



ארגון רבני צהר



ההסתדרות הציונית העולמית
המערך לשירותים רוחניים בתפוצות

BSD

Parashat Mishpatim

History, Modernity and New-Age Slavery

-Rabbi Haggai Gross-

Solomon Northup's autobiography, which was published in 1853, describes 12 terrible years of his life in which he was sold into slavery despite being a free man. The book became an inspirational and socially turbulent film, *Twelve Years a Slave*, in 2013. One of the books that I found very inspirational in my youth was *Roots* by Alex Haley, which describes a family of slaves in the racist southern United States. The family was kidnapped in Africa and forcefully brought to the United States to begin a life of slavery and humiliation. This was also the reason that I went to see the film *Twelve Years a Slave* when it first came to the theaters. I watched and felt as if I was being punched in the stomach. The film is difficult to watch, extremely brutal and touches many nerves. There were several times during the course of the film that my wife and I felt the urge to get up and leave the theater. However, just like with an annoying hole in your tooth, which you continuously feel around with your tongue despite the pain you cause yourself, we stayed, almost against our will, to take in the horrific images flashing on the screen. The director had no mercy on us, the viewers. By using close-up action shots, he transformed us into partners in crime in the atrocities that took place 150 years ago in one of the most forward-thinking and modern democracies in the world. The story of the African American slaves in the United States is omnipresent in our lives. The abuse, beatings, humiliation, rape, scorn, separation of parents from children and wives from husbands, are transformed on-screen into impossible and yet undeniable images. In one of the scenes, when Edwin Epps, the cruel plantation owner, is asked why he was being so cruel to his slaves, he responds: "They're my property and I can do with them as I please. I paid a handsome sum for them and therefore they belong to me." With a tone of religious self-righteousness, the same malevolent slave master teaches his slaves the Christian Bible every Sunday, in which he finds justification for the cruel and absurd reality in which he can do what he pleases to his slaves, including whipping them for even the slightest insubordination or failure to follow orders.

It is on this backdrop that we can view the moral and ethical code of conduct set forth in the Torah with respect to slavery. In this week's parasha, Mishpatim, we will read the laws of slavery and notice the obvious and enlightening differences that highlight the Torah's educational and moral approach to the concept of slavery, which seemingly could not be any more of a polar opposite to the notion of slavery as it is practiced in the gentile world. A high-level review of a handful of halachic sources in this regard is sufficient to fully illustrate this point and to demonstrate the moral purity of the Torah. The Mekhilta on Shemot 21:2 states as follows: "Perhaps he is deemed a slave for derogatory purposes? It is therefore written: 'If you buy a Hebrew man-servant' – the Torah labeled him a slave against its will." According to the Midrash, it is even forbidden to use the term "slave" in a derogatory manner in order to describe a person. How forbidden is it? To the extent that the Torah itself uses the term against its will, and certainly does not intend to adopt the term for every-day use.

"From here we learn that you may not change his profession" – you may not put the slave to work doing anything you wish, and you certainly may not have him perform work that is humiliating for him or that is intended to personally serve the master. The words of the Talmud (Kiddushin 20a) in this regard create an almost impossible moral threshold: "Because he is well with you: he must be with [i.e., equal to] you in food and drink, that you should not eat white bread and he black bread, you drink old wine and he new wine, you sleep on a feather bed and he on straw. Therefore it was said: Whoever buys a Hebrew slave is like buying a master for himself."

Rabbi Samson Raphael Hirsch, in his commentary on the Torah, summarizes the matter succinctly and perfectly: "The Torah places the criminal (he who stole and was sold into slavery as a result of his theft) and



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the beggar's daughter (she who was sold as a maidservant by her father) at the very beginning of the laws dealing with interpersonal relations in order to demonstrate what it considers basic human rights and the manner in which it requires society to preserve such rights, even for those at its lowest levels.”

The slave is a person with personal dignity, rights and personality who reached his current status for personal reasons. It is for this reason that he does not become the master's property and the master is absolutely prohibited from using the slave as such. At the beginning of parashat Mishpatim, at the outset of the Torah's *magna carta*, immediately following the revelation at Mount Sinai, the Torah takes the time to clarify how we must treat the lowest members of society, the people who fate has frowned upon and whose circumstances have led them to darker places. We are charged with remedying their state and returning them to the straight and narrow.

Particularly in light of the pain and suffering depicted in the film described above and the contrast with the statutory regulations set forth in our parasha, we must ask ourselves whether our society is free of slavery and abuse. Unfortunately, the answer is not at all a simple one. At this very moment, there are women who are being held against their will after having had their passports confiscated from them. These women are forced to sell their bodies while the profits are reaped by their handlers. There are foreign workers who arrived in Israel with permits to work in agriculture or sanitation, but who are employed under horrific working conditions with minimal salaries and who undergo daily verbal abuse and humiliating treatment. Although in today's day and age people are not whipped and tortured, verbal abuse and humiliation has the power to peel away the layers of a person's personal dignity and to scar his soul. I can even find faint parallels between slavery and the working conditions experienced by teenagers desperate for cash who are forced to work under unlawful terms for salaries that do not even approximate the statutory minimums. The cynical exploitation of the desperation of these youths, with complete disregard for basic labor laws, is terrible in its own right. Even if in today's world every youth has the power to get up and walk away from his or her job, there is still something ethically and morally wrong in the maximization of profit at the expense of these young workers. Just as at a wedding, at the most joyous of moments, the bride and groom pause to break a glass in recognition of the fact that when a couple sets out to build a new home they must recognize the existing destruction in the world, so too on Shabbat, which is based, among other things, on the premise that we must “Keep the Sabbath day to sanctify it ... in order that your manservant and your maidservant may rest like you,” we must pause and remember that there are those who are not lucky enough to experience the mitzvah of Shabbat, to merit respite, respect and appreciation, fair and just treatment that every human being should experience by virtue of his or her basic human rights. The Jewish people in particular, who are commanded to “remember that you were a slave in the land of Egypt, and that the Lord your God took you out from there with a strong hand and with an outstretched arm; therefore, the Lord, your God commanded you to observe the Sabbath day” must raise the banner of the struggle against modern slavery, which unfortunately still plagues our society to this very day.

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