



Likkutei Sichos

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Part with Gifts

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1.

HAANAKAH VS. SEVERANCE PAY

Regarding the mitzvah of *haanakah*¹ — the compensation a master must provide his servant when freed — *Sefer HaChinuch* explains² that the mitzvah is only obligatory “when *yovel* is observed.” (When *yovel* is not observed, the legal status of a Jewish servant doesn’t exist). Nevertheless, the author says that *haanakah* teaches a lesson, which is germane even **in our times**. In his words:

In any event, even today, “let the wise man hear and gain in learning”³ — that if an employer hired a Jewish worker, who worked for his employer whether for a long time or even for a short time, the employer should confer to his departing employee a liberal bonus when he leaves him — as Hashem has blessed him.

*Minchas Chinuch*⁴ comments on the above explanation. He says that **nowadays**, this lesson from the mitzvah of *haanakah* regarding an **employee** — that the employer is to practice “proper ethics” and provide the employee with gifts “upon his departure” — is confined to the opinion⁵ that the mitzvah of *haanakah* applies to both types of servants: a person who a court sold into servitude and to a person who sold himself into servitude.

However, according to the opinion⁶ that the mitzvah of *haanakah* applies **only** to a person who the court sold as a servant [as the Talmud⁷ derives from the verse,⁸ “*Extend, you shall extend {a grant} to him* — only he who the court sold⁹ and not one who sells himself”], clearly, the mitzvah of *haanakah* is **not** predicated on “proper ethics” (“and we do not know the reason {for the mitzvah}”). Had it been based on “proper ethics,” there would be no reason to differentiate between the two types of servants. Thus, we can not derive a lesson from this mitzvah to apply to an employee nowadays.

¹ *Devarim* 15:13-14.

² *Sefer HaChinuch*, end of mitzvah 482.

³ {*Mishlei* 1:5.}

⁴ {A 19th-century commentary on the *Sefer HaChinuch*, authored by Rabbi Joseph Babad.}

⁵ Rabbi Elazar — *Kiddushin* 14b.

⁶ *Tanna Kamma* — *Kiddushin* 14b.

⁷ *Kiddushin* 15a.

⁸ *Devarim* 15:14.

⁹ {The verse “extend {a grant} to him” is in the context of a servant who the court sold.}

Minchas Chinuch concludes by raising a difficulty: Rambam¹⁰ is of the opinion that *haanakah* applies *only* to a servant the court sold. According to *Sefer HaChinuch*, however, it seems that *haanakah* is also given to a servant who sold himself — and it is unusual “for the author (of *Sefer HaChinuch*) to deviate from Rambam’s view without stating so explicitly.”

2.

RECONCILIATION SEFER HACHINUCH WITH RAMBAM

We can posit the following solution and explanation:

The opinion that maintains that *haanakah* applies only to a servant who the court sold and not to one who sold himself can be explained in two ways:

- a) The novelty of *haanakah* is that a servant *sold by the court* (“**extend, you shall extend to him**”) must be given a severance gift. The rule is that “a novel law is applied only to the cases stated explicitly.”¹¹ **Consequently, *haanakah* does not apply to a servant who “sold himself.”**

According to this explanation, we cannot extrapolate from *haanakah* as applied in a former era in the case of a person sold by the court as a servant, to what the law should be regarding an employee nowadays.

- b) The novelty is (not that a person sold by the court **receives** *haanakah*, but) that “only he who the court sold {receives *haanakah*,} and **not** one who sells himself”: A person who sells himself **does not** receive *haanakah*.

According to this explanation, it turns out that even according to the opinion that *haanakah* **does not** apply to someone who has sold himself, we can still apply the law of *haanakah* — concerning a person the court sold — to

¹⁰ *Mishneh Torah*, “*Hilchos Avadim*,” ch. 3, par. 12.

¹¹ See *Encyclopedia Talmudis*, s.v., “*chiddush*”; see sources listed there.

other similar situations.¹² (Meaning, the obligation of *haanakah* also applies to them in some form.) This broader application would hold true so long as these other cases are not analogous to a servant who sold himself, since *haanakah* is **explicitly excluded in this case**.

Accordingly, since *Sefer HaChinuch* is referring [not to someone who **sold himself** into **servitude** (which is not possible nowadays), but rather] to an employee — one who **hired himself** out as a **worker** — we can adduce from the case where the court sold a person, that ethical practice is for the employers to provide the employee with severance “upon his departure.”

3.

RAMBAM FOLLOWS THE LATTER EXPLANATION

We can posit that the two explanations mentioned above correspond to the two ways of explaining the rationale of the mitzvah of *haanakah*:¹³

a) It is a type of compensation. The following statement in the Talmud implies this idea:¹⁴ “The Torah refers to a servant as a laborer; just as the wages of a laborer are transferred to his heirs, so, too, this {severance gift} is transferred to his heirs.”

According to this rationale, it seems that the novelty and *gezeiras hakasuv*¹⁵ is the fact that a servant sold by the court does receive *haanakah* — because providing severance (**in addition** to the servant already receiving full payment for **all** his work) is a novelty.

¹² This is especially true according to what Maharshal writes in “*Yam Shel Shlomo*,” *Kiddushin* 14b: The reason why one who sells himself does not receive *haanakah* is that he has violated the warning, “*For they are My servants* — and not servants to servants.”

¹³ See *Mishneh LaMelech* on *Mishneh Torah*, “*Hilchos Avadim*,” ch. 3, par. 12 (s.v., “*od nir’eh*”); par. 14 (s.v., “*vaharei*”) and par. 15.

¹⁴ *Kiddushin* 15a.

¹⁵ {Lit., “a scriptural decree”; a Divine command that may be counterintuitive.}

b) It is a form of **tzedakah**¹⁶ that the master awards in recognition of the servant's work. Accordingly, it seems clear that the novelty and *gezeiras hakasuv* is that a person who sold himself as a servant does **not** receive *haanakah*. This reasoning is novel because the requirement to provide *haanakah* to a person the court sold as a servant is based on reason, as explained above.

What is Rambam's position on the matter? We can find the answer to this in *Sefer HaMitzvos*:¹⁷ Rambam places the mitzvah of *haanakah* (not where he discusses servants and maid-servants¹⁸ but rather) immediately after the mitzvah of tzedakah.¹⁹ The juxtaposition {of the mitzvah of *haanakah*} to the mitzvah of tzedakah²⁰ demonstrates that according to Rambam, *haanakah* is a form of tzedakah.

Thus, we need not assume that *Sefer HaChinuch* "deviates from Rambam's view." Even according to Rambam, who maintains that the Torah precludes a person who sold himself as a servant from receiving *haanakah*, we can nevertheless derive from {the *haanakah* which is provided to} a person who the court sold that it is an ethical expectation (namely, tzedakah) for an employer in our times to give *haanakah* to his employee "upon his departure."

4.

THE PRACTICAL APPLICATION OF HAANAKAH

The above-mentioned teaching of *Sefer HaChinuch* {that the mitzvah of *haanakah* applies to employees even in the present age} can be consistent with all opinions, including those who maintain that a servant who had sold himself

¹⁶ *Shach*, "Choshen Mishpat," sec. 86, sub-par. 3 (the third explanation).

¹⁷ *Sefer HaMitzvos*, "Positive Mitzvah 196"; "Negative Mitzvah 233."

¹⁸ *Sefer HaMitzvos*, "Positive Mitzvah 232"; "Negative Mitzvah 257."

¹⁹ *Sefer HaMitzvos*, "Positive Mitzvah 195"; "Negative Mitzvah 232."

²⁰ We can posit that the order of these mitzvos in *Sefer Hamitzvos* aligns with their order in the Torah. In the Torah, the mitzvah of *haanakah* is juxtaposed with the mitzvah of tzedakah (*Devarim* 15:7-8). In fact, this juxtaposition is what teaches us that *haanakah* is a form of tzedakah. See *Shelah's* commentary on "Torah Shebiksav," *Re'eh*, 374b.

does not receive *haanakah*. Accordingly, it is appropriate to promote and publicize this so that people will be mindful of this lesson:

When an individual hires someone and his employment term is completed, or if he is dismissed beforehand due to the employer having enough staff or being dissatisfied with his worker's performance, the employer should provide his worker with *haanakah*.

(If the employee voluntarily leaves prematurely, the mitzvah of *haanakah* does not apply, as the rule [regarding a servant] is that “one who flees or leaves {voluntarily} with the deduction of money²¹ does not receive *haanakah*.”)²²

Now, since *haanakah* is a form of **tzedakah**, it is self-understood that the employer cannot fulfill this duty by giving an amount he was already obligated to provide. The salary owed to the employee must undoubtedly be paid in full. Even the bonuses the employer previously agreed to give the employee are not considered *haanakah*. After all, a bonus is not considered **tzedakah**.

It also makes no difference how long the employee worked for him. In the words of *Sefer HaChinuch*: “For a long time or **even** for a **short time**.” It is also irrelevant (as discussed) whether or not he was pleased with the employee — whether “the home was blessed because of him” or whether “the home was **not** blessed because of him” — he must provide *haanakah*²³ proportional to how long he worked.

Indeed, when “the home was blessed because of him,” the law is²⁴ that the master must “provide him in accordance with the blessing”²⁵ — the employer must add to the *haanakah*²⁶ “from the bounty with which Hashem has **blessed him**.”²⁷

²¹ {A servant who pays his master on a prorated basis is released for the remaining years of his sale price.}

²² *Kiddushin* 16b.

²³ *Tanna Kamma's* opinion — *Kiddushin* 17b.

²⁴ In addition to the fact that in such a case, everyone agrees — even Rabbi Elazar ben Azariah (*Kiddushin* 17b) — that the servant must be given *haanakah*.

²⁵ *Tanna Kamma's* opinion — *Kiddushin* 17b.

²⁶ Rashi on *Kiddushin* 17b, s.v., “*hakol lefi haberachah*.”

²⁷ *Sefer HaChinuch*, end of “Mitzvah 482.”

5.

THE SPIRITUAL RELEVANCE OF HAANAKAH

The concept of *haanakah* — like all parts of the Torah — is also applicable to our spiritual *avodah*:²⁸

In his marginal notes on tractate *Kiddushin*,²⁹ my father³⁰ explains that a Jewish servant only has *mochin de'katnus*.³¹ Therefore, when freed from servitude before he departs, his master must provide him with “*haanakah*” — *mochin de'gadlus*.³² [This is why the Torah delineates three types of *haanakah* — “from your flocks, from your threshing floor, and from your wine pit”³³ — as these “correspond to the {three} *mochin*.”]³⁴

The concept of “master” and “servant,” in the spiritual context, is analogous to a teacher and a student. As Rav Yochanan said:³⁵ Any person who will (teach him how to) resolve a particular Torah passage (which he found difficult), “I will carry his clothes after him into the bathhouse,” similar to the service a servant performs for his master.

The teacher must know that he must provide the student with “*haanakah*.” The teacher should not be content to provide his student with “*mochin de'katnus*.” Instead, the student needs to be taught in a way that empowers him, enabling him after he “grows up” (and “moves on”) from his teacher to (also) attain the teacher’s “*mochin de'gadlus*.”

Simply put, this can be understood as follows:

²⁸ {Divine service.}

²⁹ *Toras Levi Yitzchak*, p. 117.

³⁰ {The Rebbe's father, Rabbi Levi Yitzchak Schneersohn.}

³¹ {Lit., “intellectual immaturity”; intellectual faculties that are not yet fully developed and lack the ability to comprehend nuance. This is often indicative of one's spiritual level.}

³² {Lit., “intellectual maturity”; intellectual faculties that are fully developed.}

³³ {*Devarim* 15:14.}

³⁴ *Toras Levi Yitzchak*, p. 119.

³⁵ *Eruvin* 27b.

True, a teacher must explain to students the “**depth** of the *halachah* with all its reasoning,”³⁶ even if this requires the teacher to impart a lesson “multiple times.” This educational obligation, a teacher may think, refers to the *depth* that is relatable to the student’s intellectual abilities. [For the **teacher**, this is “*mochin de’katnus*.”] It’s just that at the moment, the student does not comprehend the *halachah*.

However, with respect to the concepts **beyond** the student’s intellectual reach — ideas within the realm of “*mochin de’gadlus*” for the teacher himself — the teacher {may think that he} is not required to provide {such explanations} to the student.

Along comes the mitzvah of *haanakah* to add that this {exemption} only concerns a teacher’s obligation to a student. As “*tzedakah*,” however — *haanakah* — a teacher must be so dedicated to and invested in his students until, ultimately, the students grasp the depth of the **teacher’s** wisdom.³⁷ So long as the teacher understands a concept, it must eventually reach the students.

6.

PROVIDING “HAANAKAH” TO THOSE WHO ARE GROWING IN THEIR YIDDISHKEIT

This also applies to the effort to bring closer to Torah and mitzvos those who are “children” and students in matters of *yiddishkeit*:

A person might think that since such an individual is yet a “beginner,” it suffices for the teacher to commit to teaching material he can **presently** relate to.

The Torah {therefore} instructs us that since he is your student — even if he has learned from you only “a single letter,” you are considered “his teacher, his guide, and his beloved friend”³⁸ — you must provide him with “*haanakah*.”

³⁶ Alter Rebbe’s “*Hilchos Talmud Torah*,” ch. 4, par. 18.

³⁷ See *Avodah Zarah* 5b; elucidated at length in *Maamar* “*VeYedata HaYom*, 5657.”

³⁸ *Avos* 6:3.

You must guide him with a methodology that will enable him to eventually reach **your** level of *yiddishkeit*.

As a result of our *avodah* during the “six years of work”³⁹ — {alluding to} the six millennia of the world's existence⁴⁰ — (as the **servants** of Hashem,) we will very soon merit, in no time at all, that “in the seventh year he shall go free for no charge.”⁴¹

Then, Hashem will not only reward us **proportionately** to the *avodah* performed during exile, but He will also confer to us “*haanakah*” — the loftiest Divine revelations — as a form of “**tzedakah**” (since they are entirely disproportionate to the *avodah*). All this will unfold during the seventh millennium, “the day that will be entirely Shabbos and tranquility for life everlasting.”⁴²

— From the talk delivered on Shabbos *parshas Re'eh*, 5737 (1977)

³⁹ *Shemos* 21:2; *Torah Or*, 76a; *Derech Mitzvosecha*, “*Mitzvas Din Eved Ivri*,” end.

⁴⁰ {See *Sanhedrin* 97a. The first six millennia of the world's existence are a preparation for the era of Moshiach, which is called “the seventh millennium,” and will usher in “the eternal ‘day’ of Shabbos and rest.”}

⁴¹ {Continuation of the above-quoted verse, *Shemos* 21:2.}

⁴² {*Siddur*, “*Birkas HaMazon*.”}