

PORTION	DATE	HEB DATE	TORAH	NEVIIM	KETUVIM
Mishpatim	2 Feb 2019	27 Shevat 5779	Exo. 21:1-24:18	Jer 34:8-22; 33:25-26	Matt. 26:20-30

Last week, in parashat Yitro, Hashem gave Yisraelites the Ten Commandments on Mount Sinai. The giving of the Torah was the focal point for Ya'akov to go down to Mitzrayim, the exodus of Mitzrayim 210 years later for the children of Yisrael to stand on Mount Sinai.

This week's Torah portion Mishpatim (Judgments / Laws) contains many laws for the Yisraelites to adhere in their daily life. We have previously discussed about meat and milk. Therefore, we will focus today about slaves and what the Torah is teaching us.

The Torah portion Mishpatim is the eighteenth of *parashot*. The number eighteen has same numerical value with *cha.y* (life; חי, 10+8). Meaning, there is 'life' when we follow the laws of Hashem. Last week's *parashat* was the seventeenth *parashot* that also has same numerical value with *tov* (good; טוב, 2+6+9). Meaning, the Ten Commandments given to the Yisraelites were "good". We learned that Yitro 'crossed over' or converted in today's terminology by accepting Hashem as his Elohim. The biblical word for 'crossed over' is 'evri' as Avraham left Ur in Mesopotamia when Hashem called him.

The commentators believed that the Mishpatim was given to Moshe when he went up to Mount Sinai after giving of the Ten Commandments to receive the rest of the Law. The second time Moshe went to the mountain was to ask for forgiveness of the sin of the Golden Calf. And he went up the mountain for the last time to write the Ten Commandments dictated by Hashem. It was this second Tablets that was stored inside the Ark.

Now, in Shemot 21:2 says, "If you buy a Hebrew servant," (כִּי תִקְנֶה עֶבֶד עִבְרִי, *ki tik.ne eved Eev.ri*). We will focus on two words, "eved" and "Eev.ri". A question should be why "Eev.ri"? After all, these laws were given after the Ten Commandment. Shouldn't Hashem say "Yisraeli" since He gave the Ten Commandments? Hashem is reminding the Yisraelites where they came from and that they have "crossed over" from slavery into freedom. Therefore, they should not be a "slave" again for they were chosen as His people.

The sages taught that Yosef was known as a Eev.ri (Hebrew) in Genesis 39:14. The Zohar explains that his brothers sold Yosef to Ishmaelites who then sold him to Mitzrayim as a slave. The selling of their brother resulted that Hashem put the entire nation under slavery. This is the *tikkun* (rectification) of Yisrael. Hashem wanted to arouse mercy in the Yisraelites. He wanted Yisraelites not to forget the actions of Yosef and his brothers. Hashem wanted Yisraelites to *tikkun* with His *Chesed* (Mercy / Loving Kindness) as Yosef had shown to his brothers. Thus Hashem is now teaching us that as a master, he is to show mercy and kindness to their slaves as Yosef had shown to his brothers.

"Eved" is usually translated into a "servant," but it also means "slave". So, who is this "eved" and where do they come from? First, we need to return to before the giving of the Torah. Before the *matan* Torah, people guarded their property day and night. There is a greater chance for a thief to get killed or caught by the owner. After the *matan* Torah, the owners began to relax watching over their properties since Hashem told them, "they shall not covet your neighbors." Who in right mind go against Hashem? And thievery got easier as the owners relaxed on due diligence of their property.

The “slave” comes from thieves who were caught and prosecuted for their crime. Why make them as slaves? Usually, it is a poor person who does not have money or food and he takes a life of thievery. (Exo. 22:3) Since he does not have money, there is no way for him to pay back the owner if he gets arrested. Therefore, the Beit Din (House of Judgment) sells him in the market to pay back the money to the victim. It sounds cruel punishment on the surface. But, let’s go a little deeper. The current judicial system for the convicted is to place them in jail but the chance of getting money back to the owner is slim to nothing. Meanwhile, the convict has free access to television, internet, gym, free medical, and a greater chance of becoming a better criminal, etc.

The word “slave” in today’s term has a very negative connotation as we imagine captured Africans in a holding cell on a long journey to other countries. Their masters abused them physically and sexually, and often killed them without remorse. In the biblical times, a convicted thief is given an opportunity to pay back the owner by working as a slave.

Now, this convicted thief works for his new master for six years. During this time, the money he earned goes back to the victim. The new master treats his new ‘slave’ as if he belongs to the family. He ate what his master ate. He slept in a bed like his master slept. He didn’t do any hard labor. After six years, he is then released from his slavery and returns to his family. He also goes out with extra money, or food given by his master. If the slave came with family, his whole family is treated as the master’s own. As you can see, the master has to spend a lot of money, time, and effort for a slave.

What is the difference between a servant and a worker? A worker has to provide his own food and lodging. Whereas a servant eats the same food and same house as his master lives. Since all his needs including his family is provided, a servant might decide to stay under his master “forever”.

“But if the servant shall plainly say: I love my master... I will not go out free.” (Exo. 21:5) The slave is then taken to Beit Din to discourage him being a slave since he belongs to Hashem. You “have become slaves of Elohim” (Rom. 6:22) “For unto Me the children of Yisrael are servants” (Lev. 25:55). If the slave is adamant being a slave to his master, then he is taken to the door post which represents freedom of his master and pierce (marking) his right ear. He then becomes a slave to his master “forever”. (Exo. 21:6) Now, “forever” in the Scriptures does not mean until his death. It means for forty-nine years as a slave. Then he goes free on the fiftieth year or the year of Jubilee.

In verse 4, the Scripture says, “If his master gives him a wife, and she bear him sons or daughters; the wife and her children shall be her master’s, and he shall go out by himself.” It sounds very harsh that Hashem would separate a family where the father has to leave his family and move out of his master’s house. And the wife and their children would be slaves or servants rest of their life. There is a very big difference between verse 3 and 4. In verse 3, the wife is a Yisraeli. In verse 4, the wife is not a Yisraeli meaning she came from other nations. The deeper meaning to this verse is reincarnation.

The sages taught in verse 4 that the wife and her children were born to be a perpetual slave in this physical world for the sins they committed in their previous life. Since Hashem is “measure for measure” and He wants all people to turn to Him, this is His way of cleansing their souls. For example, if a person steals ten gold bars from his business partner, he would reincarnate in next life and his business partner would take back stolen ten gold bars belonging to him from the man.

“If a man sells his daughter” (v. 7), why does it say “a man”, should it have not been “her father”? Because Hashem does not like selling a man’s daughter as a slave. Why does the man sell his daughter? His family is poor and destitute that if his daughter stays with him, she would die of hunger. It is not like today where we can easily find a job to support his family. The father would call for a family meeting and discuss his family conditions with his daughter. She has to agree with the decision before living with another family as a servant. The father goes to a local priest to find affluent righteous family and negotiate on price. Let see how this works.

Example: Let us say that the girl is ten years old. She goes to a new family, does dishes and laundry. For two years, she serves new family. When she become of an adult, she can marry her master’s son and the master pays bride’s fee. She would have all rights as if she is a family. Thus, she has all conjugal rights, food, and clothing. Now, we should all be asking ourselves: at what age does she become an adult? 12 ½ years old. For 2 ½ years, she is well taken care of in food, shelter, and treated as a part of family. The 10 years old child back in biblical time or even 100 years ago is totally different from today’s ten-year old child in wisdom and experience. But, if the master does not want her to be a daughter-in-law, then she is released from her servant status and she goes free without compensation because her father already received compensation for her. The girl goes free without payment in one of three ways: (a) at the end of six years, (b) upon the advent of the Jubilee Year; and (c) when her puberty begins.

Now, the Torah turns to a murderer. (v. 12) There are three types of death penalty prescribed in the Scripture: stoning, hanging, and burning. Why the three types of death penalty? The stoning is reserved as a standard form of judicial execution (Lev. 24:23; Num. 15:36; 1 Kings 21:13; 2 Chron. 24:21) for a murder with a malicious intent (lying in wait). The burning is carried out for a man “take with his wife also her mother” (Lev. 20:14), and a daughter of high priest who plays “harlot” (Lev. 21:9). The hanging is prescribed after execution for a person found guilty of capital offense and put to death had to be impaled on a stake (Deut. 21:22); but the body had to be taken down the same day and buried before nightfall “for he that is hanged is a reproach unto Elohim.” (ibid, v. 23) The other nations used hanging as a mode of execution, but we are not discussing that here.

The Talmudic Law adds another type of execution which is by strangulation. When an execution is carried out, the judges applied two general theories: to “love your neighbor as yourself” (Lev. 19:17) which is extended to the condemned criminal, meaning you ‘love’ him by giving the most humane death possible. And since judicial execution resemble the taking of life by Hashem as the body remains externally unchanged when Hashem takes the life (Lev. 10:2). Therefore, in judicial executions the body should not be destroyed or mutilated (Sanhedrin 52a; Sifra 7:9) The strangulation applies when there is no other mode of execution is prescribed in the Scripture.

Now, the basics. The Commandments are divided into three categories: 1. *Mishpatim* are laws that are simple, common sense. We don’t have think too much into it. For example, “You shall not murder”.<sup>1</sup> 2. Testimony (עדות) “*e•dut*” are types of mitzvot for something that happened. For example, “You may tell it in the ears of your son and of your son’s son...”<sup>2</sup> Shabbat is a testimony of the world created. It is a testimony of past events. 3. *Chukim* are the mitzvot that doesn’t make sense. For example, a Red Heifer, or to eat certain food. Why do we do it? Because Hashem says so. That being said, even *mishpatim* are *chukim* as we truly don’t understand its full deeper meaning.

<sup>1</sup> Exodus 20:13

<sup>2</sup> Exodus 10:2

## The Four Types of Guardians. BT Baba Mes'ia Tractate 3.

	<b>Negligence</b>	<b>Lost or Stolen</b>	<b>Accident</b>
<b>The Unpaid Guardian</b>	Liabile	Exempt Must provide proof	Exempt Must provide proof
<b>The Paid Guardian (The Renter)</b>	Liabile	Liabile	Exempt Must provide proof
<b>The Borrower</b>	Liabile	Liabile	Liabile