

Mishpatim 5775

BS"D Parashat Mishpatim 5775

Rabbi Nachman Kahana

Is it possible to perform an act that does not appear in the criminal code of Am Yisrael, yet its implications are an affront, an indignity; indeed, an abuse of the Holy One Blessed Be He?

A Jewish Eved is Not a Slave

After receiving the non-specific Commandments at Mount Sinai, our parasha begins with the functional Halachic details of the 613 mitzvot.

When our forefathers left Egypt, after 210 years of denigration and servitude, they possessed a distorted slave mentality, unsustainable for a people designated to become HaShem's chosen nation. It would take another 40 years of Torah study under Moshe Rabbeinu to prepare them for the great spiritual mission they were to perform when they would enter the Holy Land.

In order for the newly downtrodden freed slaves to be able to appreciate the subtle grandeur of the Torah, Moshe began by instructing them in an issue with which they could easily empathize – avdut (slavery). I will not use the word "master" (adon) or "slave" (eved) which is associated with brutal, inhumane treatment, because Jewish avdut (slavery) is far from that.

The Jewish nation was now aware of the humanity and kindness of the Torah, as it appears in the Torah's treatment of avadim (slaves), not as possessions or chattel, but as people whose

independence had been compromised, whose image of God within them must be carefully preserved. A Jewish "eved" is not a "slave" in the accepted sense; he is closer to being an employee under contract for a specific number of years.

A Jew is "sold" into avdut ("slavery") when he has stolen and is unable to repay the value of the item, or when sells himself due to dire poverty. In each case the servitude ends at the end of six years, or when the Yovel (Jubilee) year arrives, or in the case of one who sold himself, at the end of the number of years agreed upon between him and the adon.

In both cases, he enters the relationship with rights which the adon must respect. The eved brings with him his wife and children who are supported by the adon despite the fact that only the eved is required to work. He may be given work only within his profession; a teacher may not be sent out to plow a field.

If there is only one bed, the eved sleeps in it; only enough for one meal, the eved gets the food.

And upon the conclusion of his "time", the owner must give him a handsome severance gift.

The gemara summarizes the adon-eved relationship with the principle: "Whoever purchases an eved purchases for himself an adon."

When the term of service draws to a close, the Torah presents the eved with the option to resume his service until the coming Jubilee year, after performing a ceremony. The adon and eved appear in the court where they stand near the entrance door. The adon then punctures the eved's right ear with a metal awl, and the eved now resumes the status of an eved until the next Jubilee year, as the Torah states:

וְיָבִיאוּ אֹתוֹ אֶל הַבֵּית וְעָמְדוּ אֵצֶל דַּלְתוֹת הַבַּיִת וְעָמְדוּ אֵצֶל דַּלְתוֹת הַבַּיִת וְעָמְדוּ אֵצֶל דַּלְתוֹת הַבַּיִת (וְעָמְדוּ אֵצֶל דַּלְתוֹת הַבַּיִת וְעָמְדוּ אֵצֶל דַּלְתוֹת הַבַּיִת וְעָמְדוּ אֵצֶל דַּלְתוֹת הַבַּיִת);

Then his adon must take him before the judges. He shall take him to the door or the doorpost and pierce his ear with an awl. Then he will be his eved for life (until the Jubilee).

Rabban Yochanan ben Zachai in the Yerushalmi (Kiddushin chap. 1 and quoted by Rashi) explains that the ear was chosen to be pierced because it was the ear that heard at Mount Sinai that we are the servants of Hashem, and this man threw off the yoke of heaven to enter under the yoke of man – that ear shall be pierced.

The Adon-Eved Relationship

The Jewish nation has collectively heard, seen and experienced the miraculous evolution of our people from one man – Avraham who set out to change the world. He created the ethical code and brought forth the inner feelings of human conscience.

3400 years ago, we all stood at Mount Sinai to become part of the covenant with HaShem, when he became our Adon and we his Avadim

The ride has not been easy. The Egyptians, Babylonians, Persians, Greeks, Romans, Christians and Moslems and so many more have left us scarred. But not one iota less fresh or less mentally or physically alert.

We traversed 2000 years of galut over the world's continents and outlived all our enemies (the Germans and their allies are next in line) in order to miraculously return to our land – Medinat Yisrael.

It is here that we have revived the direct adon-eved relationship between the Creator and His people Yisrael.

Choosing to be an Eved to an Eved

Now to return to the original question: Is it possible to perform an act that does not appear in the criminal code of Am Yisrael, yet its implications are an affront, an indignity; indeed, an abuse of the Holy One Blessed Be He?

Yes!

It is not forbidden for one to become a willing eved nirtza (one whose ear is pierced) but it is an affront to HaShem. It is tantamount to declaring that to be a direct servant of HaShem is insufficient. One who needs the providence of a human adon to provide security and sustenance, insinuates that to be an eved to an eved (one man subservient to another) is preferable to being an eved to HaShem.

Let every Jew in the galut know that he is in a great respect an "eved nirtza". He chooses to be under the wings of another eved – this time a gentile one – who he believes will supply him with security and sustenance. The implication is that these two major factors in life which, in his mind, HaShem is unable to do in Eretz Yisrael, the gentile will provide for him in the galut.

This is an affront, an indignity; indeed! An abuse of the Holy One Blessed Be He. It is a chillul HaShem of the first order.

And it will not go unchallenged by HaShem, who protects His people in Medinat Yisrael who believe and trust in Him and only in Him with every passing moment.

Shabbat Shalom

Nachman Kahana

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