

Mitzvot 42 and 346: The Eved Ivri

Eved Ivri – Hebrew Slave

וְאִלֵּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשְׂיִם לִפְנֵיהֶם: כִּי תִקְנֶה עֶבֶד עִבְרִי שֵׁשׁ שָׁנִים יַעֲבֹד וּבְשִׁבְעַת יֵצֵא לְחֻפְשֵׁי חָנָם: אִם בָּגַפּוֹ יָבֵא בָּגַפּוֹ יֵצֵא אִם-בְּעַל אִשָּׁה הוּא וַיֵּצֵא אִשְׁתּוֹ עִמּוֹ:

If he came single, he shall leave single; if he had a wife, his wife shall leave with him.

אִם-אֲדָנִיו יִתְּנֶלּוּ אִשָּׁה וְיִלְדֶה-לּוֹ בָנִים אִוּ בָנוֹת הָאִשָּׁה וְיִלְדֶיהָ תִהְיֶה לְאֲדֹנָיָהּ וְהוּא יֵצֵא בָּגַפּוֹ:

If his master gave him a wife, and she has borne him children, the wife and her children shall belong to the master, and he shall leave alone.

וְאִם-אָמַר יֹאמֶר הָעֶבֶד אֶהְבֵּתִי אֶת-אֲדֹנָי אֶת-אִשְׁתִּי וְאֶת-בְּנֵי לֵא אֶצֵּא חֻפְשִׁי:

But if the slave declares, “I love my master, and my wife and children: I do not wish to go free,”

וְהִגִּישׁוּ אֲדֹנָיו אֶל-הָאֱלֹהִים וְהִגִּישׁוּ אֶל-הַדֹּלֵת אִוּ אֶל-הַמְּזוּזָה וְרָצַע אֲדֹנָיו אֶת-אָזְנוֹ בַּמַּרְצֵעַ וְעִבְדוֹ לְעֹלָם: (ו)

his master shall take him before God. He shall be brought to the door or the doorpost, and his master shall pierce his ear with an awl; and he shall then remain his slave for life.

Hebrew Maidservant

When a man sells his daughter as a slave, she shall not be freed as male slaves are. If she proves to be displeasing to her master, who designated her for himself, he must let her be redeemed; he shall not have the right to sell her to outsiders, since he broke faith with her. And if he designated her for his son, he shall deal with her as is the practice with free maidens. If he marries another, he must not withhold from this one her food, her clothing, or her conjugal rights. If he fails her in these three ways, she shall go free, without payment.

Gentile Slave of Either Sex: 25-55:38 ויקרא

I the LORD am your God, who brought you out of the land of Egypt, to give you the land of Canaan, to be your God. If your kinsman under you continues in straits and must give himself over to you, do not subject him to the treatment of a slave. He shall remain with you as a hired or bound laborer; he shall serve with you only until the jubilee year. Then he and his children with him shall be free of your authority; he shall go back to his family and return to his ancestral holding. — For they are My servants, whom I freed from the land of Egypt; they may not give themselves over into servitude. — You shall not rule over him ruthlessly; you shall fear your God.

44 You may also buy them from among the children of aliens resident among you, or from their families that are among you, whom they begot in your land. These shall become your property: you may keep them as a possession for your children after you, for them to inherit as property for all time. Such you may treat as slaves. But as for your Israelite kinsmen, no one shall rule ruthlessly over the other.

If a resident alien among you has prospered, and your kinsman being in straits, comes under his authority and gives himself over to the resident alien among you, or to an offshoot of an alien's family, he shall have the right of redemption even after he has given himself over. One of his kinsmen shall redeem him, or his uncle or his uncle's son shall redeem him, or anyone of his family who is of his own flesh shall redeem him; or, if he prospers, he may redeem himself. He shall compute with his purchaser the total from the year he gave himself over to him until the jubilee year; the price of his sale shall be applied to the number of years, as though it were for a term as a hired laborer under the other's authority. If many years remain, he shall pay back for his redemption in proportion to his purchase price; and if few years remain until the jubilee year, he shall so compute: he shall make payment for his redemption according to the years involved. He shall be under his authority as a laborer hired by the year; he shall not rule ruthlessly over him in your sight. If he has not been redeemed in any of those ways, he and his children with him shall go free in the jubilee year.

For it is to Me that the Israelites are servants: they are My servants, whom I freed from the land of Egypt, I the LORD your God.

RASHI ON MISHPATIM 21:6

ומה ראה אֶזְרָא לְרַצֵּעַ מִכָּל שְׂאֵר אֲבוֹתָיו שְׂבִיבֵי? אָמַר רַבֵּן יוֹחָנָן בֶּן זִכְאִי: אֶזְרָא זֹאת שִׁשְׁמַעְתָּה עַל הָרַר סִינַי לֹא תִגָּב, וְהִלָּךְ וְגָב, תִּרְצַע. וְאִם מוֹכֵר עֲצָמוֹ, אֶזְרָא שִׁשְׁמַעְתָּה עַל הָרַר סִינַי כִּי לִי בְנֵי יִשְׂרָאֵל עֲבָדִים, וְהִלָּךְ וְקָנָה אֶדְוֹן לְעֲצָמוֹ, תִּרְצַע. רַבִּי שְׁמַעוֹן הִזִּיהוּ דוֹרֵשׁ מִקְרָא זֶה כְּמִין חֹמֶר: מַה נִּשְׁתַּנּוּ דְלֵת וּמִזְזָה מִכָּל כְּלִים שְׂבִיבֵי? אָמַר הַקָּב"ה דְלֵת וּמִזְזָה שְׁהִיוּ עֲדִים בְּמִצְרַיִם כְּשִׁפְסַחְתִּי עַל הַמִּשְׁקוּף וְעַל שְׁתֵּי הַמִּזְזוֹת וְאָמַרְתִּי כִּי לִי בְנֵי יִשְׂרָאֵל עֲבָדִים – עֲבָדֵי הֵם וְלֹא עֲבָדִים לְעֲבָדִים – וְהִלָּךְ זֶה וְקָנָה אֶדְוֹן לְעֲצָמוֹ, יִרְצַע בְּפִנְיָהֶם (קִידוּשֵׁין כ"ב)

KINGS II 4: 1-7

A certain woman, the wife of one of the disciples of the prophets, cried out to Elisha: "Your servant my husband is dead, and you know how your servant revered the LORD. And now a creditor is coming to seize my two children as slaves." Elisha said to her, "What can I do for you? Tell me, what have you in the house?" She replied, "Your maidservant has nothing at all in the house, except a jug of oil." "Go," he said, "and borrow vessels outside, from all your neighbors, empty vessels, as many as you can. Then go in and shut the door behind you and your children, and pour [oil] into all those vessels, removing each one as it is filled." She went away and shut the door behind her and her children. They kept bringing [vessels] to her and she kept pouring. When the vessels were full, she said to her son, "Bring me another vessel." He answered her, "There are no more vessels"; and the oil stopped. She came and told the man of God, and he said, "Go sell the oil and pay your debt, and you and your children can live on the rest."

JEREMIAH 34: 7 -

The prophet Jeremiah spoke all these words to King Zedekiah of Judah in Jerusalem, when the army of the king of Babylon was waging war against Jerusalem and against the remaining towns of Judah— against Lachish and Azekah, for they were the only fortified towns of Judah that were left. The word which came to Jeremiah from the LORD after King Zedekiah had made a covenant with all the people in

Jerusalem to proclaim a release among them— that everyone should set free his Hebrew slaves, both male and female, and that no one should keep his fellow Judean enslaved. Everyone, officials and people, who had entered into the covenant agreed to set their male and female slaves free and not keep them enslaved any longer; they complied and let them go. But afterward they turned about and brought back the men and women they had set free, and forced them into slavery again. Then it was that the word of the LORD came to Jeremiah from the LORD: Thus said the LORD, the God of Israel: I made a covenant with your fathers when I brought them out of the land of Egypt, the house of bondage, saying: "In the seventh year each of you must let go any fellow Hebrew who may be sold to you; when he has served you six years, you must set him free." But your fathers would not obey Me or give ear. Lately you turned about and did what is proper in My sight, and each of you proclaimed a release to his countrymen; and you made a covenant accordingly before Me in the House which bears My name. But now you have turned back and have profaned My name; each of you has brought back the men and women whom you had given their freedom, and forced them to be your slaves again. Assuredly, thus said the LORD: You would not obey Me and proclaim a release, each to his kinsman and countryman. Lo! I proclaim your release—declares the LORD—to the sword, to pestilence, and to famine; and I will make you a horror to all the kingdoms of the earth. I will make the men who violated My covenant, who did not fulfill the terms of the covenant which they made before Me, [like] the calf which they cut in two so as to pass between the halves: The officers of Judah and Jerusalem, the officials, the priests, and all the people of the land who passed between the halves of the calf shall be handed over to their enemies, to those who seek to kill them. Their carcasses shall become food for the birds of the sky and the beasts of the earth. I will hand over King Zedekiah of Judah and his officers to their enemies, who seek to kill them—to the army of the king of Babylon which has withdrawn from you. I hereby give the command—declares the LORD—by which I will bring them back against this city. They shall attack it and capture it, and burn it down. I will make the towns of Judah a desolation, without inhabitant.

SEFER HACHINUCH 42

מצות דין עבד עברי - לדון בדיון עבד עברי כמו שכתוב בפרשה, שנאמר (שמות כא ב) כי תקנה עבד עברי וגו'. כלומר שנעשה לו הדברים שנצטוונו בהן, כגון (קדושין יד, ז') לשלחו בשביעית, או בתוך שש אם פגע בו יובל, או בגרעון כסף, או במיתת אדון שלא הניח בן זכר. ולנרצע גם כן כדינו הכתוב בו, הכל כמו שלמדנו רבותינו ז"ל מתוך הכתוב, כמו שמפרש בפרק ראשון מקדושין (שם)

The commandment of the law of a Hebrew slave: **To adjudicate the law of a Hebrew slave according to what is written in the section, as it is stated (Exodus 21:2), "When you acquire a Hebrew slave, etc."** [This] means to say that we do the things to him that we are commanded about: For example, to send him away in the seventh year (Kiddushin 14b), or within the six years if the Jubilee occurs [before the end of his term], ... And [we] also [do] for the "pierced one," according to the laws that are written about him. Everything is like our Rabbis, may their memory be blessed, taught us from the verse, as it is explained in the first chapter of Kiddushin 14b.

משרשי מצוה זו, שרצה האל שיהיה עמו ישראל אשר בחר עם קדוש מלא ומעטר בכל מדות טובות ומעלות, כי מתוך כך תחל הברכה עליהם, והחסד והרחמים מן המדות המשבחות שבעולם, ועל כן הזהירו לרחם על אשר הוא תחת ידינו ולגמל לו חסד, כאשר כתוב בפרשה, וכמו שידענו גם כן בקבלה. (ספרא בהר)

It is from the roots of this commandment that God wanted His people Israel that He chose, to be a holy nation, full of - and crowned with - good and lofty traits; as blessing rests upon them from this. And kindness and mercy are from the most praiseworthy traits in the world. And therefore, he warned us have mercy on the one under our hand and to do kindness towards him, as is written in the section, and as we know also from the tradition (Sifra, Behar).

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And the commandment is practiced by males, but not by females - as a woman does not acquire a Hebrew slave (Bava Metzia 71a). And [this is] specifically when Israel is dwelling on its land - as so does the received explanation (Arakhin 29a) come [to tell us], that [the law of] a Hebrew slave is only practiced when the Jubilee is practiced. And it is explicit (Arakhin 32b) that the law of Jubilee is only in the Land. And one who transgresses it and does not do to the slave that which is written about him, negates a positive commandment, and also teaches his soul to be cruel. And it is almost as if he testifies about himself that he is not from the Children of Israel, since they are merciful ones [who are] the children of merciful ones (Shabbat 97a; Yevamot 79a).

RAV SHIMSHON RAFAEL HIRSH

“Here we see the one and only instance where the Torah inflicts the punishment of denial of freedom — and we shall see that even in this instance denial of freedom is not actually a ‘punishment.’ What form does this denial of freedom take? The transgressor [who is guilty of theft and is unable to repay the owner] is brought into a family’s home in the way that we would deal with a delinquent child for the purpose of rehabilitating him.”

“And we see that the Torah carefully defines the status of the Hebrew slave within the family so that the transgressor’s moral consciousness should not be depressed and so that despite his lowly position he should still feel he is treated with respect and brotherhood; he can still receive and give love! The Torah puts the master to great trouble to ensure that the eved’s family ties remain intact. His family is not abandoned to their fate because of his sin. While taking away his freedom and consequently his ability to support his family the Torah places that responsibility on those who derive benefit from his services during his term as an eved.”

תורה תמימה על דברים 7:12

ואת החסד. תניא, שלש מתנות טובות נתן הקב"ה לישראל, רחמנים ביישנים, גומלי חסדים, גומלי חסדים מניין, דכתיב ושמר ה' אלהיך לך את הברית ואת החסד

וענין יתר שתי המדות מבואר בס"פ יתרו ובפ' ראה (י"ג י"ח), וצ"ע בהדרשה שבכאן, דהא פשטות הענין מורה שהקב"ה יתנהג עם ישראל במדת החסד, ואיפה מרומז כאן שמדת החסד נטועה בישראל, ואולי הכונה ע"פ מ"ש בסוטה ט' ב' במדה שאדם מודד מודדין לו כנודע, ומדהתנהג הקב"ה עמם במדת החסד מבואר שגם הם בעלי חסד, ובבבלי יבמות ע"ט א' יליף שישראל הם בעלי חסד ממ"ד באברהם (פ' וירא) כי ידעתיו למען אשר יצוה את בניו לעשות צדקה ומשפט, ועיין מש"כ שם

ומה שנוגע מדבר זה לדינא הוא שמי שיש בו היפך המדות האלה, **דהיינו מי שיש בו עזות פנים או אכזריות ושונא את הבריות ואינו גומל להם חסד חוששין לו ביותר שמא אינו ממשפחת ישראל כשרה** כיון שאין בו סימני אומה זו, וע"פ סימן זה דחה דוד המלך את הגבעונים מלבא בקהל ישראל לפי שראה אותם שהעיזו פניהם ולא נתפייסו ולא רחמו על בני שאול ולא גמלו לישראל חסד למחול לבני מלכים בעוד שהם עשו עמהם חסד. בתחלה שהחיום וכמבואר ענינם בשמואל ב' כ"א

RAMBAM HILCHOT AVADIM 1: 6 AND 10

כל עבד עברי אסור לעבד בו בכפרה. ואיזו היא עבודת כפרה.

It is forbidden to work a Hebrew slave ruthlessly. What is meant by ruthless work? It is work that has no definite time or limit, or needless work designed only to keep the slave working and occupied. Hence, the sages have said: The master should not tell the Hebrew slave: "Pluck weeds under the vines until I arrive," because he has not given him a time limit. He should rather tell him : Pluck weeds until a certain hour or up to a certain place. Nor should he say to him: "Dig up this place," when he does not need it. It is even forbidden to tell him to prepare a glass of hot or cold water for him if he does not need it. By doing this he breaks a prohibitive law, as it is written: "You shall not rule over him ruthlessly" (43). This implies that the Hebrew slave is to do for the master only what is time-marked and needed.

כל עבד עברי או אמה העבריה ח"ב האדון להשוותן לו במאכל ובמשקה בכסות ובמדור שנגאמר (דברים טו טז) "כי טוב לו עמך" שלא תהא אמה אוכלת פת נקי והוא אוכל פת קבר אמה שותה יין וישן והוא שותה יין חדש אמה ישן על גבי מזכין והוא ישן על גבי התבן אמה דר בכרה והוא דר בכפר או אמה דר בכפר והוא יושב בכרה. שנגאמר (ויקרא כה מא) "ויצא מעמך". מכאן אמרו כל הקונה עבד עברי קונה אדון לעצמו. וח"ב לנהג בו מנהג אחנה שנגאמר (ויקרא כה מו) "ובאחיקם בני ישראל". ואף על פי כן צריך העבד לנהג בעצמו מנהג עבדות באותן העבודות שהוא עושה לו

The master must treat his Hebrew male and female slaves as his equals as to food, drink, clothing, and shelter, as it is written: "Because he fares well with you" (Deuteronomy 15:16), meaning that you should not eat white bread, and the slave black bread; you should not drink old wine, and he new wine; you should not sleep on a feather bed, and he on straw; you should not live in the city, and he in the village; or you in the village, and he in the city, as it is written: "He shall come out from staying with you" (Leviticus 25:41). Hence, the sages have declared: "He who has bought a Hebrew slave is like one who has acquired a master for himself" (Kiddushin 20a). He should treat him brotherly, as it is written : "You must not lord it over your brothers the children of Israel" (Leviticus 25:46). Nevertheless, the slave should behave as a slave in the servile work he does for his master.

SEFER 346

To not make a Hebrew slave perform oppressive work: To not make a Hebrew slave do oppressive work, as it is stated (Leviticus 25:43), "do not subjugate him with oppressive work." And what is oppressive work? ...

And this commandment is practiced by males and females at the time the Jubilee is practiced. And we should not make him liable for lashes for it - since it is possible to transgress it with speech alone, without an act. **And even though it is not practiced in our time, since the acquisition of Hebrew slaves is not practiced - nonetheless it is fitting for a person to be careful about the content of this commandment also today** [if] the poor are members of his household. And he should be very careful about it and place upon his heart that wealth and poverty is a wheel that spins in the world, and it is from God. And He gives to the one that is straight in His eyes so long as He wants - but not a minute longer. As even if he gathers money like the dirt and buries it in the ground and acquires so many lands that they be countless, it will all be lost from him [if he sins] to God. But if he is righteous, the good will be preserved for him, as each type clings to its type.

פניני הלכה, ליקוטים ב ט"ז:א'ד / גאולת מצרים וגאולת העבדים והפועלים

גאולת מצרים לא היתה רק גאולה פרטית, שבה אחד העמים זכה להשתחרר ממשעבדיו האכזריים. ביציאת מצרים התגלה ערכו של עם ישראל וערכו של המוסר האלוקי שישראל מנחילים לעולם.

ביציאת מצרים נתגלה ערך החירות, שהוא אחד מיסודות המוסר. שכל העמים שבעולם בשעה שהם מצליחים לגבור על משעבדיהם, מתגאים והופכים את עצמם למשעבדים לאדוניהם לשעבר. ואילו ישראל, גם אחר שהמצרים הוכו לגמרי, לא ניסו לגבור עליהם ולשעבדם אלא רק לצאת לחירות, כפי שציווה ה' למשה.

וכן נצטוונו, שגם כאשר יהיו לנו עבדים, כי כך דרכו של עולם, יש עשירים ויש עניים, וכאשר יכולת ההשתכרות דחוקה מאוד – יש גם עבדים, מכל מקום נצטוונו שלא נעביד את העבדים בעבודת פרך, שנאמר (ויקרא כה, מג): "לא תִרְדֶּה בּוֹ בְּפֶרֶךְ וְיָרֵאתָ מֵאֱלֹהֶיךָ". והעניין הוא, שלא יטיל אדם על עבדו אלא עבודות שהוא מוכרח לבצע, אבל לא יטיל עליו מלאכות שאין לו בהן צורך ואין עניין אלא לענותו או להשפילו. למשל, הרואה את עבדו בטל, לא יאמר לו: חמם לי בבקשה את המים הללו, או: צנן לי אותם, כאשר הוא אינו מעוניין לשתותם. וכן לא יאמר לו: עדור במקום פלוני, כאשר כל מגמתו היא להעסיקו ולהעבידו בלי שיש לו בכך תועלת (ספרא שם). וכן אין לומר לו: עדור במקום פלוני עד שאבוא, כי כאשר הוא נותן לו עבודה בלא גבול, הוא מענה את נפשו. אלא יאמר לו: עבוד כאן עד שעה פלונית (וע' ברמב"ם הל' עבדים א, ו-ז, ט, ח).

ואמנם מצווה זו נוהגת לגבי עבד, אולם כתב בספר החינוך (מצווה שמו), שגם כלפי פועלים עניים ראוי לאדם להיזהר בזה מאוד.

וכיוצא בזה כתב בשערי תשובה לרבינו יונה (שער ג, ס): "לא ישתעבד אדם בחבריו, ואם אימתו עליהם או שהם בושים להחל דברו, לא יצוה אותם לעשות קטנה או גדולה, אלא לרצונם ותועלתם. ואפילו להחם צפחת מים או לצאת בשליחותו אל רחוב העיר לקנות עד ככר לחם.

ישמח משה, משפטים ו'ב'

עוד י"ל, בהקדים דקשה לכאורה לפי מה שמבואר דאסור למכור עצמו אף שהוא רק על שש שנים, אם כן קשה על יעקב איך מכר עצמו ללבן.

Sefat Emet on Az Yashir (Beshalach)

- "Have been implanted" – it is natural and normal to search for attachment to God. Although it may be hard work, it is of our very essence.

- "We were not able to call it forth" – *The bondage caused us to forgot our natural God connection. Spirituality was overshadowed by physicality.* This is just as it says in Shmot 6:9 "But when Moses told this to the Israelites, they would not listen to Moses, for their spirits were crushed by cruel bondage". Egypt represents all bondage to physicality and we very often suffer its affects. The physical overshadows the spiritual and God consciousness is lost. We lose connection to that which is implanted deep within us. We must always struggle to maintain the primacy of God consciousness, always be witnesses to God here on earth. If we do not do so, we are allowing ourselves to be enslaved by the physical world, and are losing touch we who we really are and were meant to be and to do.
- "Our soul has escaped like a bird" – The bird naturally flies upward towards the sky and so our souls normally and naturally fly upward towards God ... except when something is holding them back.
- "Our desire was imprisoned" - *As slaves, we could not even experience our natural longing for God.* We could not dream and we could not hope and we could not experience anything beyond the tip or our noses. The slave loses his ability to imagine anything beyond the reality in which he lives. The slave mentality is about coming to see yourself as a slave and nothing more, within any yearning for something more, something beyond. The soul and not only the body become enslaved and then you stop dreaming. The slave learns to make do with his state and becomes used to it, satisfied. He maintains equilibrium and no longer looks forward to anything better. That is how he maintains his sanity ... but it is truly tragic. The free man yearns for more. More fulfillment which means more God, a closer connection, more insight. Freedom allows the soul to yearn. The freeman is aware that he could and should be closer to God. He is pained by God's perceived distance. And he tries to move closer. Slavery is about being static and accepting your lot. Freedom is about movement and dynamism and wanting more, a deeper godliness in your life.

מלבי"ם על ויקרא 25:42

כי עבדי הם וכולי: **רוצה לומר, א**חר שפדיתים מבית עבדים באותות ובמופתים מאז נקנו לי להיותם עבדי, אם לשמירת התורה והמצות המיוחדות להם, אם להשגחתי עליהם ביחוד כמלך על עבדיו עושי רצונו. ואחר שהם קנויים לי לא יתפס בהם קנין אדון אחר ועל תנאי זה הוצאתים מארץ מצרים. ולפי זה אינו אזהרה. ולפי הדבר אחר הוא אזהרה מיחדת שלא ימכרו בבזיון. ונראה שלפירוש הראשון הוא אזהרה על "וגונב איש ומכרו", והרמב"ם הוציא ממנו שתיהם כמ"ש (בפרק ו מהל' גניבה) שהמוכר נפש מישראל עובר על לוא ד"לא ימכרו ממכרת עבד" (ובפרק א מהל' עבדים) הוציאו ללאו שלא ימכרו בבזיון