

MISHPATIM (EXODUS 21:1-24:18)

Human Rights: Body Piercing And Slavery

2001 · Rabbi Yerachmiel Seplovitz

Jews have always been known for their spirit of social consciousness. We have always been at the forefront in calling out for fairness to all people. We marched with Martin Luther King in Selma. We tend to speak out on behalf of the persecuted and the downtrodden. After all we've been through, we know what it's like to be deprived of civil liberties. We would never want to see anyone subjugated or oppressed in any way.

This is what makes the law of the Hebrew slave (Exodus 21:2-6) so difficult to understand. The Torah tells us the law pertaining to a man who is sold as a slave. He must work for his master for six years before he is released. It is very hard to comprehend how the Jewish People, who spent 210 years in slavery in Egypt, could tolerate the concept of making anyone, Jewish or otherwise, perform slave labor. Even more confusing is what happens at the end of the six-year enslavement. If the slave decides that he would rather remain as a slave, his master stands him in a doorway and rams an awl through his ear, thus identifying him as a permanent slave!

Where is the outrage?! Where is the J.C.L.U. (Jewish Civil Liberties Union)? Where is the hue and cry from the AFL/CIO, protesting the cruel and unusual treatment of a worker? Is this why G-d took us out of Egypt, so we could be subjected to harsh working conditions and forced body piercing?!!

Obviously, there must be more here than meets the eye. The Talmud explains that this is a case of a person who has been found guilty of stealing. If he is incapable of paying back what he stole, the Court sells him to a master who will pay his debt for him.

WHAT?! DEBTORS' PRISON?! Is that a compassionate way to deal with someone?

Actually, there is no comparison whatsoever between prison and the case of the Hebrew slave. Let us analyze for a moment the situation of contemporary society's judicial system.

A young man is found guilty of minor theft. He has fallen in with the wrong crowd and has acted in a reckless and irresponsible manner. So what do we do to help him turn his life around? We throw him into prison, and surround him with hardened criminals who started out the same way he did! We enclose him in an enclave of negative role models, insuring that he will emerge as a bigger threat to society than he was when he went in!!

Contrast this with the Hebrew Servant. (A better translation than "Slave") Rabbi Samson Raphael Hirsch points out that the delinquent is sent to a family of POSITIVE role models. He must be treated with honor and respect. He is not expected to perform menial tasks. The work that he is required to do is limited to that which he has been trained to do. If his master has an air-conditioned bedroom, he gets an air-conditioned bedroom. If his master has only one air conditioner, the servant gets it! When his six-year term of "enslavement" ends, his master "... *may not send him empty-handed. Give him a severance gift from your flocks, from your threshing floor, and from your wine vat so that he will have a share of all the things through which G-d has blessed you. You will thus remember that you were a slave in Egypt and G-d liberated you.*" (Deuteronomy, 15:12-15)

Look what the Torah is telling us! As former slaves, we should know better than anyone how to treat a servant. Give him his dignity, give him his self-respect, help him get back on his feet, and you will turn a potential criminal into a "*mentch*" who will be a contributing member of society.

But what about the body piercing? What possible benefit could there be to boring a hole in his ear?

G-d is telling the servant that there is something wrong with his ear: "The ear that heard at Mt. Sinai, '*Do not steal*' and yet stole... the ear that heard at Mt. Sinai '*the Israelites are My servants*' and yet acquired a master for himself, should be pierced." (Mechilta)

Perhaps the former thief feels very comfortable in his new environment. His meals are provided. He lives in the protective custody of a benevolent master. He is away from "the old neighborhood." He is free from the old temptations to steal. Why not stay with the master?

The Torah is telling him that he's still not listening. "You've paid your debt to society. You are a free man and you **MUST** be a free man. It is time to re-enter society and become a contributing citizen of the world. If you persist in hiding behind your master, then you still don't get it.

Go out into the world and prove that you've made it!

Have a great Shabbos. Rabbi Yerachmiel Sepowitz