

Parshas Behar – Shlomo Stahl

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There is an often-quoted Rashi in Parshat Mishpatim (Shemot 21-6) about the Eved Ivri who does not want to go free after his allotted 6 years but wishes to remain an Eved until the Yovel year (which comes every 50 years). The Torah says that he must have his ear bored into the door with an awl, on which Rashi comments:

... R' Shimoen taught, why is it that the piercing is into the door rather than any part of the house? Said HaKB'H the door that witnessed in Egypt that I passed over (the Jewish houses) saying, "*Ki Li B'nei Yisrael Avadim* (for the Jewish people are my slaves/servants) (that door should bear witness that) they are my slaves and not slaves of slaves" (Vayikra 25-55).

The problem is that this passuk was not said in Mizraim at all, but much later in our Parasha (oddly enough also about the dinnim of a Jew, who, out of financial hardship, sells himself off as a slave).

There are only 2 Mitzvot Asei (positive commandments) that bear the punishment of Karet (generally understood, that after death his soul will also cease to exist, although there are other explanations) – these are Pessach (one who does not offer the Korban Pessach) and Mila (if one does not have a brit). Why in particular these two?

There is an Halacha¹ that if one acquires a non-Jewish Eved (slave), and we know that a non Jewish Eved needs to keep some mitzvot, the ownership does not take effect until the Eved immerses himself into the mikva to become a ger. Now if at the time of the immersion the Eved intends to do so in order to become a free Jew, that will be effective (only he will need to recompensate the Jewish owner financially for having stolen his slave). So what can the owner do to prevent this? He should give the Eved a task to perform while he is in the mikva so it is clear that the Eved is his Eved and then the Eved's intention will not override the owner's.

Consequently (says the B'nei Yissochor) when H' came to redeem us from Egypt and acquire us as his slaves he had to make a sign that we would actually become his and not have our own agenda to become totally free. So he gave us 2 mitzvot to perform even before the redemption. Those were the Pessach offering and the Brit Mila. As a result not keeping these mitzvot is tantamount to denying in the very basis of the fact that we are H's slaves, and therefore they carry such a severe punishment of Karet.

Similarly (says Dayan Weiss in Minchat Yitchak al HaTora) although our passuk is actually written later, but the message of the passuk is that we are to remain H's slaves. This message was established in Mizraim when H commanded us mitzvot even before we were freed.. And this was witnessed by the door in particular, as it saw the blood of the Korban Pessach being painted onto the doorpost and the lintel. This ensured that when we were redeemed from Egypt we could not go off totally free but that we remain H's Avodim. So although the passuk is actually only written in our Parasha, Rashi is justified in quoting it as the message was already established in Egypt.

The bottom line is that in whatever circumstances we may find ourselves, we must remember that our first duty is to be subservient to H's will.

¹ Yorei Deah 267-9