

MITVOT 344 – 348: Slavery Continued – the Canaanite Slave

SEFER HACHINUCH 344

שלא נעבד בעבד עברי עבדת בזיון כמו עבדת כנעני - שלא נעבד בעבד עברי בעבדה שיש בה בזיון גדול והכנעה. שדרך לעבד כן בעבד כנעני. שנאמר (ויקרא כה לט) לא תעבד בו עבדת עבד.

That we not make a Hebrew slave perform demeaning work, like the work of a Canaanite (gentile) slave: That we not make a Hebrew slave perform work that is very demeaning and humiliating, which is the way to make a Canaanite slave work - as it is written (Leviticus 25:29), "do not have him work with the work of a slave." And they, may their memory be blessed, said in Sifra, Behar, Chapter 7:2 in explanation of this matter, "He should not carry your cushion" - which is a small cloth that people make to sit upon in every place if they tire - and it is the way of a demeaned slave to take this [item] and carry it behind his master... It comes out that a person should be mindful of which type of work he orders his Hebrew slave to perform. And this is part of the principle which they, may their memory be blessed, said (Kiddushin 22a), "Anyone who acquires a Hebrew slave is like he has acquired a master for himself."

It is from the roots of the commandment [that it is] so that a person place upon his heart that our nation is the most honored of all of them. And through that, he will love his people and his Torah. And he will also place upon his heart, that just as this slave was sold because of his desperation, so is it possible that the same could happen to the one who acquires him, or to one of his sons - if [their] sin causes it to them. And through honoring his slave, he will certainly think this thought; and through this thought he will be careful from sinning to God. And there is another purpose in the thing - that a man learn the traits of kindness and mercy, and distance himself from the evil trait of cruelty. And by preparing his soul for goodness, it will receive good - [as] God wishes to bestow from His blessings on His creations, as I have written many times before in previous commandments.

SEFER HACHINUCH 345

שלא נמכר עבד עברי על אבן המקח - שלא נמכר עבד עברי כדרך שמוכרין עבדים כנעניים בהכרזה על אבן המקח, אלא בהצנע ודרך כבוד.

The root of this commandment is well-known - that it is not fitting for a person to treat the honor of his fellow lightly; even if his sins have brought him to be sold. As he does not know if maybe tomorrow, he will also come to this. The elucidation of this commandment is in Kiddushin and its laws are included in its essence - there is no need to be lengthy about them.

SEFER HACHINUCH 347

מצות עבודה בעבד כנעני לעולם - שנעבד בעבד כנעני לעולם, כלומר, שלא נשחרר אותו לעולם ושלא יצא לחרות כי אם בשן ועין כמו שבא בכתוב (שמות כא כו כז), או בראשי אברים הדומין להם, כלומר, אברים שאינן חוזרין, כמו שבא על זה הפרוש המקבל (קידושין כד, א), שנאמר (ויקרא כה מו) לעולם בהם תעבדו.

And they, may their memory be blessed, said regarding a Canaanite slave (Yevamot 48b) that his master takes care of him up to twelve months; if he wants to deny and abandon idolatry, get circumcised and immerse for the sake of slavery and accept the commandments that Jewish women are obligated, it is good. But if not, it is forbidden for us to hold him in our homes longer than twelve months. Rather we

sell him immediately. And [it is] about those slaves that were circumcised and immersed for the sake of slavery that we were commanded to work them forever

It is from the roots of the commandment [that] since the people of Israel are the choicest of the human species and they were created to recognize their Creator and to serve in front of Him, it is fitting that they should have slaves to serve them. And if they do not have slaves from the nations, they would nonetheless need to subjugate their brethren, and [those subjugated] would be unable to strive in His service, blessed be He. We were therefore commanded to retain these for our use - after they have been readied and have had idolatry removed from their mouths, lest they be a snare in our homes. And this [is the meaning of] the verse afterwards (Leviticus 25:46), "and as for your brothers, the Children of Israel, a man shall not subjugate his brother." That is to say that with this, you will not need to subjugate your brethren and you will all be prepared for the service of God. And even though the understanding of the verse is to warn not to subjugate a Hebrew slave with oppressive labor, there are seventy face to the verses.

And given that the foundation of this commandment is in order to proliferate people's service of their Creator, the Sages, may their memory be blessed, permitted [to transgress] this commandment whenever its nullification would cause [the fulfillment of] another commandment - and even for the sake of a rabbinic commandment, such as if there were not ten (a quorum) in the Synagogue and they needed to free the slave to complete the quorum (see Berakhot 47b). And let it not be difficult to you, how we can forsake this positive biblical commandment for the sake of a rabbinic one. As it is because the foundation of the commandment is only the proliferation of His service, blessed be He: Since by manumitting him now, a commandment will be fulfilled. Moreover, he, himself will be increased in commandments that he was not obligated before the freeing.

CONFESSIONS OF AN ECO-SINNER by Fred Pearce

One scientist told me when I started work that if we lived in Roman times and wanted the lifestyle we have today, we would need about 6000 slaves: growing and cooking our food, making our music, running the stables full of horses for our travel. . . . We like to think that all these things are done by machines these days. But actually there are lots of people round the world making and growing things for us. It's just that we don't know who they are. So I set out to find out.

THE BIBLE VIEW OF SLAVERY by Rabbi Morris Jacob Raphall, January 4, 1861

"Is slaveholding condemned as a sin in sacred Scripture? How this question can at all arise in the mind of any man that has received a religious education, and is acquainted with the history of the Bible, is a phenomenon I cannot explain to myself, and which fifty years ago no man dreamed of. But we live in times when we must not be surprised at anything."

"When we remember that Abraham, Isaac, Jacob, Job—the men with whom the Almighty conversed, with whose names He emphatically connects His own most holy name, and to whom He vouchsafed to give the character of "perfect, upright, fearing G-d and eschewing evil" (Iyov 1:8)—that all these men were slaveholders, does it not strike you that you are guilty of something very little short of blasphemy?"

And if you answer me, "Oh, in their time slaveholding was lawful, but now it has become a sin," I in my turn ask you, "When and by what authority you draw the line?" Tell us the precise time when slaveholding ceased to be permitted, and became sinful?" When we remember the mischief which this inventing a new sin, not known in the Bible, is causing."

"My friends, I find, and I am sorry to find, that I am delivering a pro-slavery discourse. I am no friend to slavery in the abstract, and still less friendly to the practical working of slavery. But I stand here as a teacher in Israel; not to place before you my own feelings and opinions, but to propound to you the word of God, the Bible view of slavery. With a due sense of my responsibility, I must state to you the truth and nothing but the truth, however unpalatable or unpopular that truth may be." To ameliorate this tension between what is found in the Torah and his own ideals, R' Raphall differentiates between the Torah's view of slavery and the institution of slavery as practiced in the South: "This, indeed, is the great distinction which the Bible view of slavery derives from its divine source. The slave is a person in whom the dignity of human nature is to be respected; he has rights. Whereas, the heathen view of slavery which prevailed at Rome, and which, I am sorry to say, is adopted in the South, reduces the slave to a thing, and a thing can have no rights." Thus, we can conclude that while slaveholding in and of itself is not sinful, it must be practiced in the merciful and gracious way outlined by the Torah.

MISHNEH TORAH, HILCHOT ROTZE'ACH U-SHEMIRAT NEFESH 2:10

אָדָם הַהוֹרֵג אֶת יִשְׂרָאֵל אִוּ הַהוֹרֵג עֶבֶד כְּנַעֲנִי הָרִי זֶה נִהְרָג עָלָיו. וְאִם הָרַג בְּשִׁגְגָה גּוֹלָה

MISHNEH TORAH, HILCHOT AVADIM 9:8

It is permissible to have a Canaanite slave perform excruciating labor. Although this is the law, the attribute of piety and the way of wisdom is for a person to be merciful and to pursue justice, not to make his slaves carry a heavy yoke, nor cause them distress. He should allow them to partake of all the food and drink he serves. This was the practice of the Sages of the first generations who would give their slaves from every dish of which they themselves would partake. And they would provide food for their animals and slaves before partaking of their own meals. And so, it is written Psalms 123:2: "As the eyes of slaves to their master's hand ... so are our eyes to God."

Similarly, we should not embarrass a slave by our deeds or with words, for the Torah prescribed that they perform service, not that they be humiliated. Nor should one shout or vent anger upon them extensively. Instead, one should speak to them gently, and listen to their claims. This is explicitly stated with regard to the positive paths of Job for which he was praised Job 31:13, 15: "Have I ever shunned justice for my slave and maid-servant when they quarreled with me.... Did not He who made me in the belly make him? Was it not the One who prepared us in the womb?"

Cruelty and arrogance are found only among idol-worshipping gentiles. By contrast, the descendants of Abraham our patriarch, i.e., the Jews whom the Holy One, blessed be He, granted the goodness of the Torah and commanded to observe righteous statutes and judgments, are merciful to all. And similarly, with regard to the attributes of the Holy One, blessed be He, which He commanded us to emulate, it is

written Psalms 145:9: "His mercies are upon all of His works." And whoever shows mercy to others will have mercy shown to him.

RABBI SHIMSHON RAPHAEL HIRSCH, Exodus 12:44

No Jew could make any other human being into a slave. He could only acquire by purchase people who, by then universally accepted international law, were already slaves. But this transference into the property of a Jew was the one and only salvation for anybody who ... was already stamped as a slave. The terribly sad experiences of the last century teach us how completely unprotected and liable to the most inhuman treatment was the slave who ... was not emancipated ... or even if emancipated was looked upon still belonging to the slave class.

GUIDE OF THE PERPLEXED, 3:32

Many things in our law are due to ... For a sudden transition from one opposite to another is impossible. And therefore man, according to his nature, is not capable of abandoning suddenly all to which he was accustomed ... God, in anticipation of what the soul of man is naturally incapable of receiving, prescribes the law that we have mentioned so that the first intention should be achieved, namely the Will of Hashem, and the rejection of the bad.

AVODA ZARA 17B

בן פרטא לרבי חנינא בן תרדיון אשריך שנתפסת על דבר אחד אוי לי שנתפסתי על חמשה דברים

§ The Gemara returns to its discussion of the judgments of the Sages by the Roman rulers. The Sages taught: When Rabbi Elazar ben Perata and Rabbi Ḥanina ben Teradyon were arrested by the Romans during the time of the religious persecution of the Jewish people, Rabbi Elazar ben Perata said to Rabbi Ḥanina ben Teradyon: Fortunate are you, as you were arrested on one charge only, of teaching Torah publicly; woe is me, as I have been arrested on five charges.

ומ"ט קא שבקת עבדך לחירות

עבדך לחירות - והן גזרו על כך לפי שהוא דת יהודית

RABBI JONATHAN SACKS, Dignity of Difference 69-70

In miracles, God changes nature but never human nature. Were He to do so, the entire project of the Torah – the free worship of free human beings – would have been rendered null and void. God wanted mankind to abolish slavery but by their own choice, and that takes time. Ancient economies were dependent on slavery ... The challenge to which Torah legislation was an answer is: how can one create a social structure in which, of their own accord, people will eventually come to see slavery as wrong and freely choose to abandon it?