

On Doubt (Part 1)

There are many texts found in the siddur that are not easily planted in our mouths, minds, hearts, and souls. For example, how might a person say with integrity, “My God, the soul You have given me is pure” (*Siddur Sim Shalom for Weekdays*, 4), while intellectually struggling with the existence of soul, and beset by uncertainty about the presence of God in the world?

The siddur is certainly not an organized textbook of theology, but through the course of the week, and the calendar year, we are guided by the texts of our liturgy (prayers, psalms, excerpts from rabbinic literature) to encounter many core articles of Jewish belief. The existential problems of the siddur are, in reality, far more acute than most classes in theology. In the end, a textbook of theology presents ideas for rational or intellectual reflection with no immediate behavioral consequence. The siddur and religious services, on the other hand, make an immediate demand that we say words (whether aloud or silently) that are sometimes at odds with what we think and feel.

How is a person of integrity, then, to behave in response to our fixed liturgical texts? There are those who will not utter a word that is at variance with their own core beliefs, who sit passively through much of the liturgy. For others, the texts of the siddur are edited and adapted either by contemporary denominations or by individuals. Others turn to an approach sometimes called *kiv’yachol* (“so to speak” or “just imagine”), suspending the more rational, intellectual faculties to engage with the texts of the liturgy from a metaphorical, emotional, spiritual, or communal perspective.

I suspect that for many in the Jewish world, there is a drift among these approaches (and others) that varies week by week, or even day by day. In the coming weeks, we will look at some classical and contemporary sources that deal with doubt from a spiritual and liturgical perspective, and we will see that there are many voices that offer support and guidance. I offer again my own “Prayer in Time of Doubt” as it appeared previously in this column.

There are those who find that words are a distraction, and that silence, breath, and melody form the basis for the spiritual journey. There are many joyous and simple songs and melodies that engage us in exuberant celebration and praise. The Hasidic tradition also offers more contemplative melodies—the *d’veykus niggunim* that seek to arouse the soul to cleave to the Divine.

As always, I am interested in hearing comments and reflections on these thoughts about prayer and liturgy. You may reach me at sabarth@jtsa.edu.

PARASHAH COMMENTARY

By Rabbi Judith Hauptman, E. Billi Ivry Professor of Talmud and Rabbinic Culture, JTS

Defining a Moral and Just Society

Sometimes an article in the newspaper reminds you of something in the Torah and makes you think in new ways about verses you have read many times before. On January 2, 2014, the *New York Times* featured an article on its op-ed page about young girls in Haiti being sold into slavery by their families. Their story drew my mind to this week’s Parashat Mishpatim, which opens with a discussion of slavery, specifically the *eved ivri* (Hebrew manservant), and the *amah ivriya*, (Hebrew maidservant).

Parashat Mishpatim (Exod. 21–24) presents a very long series of laws. They range over many subjects—slavery, murder, dishonoring parents, inflicting damage on person or property, stealing, and finally kind treatment of widows, orphans, and resident aliens.

The traditional commentators are troubled by the apparent lack of logical order of the many laws. I also wonder why the rules of slavery head this long list. Many of the topics that follow are standard for a law code and even relate back to the Ten Commandments of last week’s parashah—not to strike or curse parents (21:15,17), not to murder (21:12), and not to steal (22:1). But why begin with slavery? The traditional answer is that since the Israelites had just been freed from slavery in Egypt, they should be sympathetic to the indignities suffered by slaves. The first of the Ten Commandments speaks of God taking the people out of Egypt, the house of bondage; and so slavery, in this reprise and expansion of the Ten Commandments, is mentioned first.

But I think there is a broader and deeper answer. Note that slavery begins the list, and laws regarding the widow, the orphan, the poor, and the resident non-Israelite appear toward the end (22:21–26). So bracketing the long series of laws is the sense that society can only function morally if it concerns itself with its most vulnerable members. As Abraham Ibn Ezra, a 12th-century Spanish commentator, says, when trying to understand the order in which the laws are presented, “the main principle is that a person should not commit an act of violence by applying force to someone weaker than he is. And the first instance of this is taking control of someone’s body and forcing that person to become a slave.”

Yes, this is the measure of a just society: it is one that protects those less able and less powerful from those who are more able and more powerful.

In fact, all the laws of Mishpatim are variations of that same principle—not to take someone else’s life, body, or property. Once the Torah has laid down the principle of not exploiting the vulnerable, it can then go on to discuss the common topics of law codes.

But let’s think more about slavery. Parashat Mishpatim first speaks of a man, presumably destitute, who sells himself into slavery, and then of a father, also presumably destitute, who sells his daughter into slavery. The male Israelite slave, the *eved ivri*, goes free in the seventh year. The slave girl does not. The terms of purchase are that the buyer himself, or his son, marry the girl, most likely taking her as a concubine (21:8,9). Should the man who bought her fail to do so, the Torah continues, she goes free without owing him any portion of her purchase price.

How do we respond to these stark words today? We could approach them as do the rabbis of the Talmud who note the Torah’s attempt at decent treatment of the girl. She might be better off as a maidservant in the family that purchased her instead of back with her own impoverished family. Wishing to impose even more humane restrictions, the Rabbis stipulate that a father may only sell a daughter who has not reached puberty; once a girl does reach puberty, she goes free if not yet married to her owner or his son. But the Torah’s words do not convey these helpful ideas. We later find in the book of Jeremiah that God asked the people to free all their Israelite male and female slaves (34:9), for no Israelite should serve as master to another Israelite, for only God is the master of them all. But the people did not listen, and kept their slaves.

When I recently read Nicholas Kristof’s article about young girls as slaves in Haiti (linked earlier) in light of these verses, I shuddered. What he describes is almost exactly what the Torah spoke of: impoverished families selling their young daughters to rich families. The poor family receives some money in exchange for the young girl. She gets some schooling paid for by the rich family. But the girls are slaves. They are often mistreated and exploited. Some escape and are able to start a better life for themselves. Many can’t. Such an institution, even with rabbinic limitations, is a reprehensible way to treat a girl. I know that the Rabbis of the Talmud stated that as a result of their legislation, anyone who purchases a Hebrew slave is actually purchasing a master for himself (Bavli Kiddushin 22a). As high-minded as that sounds, the reality of slavery in the modern world, and probably in the ancient world as well, is horrific. I wish the Torah (or Talmud or medieval Jewish law codes) had issued a clear statement—not just implied the idea by putting slavery at the top of the list—that, without exception, one human being has no right to own and enslave another.

The publication and distribution of the JTS Commentary are made possible by a generous grant from Rita Dee and Harold (z”l) Hassenfeld.

A Taste of Torah

By Rabbi Matthew Berkowitz, director of Israel Programs, The Rabbinical School, JTS

Building Bridges

After legislating the multiplicity of laws in what has become known as Sefer Ha-Brit, the “Book of the Covenant,” Parashat Mishpatim concludes on a pessimistic note—a warning to the Israelites. Once they enter the Land of Israel, they are not to tolerate the practices of idolatrous nations. Exodus 23:24 declares, “you will not bow down to their gods in worship or follow their practice, but will tear them down and smash their pillars to bits.” More than that, the Israelites are told to be on guard. God will not displace the native nations suddenly, but over an extended period of time. Ultimately a promise is made: “They will not remain in your land, lest they cause you to sin against Me; for you will serve their gods—and it will prove a snare to you” (Exod. 23:33). How are we to understand this divine fear, and to what extent is it grounded in reality? Are the Israelites so weak as to be seduced by their surrounding cultures?

Rabbi Samson Raphael Hirsch explains,

The fact of their remaining in the land without giving up idolatry will become a snare unto you. Do not depend on the heights of purity that you have attained, do not trust yourselves, not to have to be afraid of the proximity of impurity and false ideas, that living together with these people full of their false ideas, you will be able to raise them up to your true ideals, and not on the other hand let them drag you down to false ones. It is only in isolation that you can grow strong and firm enough for your ultimate spiritual conquest of the nations of the world. Until that time is reached, being with these other nations will only be a snare to you. (Commentary on the Torah: Exodus, 418)

Far from admitting of the potential benefits of living among other peoples and cultures, Hirsch and Parashat Mishpatim seem to embrace a pessimistic view of Israelite impulses. Perhaps such a view derives from the relative power (in numbers and in practice) of the nations that were then resident in the Land of Israel. Alternatively, Torah could have been cautious because of the weakened state of the people. Having only been recently freed from the bonds of slavery, these same people could easily be seduced into servitude once again. Only through a process of acclimating themselves to freedom and maturing in that sense of identity, sovereignty, and power could the Israelites gain their place of honor and security in the world. Rabbinic Judaism (see especially Mishnah Avodah Zarah 3:4) and successive generations of Jews attest to a radically different worldview from the one expressed in Parashat Mishpatim. Judaism has survived and flourished because of its rich and sustained interaction and accommodation with surrounding cultures. Wherever we have lived, be it the “idolatrous” cultures of Greece, Italy, or India, we have acculturated—building bridges between the Jewish world and outside cultures. That delicate balancing act between remaining true to one’s identity and borrowing from other peoples and cultures will remain one of the greatest challenges and blessings of Judaism.

The publication and distribution of A Taste of Torah are made possible by a generous grant from Sam and Marilee Susi.