



Parashat Behar  
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Parashat Behar presents numerous laws and guidelines relevant to the institution of *eved ivri*, the indentured servant who enters the service of a fellow Jew due to financial hardship. The Torah establishes numerous restrictions concerning the length and nature of his term of service, including the prohibition, "*lo tirdeh vo be-farekh*," literally, "you shall not harshly oppress him" (25:43).

*Chazal*, in *Torat Kohanim* (as cited by Rashi), provide two examples in defining this prohibition: "One shall not say to him, 'Warm for me this cup' if he does not need [the cup warmed], or 'Cool for me this cup' if he does not need [the cup cooled], or 'Plow under the vine until I return'..." The first example of "harsh oppression" is requesting an unnecessary service, such as warming or cooling food for no reason, and the second example is asking the servant to perform a certain kind of work "until I return."

Maimonides codifies this prohibition in his *Hilkhot Avadim* (1:6):

It is forbidden to impose harsh labor upon any Hebrew servant. What is "harsh labor"? It is work that has no limit, and work that one does not require but he intends to simply impose work on him so that he does not remain idle. On this basis the Sages said that one shall not say to him, "Plow under the vines until I come," for he did not give a limit. He should rather say, "Plow until such-and-such hour" or "until such-and-such place." Similarly, he should not say to him, "Dig this place" and he does not need it, and even to warm for him a cup of warm water or to cool it and he does not need it – this is forbidden.

According to Maimonides, the Sages interpret this prohibition as consisting of two different categories of labor: labor that is unnecessary, and labor to be performed for an unspecified time-frame.

The Ra'avad, in his critique of *Mishneh Torah*, disagrees with Maimonides' understanding of this passage in *Torat Kohanim*. According to the Ra'avad, when the Sages forbid requesting of a servant, "Plow for me under the vine until I return," they actually refer to a master who intentionally delays his return in order to overburden the servant. The problem lies not in the unlimited nature of the task, but rather in the unnecessarily excessive workload imposed upon the servant.

In the Ra'avad's view, then, this prohibition essentially relates to only one kind of mistreatment, namely, forcing unnecessary labor upon the servant. According to Maimonides, however, as we saw, this prohibition includes two categories: unnecessary labor, and labor required for an unspecified duration of time.

Rabbi Moshe Rubinstein, in his work *Parperet Moshe* (Israel, 2004), comments that Maimonides viewed this prohibition as geared towards two different but concurrent objectives. Namely, it serves to both protect the servant, and maintain the master's sensitivity. The prohibition against imposing unnecessary labor, Rabbi Rubinstein contends, cannot be attributed to the concern for the well-being of the servant. After all,

the servant does not know that the master has no interest in a warm drink and asked him to prepare it unnecessarily. But in a servant-master relationship, the master needs as much protection as the servant. While the servant must be protected from abusive treatment, the master must be protected from the natural tendency to exert excessive control and thereby feel an artificial sense of pride and accomplishment. The Torah therefore forbade the servant to impose unneeded tasks upon the servant – not to protect the servant from overexertion, but to remind the master that he does not truly own his servant, that there is a limit to the authority and control he can exert.

The second prohibition, by contrast, which forbids assigning "open-ended" tasks, is geared towards protecting the servant. Hard work is made tolerable by the anticipation of a respite, and the sense of achievement that comes with completing a specified task or period of work. Ordering a servant to work for an unspecified period causes him much grief and exasperation, which a master is not entitled to bring upon his servant.

Hence, this law serves a dual purpose: it protects the servant from grief and despair, while at the same time protecting the master from an exaggerated sense of power and control.