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נשיא וראש מוסדות "אור המלך"

מחבר ספרי שו"ת דרך המלך, אמרי מרדכי, ודרכי המלך על המועדים ועוד  
רשת מעונות, ורשת גנים, ת"ת פרי תואר, ובית יעקב פרי תואר, תיכון בית יעקב החדש, ת"ת מאור ישראל,  
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## Parashat Behar

### The Prohibition of Exploiting Another's Weakness

In *Parashat Behar* the Torah teaches us about the prohibition to overwork one's slave, stating [25:43], "You shall not subjugate him with difficult labor." In the *Sifra* [*Behar* 6:2], our Sages teach: "You shall not subjugate him..." You should not say, 'The slave should warm up the cup for me,' if you do not truly need it; 'He should make it cold for me' if you do not really need it. Nor should you say, 'Let him hoe beneath this vine until I come.' Perhaps you will justify your actions by saying that you actually do need it. It is a matter which is given over to the heart [i.e., your heart knows what your true intentions are], as the *pasuk* states afterwards 'And you should fear your G-d.' About any matter that is given over to the heart it states, 'And you should fear your G-d.' Furthermore, our Sages state [ibid. end of *perek* 7; *Pesikta Zutrata* (*Lekach Tov*) *Parashat Behar* 74a] that this prohibition only applies to a Jewish slave, however, it does not apply to non-Jewish slaves or to free men. This is indeed how the Rambam rules [*Hilchot Avadim* 1:6]. The Rambam states that it is forbidden to work every Jewish servant oppressively. He writes that this applies "to work that is limitless in nature or unnecessary; rather, simply to keep the slave busy. Therefore the Sages have said that he should not tell the slave to hoe beneath the vines until he, the master, will come, because this work has no limit. Rather, he should tell him to hoe until a certain time or up until a certain place. He similarly should not tell him to dig in a certain place if he does not really need it. He should not even tell him to warm up or chill his drink if he does not need it. If he does so he has transgressed a negative commandment, as it states, 'You should not subjugate him with difficult labor.' He should only perform limited labor that his master needs. Additionally, if he is sold to a non-Jew and he oppresses him, he is required to prevent him from doing so. If he allows him to do so, he transgresses a negative commandment as it states, 'He shall not subjugate him with hard work before your eyes.' However, we are not required to enter the property of the non-Jew and verify that he is not subjugating him oppressively, as the *pasuk* states, 'before your eyes,' when you actually see it taking place." So writes that Rambam. [See the Raavad's commentary where he disputes the Rambam's view]. In *halachah* 7, the Rambam writes, "It is forbidden for a Jew who purchases a Jewish slave to make him do degrading labor that is generally done by slaves, such as bringing his clothing to the bathhouse after him or removing his shoes. This is as the *pasuk* states, 'You should not subjugate him with slave labor.' He should treat him like a hired laborer as the *pasuk* states, 'Like a hired laborer or resident he shall be with you.' It is permitted for him to cut your hair, wash your garment, and bake your dough. But do not make him a bathhouse attendant for the public, or a barber or baker for the public. If this was his previous profession before he was sold then it is permissible... **This applies to a Jewish slave because his spirit is low on account of his being sold. However it is permissible to utilize a Jew that has not been sold as a slave, because he does this work willingly.**" From the *Sifra* and the Rambam we see that our Sages taught that it is forbidden to torment a slave with any labor that is unnecessary and simply to cause suffering. This is the prohibition of "You shall not subjugate." We have also learned that a free-man can be subjugated with difficult labor, if he allows himself to be subjugated.

#### Questions:

- 1- The *Rishonim* ask why the Torah repeated the prohibition of "You shall not subjugate him with difficult labor" in three separate *pesukim*. Rashi, indeed, deals with this question, and therefore explains that the second *pasuk* is teaching that it is forbidden to oppress even a *nasi* or king and the like. The *Re'em* explains similarly. How can Rashi give an explanation which is the exact opposite of the Midrash, which forbids only subjugating a Jewish slave?
- 2- It seems strange that the Torah forbids oppressing a slave but permits one to do so to a free man. Should it not be the opposite?
- 3- We must similarly ask on the words of the Rabbeinu Yonah [*Shaarei Teshuvah* 3:60]. He writes that it is forbidden to subjugate anyone who is fearful of him and would be embarrassed not to do his bidding. He



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should not ask anything from them at all. But if there is an individual who does not act properly, he can be commanded to do whatever type of work the respectable individual pleases. Rabbeinu Yonah's ruling is cited in the *Sefer Chareidim* [mitzvot lo taaseh 5:73 and in the *Orchot Tzaddikim, Shaar Ha'achzariut*].

We see from here that forcing someone to do anything is in violation of the aforementioned transgression. But is this not in contradiction to the *Sifra* in two ways? a) The *Sifra* states that the prohibition was to subjugate for no reason at all. B) It stated that the prohibition does not apply to free-men?

### **If Someone Does Something for Someone Else Unwillingly, it is a Violation of "You Shall Not Subjugate"**

It appears that the answer to all the questions lies in the words of the Rambam, who wrote that if a person does the labor willingly it is not considered as if he is being subjugated, and is therefore permitted. From the Rambam we can derive that what is permitted, is not subjugating a free man with difficult labor, because one can obviously not force someone else who does not belong to him to do such work. Rather, he is writing about one who hires someone to perform labor and is compensating him for it. Here there is no prohibition in requesting him to do even the most back-breaking labor, because the laborer does it to earn money. But if he forces him to do something he does not wish to do than he transgresses the prohibition even with a free man and certainly a Jewish slave. If so, this is the definition of "You shall not subjugate" – it is forbidden to force anyone to do something they do not wish to do. Even if he is your slave; he must do the bidding of his master and this is indeed considered in accordance with his will, since he was purchased for that purpose. However, if he asks him to do even the simplest labor which is unnecessary, it is considered to be against his will, and the master has violated a prohibition. This rule applies to all individuals, whether slaves or free men.

### **Understanding the Words of Rabbeinu Yonah**

Therefore the Rabbeinu Yonah teaches us that if there is a person who fears him or is ashamed before him, then there is a suspicion that he is acting against his will and out of fear. The one who has asked him has therefore violated, "You shall not subjugate." For this is the definition of the prohibition: "Difficult labor" means forcing someone to do something against his will. It does not matter how great or small the request is; even asking to unnecessarily warm a drink is considered difficult labor. This explains the words of Rashi, who included even a free man in the prohibition. This explanation also answers various other questions that were posed regarding this topic [see the *Minchat Chinuch* (347) who asks on the *Ketzot's* explanation of the Rashba for example.]

### **The Requirement to be Careful Not to Violate "Do Not Subjugate" in All Aspects**

From the above we can learn the Torah's perspective on how an individual with a respectable status must be careful not make another individual feel weak by requesting something that will be performed out of fear. This is called tyranny, for in the eyes of the Torah each individual has value and innate respectability as he was fashioned in the image of Hashem just as the other fellow was. The Torah perspective is to live in an ideal society where all individuals respect each other. As the Tanna stated, "Your friend's honor should be as your own." This is based on "Love your friend like yourself" and "That which you hate do not do to your friend." The same way that you are interested in freedom and self-expression without tyrannical rulers over you, so too, each person must consider how to be careful with the honor, freedom, and independence of his friend. Additionally, you don't know who is considered more important in Heaven [see *Pesachim* 50a].

### **Story About R' Elchanan Wasserman and the Chazon Ish**

I saw in *Teshuvot ve'Hanhagot* [1:540] and also heard that once the Chazon Ish zt"l and R' Elchanan Wasserman zt"l were attending the wedding of a great *talmid chacham*. R' Elchanan urged the Chazon Ish to say a *derasha*, but the *Chazon Ish* refused. R' Elchanan did not stop urging until he said, "Assure me that there is no transgression here of 'You shall not subjugate.'" The Chazon Ish responded that he wasn't sure that there wasn't. R' Elchanan trembled and asked the Chazon Ish for forgiveness.



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### Custom of the Steipler zt"l

R' Chaim Kanievsky *shlita*, in the *sefer Binat HaMidot* [heading: "Do not subjugate"], writes that his father the Steipler zt"l did not write letters requesting financial assistance to specific individuals, because he feared that there would be a transgression of "Do not subjugate." He was only willing to write general letters of request, not aimed at specific individuals.

### Returning *Sefarim* to the Shelf

R' Nachum Meir Karelitz zt"l hung a notice in the Kollel Chazon Ish that anyone who does not return a *sefer* to its place violates the abovementioned transgression. For he is subjugating the one whose responsibility it is to arrange the *sefarim*. This is what the Rabbeinu Yonah writes in *Shaarei Teshuvah* that when one asks someone to do something, and he does it unwillingly, he transgresses this prohibition.

### Words of Mussar

From all of the above, we have learned how everyone - parents, children, a husband and wife, employer, Rabbi, and *gabai* etc., must think about each request they make and each action they perform. He must consider whether he is violating the transgression of "You shall not subjugate," lest the individual perform the action against his will. How great was the caution of the *gedolei Yisrael* not to slight the honor and status of each individual. The more we are sensitive about this, the more we will increase love, unity, and peace in *Am Yisrael* and merit the Redeemer speedily in our days. Amen.

Shabbat Shalom,  
Rav Mordechai Malka