



Likkutei Sichos

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A Servant who is a Hebrew

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1.

A SERVANT WHO IS A HEBREW

In his commentary on the verse, “if you buy...,”¹ Rashi quotes the words, “if you buy a Hebrew servant,” and comments:

A servant who is a Hebrew. Or perhaps this refers to *a servant of a Hebrew* {i.e.,} a Canaanite servant who was bought from a Hebrew, concerning whom the Torah says, “he shall work for six years”? {And if you retort:} How will I then fulfill {the commandment},² “You shall bequeath them {to your children}”?³ {You might answer:} This refers to a {Canaanite} servant who has been purchased from a gentile, but a {Canaanite} servant bought from a Jew goes free after six years! To forestall this interpretation, the Torah says....⁴

We must clarify:

- a. Rashi only explains the words, “Hebrew servant” — why does he also quote the words, “if you buy”?

In his subsequent gloss, Rashi explains that the words “if you buy” can only refer to a servant “sold by the court,”⁵ which can only be “a servant who is a Hebrew.” It is implausible, however, that Rashi quotes “if you buy” to support his explanation that this verse refers to “a servant who is a Hebrew” because: i) Rashi’s proof (that this verse refers to a servant sold by the court) is not based on the words “if you buy.” Rather, Rashi’s support is the {apparent} redundancy in the wording of this verse, since

¹ *Shemos* 21:2.

² *Vayikra* 25:46.

³ {Implying that they are *not* to be set free.}

⁴ {“Should your brother, a Hebrew man... be sold to you, he shall serve you for six years.” (*Devarim* 15:12.) I {Hashem} said this only regarding your brother.”}

⁵ {The full quote from Rashi is as follows: “From the hand of the court, who sold him because of his theft, as it says: “If he has no money, he shall be sold for his theft (*Shemos* 22:2).” Or perhaps it refers only to one who sold oneself into servitude because of poverty, but if the court sells him, he does not go free after six years? When the Torah says: “If your brother becomes impoverished with you and is sold to you” (*Vayikra* 25:39), one who sells oneself because of poverty is mentioned already. So to avoid repetition, how do I apply “if you buy”? By understanding that this reference concerns one sold by the court.”}

the Torah says elsewhere,⁶ “If your brother becomes impoverished with you, and is sold to you.” ii) On the contrary! This proof (that our verse refers to a servant sold by the court, based on the verse “if your brother becomes impoverished”) only makes sense to be offered after we have proven that our verse refers to “A servant **who is** a Hebrew,” and not a servant who is owned by a Jew. This dependency is implicit in the way Rashi orders his remarks. (Rashi first offers this explanation, which refers (primarily, at any rate) to a “Hebrew servant,” and afterward, he explains, “if you buy”).

- b. Why would we suppose that “Hebrew servant” means, “a servant of a Hebrew”? Seemingly, “Hebrew servant” more simply means “a servant who is a Hebrew.” We find a similar construct in several Torah passages (such as “a Hebrew youth,”⁷ when referring to Yosef; and also in the *Nach*,⁸ such as “Sheshan had an Egyptian servant,” when referring to a servant who was an Egyptian).

Also, the inverse wording of Scripture elsewhere supports this contention. The phrase, “a servant of an Amalekite man”⁹ demonstrates that when Scripture wishes to refer to the servant **of** an Amalekite man, it does not say, “an Amalekite servant”; rather, Scripture says, “a servant of an Amalekite man.”

Several commentators suggest that that “Hebrew servant” could conceivably mean “a servant of a Hebrew” because of the nuanced wording, “if you buy a Hebrew **servant**.” This wording implies that the person who is bought was already a servant prior to being purchased. Thus, it is reasonable to understand this phrase as meaning that he is “a servant **of a Hebrew**.”

⁶ *Vayikra* 25:39

⁷ *Bereishis* 41:12.

⁸ *Divrei Hayamim* 1, 2:34.

⁹ *Shmuel* 1, 30:13.

This explanation is not satisfactory: If, according to *p'shuto shel mikra*,¹⁰ our verse more likely refers to “a servant of a Hebrew,” Rashi should have **begun** his remarks by focusing on **this point** (for example), “perhaps this refers to a servant of a Hebrew,” and then disproved it {by writing}: “To forestall this interpretation, the Torah says {*a Hebrew servant*}....” This {inference} would prove that the correct interpretation is, “a servant who is a Hebrew.”

By opening with, “a servant who is a Hebrew,” Rashi clearly implies that this interpretation is the most likely explanation of our verse. Only afterward, Rashi raises the doubt that “perhaps this refers to a servant of a Hebrew.”

- c. Why does Rashi have to raise, and resolve, the difficulty, “how will I then explain {the commandment} ‘and you shall bequeath them as an inheritance...’” **here**? This difficulty will only come up later, when a student reaches this {quoted} verse, near the end of the book of *Vayikra*!

Although the source of Rashi’s entire explanation is the *Mechilta*,¹¹ it is commonly acknowledged (as we have mentioned many times) that everything Rashi writes in his Torah commentary is based, perforce, on the *pshat* of the verses upon which he is commenting (or in tandem with what was learned **previously**). This is especially true in our case, as Rashi does not cite the *Mechilta* as his source.

Thus, it is clear that, perforce, Rashi’s entire interpretation is necessitated to explain the ***pshat* of our verse**.

¹⁰ {Lit., “the plain meaning of the text,” often referred to as “*pshat*.” Rashi states in his commentary to *Bereishis* 3:8: “I have come only to explain the plain meaning of the Torah.” Though there are many levels and depths of interpretation on the Torah, Rashi adopts a straightforward approach.}

¹¹ *Mechilta*, “*Parshas Mishpatim*,” ch. 1, par. 4.

2.

THE JEWISH PEOPLE WERE ALL WEALTHY

The explanation: The Torah recounts in an earlier passage¹² that the Jewish people took from Egypt **an abundance** of gold and silver utensils, etc., at the time of the Exodus. Afterward, the Jews acquired more silver and gold, etc., from the “spoils of the sea,” according to **Rashi’s** explanation of the verse,¹³ “Moshe led ” (after the Splitting of the Sea):

Moshe led the Jews away {from the sea} against their will, for the Egyptians had dressed their horses with ornaments of gold, silver, and precious stones, and the Jewish people were finding these items at the sea. The spoils {taken} at the sea were greater than the spoils taken from Egypt.

Meaning, the promise that the Jewish people would leave Egypt with “**great** wealth”¹⁴ was fulfilled for every single Jew.

Obviously, at that time when the Jewish people were so immensely wealthy, it would have been impossible for any Jew to **become** a servant (which could only be caused by poverty or a lack of money).¹⁵

Since *parshas Mishpatim* follows immediately after *Matan Torah* {the Giving of the Torah}, which occurred a short time after the Exodus and the Splitting of the Sea, it is reasonable to assume that Hashem would have first given the Jewish people laws and commandments dealing with matters that were immediately pertinent and common to their circumstances at that time. For example, “You shall not make {images of anything that is} with Me; gods of **silver** and gods of **gold**.... An altar of earth... an altar of stones you shall make

¹² *Shemos* 12:35-36.

¹³ *Shemos* 15:22.

¹⁴ *Bereishis* 15:14. {At the Covenant Between the Parts, Hashem promised Avraham the Jewish people would experience exile, “and afterwards they will leave with great wealth.”}

¹⁵ As the verse states (mentioned at the end of Rashi’s (second) gloss on the words, “if you buy”) “If your brother becomes impoverished with you, and is sold to you.” (*Vayikra* 25:39) The same applies when the court sells him, as Rashi explains there. Even though this is also possible {i.e., for someone to be sold by the court} for a wealthy person if he transgresses the prohibition “do not covet,” it would be unlikely for a person who was as wealthy as the Jews were at the time, having been enriched by the spoils taken from Egypt and at the Sea, to be {sold into servitude because he was} unable to repay (five times) the value of what he had stolen.

for me,”¹⁶ and not (or not necessarily) an altar of silver or gold — even though every one of the Jews had much silver and gold.¹⁷

Therefore, after Rashi prefaces with, “a servant who is a Hebrew,” telling us that the **term**, “Hebrew servant” is to be understood according to its plain meaning, “a servant who is a Hebrew,” Rashi must forestall speculation that “perhaps this refers to a servant of a Hebrew?” {Why?}

On account of the **flow and order** of the verses, reason dictates that this verse refers to a “servant **of** a Hebrew, i.e., a Canaanite servant purchased from a Jew,” since at that time (immediately after amassing plunder in Egypt and at the sea, as mentioned) every Jew possessed “great wealth.” And their wealth also included menservants and maidservants, as noted previously in the Ten Commandments,¹⁸ “your manservant and your maidservant.”

3.

DID AVRAHAM TRANSGRESS THIS *MITZVAH*?

In light of the above, a novice student of Torah¹⁹ may raise the following question: We have learned **previously** that Avraham owned a servant, Eliezer, even before The Covenant Between the Parts.²⁰ Eliezer remained “Avraham’s servant” for decades following the Covenant, as the Torah recounts in the narrative of Eliezer’s mission to find a wife for Yitzchak.²¹ This poses a difficulty: Since Avraham observed the entire Torah before it was given {at Sinai} (as **Rashi** mentioned previously),²² how could Avraham have owned a Canaanite servant (Eliezer) for so many years, in violation of the Torah’s commandment

¹⁶ *Shemos* 20:20-22. These were from the first of the commandments given after *Matan Torah*.

¹⁷ See *Bechoros* 5b: “Each and every Jew had ninety Libyan donkeys loaded with silver and gold from Egypt.”

¹⁸ *Shemos* 20:10.

¹⁹ {“*Ben chamesh lemikra*” in the Hebrew original, meaning, “a five-year-old beginning to study Scripture.” This is a quote from the *Mishnah* in *Pirkei Avos*, which teaches that the appropriate age for a child to begin studying *Tanach* is 5 years old. Rashi wrote his commentary on *Tanach* to be simple enough for a 5 year old student to understand. Additionally, Rashi never expects the student to know more than the plain meaning of the earlier verses in the Torah.}

²⁰ *Bereishis* 14:14; Avraham’s pronouncement in *Bereishis* 15:2 (however, in those places, the Torah does not explicitly call Eliezer a “**servant**.” See *Bereishis* 14:15; Rashi’s commentary on *Bereishis* 14:24).

²¹ *Bereishis* 24:2 ff.

²² *Bereishis* 26:5.

here, “he shall work for six years, and in the seventh year he shall go free, for no charge”? (Assuming that this verse refers to a servant **of** a Hebrew.)

On account of this difficulty, Rashi is compelled to address this issue in our *parshah*. However, **instead** of addressing this conundrum regarding Avraham’s **conduct**, Rashi raises this (same) issue, but with greater force, based on a verse and *mitzvah* mentioned explicitly in the Torah: “How will I then fulfill {the commandment}, ‘You shall bequeath them’”? (Rashi immediately resolves this difficulty:) “This refers to a {Canaanite} servant who has been purchased from a gentile” (as was Avraham’s servant, Eliezer).

4.

IF YOU BUY

On this basis, we can understand why, in his caption, Rashi *also* quotes the words, “If you buy.” These words support Rashi’s interpretation {that this verse refers to} “a servant who is a Hebrew.”

The rationale: Ostensibly, the preface in the verse, “if you buy,” is superfluous. This verse could have begun with the law itself that “a Hebrew servant shall work for six years...” (We find similar diction in several places in the Torah, for example, in our *parshah*,²³ “One who strikes a man so that he dies....”)

The wording, “if you buy,” “כִּי תִקְנֶה”,²⁴ refers to an action that will be performed in the **future**, but at present has not yet been performed. Moreover, in this context, this action would have been altogether impossible at the time — for all the Jewish people possessed the spoils taken from Egypt and at the Sea, as explained.²⁵

²³ *Shemos* 21:12.

²⁴ {Although in English, the verb in the conditional clause, “buy,” must be in the present tense, the Hebrew conditional is in the future tense, clearly underscoring that the verse is speaking about a condition that will occur in the future.}

²⁵ {A Jew could only be sold into servitude if he was unable to repay what he stole.}

Thus, this verse clearly refers to buying a servant who is a Hebrew, which at that time was impossible, and not a Canaanite servant (“the servant of a Hebrew”), for the phrase, “if you buy” is not appropriate to the purchase of a Canaanite servant (and is **unnecessary**). Because of their great wealth, the Jewish people certainly owned (Canaanite) servants. As such, the purchase of Canaanite servants would have been a common occurrence, and not something that would only take place in the future.

5.

WHY START WITH THESE LAWS?

On this basis, however, we need to clarify: Why, indeed, does the Torah begin teaching the laws of *mishpatim* {rational laws} (immediately following *Matan Torah*) with the law of the Hebrew servant, which at that time was very uncommon, rather than with a more common and relevant law? This question is especially poignant since {the sale referred to by the clause} “if you buy a Hebrew servant” is the result of a theft that obligates the thief to pay five, four, or two²⁶ times the value of what was stolen. And only “if he lacks the means, is he sold for his theft.”²⁷ Seemingly, Torah should have first taught those laws that apply prior {to the purchase of a servant} — a thief’s obligation to pay five, four or two times the value of what he stole!

Since this is a difficulty in *pshat*, it is unclear why Rashi (who addresses all difficulties in *pshat*) does not address this difficulty in his commentary. (While several Torah commentators *do* address this issue, their explanations are not totally consistent with *pshat*, as is Rashi’s commentary.)

It cannot be argued that since *pshat* is unconcerned with reasons and explanations for the juxtaposition of *mitzvos*, this issue poses no difficulty in *pshat*. For in light of the above — the **juxtaposition** of this *mitzvah* to the narrative of the Jewish people taking spoils from Egypt and at the Sea — this itself is Rashi’s rationale for his earlier presumption that our verse refers to a

²⁶ *Shemos* 21:37, *Shemos* 22:3.

²⁷ *Shemos* 22:2.

Canaanite servant and not a Hebrew servant. (Moreover, at the beginning of this very *parshah*, Rashi emphasizes,²⁸ “‘And these...’ connotes adding to the *mitzvos* that were given earlier. Thus, just as the *mitzvos* given earlier {i.e., the Ten Commandments} were from Sinai, so, too, these *mitzvos* were also given at Sinai. And why was this section **juxtaposed**...?”) Moreover, and more importantly, to purchase a Hebrew servant was impossible before {the Jews were informed of} the Torah’s rules about selling a thief into servitude to pay for what he stole!

6.

THIS MITZVAH IS FROM SINAI

We may posit that Rashi’s **subsequent** comments in our *parshah* resolve this difficulty:²⁹

Why was the ear chosen to be pierced rather than any other body organ? Rabban Yochanan ben Zakkai said, “The ear that heard on Mount Sinai, ‘You shall not steal,’³⁰ and yet he went and stole — let it be pierced! Or in the case of he who sold himself into slavery, the ear that heard on Mount Sinai, ‘For the children of Israel are servants to Me,’³¹ and yet he went and acquired a master for himself — let it be pierced!”

The explanation: When discussing other *mitzvos*, the Torah does not emphasize a direct correlation between a *mitzvah* and its reward. For example, the reward for honoring parents is, “so that your days be lengthened.”³² (Aside from the fact that this reward isn’t realized immediately after performing the *mitzvah*, but only after a **very** long time,) we see no correlation between the substance of the reward and the specific act performed in fulfilling the *mitzvah*.

²⁸ Rashi’s commentary on *Shemos* 21:1.

²⁹ *Shemos* 21:6. {The context of this verse: If a Hebrew servant wishes to serve beyond six years, his ear is pierced.}

³⁰ {*Shemos* 20:13.}

³¹ {*Vayikra* 25:55.}

³² *Shemos* 20:11.

Similarly, regarding punishment for sin: There appears to be no direct correlation between the penalties of *malkos*,³³ *kares*,³⁴ or the like, and the sins for which a person incurs these penalties.

In contrast, regarding a Hebrew servant, the Torah correlates punishment and its cause: “His master shall pierce his **ear**”³⁵ because “The **ear** that heard on Mount Sinai...”

The obligation for a master to pierce his servant’s ear is carried out (not immediately after the actions that led the servant to become a “Hebrew servant,” but rather) after “the servant says, ‘I love my master, my wife, and my children. I will not go free.’”³⁶ Nonetheless, piercing is not a punishment for the servant saying, “I love...” {expressing his desire to remain in servitude}. Rather, it is a punishment for... “The ear that heard on Mount Sinai, ‘You shall not steal,’ and yet he went and stole,” or “the ear that heard on Mount Sinai, ‘For the children of Israel are servants to Me,’ and yet he went and acquired a master for himself” — which took place {much earlier than the piercing} right when he became (through his own actions) a “(Hebrew) servant.”

This clarifies why “if you buy a Hebrew servant” is the first law the Torah teaches immediately following *Matan Torah* at *Mount Sinai*. We clearly discern (in his punishment) the correlation between Hebrew the servant **being pierced** and “Mount **Sinai**” in a most recognizable manner (even in his physical body).

In light of this (Rashi’s explanation that *the ear that heard...*), the Hebrew servant’s disobedience to the commands given at **Mount Sinai** is the **most significant** factor determining his fate. The rule that “if he has no {money}, he shall be sold for his theft”³⁷ (due to {his inability to pay} the steep fine) is ancillary. Therefore, Torah **juxtaposes** the law of a Hebrew servant with “these

³³ {The thirty-nine lashes imposed by the court for violation of biblical prohibitions, where a more severe punishment is not indicated.}

³⁴ {Excision: Divinely imposed premature death decreed by the Torah for certain classes of transgression.}

³⁵ {*Shemos* 21:6.}

³⁶ *Shemos* 21:5.

³⁷ *Shemos* 22:2.

{laws} from Sinai,” and merely hints at the correlation to theft in the context of the ear-piercing.

7.

COMPLETELY UNRELATED

Based on this understanding of Rashi’s remarks on the phrase, “if you buy,” we can gain additional clarity in this issue.

Had owning Hebrew servants been common, and these laws relevant, at that time immediately after *Matan Torah*, there would have been room to suggest that **this** law was taught first {among the *mishpatim*} because it was pertinent immediately after *Matan Torah*.

However, these laws would only become relevant in the future, since at that time, ownership of a Hebrew servant would have been a rarity. As such, we must conclude that the law of a “Hebrew servant” was taught first because of a particular feature of this law — its unique correspondence to Mount Sinai.

8.

THE AVODAH THAT THE HEBREW SERVANT SYMBOLIZES

We can better appreciate this idea in light of its inner dimension: The purpose and objective of *Matan Torah* was to refine and purify all worldly matters through Torah {study} and *mitzvos*. (In contrast, the forefathers’ Torah and *mitzvos* before *Matan Torah* did not **change** the physicality of the world.) As such, the first of the *mishpatim* given following *Matan Torah* openly demonstrates the impact of *Matan Torah* on the world’s physicality.

This concept is expressed through the particular type of *avodah*³⁸ symbolized by the Hebrew servant. *Chassidus* identifies three categories of

³⁸ {Divine service.}

personal *avodah*, symbolized by: the Canaanite servant, the Hebrew servant, and the Jewish maidservant.³⁹

“The Canaanite servant”: This alludes to someone who has a vigorous animalistic soul, {analogous to} *a servant, for whom a life of licentiousness is pleasing*.⁴⁰ He gravitates downward, toward materialistic pleasures, but he restrains himself and serves Hashem in practical *avodah*, the avoidance of sin and performance of good deeds, having accepted the *yoke of Heaven* and having fear of “the Master.”

The *avodah* of the “Hebrew servant” is loftier: The emotive faculties of his G-dly soul illuminate his animalistic soul to the extent that the animal soul also yearns for Hashem. However, his animalistic soul has not been totally transformed to holiness to the extent that it has no pleasure or desire for materialism. (This level is analogous to a servant who brings food and drink to his master’s home to provide for all the needs of his master’s family. Yet what he provides is not yet fit for human consumption — it is not yet cooked, etc., and has not been transformed from its previous, raw form.)

The *avodah* of the Hebrew maidservant: The desires and emotive faculties of this person’s animalistic soul have been transformed to holiness to the extent that the person only yearns for G-dliness.

In this context, we can understand why the first of the *mishpatim* following *Matan Torah*, which clearly demonstrates the effect of *Matan Torah* on the world, is the law of the Hebrew servant. This *avodah* (of the Hebrew servant) symbolized the initial type of *avodah* of the Jewish people following *Matan Torah* — **transforming** the animalistic soul and worldly matters and bringing them into the “domain” of holiness. (In contrast, the Canaanite servant’s *avodah* does not truly change the servant’s emotive faculties or his environment.)

³⁹ *Toras Chaim*, “*Shemos*,” s.v. “*VeChi Yimkor*,” p. 71b ff.; *Derech Chaim*, “*Shaar HaTefillah*,” ch. 66 ff.; *Derech Mitzvosecha*, “*Mitzvas Yiud Oh Pidyon Amah HaIvriyah*”; *Or HaTorah*, “*Parshas Mishpatim*,” p. 1127 ff.

⁴⁰ *Gittin* 13a.

Our *parshah* then goes on to discuss the next stage of *avodah*, when a person advances to the *avodah* of the Hebrew maidservant. At that stage, a person transforms the emotive faculties of his animalistic soul {in particular}, and worldly matters, in general, making them into a dwelling place for Hashem.

-From a talk delivered Shabbos *parshas Mishpatim*, 5736 (1976)