

DARCHAI NOAM

Its ways are ways of pleasantness - דרכיה דרכי נעם

(Mishlei 3:17)

Parashat Mishpatim, January 2014

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How can the Parasha help us grow this week?

Mishpatim – focus on the less fortunate

In last week's Parasha, Bnei Yisrael received the Torah. In this week's Parasha of Mishpatim we have a long list of many of the laws that are included in the Torah – 53 in total according to the Rambam's count. Most of these mitzvot are "*ben adam l'chavero*" – laws that govern relations between people. One might expect the first mitzva in the list to set the tone for the rest of the mitzvot that follow. It is somewhat surprising that the first mitzva in this long list deals with slaves. Why is the topic of slavery so important that it merits being mentioned first? A more fundamental question is what is the Torah's view of slavery? The whole concept of slavery seems very much at odds with our modern, Western values.

If we look at the halachot of owning a slave, we see that the Torah requires the master to treat the slave with dignity and respect. The Gemara says that one who acquires a slave actually acquires a master for himself (Kiddushin 20a). Jewish slaves could not be given degrading work. They must be fed the same food as the master. If there was only one pillow in the house, the slave had priority over the master. The master was required to set free the slave after a certain time. Furthermore, the master was instructed to give the slave gifts to thank him for all the work that he done. Unlike elsewhere in the world, we can see that Jewish standards for slaves were very different. Some slaves actually chose to continue working for their masters when they were entitled to go free.

It is fairly clear that the Torah is against slavery¹. So why did the Torah allow slavery to exist at all? Some of the commentators have suggested that the Torah is recognising practical reality and human weaknesses. Slavery was such an entrenched part of society for so long that it would not be feasible to wipe it out overnight. Thus, even though slavery does not fit into the Torah's moral framework, the Torah allowed it under very strict conditions. This is similar to the case of the yefat toar (beautiful captive) (Devarim 21:11). If a Jewish soldier saw a beautiful captive during war, the Torah allows the soldier to take that person as a wife, but only under very strict conditions. Clearly the Torah does not sanction such behaviour. However Hashem understands human weaknesses and that during times of war people sometimes act in a way that they wouldn't normally act. The Torah sometimes allows us to concede to our weaknesses under very strict conditions. Hashem understands that the alternative is worse. Perhaps the Torah's permission to own slaves falls into the same category². Gradually, over the millennia, the message that slavery is wrong has filtered down to the rest of the world and fortunately it is very uncommon these days.

Now let us try to understand why the laws of slaves are mentioned first in the long list of mitzvot in Parashat Mishpatim.

As we leave the sanctity of Shabbat, and begin our week of productive work, there are a number of additional passages that we traditionally recite after Maariv. These include the verses of blessing (page 600 of the Artscroll siddur) which contains a collection of blessings from throughout the Tanach, beginning with the bracha that Yitzchak gave to Yaakov. By reciting these verses on Saturday night, at the threshold of the new week, we are asking for Hashem's blessing on our labour of the coming six days.

¹ This is certainly true in relation to Jewish slaves. Canaanite slaves are in a different category.

² Rabbi Berel Wein, <http://www.torah.org/learning/rabbiwein/5766/mishpatim.html>

At the end of the verses of blessing, we read an excerpt from the Gemara (Megillah 31a) (page 606 of the Artscroll siddur) from Rabbi Yochanan who states that wherever you find the greatness of Hashem, there you find His humility. Rabbi Yochanan provides 3 quotes by way of example – from the Torah, the Neviim and the Ketuvim. Each quote contains a reference to Hashem's greatness and exaltedness which is immediately juxtaposed with Hashem's concern for the most lowly and vulnerable members of society – the orphan, the widow, the stranger, the contrite and the lowly of spirit. For example, in the Torah:

*"For Hashem, your G-d, he is the G-d of heavenly forces and the Master of masters, the great, mighty and awesome G-d, who shows no favouritism and accepts no bribe."
(Devarim 10:17)*

"He performs justice for orphan and widow, and loves the stranger, to give him food and clothing." (Devarim 10:18)

An important principle of Judaism is that we should strive to emulate Hashem and to walk in his ways (Sefer HaChinuch mitzva 611). This passage from the Gemara reminds us of Hashem's compassion and concern for the most vulnerable members of our society. This can serve to remind us not to take advantage of the poor and defenceless. Rather we should emulate Hashem and concern ourselves with their wellbeing. This is a very timely message as we are about to start a new week and go out into the world to conduct our business.

Perhaps this explains why the laws of slaves are mentioned first in Parashat Mishpatim. Before we begin studying the long list of mitzvot that govern our relations with each other, our very first thought needs to be about the vulnerable and defenceless members of our society. The Chovot Halevavot advises us that when it comes to matters of materialism our focus should be on those that are less fortunate than us and when it comes to matters of spirituality our focus should be on those that are ahead of us. If we focus on those that are less fortunate than us in matters of materialism, then we will naturally try to think of ways in which we can help them. As a bonus, we will also end up feeling more content with what we have and there will be less reason to feel jealous.

Perhaps Rabbi Yochanan's observation can be understood as follows. The reason why Hashem's greatness is juxtaposed with His humility is because it is this very humility and this concern for the lowly and vulnerable that is actually a manifestation of His greatness. Similarly, when we take time out from our busy schedules to care for those that are less fortunate than us, this demonstrates strength of character on our part.

By helping those that are less fortunate than us, we are recognising that everything we have has been bestowed on us from Hashem. In order to emulate Hashem in this manner we must similarly bestow on others, whether it be money, time, compassion, empathy or mercy. If we happen to be more fortunate than anyone else in this world in a given moment it is only because Hashem has granted that fortune to us at that moment.

This is well worth bearing in mind when we deal with those that are less fortunate than us as we seek to fulfil the mitzvah of emulating Hashem and walking in His ways.

Let's try something this week:

1. Let's make an effort to notice anyone in our vicinity that is less fortunate than us - either in parnassah, family, health, happiness, or the many other areas that Hashem blesses us.
2. Remind ourselves that roles could reverse at any moment, but at this moment if we are more fortunate it is because Hashem is trusting us to be humble enough to recognise that all we have is from Him, and like Him, we must share with others.
3. When we deal with particularly vulnerable people such as new immigrants or people who don't speak the language, let's make an extra effort to speak kindly and offer to give them a hand.

Shabbat shalom, Rabbi Ledder

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About Darchai Noam

The passuk in Mishlei (3:17) describes the Torah as follows: “Its ways are ways of pleasantness (Darchai Noam) and all its paths are peace”. The Torah is our guidebook for life. It is packed full of good advice as to how we should live our lives.

The aim of the Darchai Noam weekly email is to examine an idea from the weekly parashah relating to good middot (character traits). It will focus particularly on treating each other with respect and how to interact with each other in a more peaceful and pleasant manner. It will also suggest some practical tips for implementing these ideas in our daily lives.

By learning together each week, and making an effort to regularly put the ideas into practice, with Hashem’s help we can all gradually improve our character traits and our observance of ‘v’ahavta l’reiacha kamocho’ – loving one’s fellow as oneself.

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