

# Maamarei Mordechai

הסבר לפי ממש פשוט

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The Torah talks about indentured servitude.

**וְכִי־יָמוּךְ אֶת־יָדְךָ עַמְּךָ וְנִמְכַּר־לָךְ לֹא־תַעֲבֹד בּוֹ עֲבָדָת עָבָד:**

“And because your kin will become desperate with you and he will be sold to you, you shall not work him the work of a servant.” (Vayikra 25:39).

The Torah allows for servitude, but nowhere in the Torah does it allow for slavery; at least not the way the Greeks enslaved their own kind, the Romans enslaved Judeans, Muslims enslaved Europeans, and the Americans enslaved Africans. There are four instances of servitude in the Torah. They are when (1) a criminal has to be sold to pay off his debt, (2) a ransom payment has to be paid off, (3) a person is in dire straits to he sells himself for payment to his family, and (4) a gentile servant. These four different servitudes have very similar halachos, but they differ slightly. Their common theme is that none of them are allowed to be worked as slaves or in hard bondage. They also, except the last category, have time limits on their servitude.

Chazal have a saying that acquiring a servant is like acquiring a master. (Kedushin 20a). The Torah is clear about these rules. The first category of servitude is when a person commits a crime and cannot pay for it. (Shmos 22:2). He works for up to six years and then goes out with just the clothes on his back. (Ibid). The sale price for the servant is the restitution amount for the crime and this criminal pays it off by working.

Then there is the mitzvah to redeem a hostage. (Vayikra 25:35). To pay for the ransom, one may not loan the money with interest. (Ibid 25:36). If he is one's kin or the hostage's own family cannot pay the ransom, then the employer can pay the ransom. (Ibid 25:39). The hostage will work off the debt. (Ibid 25:40). However, he works only until the Yovel. (Ibid). That means this servitude can last for forty-nine years, if that is the amount of the ransom. The family may reimburse the employer and set the former hostage free. (Ibid 25:54).

If a Yisroel is in dire straits, he can sell himself as an indentured servant and work off that debt. (Devarim 15:12). He works for six years to pay off that debt. (Ibid). Clearly, the compensation for this servitude is equal to the six years of work. His family will have six years of income. When he goes free, however, he shall not go empty-handed. (Ibid 15:13). He shall go out with animals and grain; enough to start his own livelihood so he will not be reliant on charity. This is because Hashem wants Bnei Yisroel to give charity to their fellow indigents. (Ibid 15:11).

As can be clearly seen, these are all a financial relationship. No owner / master / employer is getting any work for free. The debts are being paid off and then the indentured servants go free. There are just slightly different technical rules to leaving based on how the person entered into the servitude. The criminal is most culpable. He stole so he is working off his debt. He goes out with just the clothes on his back. The

hostage is not at fault for being captured. However, he is most thankful that he is ransomed. Thus, his servitude can last the longest. The pauper is not at fault for being indigent. He voluntarily sells himself for a negotiated rate. Therefore, he goes out with the ability to provide for himself. Since he voluntarily sells himself, he has to commit to six years. The thief and the hostage only work off the debts they incurred, up to a time limit. The Torah is just and also considerate. It may be that the hostage only works for one year and never works off the full ransom debt.

If a hostage is taken near Yovel, he may be out of luck, as paying off his ransom will be a financial loss. (Vayikra 25:52). If the thief stole more than six years' worth of labor he still goes out. His indentured servitude serves also like a prison sentence.

An employer may give his indentured servant a spouse. (Shmos 21:4). However, in this situation, the indentured servant is not *taking* the spouse, like in normal circumstances. The employer is giving her over to him. This presumes that spouse is an indentured maidservant or the employer's own daughter. If the servant took his own wife, before or during the servitude, she will go out with the servant. (Ibid 21:3). While she does not work, she lives with her husband. If the wife who the employer gave to the servant has children, the children will stay with the employer. (Ibid 21:4). This means the children stay with the mother and go out with her. If the servant does not want to go free, and his employer is willing, the employer takes him to Beis Din, negotiates a labor fee, and the servant will remain for life. (Ibid 21:6; Devarim 15:16). The payment is made to the servant, or his wife and children, for the value of his labor. This is true of the criminal and the pauper.

The hostage, however, shall leave with the children. (Vayikra 25:41). This means that if there is not enough time to pay off the ransom before Yovel, his children will also be taken to work off the debt. It also means if he is given a wife by the employer then he takes the children with him. The mother remains the length of her servitude. Because of the length of time of his servitude, the children go with out with the father or mother, whoever leaves first. (If the mother's servitude completes first, or she is not a servant, then she lives there without working and goes out with them). Yovel sets him free and he has no option to extend.

The Torah does not allow hard labor or mistreatment (ibid 25:43,53) because Bnei Yisroel were indentured servants themselves—working under bondage and backbreaking labor—for Egypt (ibid 25:42,55; Devarim 15:15). All these servants are also protected by the civil and criminal law. (Shmos 21:20-27).

Then there is the gentile slave that can be purchased (not captured). (Vayikra 25:45). These remain in the employer's family for the life of the servant. (Ibid 25:46). However, employers may not mistreat them and the civil and criminal laws protect them. Finally, there is a fifth category: a daughter. (Shmos 21:7). This is a volunteer and time-based indenture and the employer has a right to marry her himself or to one of his children. The employer can have her family redeem her back. Otherwise, she is to be treated like any other spouse. If she is a co-wife she must still be given all the benefits and support of a wife. Slavery based on cruelty, total bondage, backbreaking labor, corporal punishments, and ownership of children is simply not allowed per the Torah.