Torah, so that you should not day, since I have been held in contempt, let my neighbor be held in contempt with me: since I have been cursed, let my neighbor be cursed with me. Rabbi Tanhuma said, If you act so, know whom you hold in contempt—'In the image of God he made him'. (Gen 1.27).

d) In this passage the statements of Akiva and Ben Azzai are repeated in the reverse order. At the end is a comment of the fourth-century Rabbi Tanhuma, which is appended to Akiva's statement, but which really seems to explain Ben Azzai's comment. Ben Azzai suggests that **the principle brought by Akiva in fact depends on his text—we must love our neighbor because we recognize that we are made in the image of God.**¹⁴

e) Our function is to know the acts of God: **it is from God that all the principles spring: in the fact that God created us we can understand the individual value of every human being and the common unity of all humanity.** If we understand creation aright, it is logical that we must love ourselves and love our neighbor. Creation is a more fundamental principle: **anyone who despises a human being, despises God: the statement 'This is the book of the generations of Adam' is telling us that this is a Torah which applies to the whole of humanity made in the image of God.** (The word *adam*, as well as being a name is Hebrew for 'mankind'.) If we must be afraid of hurting our neighbors, how much more so must we be afraid of injuring the divine image. This, says Ben Azzai, is an even higher principle.¹⁵

¹² Brad H. young, *The Parables, Jewish Tradition and Christian Interpretation*, (Hendrickson, 1998), p. 9.

¹³ Ibid, pp. 14-15

¹⁴ Hilton, Marshall—, p. 15.

¹⁵ Ibid, pp. 15-16.