

DARCHAI NOAM - דרכי נועם

“Its ways are ways of pleasantness”

(Mishlei 3:17)

Mishpatim
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How can the Parasha help us grow this week?

Mishpatim – focusing on those 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 – the Rambam counts 53 in total. 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 mitzvot that follow. Thus, 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? What is the Torah's view of slavery? And how can we relate this seemingly antiquated concept of slavery to our modern lives?

The Torah requires the master to treat a slave with dignity and respect. The Gemara¹ says that one who acquires a slave actually acquires a master for himself. Jewish slaves cannot not be given degrading work. They must be fed the same food as the master. If there is only one pillow in the house, the slave has priority over the master. The master is required to set the slave free after a certain time. Furthermore, the master is instructed to give the slave gifts to thank him for all his work. Thus, the Jewish standard for slaves differs greatly from the rest of the world. Some Jewish slaves voluntarily chose to continue working for their masters even when they are entitled to go free!

A number of commentators suggest that the Torah is not in favour of slavery². However, they suggest, the Torah still tolerates slavery and set out rules to govern this institution as a practical recognition of human weakness. Slavery was such an entrenched part of society throughout the world 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 yefet toar (beautiful captive)³. The Torah allows a Jewish soldier who saw a beautiful captive during war, to take that person as a wife, but only under very strict conditions. Clearly the Torah does not sanction such behaviour. However, the Torah sometimes makes concessions for human weaknesses, recognising that during times of war people sometimes act in a way that they wouldn't normally act. The alternative to taking such a captive as a wife could be worse. Perhaps the Torah's permission to own slaves falls into the same category⁴. Gradually, over the millennia, the message that slavery is wrong has filtered down to the rest of the world and fortunately it is not very common 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, we traditionally recite some specific passages after Maariv. These include the verses of blessing⁵ which contains a collection of blessings from throughout the Tanach, beginning with the bracha that Yitzchak gave to Yaakov. By reciting these verses at the threshold of the new week, we are asking for Hashem's blessing on our labour of the coming six days.

¹ Kiddushin 20a.

² See for example: <http://rabbisacks.org/covenant-conversation-5772-mishpatim-the-slow-end-of-slavery/>

³ Parashat Ki Teitzei, Devarim 21:11.

⁴ Suggested by Rabbi Berel Wein: <http://www.torah.org/learning/rabbiwein/5766/mishpatim.html>

⁵ See page 600 of the standard Artscroll Ashkenaz siddur.

At the end of these verses of blessing, we read a passage in the name of from Rabbi Yochanan⁶ who states that wherever you find the greatness of Hashem, there you find His humility. This is demonstrated by the fact that Hashem 'lowers Himself' (so to speak) to take care of the lowest and most vulnerable members of society. Rabbi Yochanan provides 3 quotes by way of example – from the Torah, the Nevi'im 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)

- and -

"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.⁷ This passage from the Gemara which we recite after Shabbat reminds us of Hashem's compassion and concern for the most vulnerable members of our society. If we are to emulate Hashem in His compassion, we must also treat the poor and defenceless with compassion. 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 Rabbi Yochanan's observation can be understood as follows. The reason why Hashem's greatness is juxtaposed with His humility and compassion for the underprivileged is because it is this very compassion and 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.

We can now suggest an answer to our original question - 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. When it comes to matters of spirituality, our focus should be on those that are ahead of us, so that we are encouraged to continue striving and growing spiritually. If we focus on those that are less fortunate than us in matters of materialism, we will naturally be more inclined to try to help them. In addition, when we notice the contrast, we are more likely to feel more appreciative of our own status and the blessings that we have.

By being restricted in the treatment of slaves we are reminded that everything we have has been bestowed on us from Hashem and that He is the Ultimate Master. And the Ultimate Master wants us to emulate Him by acting with mercy and compassion to those in our domain.

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 parnasah, family, health, happiness, or the many other areas that Hashem blesses us.
2. Remind ourselves that roles could reverse at any moment. If we find ourselves in the position of power or wealth rather than the opposite, it is because Hashem is trusting us to have compassion for his creatures.
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

⁶ Gemara Megillah 31a, see page 606 of the Artscroll siddur.

⁷ Sefer HaChinuch, Mitzva 611.

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About Darchai Noam

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The pasuk 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, usually 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're'echa kamocho' – loving one's fellow as oneself.

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