



How Can the Torah Permit Jews to Own Slaves and Maidservants?

Mistreating 'Free' Men or Taking Good Care of Slaves?

We all cringe when we hear the word 'slave' or 'maidservant.' Such terms do not belong in our egalitarian society. The anti-slavery movement to abolish the slave trade had begun in the British Empire in 1783. Slavery was finally abolished in the USA in 1865. To enslave another human being takes advantage of the less fortunate, poorer classes by using them for selfish purposes in subhuman ways. So how can the Torah permit Jews to own slaves and maidservants? Keep in mind, that although slaves have been freed in most of the world for the last 150 years, it was common to own slaves throughout the world for the prior 5000+ years. In addition, slavery did not end with abolition in the 19th century. Instead, it changed form and continues in every country in the world. Whether women forced into prostitution, men forced to work in agriculture or construction, children in sweatshops or girls forced to marry older men, their lives are controlled by their exploiters. They no longer have a free choice and they have to do as they're told. They are in slavery. [There are estimated to be 40.3 million people in modern slavery around the world. 10 million children, 24.9 million people in forced labor, 15.4 million people in forced marriage, 4.8 million people in forced sexual exploitation.](#) Today, slavery is less about people literally owning other people – although that still exists – but more about being exploited and completely controlled by someone else, without being able to leave. I venture to ask, just as it is possible to mistreat, exploit and control others without owning them as slaves, perhaps it is also possible to care for, nurture, respect and treat a slave and maidservant humanly?

The Egalitarian Laws of Hebrew Slaves

The Torah laws about slavery show how much sensitivity of heart is demanded of the master in order to fulfill the laws of the Hebrew slave. Concerning a Hebrew slave, it states, "Because he fares well with you" ([Devarim 15:16](#)). This teaches that the slave should be with you, i.e., treated as your equal- his food and drink must be of the same quality as yours. This implies that the master may not eat fine bread, while his slave eats inferior bread, or drink aged wine, while his slave drinks inferior wine. The master may not sleep comfortably on bedding made from soft sheets, while his slave sleeps on straw. From here the Sages stated: Anyone who acquires a Hebrew slave is considered like one who acquires a master for himself, because he must be careful that the slave's living conditions are equal to his own (*Babylonian Talmud, Kiddushin 20a*). If the slave is married, the master is commanded to support his wife and children. Not only must a 'master' treat his 'slave' as an equal, or better, he must do so for the entire family of his newly-acquired slave ([Kiddushin 22a](#)). He is obliged to dress them in the same fashion he dresses his own family. He is not permitted to make his slave do base work such as to tie his master's shoes. This explains why it was common for a Hebrew slave to refuse to go free, since he preferred to stay with his master, whom he loved (*Shemot 21:5*), as his master took such good care of him.

Home of Rehabilitation

Keep in mind that a man became a slave either through being 'sold' into slavery by the Beit Din, as a way for him to repay what he had stolen or, he could sell himself into slavery as a means of escaping poverty. By doing so, the slave would have his basic needs taken care of. No wonder the slave had little interest in leaving! In this way, the institution of 'slavery' served as a rehabilitation

home par excellence. A good Jewish family would offer a warm home for an outlaw or homeless beggar, providing a roof over his head, a comfortable bed and regular ample meals. Rather than reinforcing their bandit ways in jail, through the influence of other criminals, the Hebrew slaves were granted the opportunity to straighten up their lives by living and working within a functional family and learning from their example. The second type of slave, who wasn't a criminal, would also benefit from living in a good Jewish home, rather than sleeping in the streets. He would make himself more useful than going from house to house begging for his bread and perhaps for cigarettes as well.

Does the 'American Dream' Provide Equal Opportunity for Poor and Rich?

Regarding the Hebrew maidservant, Rabbi David Fohrman has a fascinating cartoon explanation of how the Torah gives the opportunity for girls from the poorest class to achieve equality through the institution of slavery. He explains how even in our modern society, the rich get richer while the poor get poorer, due to social segregation between classes. Young people attend ivy league colleges, not only to receive a good education, but primarily to mix with the right people. The fact that the rich marry the rich, while the poor marry the poor, perpetuates class distinctions. Through a closer look at the Torah verses describing the laws of the Hebrew maidservant, Rabbi Fohrman demonstrates how the Torah grants a girl from the poorest class the opportunity to move up in society:

ספר שמות פרק כא

(ז) וְכִי יִמְכֹר אִישׁ אֶת בִּתּוֹ לְאִמָּה לֹא תֵצֵא כִצְאָת הָעֶבְדִּים: (ח) אִם רָעָה בְעֵינֵי אֲדֹנֶיהָ אָשֶׁר לֹא אֶלְוָהּ {לְוָהּ} יַעֲדָה וְהִפְדָּה לְעַם נֹכְרִי לֹא יִמְשַׁל לְמִכְרָהּ בְּבִגְדוֹ בָּהּ: (ט) וְאִם לְבָנוּ יִיעָדְנָה כְּמִשְׁפֹּט הַבָּנוֹת יַעֲשֶׂה לָּהּ: (י) אִם אַחֲרֵת יִקַּח לוֹ שְׂאֵרָה כְּסוּתָהּ וְעֹנֻתָהּ לֹא יִגְרַע: (יא) וְאִם שָׁלַשׁ אֲלֶיהָ לֹא יַעֲשֶׂה לָּהּ וְיִצְאָה חֲנָם אֵין כֶּסֶף:

"Now if a man sells his daughter as a maidservant, she shall not go free the way the slaves go free. If she is displeasing to her master, who did not designate her [for himself], then he shall enable her to be redeemed; he shall not rule over her to sell her to another person, because he betrayed her. And if he designates her for his son, he shall deal with her according to the law of the daughters [of Israel]. If he takes another wife for himself, he shall not diminish her sustenance, her clothing, or her marital relations. But if he does not do these three things for her, she shall go free without charge, without [payment of] money" (*Shemot* 21:7-11).

Why does the Torah allow a father to sell his minor daughter under the age of 12 as a maidservant? What does it mean that "She shall not go free the way the male slaves go free?" Don't the laws of releasing the Hebrew slaves after six year apply equally to male and female slaves? Moreover, why is it considered that the master "betrayed her" if he didn't marry her or found a way to marry off this poor slave-girl within the family when she became of age?

Achieving Equality Through Slavery

When a Jewish family was so poor that they had no way to provide a proper dowry to marry off their daughter, the Torah offers them the opportunity of allowing the poor girl to marry into a good Jewish family of their choice, through 'selling' her as a maidservant at a young age. This 'transaction' implies that when the girl reaches maturity, the master will either marry her or have his son or someone else in his family marry her. If he does not find anyone to marry her, he must allow her father to take her back at a prorated rate. (If she served as a maidservant for three years, for example, the father could redeem her for half the amount he was given for her). If the father was unable to redeem his daughter, the master had to let her go free without charge when she turns 12. She is not considered his property that could be sold to someone else, because he betrayed her by not providing a proper marriage for her within his family. In the case where the

master managed to marry the Hebrew maidservant within the higher society of his family, "He shall deal with her according to the law of Jewish daughters." This means her status would change from maidservant to a free Jewish daughter with equal rights. During the time when polygamy was permitted, a man was not allowed to mistreat his little slave-wife, while taking another more favored wife. The same rights of all Jewish wives would apply equally to the former maidservant. The Hebrew maidservant serves as the example, from where we learn the general laws of the responsibility of a Jewish husband to his wife. This is written in the ketubah: He must provide his wife with "Sustenance, clothing and intimate times" (*Shemot* 21:10). Thus, Rabbi David Fohrman, demonstrates the opportunity the Torah grants girls from the lowest classes to break the pattern of class segregation and receive better conditions to achieve economic security and success. See [here](#) for his amazing cartoon.

The Maidservant as a Parable of the Feminine Light Rising From 'Daughter' to 'Mother'

On a Kabbalistic level, the laws of the Hebrew maidservant serve as a parable that provides an opportunity for the feminine to rise in the world. According to Arizal, "If a man" – this refers to *chochmah* (wisdom) – "sells his daughter" – this refers to *binah* (understanding) – "as a maidservant" – this refers to the soul in the world of emanation. She [the maidservant i.e. the soul] is most important. About her, Rabbi Yishmael bar R. Yossi asks, "What is the meaning of 'with the crown that his mother crowned him with' (*Shir HaShirim* 3:11)?" He answered: "It may be compared to a king who had an only daughter. He didn't stop loving her until he called her 'my daughter.' He didn't stop loving her until he could call her 'my sister,' and eventually called her 'my mother.'" The explanation is that when the soul is at the level of *malchut*, it is referred to as 'Daughter' in that it receives its Divine beneficence through *Zeir Anpin* ['Son']. When it reaches the level of 'My Sister' it is equal to the 'Son.' Both receive their Divine beneficence [directly] from *Imma* [Mother]. When the soul is at the level of *binah* [Mother] it then gives divine beneficence to the 'Son' and is called 'My Mother.' Therefore, the neshama is so important, that even if it be blemished, it will not descend below the World of Creation, and it is not subservient to 'Son.' This is even though she [the soul or maidservant] only receives the light of Mother through 'Son.' He is just a passageway, but she is not his and not subservient to him... (Arizal, *Halikutim, Parashat Mishpatim* Chapter 21). I understand from this text, that by being sold as a maidservant, the soul has the opportunity to rise from the lowest to the highest level of revealed light and consciousness. At first, she is called 'Daughter' who receives the light indirectly from mother, through the emissary of 'Son.' At last, she grows to become 'Mother' – the highest level of feminine development, evolving from receiving to becoming a giver of Divine Light. It is specifically through lowering herself to become a maidservant that the 'Daughter' grows to become 'Mother.' Similarly, when we women take advantage of the various opportunities that life affords us to humble ourselves, we will grow to become the light-givers of the world, reflecting the return of the revelation of the Shechina – The Divine Feminine In-Dwelling Presence, heralding the final redemption!