

Parashat Mishpatim

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SLAVERY

A LESSON ON THE PARASHA AND THE HAFTARAH

- What was the sin that led to the destruction of the Temple, according to Jeremiah's speech in Jer. 34?
- Why was this sin considered so grave?
- Was a covenant actually made in the Torah regarding slavery?
- Given the commandments regarding a Hebrew slave in this *parasha*, how does the Torah relate to slavery?

A. Jeremiah's Rebuke Regarding the Release of the Slaves

THE RELEASE AND RECAPTURE OF THE SLAVES

Parashat Mishpatim opens with the laws pertaining to a Hebrew slave. For this reason we read in the *haftarah* the prophecy of Jeremiah (ch.34), in which he rebukes the nation of Israel during the reign of Zedekiah for capturing slaves.

Zedekiah, the last king of Judah, made a covenant with the entire nation, according to which every citizen vowed to free his Hebrew slaves. Evidently the

practice of slavery had become common amongst the Jewish people, despite its prohibition in the Torah. The ministers and the nation indeed agreed to set their slaves free, but they later violated their oath and recaptured their slaves:

The word that came upon Jeremiah from God after King Zedekiah had made a covenant with all the people of Jerusalem, to proclaim liberty to them; that each man would set free his Hebrew slave, and each man his Hebrew maidservant, that no Jew should subjugate his fellow man. And all of the ministers listened, and all of the nation that accepted the covenant to set free each man his slave and his maidservant, so that no Jew should henceforth subjugate his fellow man, and they listened and released [them].

And they returned afterward and they brought back their slaves and their maidservants whom they had released, and they captured them for slaves and maidservants. (Jer. 34:8-11)

הַדְּבָר אֲשֶׁר הָיָה אֶל יְרֵמְיָהוּ מֵאֵת ה' אַחֲרַי כִּי פָרַת הַמֶּלֶךְ צִדְקְיָהוּ בְרִית אֶת כָּל הָעָם אֲשֶׁר בִּירוּשָׁלַם לְקַרְא לְהֵם דְּרוּר: לְשַׁלַּח אִישׁ אֶת עֶבְדוֹ וְאִישׁ אֶת שִׁפְחָתוֹ הָעִבְרִי וְהָעִבְרִיָּה חֲפָשִׁים לְבִלְתִּי עֲבֹד בְּסֵם בִּיהוּדִי אַחֲרֵיהוּ אִישׁ: וַיִּשְׁמְעוּ כָּל הַשָּׂרִים וְכָל הָעָם אֲשֶׁר בָּאוּ בְּבְרִית לְשַׁלַּח אִישׁ אֶת עֶבְדוֹ וְאִישׁ אֶת שִׁפְחָתוֹ חֲפָשִׁים לְבִלְתִּי עֲבֹד בְּסֵם עוֹד וַיִּשְׁמְעוּ וַיִּשְׁלְחוּ.

וַיָּשׁוּבוּ אַחֲרַי בֵּן וַיָּשׁוּבוּ אֶת הָעֲבָדִים וְאֶת הַשִּׁפְחֹת אֲשֶׁר שְׁלְחוּ חֲפָשִׁים וַיִּכְבְּשׂוּם לְעֲבָדִים וְלַשִּׁפְחֹת. (יְרֵמְיָהוּ ל"ד, ח-יא)

What is the context for of this story?

Zedekiah's Weakness

Zedekiah, the last king of Judah, reigned following the exile of Jehoiachin (also known as *Galut HaCharash VeHaMasger*, “the exile of the artisans and the smiths”), in which most of the nation’s nobility was exiled to Babylon: King Jehoiachin and his house, the ministers, the heroes and the craftsmen.¹ Zedekiah, Jehoiachin’s uncle, was perceived as a weak king who bent to his ministers’ will and did not dare to act against their wishes.²

Zedekiah Rebels against Babel, flouting Jeremiah's Counsel

Zedekiah, crowned by the king of Babel in order to ensure the Israelites’ loyalty, rebels against Babel, despite Jeremiah’s repeated warnings against such a dangerous act. Jeremiah demands that the nation and the king surrender to the Babylonians, as God wills that Babel rule for the present; anyone who rebels against Babel is thus effectively rebelling against the will of God. Jeremiah argues that surrender to Babel is actually submission to God’s will, the only way to

1 See II Kings 24:8-17.
 2 This is clearly demonstrated by the episode in which Jeremiah is thrown into a pit (Jer. 37-38). In this incident, the king’s ministers demand that Jeremiah be silenced and imprisoned, and Zedekiah, fearful of them, agrees, despite his clear interest in Jeremiah’s words. In the same section, Zedekiah explicitly states to his ministers: “And the king Zedekiah said, ‘Behold, he is in your hands, for the king can do nothing against you’” (Jer. 38:5). Apparently Zedekiah’s capitulation to his ministers was a result of both his young age—“Zedekiah was twenty-one years old when he reigned” (II Kings 24:18)—and the fact that he was crowned by the king of Babel and not by the people: “And the king of Babel crowned Matania, his uncle, instead of him, and he changed his name to Zedekiah” (II Kings 24:17).

save Jerusalem from destruction.³ Zedekiah, unable to resist the pressure from his ministers and advisors, refuses to listen to Jeremiah and rebels against Babylon.⁴

3 See Jer. 21, 25 and 27. This concept is restated in chapters 28-29 and 37-38.

4 In order to better understand the relationship between Zedekiah and his ministers, and his powerlessness against them, it is important to note that Jehoiachin, the previous king, was not killed but exiled. Despite the fact that they crowned Zedekiah, the Babylonians continued to accord Jehoiachin the status of “king of Judah,” as illustrated in II Kings:

וַיְהִי בִשְׁלֹשִׁים וָשֶׁבַע שָׁנָה לְגָלוּת יְהוֹיָכִין מֶלֶךְ יְהוּדָה בְּשָׁנִים עָשָׂר חֹדֶשׁ בְּעֶשְׂרִים וָשֶׁבַע לַחֹדֶשׁ נָשָׂא אֹיִל מֶרְדַּךְ מֶלֶךְ בָּבֶל בְּשָׁנַת מַלְכוּ אֶת רֹאשׁ יְהוֹיָכִין מֶלֶךְ יְהוּדָה מִבַּיִת כְּלָא: וַיְדַבֵּר אִתּוֹ טֹבוֹת וַיִּתֵּן אֶת כֶּסֶף מֵעַל פְּסָא הַמְּלָכִים אֲשֶׁר אִתּוֹ בְּבָבֶל: וְשָׂנָא אֶת בְּגָדֵי כְלָאוֹ וְאָכַל לֶחֶם תְּמִיד לְפָנָיו כֹּל יְמֵי חַיָּיו: וְאַרְחָתוֹ אֲרָחַת תְּמִיד נִתְּנָה לוֹ מֵאֵת הַמֶּלֶךְ דְּבַר יוֹם בְּיוֹמוֹ כֹּל יְמֵי חַיָּו.

And it came to pass in the thirty-seventh year of the exile of Jehoiachin, king of Judah, in the twelfth month, on the twenty-seventh day of the month, that Evil-Merodach, King of Babel, in the first year of his reign, pardoned Jehoiachin, king of Judah, from prison. And he spoke kindly to him, and he set his throne above the throne of the kings who were with him in Babel. And he changed his prisoner’s clothing and he ate bread before him always, all the days of his life. And his allowance was a continuously provided by the king – each day a portion, all the days of his life. (II Kings 25:27-30)

A situation in which two kings from the house of David reigned simultaneously caused conflicts in the kingdom of Judah between those who supported Zedekiah – the pro-Babylonian camp – and those who supported Jehoiachin, who opposed the Babylonians. In an argument with Jeremiah, Hanania ben Azor, one of the leaders of the false prophets, announced the return of those who were exiled with Jehoiachin, including Jehoiachin himself. This strengthened the anti-Babylonian camp immeasurably:

בְּעוֹד שְׁנַתִּים יָמִים אֲנִי מְשִׁיב אֶל הַמְּקוֹם הַזֶּה אֶת כָּל כְּלֵי בַיִת ה' אֲשֶׁר לָקַח נְבוּכַדְנֶאצַּר מֶלֶךְ בָּבֶל מִן הַמְּקוֹם הַזֶּה וַיְבִיאֵם בָּבֶל: וְאֵת יְכִנְיָה בֶן יְהוֹיָקִים מֶלֶךְ יְהוּדָה וְאֵת כָּל גְּלוּת יְהוּדָה הַבָּאִים בָּבֶלָה אֲנִי מְשִׁיב אֶל הַמְּקוֹם הַזֶּה נְאֻם ה' כִּי אֲשַׁבֵּר אֶת עַל מֶלֶךְ בָּבֶל. “In two years’ time I shall return to this place all of the

Rebellion Leads to Siege

In retaliation for the rebellion, the king of Babel declares war on Jerusalem:

And it came to pass in the ninth year of his reign, in the tenth month, on the tenth day of the month, that Nebuchadnezzar, king of Babel, came with his entire army upon Jerusalem, and he encamped upon it, and they built forts around it. And the city came under siege until the eleventh year of the reign of King Zedekiah. (II Kings 25:1-2)

וַיְהִי בְשָׁנַת הַתְּשִׁיעִית לְמַלְכוּ בְּחֹדֶשׁ הָעֲשִׂירִי בְּעֶשְׂרִים לַחֹדֶשׁ בָּא נְבוּכַדְנֶאצַּר מֶלֶךְ בָּבֶל הוּא וְכָל חֵילוֹ עַל יְרוּשָׁלַם וַיִּחַן עָלֶיהָ וַיִּבְנוּ עָלֶיהָ דְּיָק סָבִיב: וַתְּבֵא הָעִיר בְּמַצוֹר עַד עֶשְׂתֵּי עָשָׂרָה שָׁנָה לְמֶלֶךְ צְדָקְיָהוּ. (מלכים בכה, א-ב)

A Break in the Siege

From Jeremiah’s description, it seems that at a certain point there was a break in the siege of Jerusalem:

And Pharaoh’s army left Egypt, and the Chaldeans who besieged Jerusalem heard news of them, and they left Jerusalem.⁵ (Jer. 37:5)

וַחִיל פְּרָעוּהָ יֵצֵא מִמִּצְרַיִם וַיִּשְׁמְעוּ הַכַּשְׂדִּים הַצְּרִים עַל יְרוּשָׁלַם אֶת שְׁמֵעַם וַיַּעֲלוּ מֵעַל יְרוּשָׁלַם. (ירמיהו ל"ז, ה)

vessels of the house of God, which Nebuchadnezzar, king of Babel, took from this place to Babel. And Jechoniah, son of Jehoiakim king of Judah, and all of the exiles of Judah who came to Babel, I shall return to this place,” said God, “for I shall shatter the yoke of the king of Babel.”

This caused Zedekiah to cave in to the pressure of the anti-Babylonian faction and rebel against the king of Babel.

5 The Egyptians came to Zedekiah’s aid after he requested their assistance, as described in Ezekiel ch. 17:

הִנֵּה בָא מֶלֶךְ בָּבֶל יְרוּשָׁלַם וַיִּקַּח אֶת מַלְכָּהּ וְאֵת שָׂרֵיהָ וַיְבֵא אוֹתָם אֵלָיו בְּבֶלְהָ: וַיִּקַּח מִזְרַע הַמְּלוּכָה וַיְכַרֵת אִתּוֹ בְּרִית וַיְבֵא אֹתוֹ בְּאֵלָה וְאֵת אֵילֵי הָאֲרָץ לָקַח: לְהִיּוֹת

This respite gives the nation hope that the Babylonians would leave them be,⁶ but Jeremiah prophesies their eventual return:

...Behold, the army of Pharaoh that comes to your aid returns to its land of Egypt. And the Chaldeans will return and make war on this city and trap it and burn it with fire. Thus said God: "Do not deceive yourselves, saying 'The Chaldeans will surely leave us,' for they will not leave

...הנה חיל פרעה היצא לכם לעזרה שב לארצו מצרים: ושבו הכשדים ונלחמו על העיר הזאת ולכדה ושרפה באש: פה אמר ה' אל תשאו נפשתיכם לאמר ה'לך ילכו מעלינו הכשדים כי לא ילכו: כי אם

ממלכה שפלה לבלתי התנשא לשמור את בריתו לעמדה: וימרד בו לשלח מלאכיו מצרים לתת לו סוסים ועם רב...

Behold, the king of Babel came to Jerusalem, and he took her king and ministers and brought them to him, to Babel. And he took one of the royal line and he made a covenant with him and brought him under an oath, and he took the mighty of the land away, that it would be a lowly kingdom that would not rise up, but would keep his covenant to uphold it. **And he rebelled against him and sent his messengers to Egypt, to request horses and many men...** (Ez. 17:12-15)

6 This hope was apparently spread by the false prophets, as it had been the context for the first attempted revolt in the fourth year of Zedekiah's reign (see II Kings 27:3 and Malbim ad loc.), and as is recounted in chapter 27:

ואתם אל תשמעו אל נביאיכם ואל קסמיכם ואל חלמתיכם ואל ענניכם ואל כשפיקם אשר הם אמרים אליכם לאמר לא תעבדו את מלך בבל: כי שקר הם נבאים לכם למען הרחיק אתכם מעל אדמתכם והדחתני אתכם ואבדתם.

And you, do not listen to your prophets and your magicians and your dreams and your soothsayers and your sorcerers, who tell you, "Do not serve the king of Babel." For they prophesize falsely to you, in order to banish you from your land, and so that I shall reject you and you shall be lost. (Jer. 27:9-10)

See also Jer. 27:14-17.

you. For if you struck down all of the army of the Chaldeans who are fighting you, and only wounded men remained among them, each man would rise up from his tent and burn this city with fire." (Jer. 37:7-10)

הביתם כל חיל כשדים הנלחמים אתכם ונשארו בם אנשים מדקרים איש באהלו יקומו ושרפו את העיר הזאת באש. (ירמיהו שם, ז-י)

The Siege Resumes; Jerusalem is Destroyed

Jeremiah's prophecy ultimately comes true: the Babylonians resume their siege of Jerusalem, resulting in the destruction of Jerusalem and the Temple and the exile to Babel:

On the ninth of the month, the hunger intensified in the city, and there was no bread for the people of the land. And the city was breached...and the house of God, and the house of the king, and all of the houses of Jerusalem were burned, and the house of every great man was burned with fire. And the walls around Jerusalem were broken down by the army of the Chaldeans who were with the captain of the guard. And the rest of the nation that remained in the city, and the fallen who fell to the king of Babel, and the rest of the multitude, were exiled by Nebuzaradan, captain of the guard. (II Kings 25:3-11)

בתשעה לחדש ויחזק הרעב בעיר ולא היה לחם לעם הארץ: ותבקע העיר... וישרף את בית ה' ואת בית המלך ואת כל בתי ירושלים ואת כל בית גדול שרף באש: ואת חומת ירושלים סביב נתצו כל חיל כשדים אשר רב טבחיהם: ואת בעיר ואת הנפלים אשר נפלו על המלך ובבל ואת יתר ההמון הגלה נבוזראדן רב טבחיהם. (מלכים ב כ"ה, ג-יא)

THE COVENANT AND ITS VIOLATION

Violating the Covenant during the Break in the Siege

When did Jeremiah give his rebuke regarding the nation freeing their slaves? When did the nation make a covenant regarding this matter? When did the former masters recapture their slaves? What caused them to reconsider setting their slaves free?

The verses at the end of the prophecy hint to the time at which it takes place:

“And Zedekiah, king of Judah, and his ministers, I shall deliver into the hands of their enemies, and into the hands of those who seek to kill them, and into the hands of the army of the king of Babel, who have alighted from upon you. Behold, I command,” says God, “I shall return them to this city and they shall battle it and conquer it and burn it with fire...” (Jer. 34:21-22)	וְאֶת צְדֻקְיָהוּ מֶלֶךְ יְהוּדָה וְאֶת שָׂרָיו אֶתֵּן בְּיַד אֹיְבֵיהֶם וּבְיַד מְבַקְשֵׁי נַפְשָׁם וּבְיַד חֵיל מֶלֶךְ בְּבֶל הָעֲלִים מֵעֲלֵיכֶם: הִנְנִי מֵצִוָּה נְאֻם ה' וְהִשְׁבַּתִּים אֶל הָעִיר הַזֹּאת וְנִלְחְמוּ עָלֶיהָ וְלָכְדוּהָ וְשָׂרְפָהּ בְּאֵשׁ... (ירמיהו ל"ד, כ"א-כ"ב)
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Based on Jeremiah's warning that God would return the enemy to the city, this prophecy was given when the Babylonian army had temporarily left Jerusalem.⁷ Following the break in the siege, the masters reclaimed their freed slaves.

⁷ Most, if not all, of the commentators agree with this explanation (see Rashi on Jer. 34:21, and Radak, *Metzudat David* and *Metzudat Tzion* ad loc.).

Making the Covenant - A Chance to Repent?

When were the slaves freed? Apparently, it was not during the break in the siege, but earlier - during the siege itself, or perhaps even before it.⁸

Why was the covenant to free the slaves made? Jeremiah does not give the reasons for it,⁹ but we can assume that Zedekiah and the nation feared the destruction that would result from war with Babel, and therefore decided to follow Jeremiah's advice and attempt to repent.¹⁰ According to this interpretation, the covenant is Zedekiah's attempt to cause the people to do *teshuva*. The decision to free the slaves may also have been inspired by Jeremiah's earlier words:

Thus said God: “Do justice in the morning and save the victim from the oppressor, lest My rage come as fire and burn with none to extinguish it, because	כֹּה אָמַר ה' הִינּוּ לְבַקֵּר מִשְׁפָּט וְהִצִּילוּ גֹּוֹל מִיַּד עוֹשֵׂק, פֶּן תֵּצֵא כְּאֵשׁ חֲמָתִי וּבְעָרָה וְאֵין מְכַבֵּה מִפְּנֵי רֵעַ
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⁸ According to *Seder Olam Rabba*, ch. 26, the covenant was formed in the seventh year of Zedekiah's reign, before the siege (which began in the ninth year of his reign - see II Kings 25:1).

⁹ This question has led a number of scholars to conclude that by legislating the release of all Hebrew slaves and maidservants, Zedekiah sought to free up manpower that could then be directed to the protection of the city, and thereby win the nation's respect. Alternatively, since there was no need for slaves in a besieged, starving city with no work, food, or normal lifestyle, the masters sought to rid themselves of the burden of their unnecessary slaves. See Yehuda Elitzur's article in *Machanayim* 47, 5720.

¹⁰ The fact that the covenant is formed in the Temple - “And you made a covenant before Me in the house which is called by My name” - supports the claim that it was of distinctly religious character.

of the evil of your deeds.” (Jer. מַעַלְלֵיכֶם. (ירמיהו 21:12) כ”א, יב)

In this case, why did the masters reconsider and recapture their former slaves? It is possible that when the siege was lifted, the nation perceived that the danger had passed¹¹ and their awareness of the need for repentance faded; they subsequently returned to their old ways. This demonstrates that the nation did not make the covenant because they truly understood the error of their ways, but merely as a means of avoiding destruction.

**Jeremiah's
Reaction
to the
Recapture of
the Slaves**

What is God’s reaction, as conveyed by Jeremiah, to this course of action? First, Jeremiah recounts the process of freeing and recapturing the slaves (Jer. 34:12-16); he then describes the punishment that may be expected for these actions (Jer. 34:17-22). Leaving aside for the moment the verses which describe the episode, let us read the description of the punishment:

Therefore, thus says God: “You לִבְנֵי פֹה אָמַר ה' אֲתֶם
have not listened to Me, to לֹא שָׁמַעְתֶּם אֵלַי לְקֹרֵא
proclaim liberty each man to דְּרוֹר אִישׁ לְאָחִיו וְאִישׁ
his brother and each man to his לְרֵעֵהוּ הַגִּנִּי קֹרֵא לְכֶם
fellow man; behold, I proclaim דְּרוֹר נְאֻם ה' אֶל הַחֹרֵב
liberty to you,” says God, “to אֶל הַדָּבָר וְאֶל הָרֶעִב

¹¹ The nation might have seen the Babylonian king’s departure from Jerusalem as irrefutable proof of the false prophets’ words (see note 6), and they therefore hurried to recapture their former slaves.

the sword, to the plague, and to famine, and I shall make you a horror to all of the kingdoms of the land. And I shall give those who violate my covenant, who did not uphold the words of the covenant they made before the calf they cut in two and passed between its halves—the ministers of Judah and the ministers of Jerusalem, the officers and the priests and all of the people of the land who passed between the halves of the calf—I shall deliver them into the hands of their enemies, and those who seek to kill them, and their corpses shall feed the birds of the heavens and the beasts of the earth. And Zedekiah, king of Judah, and his ministers, I shall deliver into the hands of their enemies, and into the hands of those who seek to kill them, and into the hands of the army of the king of Babel, who have alighted from upon you. Behold, I command,” says God, **“and I shall return them to this city** and they shall battle it and conquer it and burn it with fire...” (Jer. 34:17-22)

וְנָתַתִּי אֶתְכֶם לְזֵעוּהָ לְכָל מַמְלָכוֹת הָאָרֶץ: וְנָתַתִּי אֶת הָאֲנָשִׁים הָעֹבְרִים אֶת בְּרִיתִי אֲשֶׁר לֹא הִקְיִמוּ אֶת דְּבָרֵי הַבְּרִית אֲשֶׁר כָּרְתוּ לִפְנֵי הָעֵגֹל אֲשֶׁר כָּרְתוּ לְשְׁנָיִם וַיַּעֲבְרוּ בֵּין בְּתָרָיו: שָׂרֵי יְהוּדָה וְשָׂרֵי יְרוּשָׁלַם הַכֹּהֲנִים וְכָל עַם הָאָרֶץ הָעֹבְרִים בֵּין בְּתָרֵי הָעֵגֹל: וְנָתַתִּי אוֹתָם בְּיַד אֹיְבֵיהֶם וּבְיַד מְבַקְשֵׁי נַפְשָׁם וְהִיתָה נֶבֶלָתָם לְמֵאֲכָל לְעוֹף הַשָּׁמַיִם וּלְבֶהֱמַת הָאָרֶץ: וְאֶת צִדְקִיָּהוּ מֶלֶךְ יְהוּדָה וְאֶת שָׂרָיו אֶתְּנֶן בְּיַד אֹיְבֵיהֶם וּבְיַד מְבַקְשֵׁי נַפְשָׁם וּבְיַד חֵיל מֶלֶךְ בָּבֶל הָעֹלִים מֵעַלְיֶיכֶם: הַגִּנִּי מְצוּנָה נְאֻם ה' וְהִשְׁבַּחְתִּים אֶל הָעִיר הַזֹּאת וְנִלְחַמוּ עָלֶיהָ וּלְכַדוּהָ וְיִשְׂרְפָהּ בְּאֵשׁ וְאֶת עַרְיֵי יְהוּדָה אֶתְּנֶן שְׂמֻמָּה מֵאִין יֵשֵׁב. (ירמיהו ל"ד, יז-כב)

**The Sin
of Slavery
Led to the
Destruction**

Jeremiah protests against the people's actions, prophesizing that the recapture of the slaves will cause Jerusalem to fall into the Chaldeans' hands.¹²

This implies that had the masters kept the terms of the covenant and not recaptured their slaves, the destruction might have been prevented, or at least

12 The punishment may be viewed as measure-for-measure retribution for the sin, at least in a literary sense: the nation's punishment for recapturing their slaves is their own enslavement to Nebuchadnezzar. The verses state:

והגוי אשר יביא את צנארו בעל מלך בבל ועבדו והנחתיו על אדמתו נאם ה' ועבדה וישב בה: ואל צדקיה מלך יהודה דברתי ככל הדברים האלה לאמר הביאו את צנאריכם בעל מלך בבל ועבדו אותו ועמו וחיו: למה תמותו איתה ועמך בחרב ברעב ובדבר כאשר דבר ה' אל הגוי אשר לא יעבד את מלך בבל.

“And the nation that shall bring its neck under the yoke of the king of Babel and **serve [avad] him**, I shall let them remain on their land,” says God, “and they shall **till [avad] it** and settle in it. And I have spoken of all of these things to Zedekiah, king of Judah, saying: “Bring your necks under the yoke of the king of Babel and **serve [ivdu] him** and his nation, and live. Why should you die, you and your people, **by the sword and by famine and by plague**, as God has said regarding the nation who does not **serve [ya'avod]** the king of Babel. (Jer. 27:11-13)

The threat of sword, famine and plague stated above parallels the punishment described in the verses of chapter 34:

לכן כה אמר ה' אתם לא שמעתם אלי לקרא דרור איש לאחיו ואיש לרעהו הנני קרא לכם דרור נאם ה' אל החרב אל הדבר ואל הרעב ונתתי אתכם לזעזוע לכל ממלכות הארץ.

Therefore, thus says God: “You have not listened to Me, to proclaim liberty each man to his brother and each man to his fellow man; behold, I proclaim liberty to you,” says God, “**to the sword, to the plague, and to famine**, and I shall make you a horror to all of the kingdoms of the land. (Jer. 34:17)

Zedekiah has two choices: to accept the measure-for-measure punishment of enslavement to the king of Babel, or to die by sword, plague and famine.

minimized.¹³

Why was the recapture of the slaves considered such a grave sin? In his prophecies, Jeremiah describes many different sins committed by the nation and its leaders: idolatry, moral and ethical violations. Why is the recapture of the slaves considered so terrible that it is held to be the reason for the destruction of Jerusalem? Why does this specifically tip the scales and seal the fate of the nation?

13 Ezekiel, too, prophesizes that Zedekiah will fall into the hands of the king of Babel following his violation of a covenant; however, his prophecy concerns the covenant Zedekiah made with the king of Babel himself, and to which he swore in God's name:

חי אני נאם אדני ה' אם לא במקום המלך הממליך אתו אשר בזה את אלתו ואשר הפר את בריתו אותו בתוך בבל ימות: ולא בחיל גדול ובקהל רב יעשה אותו פרעה במלחמה בשפך סלילה ובבנות דיק להכרית נפשות רבות: ובה אלה להפר ברית והנה נתן ידו וכל אלה עשה לא ימלט: לכן כה אמר ה' אלהים חי אני אם לא אלת **אשר בזה ובריתי אשר הפיר** ונתתיו בראשו: ופרשתני עליו רשתי ונתפש במצודתי והביאותיהו בבילה ונשפטתי אתו שם מעלו אשר מעל בי.

“As I live,” says the Lord God, “surely in the place of the king who crowned him, whose oath he scorned and whose covenant he violated, with him in Babel he shall die. And not with a great army and many people shall Pharaoh make war with him, casting up mounds and building forts to cut off many souls, as he has scorned his oath by breaking his covenant, and behold, he has given his hand and done all of these, he shall not escape.” Therefore, thus says the Lord God, “As I live, it is surely **My oath that he has scorned and My covenant that he has violated**, and I shall bring it down upon his head. And I shall spread my net upon him and he shall be caught in my snare, and I shall bring him to Babel and plead with him there for **the treachery that he has committed against me**. (Ez. 17:16-20)

Zedekiah violates two covenants here: rebelling against his master and taking slaves for himself. The relationship between these two matters will be discussed below.

God's
Description
of the Sin

VIOLATING THE COVENANT AND DESECRATING
GOD'S NAME

In order to better understand the enormity of the sin, let us return to the verses we passed over above, in which Jeremiah describes the episode:

<p>And the word of God came to Jeremiah from God, saying: "Thus said God, the Lord of Israel: 'I made a covenant with your forefathers on the day that I took them out of Egypt, from the house of bondage, saying: "When seven years have passed, each man shall release his Hebrew brother who has been sold to you; he shall serve you for six years and you shall set him free," and your forefathers did not listen to Me, they did not incline their ear. And today, you returned and did what is right in My eyes, proclaiming liberty each man to his fellow man, and you made a covenant before Me in the house which is called by My name. But then you went back and desecrated My name, and each man returned his slave and each man his maidservant whom you had set free at their</p>	<p>וַיְהִי דְבַר ה' אֶל יִרְמְיָהוּ מֵאֵת ה' לֵאמֹר: כֹּה אָמַר ה' אֱלֹהֵי יִשְׂרָאֵל אֲנֹכִי כָרַתִּי בְרִית אֶת אֲבוֹתֵיכֶם בַּיּוֹם הַזֶּה הוֹצֵאתִי אֹתְכֶם מֵאֶרֶץ מִצְרַיִם מִבֵּית עֲבָדִים לֵאמֹר: מִקֵּץ שִׁבְעַת שָׁנִים תִּשְׁלַחְוּ אִישׁ אֶת אָחִיו הָעִבְרִי אֲשֶׁר יָמַכְר לְךָ וְעַבְדְּךָ שֵׁשׁ שָׁנִים וְשִׁלַּחְתּוּ חֲפָזִי מֵעִמְךָ וְלֹא שָׁמְעוּ אֲבוֹתֵיכֶם אֵלַי וְלֹא הִטּוּ אֶת אָזְנוֹם: וְתָשִׁבוּ אֶתֶם הַיּוֹם וְתַעֲשׂוּ אֶת הַיִּשָּׁר בְּעֵינַי לְקַרְא דְרוֹר אִישׁ לְרֵעֵהוּ וְתִכְרַתּוּ בְרִית לִפְנֵי בַּיִת אֲשֶׁר נִקְרָא שְׁמִי עָלָיו: וְתָשִׁבוּ וְתַחֲלִלוּ אֶת שְׁמִי וְתָשִׁבוּ אִישׁ אֶת עַבְדּוֹ וְאִישׁ אֶת שִׁפְחָתוֹ אֲשֶׁר שִׁלַּחְתֶּם חֲפָזִים לְנַפְשָׁם וְתִקְבְּשׁוּ אֹתָם</p>
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pleasure, and you captured them to be slaves and maidservants to you." (Jer. 34:12-16) לְהִיּוֹת לָכֶם לְעֲבָדִים וְלִשְׁפָחוֹת. (יִרְמְיָהוּ ל"ד יב, טז)

Why does Jeremiah describe the nation's sin a second time, after it had already been described in verses 10-11?

A closer reading of this passage reveals that there is no unnecessary repetition. Verses 8-11 focus on the description of the slavery, while verses 12-16 recount the story with an important addition: in these verses, Jeremiah reveals the significance of these actions in God's eyes, allowing us to understand why God considered the sin so grave that He decided to destroy Jerusalem because of it.¹⁴

Freeing the
Slaves: A
"Covenant"

Jeremiah's description does not begin with a reminder of the covenant, but with a description of the commandment to free slaves, which is mentioned in *Parashat Mishpatim* (Ex. ch. 21) and repeated in Deuteronomy (ch. 15). Before Jeremiah describes the commandment itself, he states in God's name: "I made a covenant with your forefathers on the day I took them out of the land of Egypt." He emphasizes that

¹⁴ There is no doubt that Jerusalem was destroyed not only because of this sin, but due to the accumulation of many sins over a number of years; however, Jeremiah presents the violation of the covenant as the last straw, the final sin that tipped the scales against the nation. Still, the Jerusalem Talmud states: "As Rav Hila said: **Israel was punished only for the episode of the release of the slaves**, as it is written: "When seven years have passed each man shall release his Hebrew brother, etc." (Jerusalem Talmud, tractate *Rosh Hashana* 3:5)

freeing slaves is no ordinary commandment, but a **covenant** – and no ordinary covenant at that, but one made “on the day I took them out of the land of Egypt, the house of bondage.” Afterwards Jeremiah explains that the commandment is to release Hebrew slaves after six years of slavery, and notes that previous generations – “your forefathers” – neglected to do so.

Verse 15 describes the covenant made during Zedekiah’s reign in a positive light: “and you did what is right in My eyes.” Verse 16 describes the recapture of the slaves – “and each man returned his slave...” Here too, before describing the deed itself, Jeremiah states its significance – “but you went back and desecrated My name...” The recapture of the slaves is a **desecration of God’s name**.

Violating the Covenant and Desecrating God’s Name

Jeremiah’s words point to the heart of the problem from God’s perspective:

1. The violation of two covenants: the one made during Zedekiah’s reign and the one made with the entire nation during the exodus from Egypt.
2. Desecration of God’s name.

It should be noted that while the commandment to free slaves is described here as a covenant, in the Torah (in both *Parashat Mishpatim* and Deuteronomy) it is listed as an ordinary law, with no mention of a covenant made on the matter. We shall return to this point below.

The Covenant as a Means of Avoiding Destruction

In this case, violating the covenant was a central part of the nation’s sin. Standing on the brink of destruction, they realize what must be done: they must repent for their deeds. They make a covenant to free their slaves, which could have been the first step toward more general repentance and a renewed connection with God. This is their last chance to repent. When they later decide to break this covenant, it becomes apparent that it was never a true attempt to repent for their misdeeds, but only a perceived means of escaping destruction. The nation still has not internalized the enormity of their sins.

The Centrality of the Covenant

Since the violation of the covenant is considered such a grave sin, Jeremiah repeatedly emphasizes the formation and violation of the covenant:

1. As mentioned above, Jeremiah’s description of the nation’s sin begins specifically with the forming of the covenant.
2. The word “covenant” is repeated six times in this section.¹⁵
3. Zedekiah’s covenant is described in great detail: what exactly the people did, and how they passed between the halves of the calf.¹⁶
4. Verses 18-20 summarize the sin and its punishment: “And I shall deliver those who violate my covenant...I shall deliver them into the hands of

¹⁵ In verses 8, 10, 13, 15 and 18.

¹⁶ Verses 18-19.

their enemies.”

WAS THE COVENANT FALSE?

Distorted Understanding of the Commandments and the Service in the Temple

Considering the fact that the covenant was made during a crisis and was violated immediately afterward, not only the violation of the covenant was problematic – the very formation of the covenant was a grave misdeed as well. Forming a covenant in this way demonstrates a severely distorted understanding of the fundamental nature and value of the commandments and the Torah. As Jeremiah cries out numerous times, the nation relates to the commandments and the service of God in the Temple as superficial rituals that have the power to save them from destruction; they do not grasp the deeper meaning of the commandments and the connection between their rituals and basic moral behavior related to God.¹⁷

17 See Jer. 7:9-10:

הַגֵּב רִצּוֹן וְנֹאף וְהִשָּׁבַע לְשִׁקֵר וְקַטֵּר לַבַּעַל וְהִלַּךְ אֶחָדִים אֱלֹהִים אֲחֵרִים אֲשֶׁר לֹא יִדְעֶתֶם: וּבֵאתֶם וְעַמְדֶתֶם לִפְנֵי בַיִת הַזֶּה אֲשֶׁר נִקְרָא שְׁמִי עָלָיו וְאִמַרְתֶּם נִצַּלְנוּ לְמַעַן עֲשׂוֹת אֵת כָּל הַתּוֹעֵבוֹת הָאֵלֶּה.

Shall you steal and murder and commit adultery and swear falsely and bring offerings to Ba'al and follow other gods that you have not known, and come and stand before Me **in the house called by My name**, and say, “We are saved,” so that you might do all of these abominations? (Jer. 7:9-10)

This unfortunate reality is hinted at in our chapter as well when Jeremiah employs a similar phrase:

וַתֵּשְׁבוּ אַתֶּם הַיּוֹם וַתַּעֲשׂוּ אֵת הַיָּשָׁר בְּעֵינֵי לִקְרֹא דְרוֹר אִישׁ לְרֵעֵהוּ וַתִּבְרַחְתּוּ בְּרִית לִפְנֵי בַיִת אֲשֶׁר נִקְרָא שְׁמִי עָלָיו.

“And today, you returned and did what is right in My eyes, proclaiming liberty each man to his fellow man, and you made a covenant before Me **in the house called by My**

In this light, it is clear why the recapture of the slaves was viewed as such a grave sin: it symbolized the nation’s hypocritical relationship with the commandments. The sin was considered so severe not because of the slavery, but because of the **violation of the covenant**, which was the nation’s last chance to repent for their deeds. Furthermore, the fact that the covenant was formed in a moment of desperation, and was broken as soon as the crisis was averted, demonstrates that the nation **did not grasp the significance of the commandments**, and had no interest in repenting of their sins in any meaningful way. **The nation did not truly, wholeheartedly attempt to return to God.**

name.” (Jer. 34:15)

B. The Severity of Slavery

The Centrality of Slavery

However, rereading the verses, it becomes evident that Jeremiah *does* repeatedly relate to the severity of the act of recapturing of the slaves specifically, and does not blame the destruction solely on the nation's violation of a covenant or flawed attitude toward the commandments in general:

1. Verse 16, which describes the desecration of God's name, does not state: "And you desecrated My name by violating My covenant," but rather: "And you desecrated My name **and each man returned his slave.**" Jeremiah chooses to link the desecration of God's name to the recapture of the slaves, and not the fact that it was a violation of the covenant (though this was, of course, a desecration of God's name as well).¹⁸
2. Jeremiah calls the commandment to free Hebrew slaves given during the exodus a "covenant," although as discussed above, the Torah does not mention any specific covenant regarding the release of slaves; this law was only part of a general covenant that applied to all of the commandments. Jeremiah apparently chose to express this particular obligation in terms of a "covenant" in order to emphasize the severity of disobeying it.

18 As the author of *Metzudat David* writes in his commentary on verse 16 (and see Malbim ad loc.):

“ותחללו את שמי” – בעברכם על שבועת הברית.
“And you desecrated My name” – by violating the oath of the covenant. (*Metzudat David* on Jer. 34:16)

3. In verse 17, the punishment is presented as measure-for-measure retribution for the sin:

Therefore, thus says God: לְכֵן כֹּה אָמַר ה',
“You have not listened to Me, אַתֶּם לֹא שָׁמַעְתֶּם
to proclaim liberty each man אֵלַי לְקַרְא דְרוֹר
to his brother and each man אִישׁ לְאַחֵיו וְאִישׁ
to his fellow man; behold, I לְרַעְהוּ, הִנְנִי קֹרֵא
proclaim liberty to you,” says לְכֶם דְרוֹר נְאֻם ה'
God, “to the sword, to the אֶל הַחֶרֶב אֶל הַדָּבָר
plague, and to famine, and I וְאֶל הָרָעָב וְנִתְתִּי
shall make you a horror to all אֶתְכֶם לְזֵעָה לְכָל
of the kingdoms of the land.” מַמְלְכוֹת הָאָרֶץ.

This becomes apparent when the verse is divided:

The sin: **You** have not listened to Me to proclaim liberty

The punishment: ...**Behold, I** proclaim liberty to you, says God¹⁹

The object of the sin: ...each man **to** his brother **and** each man **to** his fellow man

The object of the punishment: ...**to** the sword, **to** the plague **and to** famine

Drawing a parallel between the sin and the

19 The commentators (Radak and the author of *Metzudat David* and *Metzudat Tzion*) explain the punishment as follows:

“הִנְנִי קֹרֵא לְכֶם דְרוֹר” – ר”ל אֶתְכֶם חַפְשִׁים מִמְּנִי לְהִיּוֹת מוֹפְקִים אֶל הַחֶרֶב וְכוּ'
וְלֹא אֶהְיֶה עוֹד אֲדוֹן עֲלֵיכֶם לְמִנּוּעַ אֶתְכֶם מִיַּדְהֶם.

“Behold, I proclaim liberty to you” – That is to say, “I shall set you free from Me, to be abandoned to the sword, etc., and I shall no longer be master over you and keep you from their hands.” (*Metzudat David* on Jer. 34:17)

punishment highlights the severity of the recapture of the slaves, not only as a violation of the covenant but as a sin in and of itself.

- The word “slave” is repeated ten times in this chapter, the word “free” – five times, and the word “liberty” – four times.²⁰ This indicates that the focus of Jeremiah’s prophecy is praise of freedom and condemnation of slavery, and it aims to rebuke the nation specifically for recapturing their slaves. Why?

The Commandment to Release Slaves in Parashat Mishpatim

The commandment to release slaves brought in this week’s *parasha* may shed some light on Jeremiah’s prophecy and his rebuke of the nation.

Parashat Mishpatim opens with the commandment to free Hebrew slaves:

And these are the laws that you shall put before them. When you buy a Hebrew slave, he shall work for six years, and in the seventh year he shall go free without ransom.

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשִׂים לִפְנֵיהֶם: כִּי תִקְנֶה עֶבֶד עִבְרִי שֵׁשׁ שָׁנִים יַעֲבֹד וּבְשִׁבְעַת יֵצֵא לְחֶפְשִׁי חֲנָם. (שמות כ"א, א-ב)

20 A. “Slave” – verses 9, 10, 11, 13, 14 and 16; “Free” – verses 9, 10, 11, 14 and 16; “Liberty” – verses 8, 15 and 17.

B. The word “free” also appears in the verses of *Parashat Mishpatim* that list the commandments related to Hebrew slaves (Ex. ch. 21) and in Deuteronomy ch. 15. The word “liberty” appears only seven times in the entire Bible, four of which are in these verses in Jeremiah. The first time this word appears is in the context of the commandment to release slaves at the Jubilee Year: “And you shall proclaim liberty in the land to all its inhabitants” (Lev. 25:10).

In his prophecy, Jeremiah repeats the verses in the Torah that command the nation to free their slaves after six years of labor, emphasizing to the people that they have disobeyed this commandment.

Parashat Mishpatim Concludes with a Covenant

Jeremiah’s statement that recapturing the slaves constituted a violation of the covenant has a surprising parallel in *Parashat Mishpatim* – this *parasha* concludes with a covenant:

And Moses wrote all of the words of God, and he arose early in the morning and built an altar at the foot of the mountain, and twelve pillars for the twelve tribes of Israel. And he sent the young men of the Children of Israel and they offered burnt-offerings and sacrificed peace-offerings of oxen to God. And Moses took half of the blood and put it in basins, and sprinkled half of it on the altar. And he took the book of the covenant and he read to the ears of the nation, and they said, “Everything that God has said, we will do and we will hear.” And Moses took the blood and sprinkled it on the nation, and he said, “Behold, this is the blood of the covenant that God has made with you regarding all these things.” (Ex. 24:4-8)

וַיִּכְתֹּב מֹשֶׁה אֶת כָּל דִּבְרֵי ה' וַיִּשְׁכֵם בַּבֹּקֶר וַיְבִן מִזְבֵּחַ תַּחַת הַהָר וּשְׁתַּיִם עָשָׂה מִצְבֵּה לְשִׁנַּיִם עָשָׂר שְׁבֹטֵי יִשְׂרָאֵל: וַיִּשְׁלַח אֶת נְעָרֵי בְנֵי יִשְׂרָאֵל וַיַּעֲלוּ עֹלֹת וַיִּזְבְּחוּ זְבָחִים שְׁלָמִים לַיהוָה פָּרִים: וַיִּקַּח מֹשֶׁה חֲצֵי הַדָּם וַיִּשֶׂם בְּאֵגוֹת וַחֲצֵי הַדָּם זָרַק עַל הַמִּזְבֵּחַ: וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם וַיֹּאמְרוּ כָּל אֲשֶׁר דִּבֶּר ה' נַעֲשֶׂה וְנִשְׁמָע: וַיִּקַּח מֹשֶׁה אֶת הַדָּם וַיִּזְרַק עַל הָעָם וַיֹּאמֶר הִנֵּה דַם הַבְּרִית אֲשֶׁר כָּרַת ה' עִמָּכֶם עַל כָּל הַדְּבָרִים הָאֵלֶּה. (שמות כ"ד, ד-ח)

The
Centrality of
Slavery and
the Covenant
in Parashat
Mishpatim

The first and last topics discussed in *Parashat Mishpatim* – slavery and the covenant, respectively – are also the two main themes of the *haftara*.

Parashat Mishpatim is the first *parasha* to describe the commandments that the nation was given after the revelation at Sinai. Many laws are mentioned throughout the *parasha*, but special importance is naturally reserved for the first and last of the list. The *parasha* begins with the conditions of permissible servitude and concludes with the covenant formed after the laws are given. (While this covenant applies to all of the commandments mentioned in the *parasha*, it doubtless has a particular connection to the opening commandment regarding slavery.)

Why did the Torah choose to begin the first list of commandments with the statute concerning Hebrew slaves? The Torah seems to attach particular importance to this commandment,²¹ as does Jeremiah by describing it as a “covenant.”

21 Ramban writes:

התחיל המשפט הראשון בעבד עברי, מפני שיש בשילוח העבד... וזכר ליציאת מצרים, הנזכר בדיבור הראשון... ויש בה עוד זכר למעשה בראשית... ולכן המצווה הזאת ראויה להקדים אותה שהיא נכבדת מאד, רומות דברים גדולים במעשה בראשית, ולכן החמיר בה הנביא (ירמיהו) מאד... וגור בעבור הגלות...

The first law given was [that concerning] the Hebrew slave, since the release of slaves is... a remembrance of the exodus from Egypt, mentioned in the first commandment... And it is also a remembrance of the act of creation... Therefore, this commandment was worthy of being first, for it is very significant and hints to great insights regarding the act of creation, and therefore the prophet (Jeremiah) was strict in keeping it... and exile was decreed because of it... (Ramban on Ex. 21:2)

“I am the
Lord...Who
took you
out...from
the house of
bondage”

According to Jeremiah, the covenant regarding slavery was made when God “took [Israel] out of the land of Egypt, from the house of bondage.” Jeremiah quotes the phrase which appears in the first of the Ten Commandments:

I am the Lord your God, Who אֲנֹכִי ה' אֱלֹהֶיךָ אֲשֶׁר
took you out of the land of הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם
Egypt, from the house of מִבֵּית עֲבָדִים. (שמות
bondage. כ', ב)

The commandment to release one's Hebrew slaves is fundamentally connected to the exodus from Egypt, from the house of bondage²² and to belief in God.²³ Why?

22 *Hizkuni* expresses this idea in his commentary:

נסמכה פרשה זו תחלה כאן לפי שפדאם מהיות עבדים וצוה להם שלא לשעבד איש באחיו בפרך ולדורות אלא שש שנים.

This section was placed first here because He redeemed them from slavery and commanded them not to enslave their fellow man by harsh labor and for generations; rather, only for six years. (*Hizkuni* on Ex. 21:2)

23 According to the Jerusalem Talmud (*Rosh Hashana* 3:5), releasing slaves was the first commandment the nation received—it had been given to them while they were still in Egypt. The Jerusalem Talmud comments on the following verse: “And God spoke to Moses and Aaron and He commanded them regarding the Children of Israel and Pharaoh, king of Egypt, to take the Children of Israel out of Egypt”:

דאמר רבי שמואל בר רב יצחק: זיידבר ה' אל משה ואל אהרן ויצום אל בני ישראל – על מה ציום? על פרשת שילוח עבדים.

Rabbi Shmuel bar Rav Yitzhak said: ‘And God spoke to Moses and Aaron and He commanded them regarding the Children of Israel’ – what did He command them? **Regarding the matter of releasing slaves.**” (Jerusalem Talmud, *Rosh Hashana* 3:5)

The foundation of the entire Torah is belief in God. “I am the Lord your God” is the first of the Ten Commandments.

The commandment to believe in God was not justified by saying, “I am God, Who created the world,”²⁴ but

24 Although Rambam did derive his first “principle of faith” from this verse:

היסוד הראשון מציאות הבורא ישתבח. והוא, שיש שם נמצא באופן השלם שבאופני המציאות, הוא עילת מציאות הנמצאות כולם, ובו קיום מציאותם, וממנו נמשך הקיום. ואילו העלינו בדעתנו הסתלקות מציאותו – היתה בטלה מציאות כל נמצא ולא היה נשאר נמצא בלתי תלוי במציאותו; ואילו העלינו בדעתנו הסתלקות הנמצאות כולם זולתו – לא היתה בטלה מציאותו יתעלה ולא הייתה חסרה, לפי שהוא יתעלה בלתי זקוק במציאותו לזולתו, וכל מה שזולתו – מן השכלים, רצוני לומר: המלאכים, וגרמי הגלגלים, ומה שתחתיהם – הכל זקוק במציאותו אליו. וזה יסוד הראשון הוא אשר מורה עליו דבור “אנכי ה' יוכי”.

The first principle is the existence of the Creator, may He be praised. That is, that One exists, complete in all the senses of the word “existence.” In Him all else subsists and from him derives. And had it entered our minds to think that He ceased to exist – then nothing else would exist, and there would be nothing remaining independent of His existence. And had it entered our minds to think that everything except Him ceased to exist – His existence would not cease and would not be diminished, as He, the Exalted One, has no need for any existence outside Himself, and everything outside of Himself—that is the angels, and the celestials, and what is beneath them – everything has need of His existence. **And that is the first principle, which is taught by the commandment “I am the Lord, etc.”** (Rambam, introduction to the tenth chapter of tractate *Sanhedrin*)

Rambam concludes his definition of this principle by quoting the verse: “I am the Lord your God...” and not the verse: “In the beginning, God created...” despite the fact that at first glance, it would seem that the act of creation would be the central basis for this principle. While the verse “I am the Lord your God...” is lacking in that it does not contain any reference to God being the creator of the world, it is still preferable since it states the fact of God’s existence. Ibn Ezra famously comments on this omission of creation from the verse, despite

rather: “Who took you out of the land of Egypt, from the house of bondage.” Freedom from slavery is what allows man to connect fully to God, and it is the basis for fulfilling the commandments – only after the nation left Egypt were they able to receive the Torah. One who is enslaved to another person cannot devote himself fully to God – not only practically, in that his human master might prevent him from observing the

its status as the foundation of belief in God according to some commentators:

ואשר נשאו לבו ללמוד חכמות שהם כמו מעלות לעלות בהם אל מקום חפצו יכיר מעשה השם במתכות ובצמחים ובחיות ובגוף האדם בעצמו שידע מעשה כל אבר ואבר ... וכל אלה ידע בראיות גמורות שאין בהם ספק. **ומדרכי השם ידע המשכיל את השם.** וככה אמר משה הודיעני נא את דרכיך ואדעך. **והנה השם הנכבד הזכיר בדבור הא' “אנכי ה' אלהיך” וזה לא יוכל להבין רק מי שהוא חכם מופלא...**

והנה בעבור האותות שעשה השם במצרים. אמר משה אתה הראת לדעת. שהכל ראו זה חכמים ושאינן חכמים גדולים וקטנים.

And one whose heart moves him to learn wisdom—which is like stairs that may be ascended until one reaches his destination—should become familiar with the creations of God—the metals and the plants and the animals and the human body, so that he will know the function of each limb... And all of these he should know by way of demonstrated proofs. **And through God’s ways, the wise will know God.** And so said Moses: “Show me your ways, and I shall know You.” **And behold, the awesome One said in the first commandment: “I am the Lord your God,” and only one who is wondrously wise can understand this...**

And it was due to the signs that God performed in Egypt that Moses said: “To you it was shown, so that you might know,” for all had seen this – the wise and those who were not wise, the old and the young. (Ibn Ezra on Ex. 20:2)

In other words, the reason the Torah referenced the exodus from Egypt in the first commandment was to establish faith among those who were not wise; however, the wise must base their faith on the fact that God created the world and continues to guide it.

commandments, but also spiritually, since a person can never fully appreciate his dependence on God as long as he is dependent on his master.

No True Slavery in the Torah

This might be the reason that the first commandment listed in *Parashat Mishpatim*, the first commandment given after Mount Sinai, concerns the Hebrew slave. Such a slave is not totally subjugated to his master. There are many laws which reflect this,²⁵ most obviously the first mentioned – a Hebrew slave is not enslaved forever, but only for a set period of time. His master does not own him; he has merely acquired the right to his services for a fixed period.

Piercing the Ear

Even if the slave would like to continue his servitude to his master, the Torah only allows him to do so under certain conditions:

And if the slave should say, “I love my master, my wife, my children; I shall not go free,” his master shall bring him before God, and bring him to the door or to the doorpost, and his master shall pierce his ear with an awl, and he shall serve him forever. (Ex. 21:5-6)

וְאִם אָמַר יֹאמֵר הָעֶבֶד אֶהְבֵּתִי אֶת אֲדֹנָי אֶת אִשְׁתִּי וְאֶת בְּנֵי לֵא אֲצַא חֶפְשִׁי: וְהִגִּישׁוּ אֲדֹנָיו אֶל הַדֶּלֶת אוֹ אֶל הַמְּזוּזָה וְרָצַע אֲדֹנָיו אֶת אָזְנוֹ בַּמַּרְצֵעַ וַעֲבָדוֹ לְעֹלָם. (שְׁמוֹת כ"א, ה-ו)

Why is the servant's ear pierced?

Rabban Yohanan ben Zakkai would interpret this verse

רבן יוחנן בן זכאי היה דורש את המקרא הזה

²⁵ As we shall see below.

symbolically: How is the ear different from all of the other parts of the body? God said: “An ear that heard My voice at Mount Sinai when I said, ‘For the Children of Israel are My slaves²⁶ – and not slaves to slaves; yet this one went and acquired for himself a master – shall be pierced.²⁷ (*Kiddushin* 22b)

כמין חומר: מה נשתנה און מכל אברים שבגוף? אמר הקב"ה: און ששמעה קולי על הר סיני בשעה שאמרתי "כי לי בני ישראל עבדים" – ולא עבדים לעבדים, והלך זה וקנה אדון לעצמו – ירצע. (קידושין כב, ב)

According to the Sages, the piercing of the slave's ear is the Torah's way of protesting the actions of one who decides to remain a slave of his own volition, contrary to the ideal practice.²⁸

²⁶ Lev. 25:55. This verse is brought in the context of the commandments surrounding the Jubilee year – see below.

²⁷ A similar *midrash* is quoted later in the same source:

ורבי שמעון בר רבי היה דורש את המקרא הזה כמין חומר: מה נשתנה דלת ומזוזה מכל כלים שבבית? אמר הקב"ה: דלת ומזוזה שהיו עדים במצרים, בשעה שפסחתי על המשקוף ועל שתי המזוזות ואמרתי "כי לי בני ישראל עבדים" – ולא עבדים לעבדים, והוצאתים מעבדות לחירות, והלך זה וקנה אדון לעצמו – ירצע בפניהם. And Rabbi Shimon bar Rabbi would interpret this verse symbolically: How are a door and a doorpost different than all other furniture in a house? God said: The door and the doorpost were witnesses in Egypt, when I passed over the lintel and the two doorposts and I said, “For the Children of Israel are My slaves” – and not slaves to slaves; yet this one went and acquired for himself a master – he shall be pierced before them. (*Kiddushin* 22b)

²⁸ It is interesting to note that the *servant's* ear is pierced, and not his master's, despite the fact that by agreeing to allow the servant to continue his servitude, he has violated God's will as well. One possible explanation is that the servant initiated the request to stay and remain a servant, as the Torah states – “I love my master.” However, this can also be interpreted as a more fundamental statement: the prohibition on having

Yet even a slave who chooses to remain under his master and allows his ear to be pierced does not remain a slave forever as the Torah suggests in *Parashat Mishpatim*. He is rather released at the Jubilee year,²⁹ as described in *Parashat Behar*:³⁰

<p>And you shall designate the fiftieth year, and you shall proclaim liberty in the land to all its inhabitants; it shall be a jubilee for you, and each man shall return to his holdings and each man to his family shall return... And if your brother should become poor with you</p>	<p>וְקִדְשְׁתֶּם אֶת שְׁנַת הַחֲמִשִּׁים וְקִרְאתֶם דְּרוֹר בְּאֶרֶץ לְכָל יִשְׂרָאֵל יוֹבֵל הוּא תְהִיָּה לְכֶם וְשִׁבְתֶּם אִישׁ אֶל אֲחֻזָּתוֹ וְאִישׁ אֶל מִשְׁפַּחְתּוֹ תָּשֻׁבוּ... וְכִי יִמּוֹךְ אָחִיךָ עִמָּךְ וְנִמְכַר לָךְ לֹא תִעַבְדוּ</p>
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slaves or being a slave is not merely a prohibition; rather, the drive to be free is the foundation of serving God and fulfilling one's obligations to Him. Therefore, the first of the Ten Commandments is: "I am the Lord your God, Who took you out of the land of Egypt, from the house of bondage" – it is directed toward those who were enslaved and subsequently freed, and not toward the master.

29 As mentioned above, this is the first appearance of the word "liberty" in the Bible. Out of a total of seven appearances, four are in Jeremiah ch. 34. This repetition highlights a parallel between the Jubilee year and Zedekiah's covenant: both involve a mass release of slaves. (The laws regarding the Jubilee year did not apply in Zedekiah's time, as they were effective only when the entire nation lived in the Land of Israel. By Zedekiah's time, most of the people had already been exiled.)

30 Why are the laws of the Jubilee year specifically mentioned in *Parashat Behar*, juxtaposed to the encounter at Mount Sinai? We might answer that it is no coincidence that the the Jubilee year, which confers complete freedom, is tied to "Sinai" – freedom is the foundation of belief in God and fulfillment of His commandments.

<p>and be sold to you, you shall not make him serve as a slave. He shall be as an employee and a resident with you; until the jubilee he shall serve with you. And he shall leave you, he and his children with him, and return to his family, and to his forefathers' holdings he shall return. For they are My slaves whom I took out of the land of Egypt; they shall not be sold as slaves³¹. (Lev. 25:10-42)</p>	<p>בו עֲבַדְתָּ עֶבֶד: בְּשָׂכִיר כְּתוּשָׁב יִהְיֶה עִמָּךְ עַד שְׁנַת הַיּוֹבֵל יַעֲבֹד עִמָּךְ: וַיֵּצֵא מֵעִמָּךְ הוּא וּבָנָיו עִמּוֹ וְשָׁב אֶל מִשְׁפַּחְתּוֹ וְאֶל אֲחֻזַּת אֲבוֹתָיו יָשׁוּב: כִּי עֲבָדִי הֵם אֲשֶׁר הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרַיִם לֹא יִמְכְרוּ מִמִּכְרֹת עֶבֶד. (ויקרא כ"ה, י-מב)</p>
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There is no concept of eternal slavery in the nation

31 Regarding the apparent contradiction between the verse in *Parashat Mishpatim*: "And he shall serve him forever," and the verses in Leviticus, which state that he is freed at the Jubilee year, the commentators suggest two explanations: Rashi writes:

"ועבדו לעולם" – עד היובל. או אינו אלא לעולם, כמשמעו? ת"ל (ויקרא כ"ה, י): "איש אל משפחתו תשובו". מגיד שחמשים שנה קרויים עולם. ולא שיהא עובדו כל חמשים שנה אלא עובדו עד היובל, בין סמוך בין מופלג.

"And he shall serve him forever" – until the Jubilee. Or mightn't it indicate, as its literal meaning suggests, forever? The verse teaches (Lev. 25:10): "And each man shall return to his family." This tells us that fifty years is called "forever"; and not that he shall serve him for fifty years, but only until the Jubilee, whether it is near or far-off. (Rashi on Ex. 21:6)

According to Rashi, the verses in Leviticus complement those in Exodus by clarifying that there is no concept of eternal slavery, but that "forever" actually means "until the Jubilee year."

A similar (yet conceptually different) approach is suggested by the Vilna Gaon in his commentary *Aderet Eliyahu* (brought in *Meshech Chochma* as well):

משמע לעולם ממש, רק שבפרשת היובל אמרה תורה שהיא מוציאה כל הנמכר

of Israel – “for they are Myslaves.” The people are entirely subjugated to God; therefore, they cannot be enslaved to man. The basis of serving God is being completely free.³²

לעולם...

This means “forever,” literally; but in the laws of the Jubilee year the Torah states that all those who were sold forever are freed...

According to this interpretation, the concept of eternal slavery does exist in the case of a slave whose ear has been pierced. However, the laws of the Jubilee year cancel this commitment. This is a fundamental difference in the understanding of the simple meaning of the text and in the view of slavery. This interpretation explains that theoretically, the Torah deems a slave in this position worthy of remaining enslaved forever, but that practically speaking the laws of the Jubilee year – which are based on a unique moral code – cancel his enslavement. Theoretically, these two approaches could yield different practical results during a time when the laws of the Jubilee year no longer apply. In this hypothetical case, according to the second interpretation, the servant would remain enslaved forever. (However, this case would never arise, since when the laws of Jubilee do not apply, the laws concerning Hebrew slaves do not apply either—See Rambam *Sefer HaMitzvot*, positive commandment 233.)

32 Rabbi Yosef Bechor Shor gives the following as the reason why *Parashat Mishpatim* begins with the laws of a Hebrew slave:

“כי תקנה עבד עברי” – עבד שהוא עברי, לפי שאמר “אשר הוצאתיך מארץ מצרים מבית עבדים” להיות בני חורין, מפרש ואויל שלא ימכרו עוד ממכרת עבד, כי איני רוצה שיהיו עבדים עוד, כי עבדי הם, כדכתיב “כי לי בני ישראל עבדים” וקדם שטרי לשטר אחרים.

“When you buy a Hebrew slave” – a slave who is a Hebrew, as it says: “Who took you out of Egypt, from the house of bondage,” to be free people, as it goes on to explain: “they shall not be sold as slaves.” **For I do not want them to be slaves any longer, for they are Myslaves, as it is written: “For the Children of Israel are My slaves,” and their debt to Me precedes [their debts] to others.** (Rabbi Yosef Bechor Shor on Ex. 21:2)

**A Hebrew
Slave – Not
Truly a Slave**

A closer examination of the laws concerning Hebrew slaves reveals that, fundamentally, there is no concept of slavery in Jewish law. **A “Hebrew slave” is an employee with rights and fair conditions:**

1. His period of servitude is limited – for six years or until the Jubilee, whichever is earlier (see Rambam, *Hilkhot Avadim* 2:2).
2. The slave is entitled to the same conditions as his master: “With you in food and with you in drink’ – that you should not eat white bread while he eats black bread...” (*Kiddushin* 15a, 20a)³³
3. One may not assign humiliating labor to the slave (*Mechilta DeRabbi Yishmael, Mishpatim*, 1).
4. One may sell himself as a slave only if he has become so poor that he has nothing to his name (Rambam *Hilkhot Avadim* 1:1).³⁴
5. The court may only sell a person as a slave in order to settle debts that he has incurred by stealing, as a deterrent to potential thieves, and not in order

33 The Sages said on this subject that “anyone who buys a Hebrew slave is as one who bought himself a master” (*Kiddushin* 20a).

34 Later commentators disagree regarding the case of one who sells himself when he is not poor: the *Minchat Chinuch* (42) and *Sefer HaMakne* (on *Kiddushin* 15a) write that the transaction is invalid, but the *Aruch HaShulchan* (*YorehDe’a*267:138) states that after the fact, the transaction is valid (see also *Minchat Natan* on *Kiddushin* 13, which discusses this issue at length).

to settle other kinds of debts (Rambam ad loc.).³⁵

6. Even a family member of a thief cannot sell himself as a slave to cover his relative's debts (Rambam ad loc.).³⁶
7. Only the court has the authority to sell a person as a slave (Rambam ad loc.).^{37,38}
8. When a woman is sold as a maidservant, further limitations are placed on the sale: it is permissible only for the purposes of marriage,³⁹ as the Torah

35 In contrast to the case described in II Kings ch. 4.

36 This condition was violated in the episode in II Kings as well.

37 The opinion of the majority of later commentators is that the court performs the sale (*Minchat Chinuch*, quoted in *Even HaEzel*. This position is also expressed in *Shiurei Rav Shmuel, Kiddushin* (p. 94), who adds that the court does not own the person, but the Torah gives them the authority to sell him). However, others suggest an alternative interpretation by which the victim of theft is authorized to sell the thief (see *Birkat Avraham* on *Kiddushin* 14b (p. 65)). An obvious practical ramification of this disagreement arises with regard to who would receive the money from such a sale. According to Rambam (*Hilkhot Geneiva* 3-11), the court receives the money, while *Me'iri* writes that the victim of the theft receives the money directly from the thief.

38 In contrast to the aforementioned episode in II Kings.

39 *Sefer HaChinuch* writes:

משרשי מצוה זו, שריחם האל על הענייה הנמכרת ועל אביה שנצטרך למכרה, וצוה הקונה אותה לישא אותה לאשה ולעשותה גברת, כי אל רחום וחנון הוא. ואם אין הקונה חפץ בה לעצמו שישיאנה לבנו, כי גם עם בן אדוניה תשמוח ותגל, או שיגרע פדיונה מכל מקום ויסיענה שתצא מעבדות. ולא שיגרם על כל פנים שתעמוד תחת ידו עד זמן המכר גם אם ישרה בעיניו עבודתה הרבה. וכל זה מחסדי האל על בראיו וממדותיו המעולות.

The reasons for this commandment are that God has mercy on the poor woman who is sold, and on her father who was forced to sell her, and commanded her buyer to marry her and make her a mistress of the household, for He is a

states: "If he reserves her for his son, he shall deal with her as a daughter... and if he does not do these three things, she shall leave for free, without ransom" (Ex. 21:9-11).⁴⁰

In other words, the Torah does not allow for any situation in which one person is enslaved to another. *Parashat Mishpatim* and the incident involving slaves in Jeremiah demonstrate that slavery within the Jewish people is a terrible situation and a gross violation of their covenant.

merciful and compassionate God. And if the buyer does not desire her for himself, he must have his son marry her, for she shall rejoice and be happy with her master's son as well; or else he must deduct from the price of her redemption however possible and assist her in leaving slavery. And he should under no circumstances cause her to remain under him until the time stipulated in the sale, even if he benefits greatly from her work. And all of this stems from the great charity of God for his creations and his excellent attributes. (*Mitzva* 43)

40 The reasoning behind this law becomes clear when viewed in the context of the reality at the time, where women would marry at a young age and those who did not manage to marry would ultimately sink to poverty.

C. Slavery as a Violation of the Covenant

Freedom - the Foundation of the Covenant with God

Returning to Jeremiah, let us attempt to better understand the violation of the covenant involved in slavery.

The release of the slaves is described as a covenant. After examining the Torah's stance on the issue, Jeremiah's description becomes easier to understand: while the covenant made at Sinai included all of the commandments, **the basis of fulfilling those commandments and upholding the covenant is freedom.** Faith in God is based on leaving "the house of bondage" – being freed. The first commandment given in the covenant of *Parashat Mishpatim* relates to the release of slaves, which allows every member of the nation to be free. This is the foundation of the covenant.

Slavery Damages One's Service of God

This sheds light upon the gravity with which Jeremiah regards the nation's actions. When slavery is commonplace amongst the people, the very foundation of belief in God is shaken.

Slavery damages the ability of both the slave and the master to fulfill the commandment that "I am the Lord your God":

1. Slavery prevents the **slave** from being free to serve God alone;
2. Slavery causes the **master** to feel superior, thus

harming his ability to recognize his position in service of God.⁴¹ The master's willingness to enslave others indicates not only his disregard for one commandment, but his violation of the basic covenant between man and God.

The Violation of Zedekiah's Covenant

Had the nation truly freed their slaves and kept the covenant made in the time of Zedekiah, moments before the destruction, they would have demonstrated their willingness to return to God's service. However, by recapturing their slaves they confirmed their violation of the covenant – not only the covenant made in Zedekiah's time, but the one God made with the nation of Israel at Sinai.

Slavery is a violation of the pact between Israel and

41 In note 13 we quoted Ezekiel's words citing the violation of the covenant with the king of Babel as the reason for the destruction; Jeremiah, on the other hand, links the destruction to the recapture of the slaves. Now the connection between them is clear: Zedekiah, by rebelling against the king of Babel, effectively enslaved the nation, thus preventing them from recognizing God as their true master. As stated in tractate *Kiddushin*, quoted above:

”כי טוב לו עמך” – עמך במאכל ועמך במשתה, שלא תהא אתה אוכל פת נקיה והוא אוכל פת קיבר, אתה שותה יין ישן והוא שותה יין חדש, אתה ישן על גבי מוכים והוא ישן על גבי התבן, מכאן אמרו: כל הקונה עבד עברי, כקונה אדון לעצמו.

“For it is good for him with you’ – With you in food and with you in drink, that you should not eat white bread while he eats black bread, or drink old wine while he drinks new, or sleep on wool while he sleeps on straw. **From here they said: One who buys a Hebrew slave is as one who bought himself a master.** (*Kiddushin* 20a)

One who enslaves another member of the nation must subjugate himself to another master; this is the directive that Zedekiah ignored.

God, and this is why Jeremiah relates to it so harshly, defining it as the covenantal breach that ultimately brought about the destruction.