

The Torah talks about Shmittah and then about redemption of land and person.

וְכִי־יִמְוֶה אֶתִּידָה עִמָּךְ וְנִמְכַרְתָּהּ לְאִתְּעַבְדָּהּ בְּוֶעֱבַדְתָּ עִבְדָּהּ:

“And because your kin may become destitute with you, and it will be caused to be sold to you, you shall not work him like you would work a slave.” (Vayikra 25:39).

How does this pasuk differ from other pesukim about owning a Hebrew slave? Is there really such a thing as a *Hebrew slave*? The next pasuk says he goes out, in this instance, by Yovel – the jubilee. Aren't Hebrew slaves set free after six years? What does the pasuk teach with the double expression of עֶבֶד עֶבְדָּהּ?

The context of this pasuk are the laws of shmittah and of redemption. While the land rests every seven years, property rights and obligations reset every fifty years. This keeps family legacies in-tact, helps debtors start anew, and prevents monopolies on land ownership. The land is promised to yield enough in the sixth year for the populace to eat that year, the seventh (fallow year), and eighth (the year waiting for new crops to grow). Ibid 25:21. Then the Torah transitions to the obligation to free kin from obligation and debts Ibid 25:25.

First, lend without interest to the kin in danger of financial ruin. (Ibid 25:36). Then, pay the debts outright, in exchange for servitude. (Ibid 25:39). Why is servitude discussed here, yet again? It was already discussed in the beginning of the section of civil and criminal law. “Because you purchase a Hebrew servant, six years he shall work for you, and on the seventh year, he goes out free of financial obligation.” (Shmos 21:2). The term הִפְשֵׁי הַנֶּמֶס means free and clear of obligation. Moshe instructs Bnei Yisroel on this again, in his final dissertation to them. “Because a Hebrew servant or maidservant will be sold to you, and he or she shall work for you for six years, then on the seventh year you shall *send* him or her away, free, from you.” (Devarim 15:12). In both instances, the servitude is maximum six years and the servant is *sent out* and goes free. In Shmos it says *he goes out free and clear of obligation*. In Devarim Moshe says *send him or her out, free*. Sending them out implies free of obligation.

In each of these instances it says it's a case of purchase. In Shmos 21:2 *because you purchased* and Devarim 15:12 *because it is sold to you*. In Shmos, “If a thief is caught and he lacks means, he is sold for his theft.” (Shmos 22:2). In Devarim it says, “open your hand readily to the poor and destitute of your kin in your Land.” (Devarim 15:11). Both cases talk about a fellow Yisroel who is purchasing the debts of his brethren. In one case he pays the debts of the theft and in the other helps the poor person who cannot support a family. In return they purchased the work of these Hebrew *servants*. The servants' obligation, however, is not for life. It is six years (unless they want to stay per

Shmos 21:5 and Devarim 15:16). The thief goes out free and clear but the destitute goes out with gifts and ability to start a livelihood—be self-sufficient. (Devarim 15:14).

These cases, including our pasuk, are all indentured servitude or serfdoms. Servitude—not slavery—is also tied to the Land. In Shmos, the thief is on property—clearly talking about after the Land of Israel was settled. In Devarim it says, “open your hand to the needy and destitute *in your Land*.” (Devarim 15:11). In our case, it says, קִי תָבֹאוּ אֶל-הָאָרֶץ “When you enter the Land.” (Vayikra 25:2). The entire section is only applicable after coming into the Land.

Moshe reminds the lord of the servant, “Remember because you were a slave in the Land of Mitzrayim.” (Devarim 15:15). Here, too, the Torah says, “I am Hashem, your Lord, that took you out from the Land of Mitzrayim.” (Vayikra 25:38). Do not mistreat the worker. These are servitudes—long term but temporary work situations. No Yisroel ever owns another person, least not another Yisroel. These are obligations—akin to a marriage—but are set to expire. The servant is merely working to pay off an obligation. There is, therefore, an obligation for the lord to treat the servant like an indentured servant, not a slave.

In the law of shmittah the Torah said, “you may eat whatever the land produces, you, your male and female servants, and hired and bound laborers.” (Ibid 25:6). Servants are those with you for the expected time—six years or until Yovel—working to pay off debts. “Hired and bound laborers” are those who are paid daily.

Our pasuk’s servitude is not for poverty or theft debts. It is when kin are in financial ruin and debt to the employer. There is an obligation to redeem a captive and debtor who has been taken as a slave. (Ibid 25:47). That case is where the Yisroel owes money to the resident alien and cannot pay them, so he becomes the ward of that creditor. There is a mitzvah to free him. Our case is when the kin owe money to the lord. The lord allows the debtor to work off the debt. However, Yovel frees the servant because Yovel frees all debt obligations. Since the lord did not *purchase* this servant’s work but acquired him through creditor receivership, the debt acts like any other debt and is released by Yovel. In Shmos and Devarim, the lord pays the financial or theft obligations, so he is guaranteed six years of work for his money.

“If your kin become destitute with you.” The debts are to you.

“And it will be caused to be sold to you.” The debts will be sold to you. He will now work for you to pay off those debts.

“You shall not treat him as a proper slave.” (Ibid 25:39). Noach cursed his grandson, Canaan, וַיֹּאמֶר אָרִיז כְּנָעַן עֶבֶד עֲבָדִים יִהְיֶה לְאֶחָיו: “And he said, cursed is Canaan, a proper slave he shall be to his brothers.” (Bereishis 9:25). The double expression means a proper slave. His brothers were entitled to own him and his lands. That is why Avraham had the right to the Land of Canaan. He was the eldest of the line of Shem’s oldest, and Canaan was now owned by Shem. (Ibid 9:26). Hebrew servants were servants, not slaves, and were treated as such. It was simply civil monetary arrangements; nothing punitive.