



ICJW Bea Zucker Online Bible Study Program

“The Five Books of Moses: Contemporary Issues and Classic Perspectives”

By Dr. Bonna Devora Haberman

Session 18 Mishpatim—Freedom to Serve

שמות כא

א ואלה, המשפטים, אשר תשים, לפניך. ב פי תקנה עבד עברי, יש שנים יעבד; ובשבעת--יצא לחפשי, חנם. ג אם בגפו יב'א, בגפו יצא; אם בעל אשה הוא, ויצאה אשתו עמו. ד אם-אד'ניו יתן-לו אשה, וילדה-לו בנים או בנות--האשה וילדיה, תהיה לאד'ניה, והוא, יצא בגפו. ה ואם-אמר י'אמר, העבד, אהבתי את-אד'ני, את-אשתי ואת-בני; ל'א אצא, חפשי. ו והגישו אד'ניו, אל-האל'הים, והגישו אל-הדלת, או אל-המזוזה; וכצע אד'ניו את-אזנו במרצע, ועבדו לע'לם. {ס}

ז וכי-מכר איש את-בתו, לאמה--ל'א תצא, כצאת העבדים. ח אם-רעה בעיני אד'ניה, אשר-לא (לו) יעדה--נהפדה: לעם נכרי ל'א-ימש'ל למכרה, בכגדו-בה. ט ואם-לכנו, ייעדנה--כמשפט הבנות, יעשה-לה. י אם-אחרת, יקח-לו--שארה כסותה וע'נתה, ל'א יגרע. יא ואם-ש'לש-אלה--ל'א יעשה, לה: ויצאה חנם, אין כסף....

כ וכי-יכה איש את-עבדו או את-אמתו, בשבט, ומת, תחת ידו--נק'ם, ינקם. כא אך אם-יום או יומים, יעמ'ד--ל'א יקם, פי כספו הוא....

כו וכי-יכה איש את-עין עבדו, או-את-עין אמתו--ונשחתה: לחפשי ישלחנו, תחת עינו. כז ואם-ש'ן עבדו או-ש'ן אמתו, יפיל--לחפשי ישלחנו, תחת שגו....

לב אם-עבד יגח השור, או אמה--כסף של'שים שקלים, יתן לאד'ניו, והשור, יסקל.

שמות כב

כ וגר ל'א-תונה, ול'א תלחצנו: פי-גרים הייתם, בארץ מצרים. כא פל-אלמנה ויתום, ל'א תענון. כב אם-ענה תענה, א'תו--פי אם-צע'ק יצעק אלי, שמ'ע אשמע צעקתו. כג וחרה אפי, וחרגתי אתכם בחרב; והיו נשיכם אלמנות, ובניכם ית'מים. כד אם-כסף תלנה את-עמי, את-העני עמך--ל'א-תהנה לו, כנ'שה; ל'א-תשימון עליו, נשך. כה אם-חב'ל תחב'ל, שלמת רעך--עד-ב'א השמש, תשיבנו לו. כו פי הוא כסות'ה לבדה, הוא שמלתו לע'רו; במה ישכב--והנה פי-יצעק אלי, ושמעתי פי-חננו א'ני. כז אל'הים, ל'א תקלל; ונשיא בעמך, ל'א תאר. כח מלאתך נדמעך, ל'א תאחר; בכור ב'ניך, תמן-לי. כט פו-תעשה לש'רך, לצ'אנך: שבעת ימים יהנה עם-אמו, ביום השמיני תתנו-לי. ל ואנשי-ק'דש, תהיון לי; ובש'ר בש'נה טרפה ל'א ת'אכלו, לקלב תש'לכו א'תו.

שמות כג

ו ל'א תטה משפט א'בי'נך, ב'ריבו. ז מדבר-שקר, תרחק; ונקי וצדיק אל-תהר'ג, פי ל'א-אצדיק ר'שע. ח ונש'חד, ל'א תקח: פי הש'חד יעור פקחים, ויסלף דברי צדיקים. ט וגר, ל'א תלחץ; ואתם, ונדעתם את-נפש הגר--פי-גרים הייתם, בארץ מצרים. י ונש'ש שנים, תזרע את-ארצך; ואספת, את-תבואתה. יא והשביעת תשמטנה ונטשתה, ואכלו א'בי'ני עמך, ויתרם, ת'אכל ח'ית השדה; פו-תעשה ל'כרמך, לז'יתך. יב ששת ימים תעשה מעשיך, וביום השביעי תשב'ת--למען ינוח, שורך ונמ'ר'ך, וינפש פו-אמתך, והגר.



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Exodus 21

1 These are the rules that you shall set before them: 2 When you acquire a Hebrew slave, he shall serve six years; in the seventh year he shall go free, without payment. 3 If he came single, he shall leave single; if he had a woman, his woman shall leave with him. 4 If his master gave him a woman, and she has borne him children, the woman and her children shall belong to the master, and he shall leave alone. 5 But if the slave declares, "I love my master, and my woman and children: I do not wish to go free," 6 his master shall take him before God. He shall be brought to the door or the doorpost, and his master shall pierce his ear with an awl; and he shall then remain his slave for life. 7 When a man sells his daughter as a slave, she shall not be freed as male slaves are. 8 If she proves to be displeasing to her master, who designated her for himself, s/he must let her be redeemed; he shall not have the right to sell her to outsiders, since he broke faith with her. 9 And if he designated her for his son, he shall deal with her as is the practice with free maidens. 10 If he marries another, he must not withhold from this one her food, her clothing, or her conjugal rights. 11 If he fails her in these three ways, she shall go free, without payment....

20 When a person strikes his/her slave, male or female, with a rod, and s/he dies there and then, s/he must be avenged. 21 But if s/he survives a day or two, s/he is not to be avenged, since s/he is the other's property. ...

26 When a person strikes the eye of his/her slave, male or female, and destroys it, s/he shall let her/him go free on account of her/his eye. 27 If s/he knocks out the tooth of his/her slave, male or female, s/he shall let him/her go free on account of his/her tooth.

32 But if the ox gores a slave, male or female, s/he shall pay thirty shekels of silver to the master, and the ox shall be stoned....

Exodus 22

20 You shall not wrong a stranger or oppress her/him, for you were strangers in the land of Egypt. 21 You shall not ill-treat any widow or orphan. 22 If you do mistreat them, I will heed their outcry as soon as they cry out to Me, 23 and My anger shall blaze forth and I will put you to the sword, and your own spouses shall become widows and your children orphans. 24 If you lend money to My people, to the poor among you, do not act toward them as a creditor; exact no interest from them. 25 If you take your neighbor's garment in pledge, you must return it to him/her before the sun sets; 26 it is his only clothing, the sole covering for his/her skin. In what else shall s/he sleep? Therefore, if s/he cries out to Me, I will pay heed, for I am compassionate. 27 You shall not revile God, nor put a curse upon a chieftain among your people. 28 You shall not put off the skimming of the first yield of your vats. You shall give Me the first-born among your sons. 29 You shall do the same with your cattle and your flocks: seven days it shall remain with its mother; on the eighth day you shall give it to Me. 30 You shall be holy people to Me: you must not eat flesh torn by beasts in the field; you shall cast it to the dogs.

Exodus 23

6 You shall not subvert the rights of your needy in their disputes. 7 Keep far from a false charge; do not bring death on those who are innocent and in the right, for I will not acquit the wrongdoer. 8 Do not take bribes, for bribes blind the clear-sighted and upset the pleas of those who are in the right. 9 You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt. 10 Six years you shall sow your land and gather in its yield; 11 but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat. You shall do the same with your vineyards and your olive groves. 12 Six days you shall do your work, but on the seventh day you shall cease from labor, in order that your ox and your ass may rest, and that your bondman and the stranger may be refreshed.



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Context

This parasha sets out ethical guidelines for Israelite society, seeking to install respect for the dignity of human life and our responsibilities to one another. Beginning with limitations on relationships of power, such as holding slaves, the Torah protects against potential abuses by obligating masters to set their slaves free after seven years, or when the master causes serious physical harm to the slave. Rules of liability for hurt or damage we cause to one another, standards of caution and restitution, and requirements to care for the poor, weak, and disadvantaged are interspersed with laws about faith and religious practice—sacrifices to other gods are prohibited as is the meat torn by beasts of the field. The observance of shabbat and the sabbatical year—rest for people, their animals, and the land are part of the ethical structure. In return for accepting the legal code, God promises to protect the people and lead them into the land from which the previous inhabitants will be routed. Moshe seals the covenant between God and the Children of Israel with a ritual sacrifice and blood sprinkling at a gathering where they commit to perform all that is required of them. With Moshe, Aaron and his children, Nadav and Avihu, and seventy elders behold the divine. Moshe leaves the community to commune with God for forty days and nights while the people await his return.

Explorations

Commenting on the opening verse about slavery in our parasha (Ex. 21:2), Ramban draws connections between this law and central themes of Judaism: the Exodus from slavery, the first commandment, and the Creation of the universe.

This section of civil laws opens with the laws about Hebrew slaves because it contains the aspect of freeing the slave on the seventh year in remembrance of Exodus from Egypt which is mentioned in the first of the Ten Commandments [Ex. 20: ² *I the Lord am your God who brought you out of the land of Egypt, the house of bondage:* ³ *You shall have no other gods besides Me.*] as it says, “*you shall remember that you were a slave in the land of Egypt, and the Lord your God redeemed you; therefore I command you this thing today*” [Deut. 15:15]. It also mentions Creation, referring to Shabbat, because the seventh year is a sabbatical for a slave from laboring for his master—like the seventh day. It also refers to another *seven* in years—the jubilee, because the seventh is special among days, years and sabbaticals... (Ramban on Ex. 21:2)

Ramban goes on to discuss the hidden meaning of the law of the Hebrew slave and how it is one of the foundations of Creation. He cites verses from the prophet Jeremiah, and states that disregard for this law brings on exile from our land—an indication of its importance and worthiness to be positioned at the head of the *mishpatim*-laws. Having escaped their taskmasters, the Israelites are still preoccupied with the master-slave relationships—it has been their social framework for hundreds of years. In spite of Ramban's claims, and the



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apparent relevance of the topic to the protagonists in the story, the text about slavery seems paradoxical to us: following the Israelite Exodus from slavery, the Jewish civil code begins with rules about holding slaves. Having struggled so hard to introduce liberation and escape from oppression, we might ask why the Torah seems to accept slavery in Jewish society? The Torah plainly states that compassion for those under our authority comes from our own experience of the abuses of slavery in Egypt.

You shall not wrong a stranger or oppress her/him, for you were strangers in the land of Egypt. (Exodus 22:20)

You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt. (Exodus 23:9)

In view of the fact that Western nations abolished the institution of slavery by the latter part of the 19th century, the slavery laws in the Torah strike a contemporary reader as historical and obsolete. In spite of these sentiments and our pride in the progress of humanity for having formally put an end to slavery, there are very few societies if any, including our own, that have ever been *de facto* free of the institution of slavery.

Today, slavery is less visible than before, but perhaps more insidious. The most prevalent forms of slavery exist in every corner of the earth in everyday and mundane settings. Within meters from our homes and work-places, people are forced into domestic service, prostitution, farm labor, factories, light industry, prisons and mines, to name a few examples. Current world slavery is modestly estimated at more than 27 million people, more than double the number of those who were deported in the 400-year history of the transatlantic slave trade to the Americas.¹ According to [Anti-Slavery International](#) (ASI), one of the world's oldest human-rights organizations, there are over 200 million people in slavery bonds. UN agency, the [International Labor Organization](#) estimates that there are 215 million children forced to labor. These are some of the common forms:

Bonded labor – people taken or tricked into taking a loan for as little as the cost of medicine for a sick child, then forced to work to repay the debt, sometimes for generations

Early and forced marriage - women and girls are married without choice and are forced into lives of servitude often with physical violence

Forced labor – illegal recruitment of labor by individuals, governments or political parties -- under threat of violence or other penalties

¹ Kevin Bales, *Disposable People: New Slavery in the Global Economy*. University of California Press, 1999, p. 9; "UN Chronicle: Slavery in the Twenty-First Century", http://www.smfcdn.com/assets/pubs/un_chronicle.pdf Retrieved 2010-10-3.



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Slavery by descent - people either born into a slave class or a 'group' that society views as suited to being used as slave labor

Trafficking - transport and/or trade of people – women, children and men – from one area to another for the purpose of forcing them into slavery conditions

Worst forms of child labor - children around the world in work that is harmful to their health and welfare

Compared with historical slavery, in our times –

- There is no longer a need for legal ownership; people can be bought, sold and bartered among "owners" who take temporary possession;
- People caught up in slavery today can be purchased and sold for as little as \$100 (compared to 10 times that much in the 1850s). As a result, people become "disposable;" i.e., easily replaceable;
- Slavery cuts across nationality, race, ethnicity, gender, age, class, education-level, and other demographic features;
- Slavery's business side—human trafficking—is a global enterprise that can involve not just criminal gangs, but also corrupt governments, law enforcement, drug dealers, and even families. (from the [National Underground Railroad Freedom Center](#))

In his work on biology, politics and ethics, a great philosopher of 5th century BCE Athens, Aristotle justifies slavery on the grounds of nature.

But is there any one thus intended by nature to be a slave, and for whom such a condition is expedient and right, or rather is not all slavery a violation of nature? There is no difficulty in answering this question, on grounds both of reason and of fact. For that some should rule and others be ruled is a thing not only necessary, but expedient; from the hour of their birth, some are marked out for subjection, others for rule. (See *Politics*, Book I, Chapters iii-vii and *Nicomachean Ethics*, Book VII)

Aristotle believes that slavery is natural to the order of humanity. In the *Politics*, Aristotle also takes up the comparison between women and slaves. He states that woman is by nature distinct from a slave, and the treatment of women as slaves is characteristic of barbarians (Book I, 1252a34-b6). However, he also writes that the relation of the male to the female is by nature one of superior to inferior, and of ruler to ruled (1254b13-14). Aristotle asserts that the mode of rule that suits a male spouse in relation to his woman spouse is *political* rule (*Politics*, I, 1259a39-b1), a form of rule suitable to people who are free and equal. That having been said, Aristotle envisions a natural order of man ruling over woman and master ruling



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over slave.

Despite liberation movements and our rhetoric about equality, human society in our day is not far removed from Aristotle's portrayal. In broad terms, men wield political and material power over women, and masters control the lives of people who function as instruments for the satisfaction of the more privileged nations and elites among humanity. Peoples of the southern and eastern hemispheres continue to serve and provide for the interests of the north and west. To a large extent, we are complicit in these structures of exploitation whereby some people live under oppression to earn profits for us.

Concerning slavery, our parasha also distinguishes between men and women. The master's claim to a woman is not the same as to a male—

When a man sells his daughter as a slave, she shall not be freed as male slaves are.
(Exodus 21:7)

Whereas sexual enslavement is one of the most egregious forms of abuse today, the Jewish sages rule that a Hebrew girl sold into slavery by her penniless father is to be freed by her master when she reaches puberty (see Rambam, Laws of Slaves, chapter 1). A slave girl's consent is required if her master seeks to marry her, or marry her to his son. Her formal status thereby changes to female *spouse* with the rights to food, clothing, and sexual intimacy. These laws offer some protection to women against the sexual abuses that too often attend excessive gendered power in society.

In a speech she delivered 1851 at the Women's Convention in Akron, Ohio, [Sojourner Truth](#), a former slave and an inspirational figure in the American emancipation movement speaks of her experience as a slave, and as a woman in her religious framework,

Look at me! Look at my arm! I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man - when I could get it - and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?....

Then that little man in black there, he says women can't have as much rights as men, 'cause Christ wasn't a woman! Where did your Christ come from? Where did your Christ come from? From God and a woman!

Sojourner Truth expects her religious faith to uphold her ethical views; she advocates an interpretation of her tradition that strives for liberation from the views that enslave blacks and women.



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Though much of humanity claims to have broken through the belief that some people are born to serve others—that some people are inherently inferior—we continue to live according to those views. By our affluent lifestyles and our constant search for bargain food, services, and goods, for material indulgence, we behave as though we are entitled to benefit from slavery and the slave-like conditions under which unfortunate women, children, and men throughout the world toil for us. Today, nearly three out of every four slaves are women; half are children.

The Torah recognizes that slavery arises—due to disparities in society and the misfortunes that create desperation and need (see Devarim 15). Similar conditions exist in our global economy, many of them human-made—untenable abuses of human and natural resources, undervaluing vast categories of human effort and services that results in dehumanizing labor and living conditions, indignities, and discrimination. All of this persists in spite of emancipation and the dawn of the era of human rights. In the Torah, slavery persists in spite of the Exodus. Ultimately, leaving Egypt blazes a path away from serving human masters toward serving the divine. Parashat Mishpatim acknowledges the persistent reality of slavery and the constant need to raise our ethical standards, and to practice them. Exodus establishes the vision and purpose to end oppression among people, but it does not wean us from the beliefs, habits, and profits of enslaving one another—this is one of our paramount responsibilities in the exercise of our freedom.

Pirkei Avot- Ethics of our Forebears (6, 2) explains,

Do not call the commandments ‘Charut’ [engraved into the stone tablets], but rather call the commandments ‘Cheirut’ [freedom], because no one is as free as one who follows the Torah.’

Questions for Discussion

1. How do you relate the Exodus messages of liberation to power relations in the current global economic order?
2. How do you relate to the parallel between the enslavement of blacks and of women? In your view, what are the similarities and dissimilarities between these two situations, and between the beliefs about human nature that underlie each of them?
3. Compare and contrast the types of relationships mentioned in our parsha with current forms of slavery. Where and when do you perceive slave-like relationships in your daily life? Analyze how you participate in and/ or resist the exploitations of slavery and slavery-like production and service. Discuss and strategize about how you might better intervene effectively.
4. Explore the meaning of life as *service*; how does it relate to your self-conceptions about your work and play? [We shall return to this issue later in our sessions.]



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Study Links

While slavery is practiced throughout the world, Jews hold Israel particularly accountable for her treatment of laborers. Read and evaluate [Rabbi Amy Klein's essay on foreign workers](#) and the [website](#) of one of the major Israeli NGO's working for foreign workers, Kav laOved.

Here is [Dov Landau's essay](#) about Hebrew slaves in the Torah and some rabbinic texts.

[This essay](#) compares the laws in parshat Mishpatim with the law of the Hebrew slave in the book of Deuteronomy.

Efraim Hamiel evaluates the [laws of slavery in terms of traditional commentators](#).

Read Sojourner Truth's narrative that she dictated after her emancipation [here](#) and personal accounts of gender abuses in the master-slave relation [here](#).

[This site](#) discusses child slavery in the production of chocolate in Cote d'Ivoire, the world's largest cocoa bean producer—an item we associate with indulgence and happiness.

“Fairtrade is an alternative approach to conventional trade and is based on a partnership between producers and consumers. Fairtrade offers producers a better deal and improved terms of trade. This allows them the opportunity to improve their lives and plan for their future. Fairtrade offers consumers a powerful way to reduce poverty through their every day shopping. When a product carries the FAIRTRADE Mark it means the producers and traders have met Fairtrade standards. The standards are designed to address the imbalance of power in trading relationships, unstable markets and the injustices of conventional trade.”
Learn more about Fairtrade [here](#).

Summary of Issues

The biblical laws concerning slavery are relevant to our societies as an ethical impetus toward better addressing contemporary abuses of power and privilege.

Methods & Observations

While some biblical passages appear outdated, sometimes they penetrate to aspects of our own society and personal practice that bear examination and critique. We can all improve our habits and behavior in respect to the providers of goods and services that we consume.

Contact

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