

Human Rights Shabbat Text Study

Not all are free

Contemplating modern day slavery through the lens of the Jewish tradition

A. We acknowledge our freedom in prayer

1 *Birkot Hashachar, Sidur Ashkenaz*

Blessed are you, Adonai, our God,
ruler of the universe, who did not
make me a slave.

בְּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם,
שְׁלֹא עָשָׂנִי עֶבֶד.

2 *Pesach Haggadah quoting Deut.*

6:21

We were slaves to Pharaoh in Egypt –
now we are free.

עֲבָדִים הָיִינוּ לְפַרְעֹה בְּמִצְרַיִם
עַתָּה – בְּנֵי חוֹרֵין

- What is the relevance of including the above passages in our liturgy?
- What image of slavery do these passages convey?

B. ... but Judaism sanctions slave ownership

3 *Mishnah Kiddushin 1:2*

A Hebrew slave is acquired through
money or through a document, and
acquires himself through years [of
service], through the Jubilee Year, or
through prorated monetary
[payment]. A Hebrew maidservant
has an advantage over him, in that

עֶבֶד עִבְרִי נִקְנָה בְּכֶסֶף. וּבִשְׂטֵר.
וְקוֹנֶה אֶת עַצְמוֹ בְּשָׁנִים וּבִיּוֹבֵל
וּבִגְרָעוֹן כֶּסֶף. יִתְרָה עָלָיו אִמָּה
הָעִבְרִיָּה שְׁקוֹנָה אֶת עַצְמָהּ

she acquires herself through [physical] signs [of puberty]. [A slave] who [has his ear] pierced is acquired through [the] piercing, and acquires himself through the Jubilee Year or with the death of the master.

4 *Mishnah Kiddushin 1:2*

A Canaanite slave is acquired through money, through a document or through *chazakah*.¹ And he acquires himself through money by a third party or through a document by himself. These are the word of Rabbi Meir. And the Sages say, "Through money by himself and through a document by a third party, providing that the money be from a third party.

בסימנין. הנרצע נקנה ברציעה.
וקונה את עצמו ביובל. ובמיתת
האדון:

עבד כנעני נקנה בכסף. ובשטר.
ובחזקה. וקונה את עצמו בכסף
על ידי אחרים. ובשטר על ידי
עצמו. דברי רבי מאיר. וחכמים
אומרים בכסף על ידי עצמו.
ובשטר על ידי אחרים. ובלבד
שיהא הכסף משל אחרים:

- The Mishnah bases its rulings on Exodus 21:2-11 and Leviticus 25:39-55. How do you understand the difference in the situations faced by the Hebrew and the non-Hebrew slave?
- What can we learn about the status of the slave from these texts?

¹ A presumption of ownership, generally regarding landed property, established by unchallenged, publically known possession for a certain period of time, together with a legally acceptable claim regarding how the property came into the possessor's hands

C. ... the commentators struggle

5 *Samson Raphael Hirsch, Commentary on Exodus 12:44*

The consideration of certain circumstances is necessary to correctly understand the fact that the Torah presupposes and allows the possession and purchase of slaves from abroad to a nation itself just released from slavery. No Jew could make any other human being into a slave. He could only acquire by purchase people who, by then universally accepted international law, were already slaves. But this transference into the property of a Jew was the one and only salvation for anybody who, according to the prevailing laws of the nations, was stamped as a slave. The terribly sad experiences of even the last century (Union, Jamaica 1865) teach us how completely unprotected and liable to the most inhuman treatment was the slave who in accordance with the national law was not emancipated, and even when emancipated, wherever he was, looked upon as still belonging to the slave class, or as a freed slave."

6 *R. A. Y. Ha-Kohen Kook, Iggerot ha-Rayah (Jerusalem, 1985), vol. 1, 92-101 letter 89*

For instance, the predicament of coal miners who, as free labourers, worked (and often still work) under horrible and sometimes tragic conditions. Were the mine owners to have an economic property interest in each individual worker, the owners would surely care for them better. When slavery is regulated by the Jewish law, the institution of slavery may, in fact, be the most merciful mode of life for such workers. Only when slave owners are cruel does the institution become monstrous; under such circumstances, it is better that there should be no slaves at all. The laws of slavery are a noble, if not ideal, solution to a less than perfect economy. The ideal solution presumably would be merciful labour laws fulfilled by merciful people. Halacha, however, recognizes that in reality, people will act in a way that is exploitative, and the Bible deals with this sad reality by prescribing slavery as one solution. As

previously noted, however, in a world where people take cruel advantage, it is better to do away with that institution entirely.

- What explanations do the commentators offer for the biblical laws about slavery?
- According to the commentators, how should we apply the biblical laws of slavery to today?

D. What it means to be a slave

- 7 *T. Morrison "Slavery is like Playing Checkers" in M. and N. Zion, A Night to Remember: The Haggadah of Contemporary Voices – from the novel "Beloved"*

Risky ... very risky. For a slave woman to love anything that much was dangerous, especially if it was her children she had settled on to love. The best thing, he knew, was to love just a little bit; everything, just a little bit, so when they broke its back, or shoved it in a croaker sack, well, maybe you'd have a little love left for the next one...

Men and women were moved around like checkers. Anybody [the grandmother] Baby Sugg knew, let alone loved, who hadn't run off or been hanged, got rented out, loaned out, bought up, brought back, stored up, mortgaged, won, stolen or seized. So Baby's eight children had six fathers. What she called the nastiness of life was the shock she received upon learning that nobody stopped playing checkers just because the pieces included her children. Halle, she was able to keep the longest. Twenty years. A lifetime. Given to her, no doubt, to make up for hearing that her two girls, neither of whom had their adult teeth, were sold and gone and she had not been able to wave goodbye. To make up for coupling with a straw boss for four months in exchange for keeping her third child, a boy, with her – only to have him traded for lumber in the spring of the next year and to find herself pregnant by the man who promised not to and did. The child she could not love and the

rest she would not. "God take what He would," she said. And He did, and He did, and He did...

8 *Jiera's Story*, <http://www.antislavery.org/>

I was trafficked from my home country Lithuania when I was 17. My life was ruined because they forced me to work as a prostitute. The people that trafficked me told me that I was going to London for a holiday. I was excited because I had never travelled outside of Lithuania, but my excitement was quickly replaced by dread when I landed in the city. I was forced to have sex with men and threatened with beatings if I refused.

I eventually escaped with the help of a Lithuanian punter who took me to the police but they said they couldn't help, so he took me to the Lithuanian Embassy. From there I was referred to a shelter for trafficked women. I hate my life now and I regularly use drink and drugs.

- Are there commonalities in the experience of modern day slaves like Jiera and the slaves of the 19th century as portrayed by Toni Morrison?
- Look at the other material produced by René Cassin and discuss how you can join in the struggle to eliminate modern day slavery and to support those freed from slavery.