

Torah and Slavery: Three Ideas Every Jew Should Know

Rabbi Akiva Males

Vayikra – Chapter 25

- 39** And if your brother becomes destitute with you, and is sold to you, do not work him with slave labor. **לט וְכִי־יָמוּךְ אַחִיד עִמָּךְ וְנִמְכַרְלָךְ לֹא־תַעֲבֹד בּוֹ עֲבֹדַת עֶבֶד :**
- 40** As an employee or a [hired] resident, he shall be with you; until the Jubilee year he shall work with you. **מִכְשָׁכִיר כְּתוֹשֵׁב יִהְיֶה עִמָּךְ עַד־שָׁנַת הַיָּבֵל יַעֲבֹד עִמָּךְ :**
- 41** Then, he shall leave you he, and his children with him, and he shall return to his family and resume the status of his fathers. **מֵא וְיָצָא מֵעִמָּךְ הוּא וּבָנָיו עִמּוֹ וְשָׁב אֶל־מִשְׁפַּחְתּוֹ וְאֶל־אֲחֻזַּת אֲבֹתָיו יָשׁוּב :**
- 42** For they are My servants, whom I brought out of the land of Egypt they shall not be sold as a slave is sold. **מִב כִּי־עַבְדֵי הָאֵלֹהִים אֲשֶׁר־הוֹצֵאתִי אֶתְכֶם מִמִּצְרָיִם מִצְרָיִם לֹא יִמְכְרוּ מִמִּכְרַת עֶבֶד :**
- 43** You shall not work him with rigor, and you shall fear your God. **מִג לֹא־תִרְדֶּה בּוֹ בְּכֹחַ וְיִרְאתֶם מֵאֱלֹהֵיךְ :**
- 44** Your male slave or female slave whom you may have from the nations that are around you, from them you may acquire a male slave or a female slave. **מִד וְעַבְדֶּךָ וְאִמָּתֶךָ אֲשֶׁר יִהְיוּ־לְךָ מֵאֵת הַגּוֹיִם אֲשֶׁר סְבִיבֹתֶיכֶם מֵהֶם תִּקְנֶנּוּ עֶבֶד וְאִמָּה :**
- 45** And also from the children of the residents that live among you, from them you may acquire [slaves] and from their family that is with you whom they begot in your land, and they shall become your inheritance. **מִה וְגַם מִבְּנֵי הַתּוֹשְׁבִים הַגֵּרִים עִמָּכֶם מֵהֶם תִּקְנֶנּוּ וּמִמִּשְׁפַּחְתָּם אֲשֶׁר עִמָּכֶם אֲשֶׁר הוֹלִידוּ בְּאַרְצְכֶם וְהָיוּ לְכֶם לְאֻחֻזָּה :**
- 46** You shall hold onto them as an inheritance for your children after you, as acquired property, and may thus have them serve you forever. But as for your brethren, the children of Israel, a man shall not work his brother with rigor. **מו וְהִתְנַחַלְתֶּם אֹתָם לְבָנֵיכֶם אַחֲרֵיכֶם לְרִשְׁתָּם אֻחֻזָּה לְעֹלָם בְּהֶם תַּעֲבָדוּ וּבְאֻחֵיכֶם בְּנֵי־יִשְׂרָאֵל אִישׁ בְּאֻחֵיו לֹא־תִרְדֶּה בּוֹ בְּכֹחַ :**

Dear -----,

My name is Akiva Males. I am a student at Yeshiva Chofetz Chaim in Queens, NY. Recently I have been wondering about how one could successfully explain the Torah's standpoint on slavery to a contemporary American audience.

The average American has been raised (justifiably so) to view the concept of slavery as one of the worst human crimes committed on these shores.

How then are we to explain the fact that the Torah does allow for **some** form of slavery?

Granted, the Torah's form is obviously much more humane, **however**, any form of slavery is based upon the idea that one man is able to own another man (and his kids) as his own property.

This idea runs contrary to the basic American ideas of freedom, self determination, etc. (consider the "Give me liberty or give me death" slogan.)

(I ask this in regards to the Eved Cana'ani & not the Eved Ivri).

Rabbi Samson Raphael Hirsch (1808 – 1888) in his commentary to the Chumash

Shemos – Chapter 12

43 **מג** וַיֹּאמֶר יְהוָה אֶל-מֹשֶׁה וְאַהֲרֹן, זֹאת חֻקַּת הַפֶּסַח: כָּל-בֶּן-נֹכֵר, לֹא-יֹאכַל בוֹ. 43 And the LORD said unto Moses and Aaron: 'This is the ordinance of the Passover: there shall no alien eat thereof;

44 **מד** וְכָל-עֶבֶד אִישׁ, מִקִּנְיַת-כֶּסֶף--וּמִלְתָּה אֹתוֹ, אִזּוֹ יֹאכַל בוֹ. 44 but every man's servant that is bought for money, when thou hast circumcised him, then shall he eat thereof.

V. 44. **עבר איש מקנת כסף**. The consideration of certain circumstances is necessary, correctly to understand the fact that the Torah presupposes and allows the possession and purchase of slaves from abroad to a nation itself just released from slavery. No Jew could make any other human being into a slave. He could only acquire by purchase, people who, by the 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, according to the prevailing laws of the nations, was stamped as a slave. The terribly sad experiences of even the last century (— Union, Jamaica 1865) teach us how completely unprotected and liable to the most inhuman treatment was the slave who in accordance with the national law was not emancipated, and even when emancipated, wherever he was, looked upon as still belonging to the slave class, or as a freed-slave. The home of a Jew was to them a home of freedom. There, he was protected by law against mishandling, the law courts were accessible to him, and — this can not be sufficiently valued — had the option if he wished (Yebamoth 48b) of joining, by **מילה** and **טבילה**, the Jewish bond with God in conjunction with the rest of the household. He would then become like the children, a member of the home, and take part, like the children, in the eating of the Pessach offering which constituted Israel into the People of God. More, according to the accepted Halacha nobody could place his home under the guiding protection of God, — i.e., could take part in the Pessach — who had in his possession a single slave who had not been accepted **מילה** and **טבילה** as his equal in the bond with God. (That is also why he slaves in Abraham's household are called **חניכיו**, initiated by him in the Abrahamic bond with God. See note on Gen. XIV,14 and 15).

Rabbi Berel Wein - Weekly Parsha – MISHPATIM - Friday, February 20, 2009

The Parsha opens with the issue of slavery. The Torah discusses the laws of servitude, those of a Jewish servant who voluntarily enters slavery or is sold into slavery for his crimes and those of a non-Jewish slave who is involved in a situation of possible life-long slavery.

The Jewish slave is a servant for a limited time it is as though he hires himself out for a period of time. The non-Jewish servant does not have that definition, he is a servant for life, and can be freed only by his owner's wish. What I find interesting is that the Torah does not address the moral question of slavery itself.

Abraham Lincoln, whose bicentennial is now being commemorated in the United States famously said "If slavery is not wrong, then nothing is wrong." So the presence of the dry laws regarding slaves in this week's Parsha strikes the modern sensitivities of Jews as somewhat strange and anachronistic.

Many apologists have attempted to deal with this difficult nettle in the rose garden of the Torah. The Torah constantly reminds the Jewish people of their own miraculous deliverance from Egyptian slavery.

The rule of the Torah is that what is hateful unto you should not be done by you to others. If so, where is there room for slavery in the matrix of Jewish life and values? This problem is as I mentioned above, a very troublesome one. It is an example of our being unable to understand rationally, with human minds and sensitivities, of the eternal Godly laws of the Torah.

The Torah itself seems to limit if not even prevent the practice of slavery among the Jews. The laws that proscribe the keeping of slaves lead to the conclusion that one who owns a slave really owns a master over one's self.

These laws also prevent any violence to be done to the slave so that any form of slavery among Jews certainly was benighted and uplifted in comparison with the usual forms of slavery that existed in the ancient world and that remain in our world even today.

Even so, the matter does not rest easily for us for the concept of slavery itself remains somewhat repugnant to our sensibilities and society. I have no magic solution to this difficulty. My faith is not shaken by it and I can remain puzzled and yet a believer.

Maybe that is one of the lessons that the Torah wishes to impose upon us. There are situations and laws that will appear strange to the human mind and difficult to justify and deal with. We will have to admit that our thoughts are not those of God and that the finite can never understand and appreciate the ways of the infinite.

The Torah does not justify slavery and it does not ban it either. It tells us that there are laws that govern such a situation. But essentially it leaves the matter up to human society to deal with. And so it remains throughout all of human history.

1) Mistreating a slave according to the Torah's system of slavery

משנה תורה להרמב"ם הלכות עבדים פרק ה

א - עבד פגעני--נקנה בחמשה דברים, וקונה את עצמו בשלושה: נקנה בכסף, או בשטר, או בחזקה, או בחליפין, או במשיכה; וקונה את עצמו בכסף, או בשטר, או בראשי אברים...

ד - כיצד בראשי אברים: המכה את עבדו בכונה, וחסרו אחד מעשרים וארבעה אברים שאינן חוזרין--יצא לחרות, וצריך גט שחרור. אם כן למה לא נאמר בתורה אלא "שן" (שמות כא, כז) ו"עין" (שמות כא, כו), לדון מהו: מה שן ועין, מומין שבגלוי ואינן חוזרין--אף כל מום שבגלוי שאינו חוזר, יצא העבד בו לחרות.

משנה תורה להרמב"ם הלכות עבדים פרק ט

ח - מתר לעבד בעבד פגעני בפרך. ואף על פי שהדיון קודם, מדת חסידות ודרכי החכמה שיהיה אדם רחמן ורודף צדק, ולא יכביד עלו על עבדו ולא יצר לו, וינאכילהו וינשקהו מכל מאכלו ומכל משקהו. חכמים הראשונים היו נוהגין לעבד מכל תבשיל ותבשיל שהיו אוכלין, ומקדימין מזון הבהמות והעבדים על סודת עצמן. הרי הוא אומר "כעני עבדים, אל-יד אדונייהם--כעני שפחה, אל-יד גברתה" (תהילים קכג, ב). וכן לא יבזהו, לא יבד ולא בדברים: לעבדות מסרן הכתוב, לא לבושה. ולא ירבה עליו צעקה וכעס, אלא ידבר עמו בנחת, וישמע טענותיו. וכן מפרש בדרכי איוב הטובים שהשתבח בהן "אם-אמאס--משפט עבדי, ואמתי: ברבם, עמדי... הלא-בבטן, עשני עשהו; ויכנינו, ברחם אחד" (איוב לא, ג-טו).

ואין האכזריות והעזות מצויה אלא בגויים הערלים. אבל זרעו של אברהם אבינו, והם ישראל שהשפיע להם הקדוש ברוך הוא טובת התורה ואגם בחקים ומשפטים צדיקים--רחמנים הם על הכל. וכן במדותיו של הקדוש ברוך הוא שצונו להדמות בהם, הוא אומר "ורחמיו, על-כל-מעשיו" (תהילים קמה, ט). וכל המרחם--מרחמיו עליו, שנאמר "ונתן-לך רחמים ורחמך והרבה" (דברים יג, יח).

2) A degree of consent in the Torah's system of slavery

Sefer Hachinuch

מצוה שמז

מצות עבודה בעבד פגעני לעולם

...

ואמרו זכרונם לברכה (יבמות מח:)
בענין עבד פגעני, שמטפל בו
אדוניו עד שנה, אם רוצה לכפר
בעבודה זרה ולהניחה ושימול ויטבל
לשם עבדות ויתחייב במצוות שהנשים
ישראליות חייבות בהן מוטב, ואם לאו
אסור לנו להשהותם בביתנו יותר מי"ב
חדש אלא מוכרין אותן מיד. ועל אלה
העבדים שפלו וטבלו לשם עבדות
נצטוינו לעבד בהן לעולם.

3) Sometimes the Torah's system of slavery was better than the alternative

Rabbi Abraham Isaac Kook (1865–1935) was the first Ashkenazi chief rabbi of the British Mandate for Palestine, the founder of the Yeshiva Merkaz HaRav, Jewish thinker, Halachist, Kabbalist and a renowned Torah scholar. He was one of the most celebrated and influential rabbis of the 20th century.

From: <http://ravkooktorah.org/MISHPATM58.htm>

Slavery, Rav Kook explained, is like any other natural phenomenon. It can be used properly and responsibly, or it can be abused. As long as some people are wealthy and powerful, while others are poor and weak, the wealthy will hire out the poor to do their labor and will control them. This is the basis of natural servitude, which exists even if slavery as a formal institution is outlawed.

For example, coal miners are *de facto* slaves to their employer, and in some ways worse off than legal slaves. The mine owner often cares more about his profits than his workers. He allows his miners to work without proper light and ventilation, in poorly built mines. The owner is not perturbed that his workers' lives are shortened due to their abysmal working conditions. He is not overly troubled that the mine may collapse, burying alive thousands of miners — he can always hire more.

Yet, if these miners were his legal slaves for whom he paid good money, then the owner would look out for their lives and welfare just as he watches over his machines, animals, and the rest of his property. For this reason, the Torah emphasizes that a slave is his master's property. When it is in the master's self-interest to look after his slave's welfare, the servant can expect a better, more secure future . . .

The Institution of Slavery

The legalized slavery of the Torah only comes to correct certain potential pitfalls of the natural phenomenon of slavery. As long as slavery exists, the Torah legislated laws to protect slaves from abuse and mistreatment. If an owner knocked out his slave's tooth, or caused the loss of any other limb, the slave went free. An owner who killed his slave was executed, like any other murderer.

Since the destruction of the Temple, however, the Torah's positive influence upon general society has greatly weakened. The darkness of the Middle Ages severely corrupted natural forms of life, transforming slavery into a monstrous institution. Instead of protecting the weak by giving them the security of property, slavery became such a horror that humanity decided it needed to be permanently outlawed.

The Torah's form of servitude must be set aside, until the era when, once again, "*Torah will go forth from Zion.*" At that time, servitude will provide not only financial security, but also moral and spiritual mentorship.

When the heart has once again become a sensitive vessel of integrity and compassion, it is fitting that the morally deficient should be taken under the wings of those righteous and wise.

([Gold from the Land of Israel](#), pp. 139-141. Adapted from *Igrot HaRe'iyah* vol. I, p. 89)

From: <http://www.pioneertunnel.com/>



Pioneer Tunnel is a horizontal drift mine. Its level tunnel runs 1800 feet straight into the side of the Mahanoy Mountain. You make the trip in comfort, riding in open mine cars pulled by a battery-operated mine motor. The temperature inside the mine averages 52 degrees, so a sweater or jacket is recommended. The tour lasts about 35 minutes. Deep inside the mine, you will alight from your car and follow your miner-guide as you are given an explanation of how coal is mined. There are storyboards inside the mine depicting the mining operation . . .

Ashland lies in the anthracite coal region of eastern Pennsylvania. Although the area abounds in mines, in the early sixties not one was open to the general public. So in May 1963, Pioneer Tunnel, which ceased operation in 1931, was retimbered and reopened as a place where visitors could experience a real anthracite coal mine. The Tunnel affords visitors an opportunity to learn how anthracite coal is mined. It shows how a vein of coal lies between rock and strata; it has a gangway, manways, and chutes. Part of the Tunnel is timbered and part lies in solid rock and requires no timbering. Our guides are experienced miners who know mining thoroughly. Visitors ride into the Tunnel on mine cars rebuilt to carry passengers; the motive power is provided by an electric mine motor. Deep inside the Tunnel, guests alight from the cars to follow their guides as they give an explanation of deep-mining methods . . .