

Moshe gives us an interesting command regarding the slave trade.

לֹא־תִסְגֵּיר עֶבֶד אֶל־אֲדֹנָיו אֲשֶׁר־יִנְצֵל אֵלֶיךָ מֵעַם אֲדֹנָיו:

“Do not return a slave to his master; one that seeks you to save him from his master.”

Deuteronomy 23:16.

Contrary to American Law, where the Fugitive Slave Act of 1850 was signed into federal law, the Torah does not allow one to return a runaway slave. The obvious question is, when one takes the emotion of enslaving another human being out of the equation, how can the Torah give up someone’s rightful property? The Torah allows slavery, so the morality and justice of enslaving other human beings is already fully adjudicated by the Torah. Slavery is allowed. Once it is allowed, how can the Torah then allow for the slave to go free simply because the slave ran away?

Taking it a bit further, slavery is allowed because a slave is meant to either compensate for a debt to you – Hebrew Slaves – (Leviticus 25:39) or as property – non-Israelite Slave – (ibid 25:45). When it comes to another Israelite, that is not so much slavery as a 6 year serfdom (ibid. 25:40). However, a gentile slave is property. With this understanding, our question is clear: if it’s a Hebrew Slave that ran away, how can he go free if he has a debt he has to pay off? If it’s a gentile slave, he is property, how can he be set free?

In trying to understand this we turn to Gemara Gittin 45a, that says, “It is taught in another *baraisa*: The verse states: “You shall not deliver to his master a slave” (Deuteronomy 23:16); Rabbi Yehuda HaNasi says: The verse is speaking of one who acquires a slave in order to emancipate him. The court may not deliver him to this master, because he is not his slave and

he may not treat him as such. The Gemara asks: What are the circumstances of this case? Rav Naḥman bar Yitzḥak said: For example, when he wrote to the slave like this: When I will purchase you, you are hereby acquired to yourself from now. The new master does not take possession of the slave, as he is emancipated immediately upon being purchased.” So this part of the Gemara seems to say that the slave was already free, but found by someone else. No need to return him to the new slave master just to be freed, he is automatically free. If so, we do not really need a verse in the Torah to teach us this. Additionally, the verse in the Torah does not give us such circumstances.

The Gemara in Gittin also says, “As it is taught in a *baraisa*: The verse states with regard to the residents of the Land of Canaan: “They shall not dwell in your land lest they make you to sin against Me, for you will serve their idols; for they will be a snare to you” (Exodus 23:33). One might have thought that the verse is also speaking of a gentile who accepted upon himself not to engage in idol worship, and is teaching that such a gentile may not dwell in Eretz Yisrael as well; therefore the verse states: “You shall not deliver to his master a slave who escaped to you from his master” (Deuteronomy 23:16). The *baraisa* understands that the verse is speaking in metaphoric terms about a gentile who has come to Eretz Yisrael, escaping his idolatrous past and was enslaved. The *baraisa* continues: What is this gentile’s remedy? “He shall dwell with you in your midst” (Deuteronomy 23:17).” We can derive that the Gemara means that as long as he accepts upon himself not to engage in idol worship, he may remain in Eretz Yisrael.

In trying to understand the two opposite positions in the Gemara (one acquired a slave to emancipate him, and the slave escaped his master in the diaspora and came to the Land) Rabbeinu Bechaya explains: “The master the Torah speaks about here is a gentile. The slave has fled from outside the boundaries of the land of Israel and sought refuge in the land of Israel. It is

forbidden to hand over such a slave to anywhere outside of Eretz Yisrael out of love and fondness for the Land of Israel. The court, or other authorities, force the owner to write a document releasing the slave in question and to free him to an Israelite. The former slave will sign a document in return obligating himself to compensate his former master accordingly (compare Gittin 45a).”

Which Court forces who? Does an Israelite Court force the gentile former master? If so, under what jurisdiction and what authority can it do so? It must be that the Israelite Court forces the new master who found the slave, not to return the slave, but also not to enslave the slave anew. To create equities in economic justice, this slave will reward the finder somehow for not enslaving him.

Rashi understands this Gemara that it was a gentile slave that was owned by an Israelite outside of the Land and escaped to the Land to be free. So the Torah is telling us not to send him back to outside the Land to be enslaved.

Explaining how a slave can be outside the Land and escape to be in the hands of an Israelite, (at the time Moshe was instructing the Israelites there was no contemplation that the Israelites would leave the Land to live elsewhere. It was presumed the Laws of the Torah were to be kept in the Land), Ibin Ezra says that when Israel goes to war then a slave escapes to the Israelite camp. He shall not be returned to his master.

This explanation presumes that the “master” in the Torah is not referring to an Israelite one, but a gentile master. Ibin Ezra goes further. “The master too is not an Israelite. The slave came for the glory of HaShem, whose name is called over Israel. He believes that the escaped slave took refuge with Jews because he wanted to serve the Lord of Israel. If the Israelite turns the slave over to his master this will entail the desecration of HaShem’s name because the

escaped slave wants to serve the Lord of Israel. Scripture therefore reads, “you shall not wrong him.”

Ramban explains the desecration of HaShem’s name if returned and says, “Our verse is connected with the section above that says when you go forth against the enemy if a slave flees from his master against whom the host has gone forth and saves himself by fleeing to your camp you are not to deliver him to his master for money that he may give you. And since it states, “he shall dwell with you, in the midst of thee, in the place which he shall choose” (ibid 23:17) it appears that it is a commandment that he become a free man and that we should not enslave him. The reason for this commandment is that with us he will worship HaShem and it is not proper that we return him to his master to worship idols. Moreover, it is possible that the slave may show them the entrance into the city, (*see* Judges 1:25). In that way they will capture many cities through slaves and captives fleeing from there. And Chazal have said in Gittin 45a that this prohibition is applicable even to gentile slave who belongs to an Israelite who fled from outside the Land into the Land of Israel, for this one too, should preferably work for those who dwell in the Land of HaShem and be saved from working for those that dwell in an unclean land, (*see* Amos 7:17).”

Sforno puts our verse in context. “After the Torah had spoken of the sanctity that must be prevalent in an encampment of Jewish soldiers in war, it switches to matters which are apt to happen in such surroundings, explaining how to correct deviations. One of these is how to deal with a gentile slave who has escaped from his master and taken asylum among the Jewish people; another is the subject of loose women who have infiltrated into the encampment of the Jewish army, an everyday occurrence in gentile armies. (Deuteronomy 23:18)” Sforno seems to say that the ‘master’ in our verse is a gentile.

Chizkuni says similar, and gives a reason why the slave escaped. “Do not hand over to his master a slave who had escaped from him.” This verse was inserted here as it was the habit during wartime that many slaves used the confusion reigning to escape from their masters. They chose the land of Israel as a favorite destination, as they knew they would be treated there humanely.”

Sifsei Chachamim learns that it was a Jewish slave who was sold to Gentiles who escaped back to Eretz Yisrael. In this case you have no business to enslave him for he is an Israelite and does not owe you a debt. Certainly do not return him to gentiles as a slave, even if he did something earlier to run away from the Land and became a slave. Let him stay now in the Land, free.

Tur HaAruch learns, like the Ramban, that the situation is war. A soldier left them camp to relieve himself (see Deuteronomy 23:13) and he sees an escaped slave in no-man’s land. He shall then take the slave with him to camp, to the Land, and not return him to his master or to slavery. The Torah wants to prevent slave trading.

We will question, then, how a gentile becomes a slave? It will be from a gentile that is bought or one that is captured in war, but not a former slave that escaped and seeks refuge in the Israelite camp or Israelite Land.

Tur HaAruch uses the next verse to explain this position. “He shall dwell with you in a location of his choice.” (ibid 23:17). It is a positive commandment that this slave live as a free human being. The reason why this law has been given, and especially has been mentioned at this point, is that the former slave is to be encouraged to join us Jews in serving Hashem, instead of our turning him over to his former master and thereby increasing the number of pagans serving idols. Furthermore, by turning him over to his former master, there is a chance that this slave has

become privy to information that might help the enemy to invade our country or to infiltrate the encampment of the Israelite army. History is full of stories of such “slaves” having been used as spies by their masters. Our sages interpret this verse as applying primarily to a gentile slave who has fled his master seeking refuge within Israel. Even though, basically, the Torah decreed that we must kill these people, here where the initiative comes from the gentile who is aware that he will likely be treated far more humanely by Jews, the Torah encourages us to bring him closer to Hashem by allowing him to embrace Judaism.”

Accordingly, now we see why the Torah does not allow the slave to be enslaved again. When one seeks the refuge in the Land of Israel, to seek the Word of HaShem, the Laws of the Torah, then we must not punish him for that. Be it a Hebrew Slave, even if more debts are owed, or a gentile slave. They must be allowed to repent, live in the Land as free men, and follow the Laws of the Torah. The Hebrew slave will refrain from theft and the gentile slave will give up idol worship, and presumably convert.

We need not be slaves or necessarily run to Israel. We ourselves must understand we want to give up our wayward ways and seek the Law, protection, and Word of HaShem. Let us run away from the aveiros that enslave us, let us seek refuge with the larger community of Torah observant, HaShem following Jews, and let us join them free from sin, and live free under the Laws of the Torah. Additionally, in terms of forgiving others that harmed us, if they want to appease us and turn from the ways that hurt us, we should readily accept them, forgive them, and free them of their guilt. May we all have a Chaiva v’Chasima Tova.