

Haftarah Themes and Analysis by Gidon Rothstein: Mishpatim

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Haftarah No. 6: Parshat Mishpatim-- Jeremiah 34:8-22, 33:25-26

The Significance of Slaves

This week's Torah reading, the first after telling us of the greatest mass revelation ever claimed by any people, starts with the laws of slaves. Especially considering our current revulsion for the whole institution, we might find it odd verging on problematic that the Torah would open its presentation of Jewish law with this. Stranger is Nachmanides's claim that we start with it because of its significance.

The Incident

The haftarah opens with the story of a covenant made by the people and Zedekiah, the last king of the First Temple, in which they agreed to free their Jewish slaves (who were being held longer than the prescribed term). Soon after, though, the people violated the pact and took their slaves back.

The first part of God's reaction, verses 12-16, recaps the events—the original violation of Torah law, the covenant, and the renegeing of the promise. At the simplest level, the text portrays the richer, stronger class of the era of the Destruction as not only willing to enslave the poor among them, but as so addicted to slavery that they could not resist re-enslaving them despite their best intentions otherwise.

The Talmud adds an element by assuming that the freeing of slaves here was actually the yovel freeing, which came once every fifty years. Since those laws only apply when all the tribes are living in their section of the Land of Israel, the Talmud has to also assert that Jeremiah brought back members of each of the Ten Lost Tribes, exiled by Assyria many years earlier.

That yovel is in effect only when we have *shevatim bimkomam*, the Tribes resident in their parts of the Land, shapes the meaning of the requirement to free slaves in that year. Moderns tend to read the yovel obligation as expressing an avoidance of permanent slavery, at least for Jews. If that were the whole truth, making it apply only when all the tribes are in their assigned regions is counterintuitive.

It seems more reasonable to say that the freeing of slaves at yovel depends on the context of a certain kind of society. In contrast, truly fundamental Jewish obligations—loving God, imitating God's Attributes, studying Torah—apply to all social circumstances. To be living a full ideal Jewish life in the Land, apparently, means subsuming oneself, somewhat, to tribal affiliation. Something about that experience makes it important to free slaves every fifty years.

Who Cares About Yovel?

Without the Talmud, it seems clear we would have assumed the case was one of inappropriate

buying and holding of slaves, without any connection to yovel. The Sages brought that in here, I believe, because of the text's use of the word *deror* for the freedom to be given the slaves. When the prophet uses the same word when announcing that God will release sword, pestilence, and famine as punishment for their failures, it emphasizes this connection. As the Liberty Bell made famous, the word *deror* is how the Torah describes the yovel release of slaves.

Just as one more point of interest: the Talmud in Shabbat relates the word *deror* to the *tzipor deror*, a free or wild bird, which treats habited and inhabited areas equally. If so, *deror* signals indifference to distinctions of types of space or, perhaps, personal status. That we only call for *deror* when the Tribes are accepting their assigned places of residence highlights the dialectic in a Jew's experience of boundaries.

The Meaning of Freedom

Deror freedom, the ability to throw off the yoke of slavery (or of a prior sale of land), is only properly given to those who operate on a backdrop of a deeper awareness of the lines that need to be drawn in society.

It is not freedom to do as one wants, it is a freedom to contribute freely while knowing which boundaries are inviolable. In a society that respects limits of places of residence, the more restrictive realm of slavery—which, after all, also teaches limits, just in a more drastic way, with significant other costs—can be made temporary rather than permanent. In a society that does not have that sense, there is less push for the freeing of slaves.

The ideal Jewish society re-makes itself every fifty years, gives a renewed chance to all its inhabitants to contribute and succeed, by freeing slaves and repatriating land. Failure to undo those restrictions, God says, will lead Him to undo other restrictions, the ones ordinarily placed on the destructive forces of Nature.

In the Talmud's reading, Jeremiah's plainsense complaint about re-enslaving people becomes a broader indictment of their failure to use their social differentiations—by Tribe—to allow them to periodically give a new chance to society's failures.

The Closing Verses

The closing two verses surprise us by going back to chapter 33. The commentators agree that the verses mean to correlate God's faithfulness to His covenants (day and night and heaven and earth, or, according to some statements in The Sages, circumcision) to His concern with having a ruler for the Jewish people descended from David, and, perhaps, a priest from the family of Aaron.

The idea that the rule of David and his descendants signals the proper workings of Nature fits well with the themes we have already seen. When people order themselves properly, God orders the universe properly, preventing the advent of chaos. A king from the family of David likewise contributes to insuring the proper ordering of the (human) world and is therefore intimately connected to God's promises to maintain the order of the natural world.

All of which supports Nachmanides's claim that slavery is put first because of its significance. In

our *haftarah*, slavery is seen to be problematic in its practice, but not in theory. Just as Nature needs limits, and the Davidic king provides them, slavery can be a workable system when operating within a yovel society, one with sharp limits woven into its fabric. The failure to adhere to those limits can, in the extreme, lead to the loss of other important limits, bringing on us the destruction that comes with that loss.

Shabbat Shalom