

## Mishpatim: Exodus 21:1-27

### *Legal Slavery?*

Rashi

v.1 The Holy One told Moses: Do not think, "I will simply repeat the rules two or three times until they have them memorized, and not trouble myself to explain the reasons for them." You must "set" the rules before them as one sets a table: ready to eat.

v.7 The text refers to a girl who is still a minor. Could it refer to a girl who has already reached puberty? You can reason from minor to major: If a girl who has already been sold "shall go free, without payment" when she reaches puberty, is it not obvious that if the same girl has not yet been sold, she could not be sold at that time?

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Rashbam

v.2 The text is speaking of the case where he is sold by the court, as In 22:2. The case of a man who is forced by his poverty to sell himself is found in Lev. 25:39-46. The latter "shall serve with you only until the jubilee year" (Lev 25:40), while the slave sold by the court shall serve six years. Some of our Sages combine the two rules and say that If the jubilee year comes before six years are up, the slave sold by the court goes free at that time. But there are others who distinguish the two cases. *In the seventh year.* This means the seventh year after he was sold, not the seventh, sabbatical year. He shall go free. This should be translated "he shall go out to freedom."

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Ramban

v.4 This is the decisive phrase in settling the question; the children of a Canaanite slave woman follow their mother's status. But an Israelite woman, even if she were of age to be given to him as a wife, and even if we agree (for the sake of argument) that a woman may sell herself into slavery, her children nonetheless belong to the father, not the master.

Ibn Ezra

v.1 Before I explain this section, let me make the general statement that every rule and every commandment stands on its own. Nonetheless, there is an apparent rationale for the arrangement of the verses in this order. (Whenever we cannot find one, we shall blame the deficiency on ourselves.) The essential principle is that no one shall compel by violence one who is less powerful than he. The rules begin with the violence exerted on the body by enslavement, and continue with various rules that stem from this subject. This is followed by a section on criminality exerted against property. After all these come the rules about criminal actions that people perform in secret because they are afraid to do them in public.

v.4 If his master *gave* him a wife. This shows that she is a Canaanite (or other nation). For one cannot "give" what is not under one's authority, which in this case must be a slave woman from one of the other nations.

v.7 Who Is a minor and still under his control, just as she is with regard to taking an oath. **She shall not be freed as male slaves are.** Not *only* as they are freed, but also when she reaches the age of maturity and comes under her own authority.

v.8 According to our Sages, this rule assumes that the master acquired her in order to have sex with her when she comes of age.

v.8 Since her father "broke faith" with her by selling her to outsiders, we do not abandon her to her fate, but remove her from his authority.

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Abarbanel

v.1 Unlike the Noahide laws or those of other nations, these are divine rules, whose deep mystery is based on a belief in the creation of the world.