



The Community

Boruch Hashem

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From The Rebbe's Teachings

Is Present-Day Severance gift in the Torah?

Our Torah-portion commands us (-Deuteronomy 15:13-14), "And when you send him forth free from you, you shall not send him forth empty-handed. You shall surely provide him... you shall give him from what the L-rd, your G-d, has blessed you." Concerning this mitzva, the *Sefer HaChinuch* (-[Link](#)) writes (-Mitzva 482), "And this commandment is practiced... at the time of the Temple, as the law of a Hebrew slave is only practiced at the time that the Jubilee is practiced... And nonetheless, even at this time, 'the wise man listens and adds insight' such that if he employed someone from the children of Israel and he served him for a long time or even a short time, he should endow him with that which G-d blessed him when he leaves him." Let us explore what the novelty of what the *Sefer HaChinuch* is concerning this mitzva in our present day:

On this the *Minchas Chinuch* (-[Link](#)) comments concerning the two different types of *Hebrew Slaves* that there are in the Torah, and to which our discussed mitzva applies:

- (i) *Sold by the Courthouse*: One who stole money and cannot repay the theft, the courthouse sells him into slavery for the time needed to pay back the amount stolen.
- (ii) *One Who Sells Himself*: Even though this is a sin, --being that the verse states (-Leviticus 25:55), "For unto Me are the Children of Israel slaves, they are My slaves whom I took out of the land of Egypt. I am the L-rd, your G-d," upon which we are taught (-Sifra, Behar, Portion 6, Law 1), "My writ over them is prior. "Whom I took out of the land of Egypt"—On the condition that they not be sold like a slave," nevertheless, his selling himself is valid, and he becomes a slave.

Note: It is important for our discussion to understand how the Talmud learns of the two types of slaves from the Torah;

The Talmud (-Kedushin 14b) quotes the following argument: "(One who) *sells himself is not granted a severance gift* (by his master when he is emancipated, whereas) *one who is sold by the court is granted* (a severance gift). *Rabbi Elazar* (in contrast to the *Tanna Kama*) *says* (that there is no difference between these two types of slaves. Rather, both) ...*this and that one are granted a severance gift.*" Originally, the Talmud connects this argument to an argument whether we use a *Gzeirah Shava* (verbal analogy; -[Link](#)) --to extrapolate the laws of selling oneself into slavery from the verses of the Torah between the terms "hired worker" and "hired worker." --This term appears both with regard to one who sells himself (-Leviticus 25:40): "As a hired worker and as a settler he shall be with you", and with regard to one who is sold by the court (-Deuteronomy 15:18): "For double of the hire of a hired worker he has served you." However, the Talmud then states that the *Tanna Kama*, as well, agrees with the *Gzeirah Shava*, only that, "What is the reasoning of the *Tanna Kama*, who says that one does not grant a severance gift to one who sells himself? With regard to one sold by the court, the Merciful One excludes (a certain case by the verse (-Deuteronomy 15:14)), 'You shall give a severance gift to him.' 'To him' (means to one who is sold by the court,) *but not to one who sells himself.*"

With this the *Minchas Chinuch* comments that when the *Sefer HaChinuch* rules, "Even at this time... should endow him with that which G-d blessed him when he leaves him," is only according to the opinion (-*Rabbi Elazar*) that the mitzva of granting a severance gift is for both types of slaves. However, not according to the opinion (-*Tanna Kama*) that only the *Slave Sold by the Courthouse* receives the severance gift

--Because the verse --Torah decree, with, "And who knows for what reason," that the master needs to give the *Slave Sold by the Courthouse*-- excludes the *Slave Who Sold Himself*, with the verse¹, 'To Him' (only to the *Slave Sold by the Courthouse*), hence, the mitzva to give, "is not from (the obligation that) the giver not allow a slave of his leave without a severance gift," --but of a Torah decree that the receiver receive this severance gift from his master-- for was it about the *giver*, of what difference would it make between the two types of slaves?!--

However, upon this, the *Minchas Chinuch* himself has a question, being that the *Sefer HaChinuch* aligns his works on the *Sefer HaMitzvot* of Maimonides, and Maimonides clearly rules --like the *Tanna Kama*-- (-Laws of Slaves, Chapter 3, Law 12), "A servant who sells himself does not receive a severance gift, while a servant sold by the court does receive a severance gift," While we just explained that the *Sefer HaChinuch* must be ruling --like *Rabbi Elazar*-- that both slaves receive severance gift?!

1. According to the SHaC"H (Choshen Mishpat 6:3), that this is the final analysis of the Tal,ud, and this is the opinion of the Maimonides. that we do not use the *Gzeirah Shava*.
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FRIDAY, AUGUST 11, 2023 ★ כד' מנחם אב תשפ"ג
[Shabbat Candle Lighting](#): 7:42 PM · [Kabbalat Shabbat](#): 7:45 PM

This Week...

SATURDAY, AUGUST 12, 2023 ★ כה' מנחם אב תשפ"ג
TORAH READING: [Re'eh](#) (Deuteronomy 11:26-16:17) · HAFTORAH: [Isaiah](#) (54:11-55:5)
[Blessing of New Month](#) · [Shacharit](#): 9:30 AM · [Mincha](#): 7:45 PM · [Shabbat Ends](#): North Miami: 8:35 PM

THURSDAY, AUGUST 17, 2023 ★ ל' מנחם אב תשפ"ג
1st Day [ROSH CHODESH](#) (ELUL): Recite *Hallel* · Begin special Elul Prayers · Resolve to make this month better

Let us then explain and answer this remaining question of the *Minchas Chinuch*. There are two ways to understand how we extrapolate that the severance gift is only for the *Slave Sold by the Courthouse*, and not to the *Slave Who Sold Himself*:

(a) The novelty of the mitzva is that we do give severance gift to the *Slave Sold by the Courthouse*, as the verse states, "You shall give a severance gift to him." And being that giving severance gift is a novelty created by the verse, and we have the rule, "there is in it (the mitzva of the verse) nothing else but the (explicitly stated) novelty," therefore, we do not extend this novelty to beyond what the verse states overtly, and we do not give it to the *Slave Who Sold Himself*.

(b) The novelty is that the *Slave Who Sold Himself* does not receive the severance gift, "'to him' and not to *Slave Who Sold Himself*."

Note: We can say that the difference between (a) and (b) is whether we extrapolate the law of the *Slave Who Sold Himself*, not receiving the severance gift because of the extrapolation of, "'to him' and not to *Slave Who Sold Himself*," and therefore the novelty is that the Torah is purposely excluding the *Slave Who Sold Himself*, or if we simply do not learn the *Gezeiraj Shava* to extend the novelty of giving severance gift to the *Slave Who Sold Himself*.

According to (b) we now have an answer to the question of the *Minchas Chinuch* of how the *Sefer HaChinuch* could say that this mitzva should apply to a hired worker today, which the *Minchas Chinuch* sees possible only if we say that the *Slave Who Sold Himself* does get severance gift, when Maimonides rules that he doesn't get the severance gift, and we cannot say that *Sefer HaChinuch* argues on Maimonides, unless he explicitly states that he is doing so!? If we say that (like (b)) that the novelty is that we do not give severance gift to the *Slave Who Sold Himself*, then we do not have to extend the novelty beyond what the verse explicitly states as the novelty, and hence, can² extrapolate other cases (a hired worker, even in our times) from the mitzva of giving severance gift to *Slave Sold by the Courthouse*!

In addition, we can say that the two ways of (a) and (b) can depend upon the two fashions of how we explain the essence of the mitzva of giving a severance gift:

(i) The severance gift is part of the payment of the slave, as the Talmud states (-Kidushion 15a), "The Merciful One calls (a Hebrew slave) 'a hired worker.' (And therefore) just as payment for the labor of a hired worker is given to his heirs (when he dies), so too this severance gift for his labor should be given to his heirs (when he dies)."

According to this, the novelty of the verse is that the *Slave Sold by the Courthouse* does receive this payment, in addition to his already having received payment for all his work.

(ii) The severance gift is of the category of giving charity, which the master gives as his appreciating and valuing the work the slave provided.

According to this, the novelty of the verse is that the *Slave Who Sold Himself* does not receive the severance gift, being that the *Slave Sold by the Courthouse* receiving it is one of, "Logical Reasoning"!

And concerning these two approaches of (i) and (ii) towards the essence of the mitzva of severance gift, we find that Maimonides does not establish it together with the mitzvot concerning a slave and a maid, but rather, he establishes it immediately after the mitzva of charity! Maimonides learns to do this from the order of the verses, in which the verses of the mitzva of giving severance gift (-Deuteronomy 15:13-14) comes after the verses of the mitzva of charity (-ibid, verses 7-8), from which Maimonides extrapolates that the mitzva of giving a severance gift is of the category of giving charity. In accordance with this, we do not have to say that *Sefer HaChinuch* veered away from Maimonides' opinion. For even according to seeing Maimonides' opinion that the Torah excludes the *Slave Who Sold Himself* from receiving a severance gift, nevertheless, Maimonides can agree with the *Sefer HaChinuch's* extrapolation from the *Slave Sold by the Courthouse*³, from the perspective of "the wise man listens and adds insight," meaning charity, that, "Even in our times... such that if he employed someone... he should endow him with that which G-d blessed him when he leaves him."

The Lesson: Being that we now see that the *Sefer HaChinuch's* ruling can match and be substantiated according to all opinions, it is important that we publicize and make it known, that if one hires a person, and the years of the contract is completed, and how much more so, if the employer let the employee go --not so if the employee quits-- because the employer now has enough employees, or even if it is because the employer is not satisfied with the work of this employee, the employer must give the employee a severance gift! And being that this severance gift is of the category of charity, hence it is not enough to give the employee just a severance gift (i. e. retirement plan), and so too, concerning any "bonuses," that was agreed upon in the contract when hiring the employee, but rather, there must additionally be the 'charity' severance gift, as well.

This is even, if the employee worked, "for a long time or even a short time," or even whether the employer was or wasn't satisfied with the work of the employee, whether the employer felt that, "the house was blessed," or, "the house was not blessed," by the employee, the employer must give a 'charity' severance gift for the time that the employee worked for him⁴. And how much so if it is "the house was blessed,"

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2. And particularly so according to the reason given by the Rabbi Solomon Luria, known as the *MaRaSHa"l* (-Link; Yam Shel Shlomo, Kedushin ibid, Simon 22), the *Slave Who Sold Himself* does not get severance gift because he transgressed the, "'For unto Me are the Children of Israel slaves, they are My slaves,' and not slaves to slaves." Hence, the "hired worker" can be included in the *Giver's Obligation* to receive severance gift.

3. The *Minchas Chinuch* (who states that the *Sefer HaChinuch's* ruling can only work by extrapolating from the *Slave Who Sold Himself's* receiving a severance gift), would say that Maimonides is of the opinion that the *Slave Who Sold Himself* does not receive a severance gift because we do not use the *Gzeirah Shava*, and therefore, the novelty is that we do give a severance gift to the *Slave Sold by the Courthouse*. Hence, "there is in it (the mitzva of the verse) nothing else but the (explicitly stated) novelty," and we can not extend it to a hired worker.

4. Note: There is an opinion (-Kidushin 17a) of, "we do not know of whom," that according to Rabbi Meir, that even if the employee quits, leaving the employer with a financial loss, the employer still must give a severance gift in accordance with how many years the employee has worked for him.

which clearly carries the law (-Maimonides, Laws of Slaves, Chapter 3, Laws 14-15) --according to all opinions-- of. "in accordance to the blessing --that the employee brought to the employer-- shall you give him," and then to add on (-Rashi, Kidushin ibid, d"h Hakol L'fee Habrocho) to this severance pay, "from all the G-d, blessed be He, has blessed you --the employer!"

Mystically Speaking: Rabbi Levi Yitzchok Schneerson (-[Link](#)), father of the Rebbe, teaches upon this Talmud (-Toras Levi Yitzchok, Page 117), that a *Hebrew Slave* has only, "Smallness of Intellect," and when he goes free, he must be given the "severance gift," of, "Largeness of Intellect." --And Rabbi Levi Yitzchok comes on to explain that this is why the verse lists *Three Categories* of severance pay, "from your flock, from your threshing floor, and from your vat," which correlate with the *Three Intellects*, "Wisdom, Understanding, and Knowledge. The "Master" and the "Slave" refer to the "Teacher" and the "Student" --See Eiruvim 27b, Rabbi Yochanan said that whomever will teach the answer to teaching in Torah which he had difficulties understanding, "I will carry his things behing him to the bathhouse," the work of a servant for his master. And the teacher must know that he has to give the student, "a severance gift". Meaning, the teacher can not just give the student "Smallness of Intellect" of the student's present state, but rather, the teacher must also give the student "Largeness of Intellect", so that when the student grows and will have *go free*, from this teacher, he will merit to have the "Largeness of Intellect" of the teacher. Simply speaking, the teacher is obligated to explain the, "the depth of the law, with its reason, well," and to repeat it as many times as necessary for the student to understand. For even though this is, "Smallness of Intellect, for the teacher, however, it is "Largeness of Intellect" for the student, and presently, the student isn't understanding it. However, what about that which is, "Largeness of Intellect" even for the teacher?! Hence, comes the mitzva of Severance gift and teaches us, that even though this isn't of the obligatory standard of a teacher to a student, nevertheless, from the 'charity' dimension of the 'severance gift' the teacher must dedicate himself so immensely, until the student receives and absorbs the entire depths of the teacher's intellect.

So too, concerning teaching those who are presently 'small' in Judaism. One must teach him and dedicate oneself to him, until he will eventually understand everything that we do in Judaism.

And through this, we in turn, will, the servants of G-d, through out the *Six Millenniums of Service*, will merit the, "And on the Seventh (millennium) goes free, when we will receive from G-d not just the reward in comparison to our service, but also the 'charity severance gift' of the greatest revelations, in the *Seventh Millennium, the day which is completely Shabbat and peace forever.*"