

STUDY & REFLECTION BOOKLET

MISHPATIM

12 Questions for the Shabbat Table

Twelve questions drawn from Rav Raphaël Benizri's lecture
“Mishpatim: The Hebrew Servant and the Price of Freedom”:
why the Torah opens its code of laws with the status of the
Hebrew slave, and why brotherhood comes there before equality.
From the writing “free” on the tablets to the pierced ear of the one
who refuses to be released, freedom is not a right received, but a
taste that must be learned.



Rav Raphaël Benizri

Table of Topics

Themes for reflection and questions to share around the table of Parashat Mishpatim

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SUBJECT 01

Why begin with a slave?



PRESENTATION

We have just heard the Ten Commandments at Sinai. The code of laws that follows opens at once with a very specific case: if you buy a Hebrew slave, he shall serve six years and go free in the seventh. For the Rav, this chapter comes, unfortunately, to correct the inequalities of a society.

THE QUESTION

Why does the first statute given after Sinai settle the fate of the slave — and why does the Torah speak of brotherhood before it speaks of equality?

THE ANSWER

“And these are the statutes that you shall set before them” (Shemot 21:1); “the people saw... and stood at a distance” (Shemot 20:15).

All the laws of nature, the Rav explains, were created in a certain way complementary and equal to themselves. Not so with man: there are rich and poor, healthy people and sick people, intelligent people and others less so. Things were made in such a way that we might truly cultivate brotherhood and solidarity, and through them set in motion a movement toward equality among all.

Had the people reached that height of elevation and not stood at a distance from the mountain, we could have done without “And these are the statutes”, without all this detail of laws that places each person before his responsibilities toward himself, toward his Creator and toward his fellow. The civil code is born of the distance taken at the foot of Sinai.

For we know how to be just in our own life. But in the way we serve the life of others, we must be more than just.

THE RAV'S CONCLUSION

You will notice that the order is different: we will not speak of equality at first sight; we will speak first of brotherhood.

LESSON FOR THE TABLE

We readily dream of equality, rarely of brotherhood. Around us, who is the least favored — in health, in means, in ease of life? What could we do for him this week, not so that he becomes our equal, but so that he feels he is our brother?

The three servitudes of every man



PRESENTATION

Why this priority given to the status of the slave? Before speaking of the one who is bought, the Rav, following our Sages, describes a dependence that spares no one. It has three faces, and no six-year contract frees us from it.

THE QUESTION

What are the three dependences that make each of us a servant — and what time did G-d give man to escape them?

THE ANSWER

The ten utterances of creation and the ten utterances of the revelation.

The first is that of time: we are subject to contingencies that force us to give up our time, to constrain ourselves to activities that are not always to our liking and that hardly fulfill us. The second is the duality that tears us apart, between our will and our desire, our aspirations and the realities of life: many times we yield to our yetzer, our inclination, and sacrifice our impulse as yetzer, as creator, the one that would give our life a personality. The third places man between the ephemeral and the lasting, the relative and the absolute — small man in this great macrocosm, before the Master of the universe.

The three come together. Man, formed from all the elements of creation, receives a breath and is immediately placed within Shabbat: a time that generates time, in which he no longer depends on time, in which he himself sets the agenda of his life.

Likewise the people, drawn out of the Egyptian clay, received at the foot of Sinai a breath through the ten utterances of the revelation, parallel to the ten utterances of creation. The latter brought the world into being in its materiality; the former gave a soul to that matter. From then on, a history is possible.

THE RAV'S CONCLUSION

It is he who furnishes his time.

LESSON FOR THE TABLE

Let each person say what he gave the most hours to this week, and whether those hours gave him a personality. Which of the three servitudes holds us most: the time taken from us, the desire that wins out, or the feeling of being very small?

Washing one's clothes without remaking one's soul



PRESENTATION

Before the revelation, the people were commanded to wash their clothes. They did so. Then, when the mountain was smoking, they stood at a distance. In this recoil the Rav reads the state of a people just out of Egypt.

THE QUESTION

What was still missing in the people who had washed their clothes — and how long does it take to become free?

THE ANSWER

“And they washed their clothes” (Shemot 19:14); “I am the L-rd your G-d, who brought you out of the land of Egypt” (Shemot 20:2).

The aim, says the Rav, is to free man from all his constraints; at the exodus from Egypt, he had to be given the instruments for it. But the people stand at a distance. They washed their clothes on leaving Egypt, but they did not remake their soul. They are still marked by a relative comfort of life: over there, their basic daily needs for living were assured.

Yet man had at all costs to be taught to extract himself from this dependence and to forge his own law, not on the basis of his desires, but on the basis of his will. That is the meaning of “who brought you out of Egypt”: the exodus from Egypt is a way of tearing man away from all his constraints, from all his tendencies.

How is this done? It does not happen overnight. Look at a child's development: at six it is not as at twelve, nor as at eighteen, nor as at forty. As he confronts the problems of life and increases his knowledge, he sheds his shell.

THE RAV'S CONCLUSION

The people washed their clothes on leaving Egypt, but they did not remake their soul.

LESSON FOR THE TABLE

It is easier to change one's appearance than to change one's dependences. What comfort in our life resembles the fleshpots of Egypt, to the point of making us prefer to keep our distance? And what personal law could we found on our will rather than on our desires?

Respecting one's parents rather than loving them?



PRESENTATION

The Rav makes a surprising remark: the Torah does not command us to love our parents, our children or our wife. It speaks of respect. And this respect for parents is placed on the first tablet, the one dealing with the relations between man and his Creator.

THE QUESTION

Why does the Torah ask for respect rather than love — and what does it mean to love the law instead of fearing it?

THE ANSWER

“Honor your father and your mother” (Shemot 20:12), on the first tablet of the Ten Commandments.

The attachment a child feels for his parents out of simple gratitude, or out of the wish to place them above everything, is not yet love of parents, says the Rav. Respect is something else. It is more than understanding, more than the agreement of many factors that push us to act one way or another: it lies beyond all understanding.

To respect one's parents is to make love break the bonds of nature and clothe itself in a beloved freedom. That is why this commandment appears on the first tablet: one reaches recognition of the Creator starting from oneself.

The same goes for the law. What is needed is not fear, which can breed sin; what is needed is love. One must not fear the law, one must love it — and to love the law is to make it become the natural expression of oneself through a free act. This free act bears witness to man's freedom, and it is this freedom that he sets within a repeated Shabbat, to the point of living even the weekdays in light of Shabbat.

THE RAV'S CONCLUSION

We should not fear the law; we must love the law.

LESSON FOR THE TABLE

A love that comes only from nature or from gratitude remains fragile. How do we show respect to our parents, even when we do not understand them? And which mitzvah do we still perform out of fear, that we should learn to love?

Engraved on the tablets, or free on the tablets?



PRESENTATION

The text says that the divine writing was charut on the tablets: engraved. Our Sages propose another reading: cherut, freedom. A single vowel separates the chisel from freedom, and the Rav draws from it a whole conception of the law.

THE QUESTION

What does it mean that the letters are free on the stone — and what becomes of them when the tablets break?

THE ANSWER

“The writing was the writing of G-d, engraved (charut) on the tablets” (Shemot 32:16); “do not read charut, engraved, but cherut, freedom” (Pirkei Avot 6:2).

Our Sages pointed out, says the Rav, that man's true freedom lies in applying the law. Do not consider the laws as engraved on the tablets: they are free on the tablets.

That is to say, the tablets can break, but the letters do not shatter. The letters fly off; they are weightless: they are there, on the tablets of the law, but at no moment do they bind their fate to those tablets. So that even if an entire society were to abandon the law, in despair, it would be enough for there to be ten righteous people within that community to save the whole community and the whole of the law.

For this whole of the law is like creation: yesh me-ayin, being out of nothingness. The Ten Commandments are no less so. What is born out of nothing does not depend on its support.

THE RAV'S CONCLUSION

The tablets can break, but the letters do not shatter.

LESSON FOR THE TABLE

Sometimes the frameworks break: a community that scatters, a family custom that is lost. What, in what we received, has outlived its support? And would we be ready to be among the ten who suffice?

A justice joined to morality



PRESENTATION

The revelation did not fall into a legal desert. There was Sumer, there was Ashur, there was Egypt, with their codes and their laws, and sometimes real correspondences with the Ten Commandments. And the seven universal laws of the children of Noach already require the setting up of courts.

THE QUESTION

If other peoples already had courts and codes, what different thing does the justice of the Torah bring?

THE ANSWER

“You shall do what is right and good” (Devarim 6:18); “so that you may walk in the way of the good” (Mishlei 2:20).

Of the seven universal laws, the Rav recalls, six are prohibitions. The only positive one is the establishment of a judicial system that sets order in a society, according to principles of justice that each society has forged for itself. The aim there is to establish order at all costs.

What the Torah says is totally different. That is indeed why, if we have a dispute to settle, between a rabbinical court and a court of the nations, it is better to give preference to the rabbinical court: the notion of justice, in the law of the Torah, is joined to absolute morality. Morality is part of justice itself.

So that even when we would be right from the standpoint of justice, the other must not register his loss and come away utterly disgusted: one must know how to yield a little of one's rights. That is practicing “what is right and good”; it is walking in the way of the good — not the way that honors you alone, but the one that honors your parents, your ancestors, your Creator.

THE RAV'S CONCLUSION

Morality is part of justice itself.

LESSON FOR THE TABLE

Being right is not always enough. In which recent quarrel did we win while leaving the other bitter? What would it cost, next time, to yield a little of our right so that he does not walk away disgusted?

Whoever buys a slave buys a master



PRESENTATION

The Hebrew slave is someone who sold himself for lack of money, or who stole and has nothing to repay with. Rather than prison, the Torah places him within a family. But it surrounds this acquisition with so many conditions that our Sages conclude: whoever takes a slave takes a master.

THE QUESTION

Why place the thief in a family rather than in prison — and what is the purpose of a law that makes the slave so costly?

THE ANSWER

“Whoever acquires a Hebrew slave is as though he acquired a master for himself” (Kiddushin 20a).

In prison, says the Rav, for a petty offense, he would come out a real bandit. Better to place him in a family, so that he sees how a life is lived. And look at the conditions: he is not given open-ended work, nor useless tasks, nor tasks that demean him. He is not fed differently, no leftovers: if the master drinks wine, he shares his wine; if he has a comfortable bed, he gives him a similar bed.

So no one went looking for a Hebrew slave out of self-interest. There were only volunteers among the people, who devoted themselves to recovering those whom fate had dealt a poor hand or who had not managed to master their craving — a weakness man showed from his very creation, when he made knowledge into a consumer product.

The aim is not only to compensate the one robbed, nor to ensure the well-being of the one who cannot provide for his needs. He must be brought, at the end of six years as at the end of the six days of creation, to go out with the will to take charge of his own life. For with G-d, in the absolute, the relationship is not that of master and servant, but of father and son.

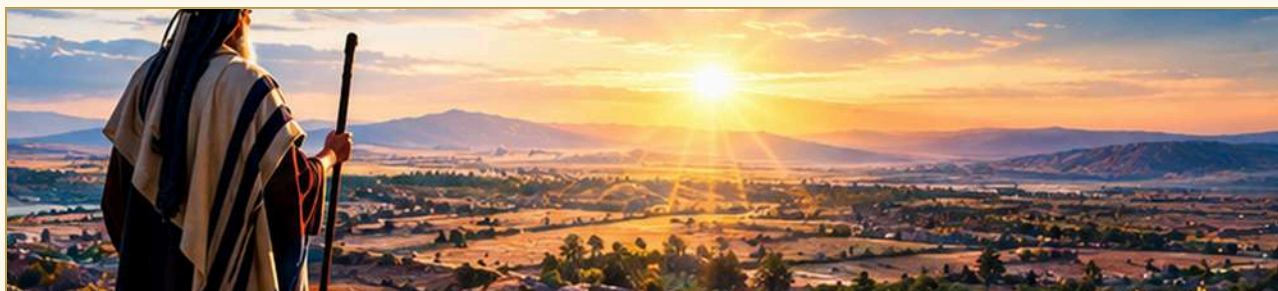
THE RAV'S CONCLUSION

This man would have to be taught to taste the flavor of freedom.

LESSON FOR THE TABLE

Helping someone is not only filling what he lacks. When we helped someone close to us, did we pass on a skill, a taste for life, some independence? And who around us would need a family rather than a reproach?

The nest has no roof



PRESENTATION

The Torah has several words for freedom. Cherut, wrested from the engraving of the tablets. Chofshi, that of the slave who goes out. And for the fiftieth year, the Jubilee, when each person recovers his lands and his goods, a third word: dror.

THE QUESTION

What does the freedom of the Jubilee say that neither the freedom of the tablets nor that of the freed slave says?

THE ANSWER

“You shall proclaim liberty (dror) throughout the land” (Vayikra 25:10); “pure myrrh (mor dror)” (Shemot 30:23); “the swallow (dror) [has found] a nest for herself” (Tehillim 84:4).

The Rav finds three meanings in the word dror. First, pure of all falsification: for the incense, they took mor dror, unadulterated myrrh. There is in dror a notion of purity.

Next, the proclamation of liberty, made at the Jubilee with the shofar. This shofar has its first origins in the horn of Yitzchak's ram, which tore itself away from dependence on death, the origin of all impurity, of all despair, of all rupture. The notion of death had at all costs to be cleared away in favor of life.

Finally, dror is a bird that longs only for a nest. What is the difference between a house and a nest? A house has a roof; a nest has no roof. Now the sanctuary was roofless, because there was to be no partition between the lower world and the upper world. As a result, the rains did not put out the fire of the altar, and the wind did not displace the column of smoke rising from the incense: there was no longer any dependence on the laws of nature.

THE RAV'S CONCLUSION

A house has a roof; a nest has no roof.

LESSON FOR THE TABLE

We often call freedom having a roof of our very own, and we shut ourselves up under it. What have we placed between heaven and ourselves, thinking we were protecting ourselves? And is our freedom pure, free of falsification?

Fifty-three laws with no visible thread



PRESENTATION

Parashat Mishpatim contains fifty-three laws: the slave, blows, damages, the loan, the deposit, the stranger, the widow... The commentators have sought the inner logic that links them and binds them to one another.

THE QUESTION

Why do we not find the thread that links these laws — and what kind of thinking would be needed to grasp it?

THE ANSWER

The commentators: if we could enter into the logic of these laws, we would have gone very far in understanding the divine will.

They did not find it, the Rav reports. But they declared that if ever we could enter into the logic of these laws, we would have gone very far in understanding the divine will. We are still very far from it, because we remain shut inside a thinking limited by our knowledge.

It is not a matter of always placing oneself within an endless logic that locks man into categories of thought. In a free order of thought, one must proceed by mutation. Yet we do not know how to proceed by mutation, by leaps.

And these mutations come about only through love: a free love, a consenting love. That is what links this remark to the slave who will say, at the end of the passage, that he loves his master, his wife and his children. A love that holds back instead of freeing produces no leap.

THE RAV'S CONCLUSION

We do not know how to proceed by mutation, by leaps.

LESSON FOR THE TABLE

We like to sort everything into categories, and we are content with that. Have we ever understood something all at once, by a leap, and not by reasoning? And what, in our family, changes only through love?

SUBJECT 10

“I love my wife and my children”



PRESENTATION

At the end of six years, the slave may go out. But he declares: I love my master, my wife and my children; I do not want to be set free. The reason invoked is the noblest there is: love. And it is precisely this sentence that the Torah sanctions.

THE QUESTION

How can an attachment that bears the name of love be the very thing that condemns a man to be free no longer?

THE ANSWER

“If the slave says: I love my master, my wife and my children, I will not go out free” (Shemot 21:5).

This concerns, the Rav explains, a Canaanite woman and Canaanite children whom the master gave him so as not to leave him in a state of total frustration. It is both a punishment and a consolation.

But he must at all costs not come and say: I love my wife and my children, at the risk of sacrificing my freedom. That is inconceivable, for at that moment man becomes the slave of his human product, of what he has arranged for himself.

The mutations man needs come about only through love — but a free love, a consenting love. To remain dependent on this love at the risk of sacrificing one's freedom is not admissible. The love that frees moves us forward; the love that enchains freezes man in what he already has.

THE RAV'S CONCLUSION

To remain dependent on this love of the woman at the risk of sacrificing his freedom is not admissible.

LESSON FOR THE TABLE

We sometimes justify our renunciations by love for our own. Is there something we dare not undertake “because of the family”, when no one asked that of us? And do our attachments make us grow or hold us back?

SUBJECT 11

Why the ear?



PRESENTATION

The one who refuses to go out free is brought before the court, placed against a door, and his master pierces his ear with an awl. Not the hand that worked, not the foot that stayed: the ear.

THE QUESTION

Why is the mark of the one who refuses freedom placed on the organ that only listens — and why against a door?

THE ANSWER

“His master shall pierce his ear with an awl” (Shemot 21:6); the ear that heard at Sinai: “For the children of Israel are servants to Me” (Vayikra 25:55; Kiddushin 22b).

Our Sages answer, says the Rav: the ear that heard at Sinai that the children of Israel are My servants, and not the servants of others, and that consents to become the servant of another — let it be pierced. And from the word *ozen*, the ear, comes *moznayim*, the scales: ensuring balance. Someone whose hearing is impaired has trouble walking; he has lost his center of gravity. Now our expression of faith par excellence lies in listening, *Shema Yisrael*: it is through listening that we reach the oneness of G-d and accept the yoke of Heaven.

The ear has a peculiarity: it receives all information, but it can emit nothing. The eye, with a wink, with a glance, expresses something; the ear remains impassive. But it is the ear that records everything, and through it an inner voice realizes the presence of G-d in the world. This man has walled himself up in his own understanding of things, to the point of no longer hearing.

He has renounced the freedom acquired through the blood smeared on the doors of the houses in Egypt, the doors that became the doors of freedom. So it is at the door that he presents himself.

THE RAV'S CONCLUSION

It receives all information, but it cannot emit.

LESSON FOR THE TABLE

We talk a lot and listen little. What word heard long ago — from a parent, from a teacher — have we stopped listening to? And are we able, tonight, to listen to someone all the way through without answering at once?

SUBJECT 12

Four falls, and Shabbat to rise again



PRESENTATION

The mark of the ear is not eternal: it runs until the Jubilee, twenty or thirty years away depending on the year of the cycle. And this long chapter of civil laws closes with two prescriptions that have nothing judicial about them: Shabbat and the three festivals.

THE QUESTION

Why does a code of civil laws end with Shabbat and the festivals — and what is the difference between a time one receives and a time one gives?

THE ANSWER

“Six days you shall do your work, and on the seventh day you shall rest” (Shemot 23:12); “Three times a year you shall celebrate for Me” (Shemot 23:14).

Everything proceeds from the sabbatical cycle, says the Rav; everything is nourished by Shabbat: when the Shabbat of years, seven times seven, reaches its completion, the slave must be set free. This is the first teaching the Torah gives in the education of anyone who would avoid the four sources of falling: the tooth, the craving for food; carnal desire; fire, uncontrolled enthusiasm; and the pit, the pitfalls of life, when man gives in to his moments of weakness and falls without controlling anything.

That is why these laws, which give an ample reading of the Ten Commandments, conclude with the observance of Shabbat and the festivals. The true way to free oneself is to replenish oneself every week through Shabbat, and three times a year in a time that man sanctifies himself.

For Shabbat is offered to him, whereas the festivals are his to offer; he is the one who marks their time: spring, the harvest, the ingathering. He must be able to make them part of the trajectory of his life.

THE RAV'S CONCLUSION

Shabbat is offered to him, whereas the festivals are his to offer.

LESSON FOR THE TABLE

Which of the four falls threatens us most: gluttony, desire, getting carried away, or discouragement? And what do we do with the Shabbat that is offered to us: mere rest, or a true renewal that changes the week?