

February 12-13, 2021
30 Shvat 1 Adar 5781

Freedom

This week's parsha is the first after the giving of the 10 commandments. Called "judgements", this parsha is the first that lays down the many laws that constitute the basis for all of our Halachos¹.

It is fascinating that the parsha's first law is about acquiring a Jewish slave. Rashi's approach to answering the question of why this parsha is broadly continuing from the end of last parsha which deals with Mizbeachs, to tell us that the Jewish courts (Sanhedrin) should be placed near the Beis Hamikdash.

There must be an additional reason why the first law after the parsha of the 10 commandments begins with a "Hebrew Slave" (Eved Ivri) which you will acquire (Ki Sikneh).

Rashi explains that Ki Sikneh (when you will buy) is referring to the fact that the slave was sold as a punishment for a Jewish person who stole, cannot repay, and has to repay his debts through free labor. The punishment kind of makes sense (different then in the case of a Jewish slave who sold himself into slavery for being too poor- as told to us in Vayikra).

Parshas Shemos, Vaeirah, Bo recounts the narrative of Jewish slavery en-masse, as a whole, then they go free, then we get the miracle of passing through the Yam Suf (B'shalach), then we get to the level of achieving the giving of the Torah (Yisro), then the first law in the next chapter (Parshas Mishpatim) is when you will buy a Hebrew slave. Are there not more glamorous laws with which to sandwich the parshas.

There are those, especially in our modern times, who explain the Torah's position, and purportedly therefore the Jewish position on slavery. The answers primarily seem to be driven by trying to explain and help people in our modern time fathom the idea that

the Torah "allowed" for slavery. The assumption is that it would be a criticism of the Torah to allow for slaves when the Jews themselves were brutally treated as slaves, and yet the world in the natural order has the slave-owner relationships. The explanations posited are about how the Torah tells us not to brutalize a slave and be moral about our slave ownership (or that slaves as part of humanity's recent memories is not the definition of the Torah's version of slavery, and the Torah tells us all the ways to act morally² etc). It is keday for a person to learn more about the topic and understand the laws of slavery in Judaism to arrive at a conclusion for how the Torah views slavery.

The purpose of what I am writing here isn't to explain this in the traditional way. Rather, to try and tackle the juxtaposition of Mishpatim with the other previous parshas, and what it may mean for our Avoda as Jews to Hashem.

Mepharshim (such as Rashi and other) explain that the purposefulness of the juxtaposition and the written laws is that even though they seem logical, and therefore humanly developed, (for example there is an argument made by atheists, and social scientists, that a theological argument for morals is unreasonable, and that humans themselves develop a moral code). Whether this is true or not, is not the purpose of what I am writing here, rather, even the logically seeming laws, are still divine, that is they still are the Chochma of Hashem, and still come from the Torah. The purpose of this is, in my opinion twofold. The first, is that it reifies the fact that Hashem is the Master of the Universe, and everything we do is for Him, and the second dovetailing off the first, is that Hashem set up the system of mitzvahs, especially the rational ones, such that we derive Schar for them, even if we don't recognize that we are Jewish³.

How is it possible that someone works for someone else in the capacity of a servant? It would only be allowed should Hashem and therefore Halacha allow for it. Furthermore, how is it possible that a person would come to getting enslaved in the first place. After travelling through the desert, every family had a method by which to commerce, and to "survive" in the land of Israel. So much that even the B'nos

¹ The first Rashi explains grammatically that "v'eileh" versus "eileh" when used will either mean, that which is previously stated is no longer in effect "eileh", whereas the vov of "v'eileh" tells us that these words are a continuation of that which was stated previously.

² Tzvi Freeman on the subject of slavery in the Torah or Rabbi Jonathan Sack (A"H) on the topic as well.

³ As the Rebbe so eloquently explains in the Mamer "Kol Yisrael Yesh Lohem Chelek" *Sefer HaMaamarim Meluket* IV, p. 177ff

Tzafchad argued for their portion of the Land of Israel, and the law seemed to have been adapted at that time, to ensure that next of kin got a proper share in the land, even if there were no sons. If that is the case, how then can one come to a situation that they are a “Hebrew servant” which Rashi in the pesukim explain the Hebrew servant described here is one that is court ordered (because the person owes money or caused damages they couldn’t repay, and therefore had to pay their debts through service), versus in other places where a Hebrew servant is described (Vayikra for example) because they are too poor to have any other vocation.

To help answer this question, I want to draw on what the Alter Rebbe describes in his Mamer in Torah Ohr on Parshas Mishpatim about the neshamos of a human versus the neshama (life force) that sustains an animal. With a human their sight, hearing, and “daas” (the ability to perceive and know things cogently) versus an animal which has sight and hearing, but only ‘knows’ things on rudimentary level. For example, if a farmer erects an electric fence to keep their cows from wandering off their field, and the cow touches the fence, gets shocked, it will learn not to “storm the fence”. As well, we definitely know that animals see and hear, and process that information (and can know their world) but on a rudimentary level. Whereas a human, who touches the fence, knowing all the risks prior, will devise with every faculty of their mind, a way to escape, or convince themselves of reducing or inflating the risk. The Alter Rebbe is telling us this, because at the Aseres Hadibros, where the Jews saw and heard the voices of Hashem, they perceived and felt and therefore were imbued with knowledge of Hashem. (Seeing something is believing it, versus only hearing something and taking it less seriously, but hearing and seeing something is the optimal and deepest way of being able to synthesize information in the mind and truly “know it”).

The different levels of knowing therefore can only be understood between humans and animals. An animal has the ability to be subservient to a human, it can be trained and controlled, because the level of knowledge it has is far more rudimentary than a human. In psychology, their brain reactions are much more “fright of flight” and reactive, whereas a human’s potential subjugation permeates on a far deeper level. Obviously one can be driven by fear or rationale as to why to be subject to an oppressor, (and heaven forbid is this statement to belittle or denigrate or even hint to a flaw in a human for being forced into slavery or subject to oppression- rather, it is to

explain the depth of thinking possible, and when we are physically “free” to optimize our service to Hashem). Yet even when there is oppression, or potential human to human subjugation it is possible (in extreme and heroic) cases to overcome the oppressor. Whereas by an animal, the subjugation can persist without ever fear (by the human controller) of a mutiny by the animals, the human may make a mistake (even when trying to control wild animals) that the animal goes free, but it is not a calculated synthesized processed plan by the animal. Therefore, it is easy to understand that an animal can be subservient to a human. The animal, with whatever rudimentary knowledge it has, will remain in the service of its master ad infinitum. Whereas, in order to prevent such subjugation in Yiddishkeit, the master must release its servant.

If a situation arises, that a human must be subservient to another human, this can only happen because Hashem tells us this is allowed. Ibn Ezra tells us this, and he also says that human to human subjugation is the most difficult. As the subject can perceive freedom and yearn for it. And the Torah tells us how to be moral masters, and defines (what would seem obvious and rational, but is obviously not if the Torah commands us to be moral).

Rashi early in the parsha also describes the juxtaposition of Mishpatim to the end of Yisro where the Torah tells us of the alters, to teach that the primary high courts (Sanhedrin) in Jerusalem must be in the vicinity of the Beis Hamikdash. Rashi also tells us of listening to secular courts versus Jewish courts, and court ordered slavery, due to repayment of debts. We can only, it seems, acquire a Hebrew slave through voluntary enslavement, and or Jewish court ordered service, to repay debts. But the Torah tells us that this is not ad infinitum. After 6 years the servant will go free (reference to the 6 days of the week and on the 7th is Shabbos, or that the Earth was created with 6 epochs, and we arrive at Mashiach’s time- which is Shabbos). Furthermore, the Torah commands us to be moral masters. In the gemara’s time, the servants were knowledgeable, and treated with respect, and given a seat at the table of the masters.

What happens if the servant doesn’t want to leave his master’s house? The Torah tells us we drive an awl through his ear, and he is subject to his service forever. Rashi tells us that at Har Sinai the Jews heard that they are the servants of Hashem, yet the person chose to remain in the service of another

human. This ear that didn't hear that commandment, gets a sign, that is their ear is pierced.

The natural order of commerce would be a system where people can have rolling cycles of amassing (physical or monetary) wealth, in this economic cycle there are people who will lose, and therefore may be in a situation that they are indebted to a person, such that the only way to repay is through service. The Torah knows this is the way of the world. Therefore, the Torah codifies the laws, for the hope that people will not enslave others, especially other Jews as a form of business. (The haftara references the fact that in Yirmiyahu's time the Jews were trading other humans- and keeping them as slaves beyond the 6 years, and Yirmiyahu had to change the people and remind them of the biblical commandment against non-court or voluntary subjugation.)

The next rules prescribed in the parsha relate to people committing acts that could land them in the service of other people. (Modern era allows for creditor protection if someone owes so much money that they must claim bankruptcy, the end is there will be a loss incurred by the person, group, institution who is owed money. The resistance to going bankrupt would be the inability by the bankrupted to get credit-and the stigma around it, which is alone enough resistance to not willy nilly go bankrupt in order to absolve themselves of financial responsibilities). The moral code of the Torah and the laws relating to commerce, are defined and highlighted and creating a system of evaluation, and when all fails, the courts can order the repayment of their debts through service- but only because Hashem allows this.

The lesson in our service to Hashem, and perhaps a reason of the placement of Mishpatim's first law to be about servants, and its juxtaposition to the 10 commandments, following the exile of the Jews in Egypt is as follows. I have said previously that the exile was purposeful, one reason is that it allowed the Jews to synthesize what it means to be subject and fully bittul to another entity (obviously amorally, as the subjugation of the Jews in exile was oppressive). Once we as a nation became "ois slave", we were no longer slaves, we spent time (between exodus until the receiving of the Torah) rebuilding our spirituality such that we can accept the Torah on Har Sinai and be fully bittul to Hashem. As being bittul to Hashem ideally is the only subservience a Yid ought to have in this world. But, given the physical restraints of this world, there are situations where we may be in the indebted service of another (person) Yid, or we are

forced as such. Then and only then Hashem tells us the laws, and it is the first one, to tell us to act morally, unlike our oppressors who brutally enslaved us in Egypt. Furthermore, enslavement to others, or other entities, is our allowing ourselves to be subject to that outside force that is not Hashem. It is the level of subjugation of an animal to its master, a rudimentary level of knowing (as stated above) whereas, the true level of avoda, comes from knowing and being truly bittul to Hashem, "v'es d'arf tzu zein".

It is also to remind us of Moshiach. Ramban explains the parallel between the exile in Egypt to the exodus to this first law of Mishpatim. Just as the first of the ten commandments reminds us of our exile in Egypt (Anochi Hashem Elokecha Asher Hotzeisicha M'erezt Mitzrayim) and we were released, so to a Jewish slave (and for that matter other laws are subject to cycles of shemitta and yovel – 6/749/50-year cycles) gets released. The deeper meaning to our lives today is that our earth is also on a 6-epoch cycle and on the 7th day we will be set free. Kol Mah Shebara Hakadosh Baruch Hu Lemala, Bara lemata", all that Hashem created above, is paralleled with a creation below. Therefore, if Hashem tells us the commandment of an Eved Ivri it is the manifestation of a similarly paralleled law in the spiritual G-dly realm. One may ask (as the Rebbe asks regarding paying workers on time) if we are supposed to free our slaves after 6 years, how then are we still oppressed by the nations around us, and we are enslaved so

to speak by them. (As we know, Moshiach is a time where we are no longer oppressed, as Medrish Rabba on the parsha opens up discussing this exact topic, Rashi seems to hint to this as well). The answer borrowing from the Rebbe on the topic, it would seem that the Hashem cycle of 6 millennia of the world are the 6 years (also reference the 6 days of creation), and the 7th day (Shabbos Hayom L'Hashem) is Moshiach's era. Therefore, Hashem will for sure release us from 'slavery' at the end the 6 millennia, i.e., 6 years, as required. But we are allowed to be freed early, the type of subjugation that the Torah is talking about is the maximum legal allowance to subject someone to service, unless they voluntarily option to stay on as a slave. Meaning at the very least at the end of the 6 millennia we will for sure be released from our bonds, but we can "repay our debts early" we can get released early if our service is complete, and ayin tachas ayin, shein tachas shein, we repay our required time allocation, through faster, better, more service, to expedite our release, and that even though we are comfortable in

this life, we don't opt to stay in slavery (nee exile) more than we have to. The current subjugation of the eved ivri is on the level of an animal following its owner's command, whereas we ought to recognize our current slavery as a Yid, not as an animal, one where we can work our debts off early, and realize our freedom earlier.

This week's parsha also works out to being Parshas Shekalim, and Rosh Chodesh Adar. Based on the above, it is befitting that Shekalim falls out on this parsha. If we are currently the level of subjugation as an animal is to its owner, and we are awaiting our freedom, in the event we are not acting like Yidden and trying to expedite our freedom, Hashem still tells us He loves us. Everytime there is a census, it is always the manifestation of love by Hashem for every neshama. One who owns something he loves, counts it often. It is also to tell us that we are very human, and in being very human we are fallible, even if the Torah provides us with the guidance to do better. We make mistakes, and we are subject to the oppression (physical, emotional, mental etc.) that limits our true freedom. Hashem also tells us how to combat the negative human activity with Sur Merah, and Asey Tov. In the Haftara of Shekalim, from Melachim Chapter 12 (although readings start differently in different communities) tells us of Yehoash, who commanded that money be sent to the Beis Hamikdash for repairs, but after 23 years failed to collect enough money, and therefore ended up commanding the Cohanim to collect extra money. Yehoash and Yehoyada enacted new laws to upkeep the Beis Hamikdash, a created a contiguous system for repairs and maintenance. In my mind, I can't fathom the Beis Hamikdash not being upkept. We have been subject to exile for so long, would I even come to think that if we were blessed with Mashiach, and the Beis Hamikdash is here, that it wouldn't be upkept? Yet our shuls, and other institutions don't always have money for what they need, and financial restraints are real. This world with its limitations and the way it was created is real. So yes, it is not obvious that even for the Beis Hamikdash, there would be enough money for upkeep and maintenance. In this vain, Hashem's commandments and Mishpatim are for us to learn from them to be better, and know how to act, because the "human way" is not necessarily to act in the "right" way. We may act in the way of the das of an animal, which allows it to be subject to its owner, but we ought to act like Yidden, where our knowing, can be synthesized through R'eya, and

Shmiya, in a much higher way, as more is expected of us. We can and ought to be Avodim, and bittul to only one master, the Melech Malchei Hamilachim.

Parshas Mishpatim is the 18th parsha in the torah. 18 gematria is Chay, life, which connects this parsha to the posuk in Vayikra 18:5

וּשְׁמַרְתֶּם אֶת־חֻקֹּתַי וְאֶת־מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אִתְּם הָאֲדָם וְתִי בֵּהֶם
אֲנִי יְהוָה: (ס)

"You shall keep My laws and My rules, by the pursuit of which man shall live: I am the LORD.

Rashi says: Scripture makes this repetition in order to attach the commands of "observing" (שמירה) and "performing" (עשיה) to the חוקים, and the commands of שמירה and עשיה to the משפטים, for in v. 4 it uses the term עשיה only in connection with the משפטים, and that of שמירה only with reference to the חוקים (Sifra, Acharei Mot, Section 8 10)."

These Mishpatim are the beginning of that which we enact through Mayseh, of the adage by Hashem – that we *live* by these. This is where it starts, living a moral Halachik life, that is by divine ordination.

This shabbos we are also celebrating Rosh Chodesh Adar. Adar is the month that we celebrate Purim, and M'shenichnas Adar Marbim B'Simcha. The Rebbe taught us that every day of the month we need to be besimcha, as a build up to the month of Nissan where we celebrate the exodus from Egypt. Simcha Poretz Geder, in that Simchas can break our boundaries, through being B'Simcha, we can break the confines that is the current exile and our being enslaved. The changes can happen on the level of V'Nahaphoch Hu, that the current "way" can be flipped, and will be flipped when Moshiach comes. And in the event we cannot change our ways to be bittul to Hashem and Hashem alone, and we are Eved Ivri, through our own Avoda, we can try and be b'simcha, so that the full realization of Purim will be widespread in this world that the order of things, and the natural confines of our lives will be flipped... וְנִהְיֶה כְּיָמֵי יְשׁוּעָה וְנִהְיֶה כְּיָמֵי יְשׁוּעָה, and we will be Zocheh to Mashiach now. May David Zev Ben Tzuttel have a speedy and full recovery.

Good Shabbos, Gut Chodesh.

⁴ בַּיּוֹם אֲשֶׁר שִׁבְרוּ אֹיְבֵי הַיְּהוּדִים לְשָׁלוֹם בָּהֶם וְנִהְיָה הוּא אֲשֶׁר יִשְׁלָטוּ
הַיְּהוּדִים הַיּוֹם הַזֶּה בְּשִׁנְאֵיהֶם: the very day on which the enemies
of the Jews had expected to get them in their power, the

opposite happened, and the Jews got their enemies in their power.