



BASED ON THE WORDS OF
THE OHR HACHAYIM HAKADOSH

Haggling Over Hagar

Sarai said to Avram, "See, now, Hashem has prevented me from giving birth. Please consort with my maidservant..." And Avram listened to Sarai. Sarai, Avram's wife, took Hagar the Egyptian, her maid... and she gave her to Avram, her husband, as a wife...

When [Hagar] saw that she had conceived, her mistress was diminished in her eyes. Sarai said to Avram, "I have a grievance against you! Here I placed my maid into your bosom, she saw that she conceived, and I was belittled in her eyes; Hashem should judge between me and you!"

Avram said to Sarai, "Behold, your maid is in your hand. Do with her as you see fit..." (16:2-6)

WHAT TYPE OF HUMDRUM CONVERSATION is the Torah making us privy to?

This is obviously not merely a mundane marital spat between an older couple. But what right did Sarai have to turn her ire on Avram? The whole purpose of her giving Hagar to Avram, in the first place, was in order for Hagar to conceive! And yet, when reality went according to plan—with one minor hiccup—Sarai poured her wrath upon Avram! Was he to blame for the fact that she had lost control over her maid? He

had followed Sarai's orders!

And Avram's response to Sarai seems to connote that he accepted her message, took responsibility for the situation, and attempted to fix it. But what was Sarai accusing him of, that he accepted her rebuke?

The Ohr haChayim Hakadosh gives a very creative answer. But first, an introduction by way of a detour:

Rav Ashi said in the name of Rabbi, "A slave who marries a free woman in his master's presence [with no protest from the master] goes free." ...This is [only] true if the master married the slave off. (Talmud, Gittin 39b)

The commentaries explain that we assume this slave's master freed him before the nuptials, because it's unthinkable for a master to set up a situation where the girl would commit the sin of marrying an *eved C'na'ani*, a non-Jewish slave.*

Furthermore,

One who consorts with a maidservant sets her free—assuming that he lived with her for the sake of matrimony. If it wasn't for the sake of matrimony, then she does not go free. (Mahari"k, Y.D., Laws of Slaves 267)

(Note that the Mahari"k here follows the opinion of Ramban, Nachmanides.

* There shall not be a promiscuous woman among the daughters of Israel, nor shall there be a promiscuous man among the sons of Israel. (D'varim 23:18)

The Rif disagrees with Ramban, and holds that if someone consorted with a maidservant, for any reason whatsoever, the maidservant goes free—we assume that the man did not deliberately sin, and that he must have intended to set her free.)

There's one more point that we need to clarify, before we attempt to untangle the story in this week's Torah portion: Who owned Hagar? On one hand, the Torah clearly seems to indicate that Sarai owned her. On the other hand, if that were true, then what would be the point of giving her to Avram to bear Avram's child? After all, Avram would have no *halachic* connection to that child—since Sarai owned Hagar, she would also own her offspring!

Midrash Rabbah (45:1) settles the matter: Hagar was, in a sense, like property that Sarai had brought into her marriage. Avram was responsible to take care of this maidservant, and in return he was entitled to whatever she produced—but ultimately Sarai owned her. This would be akin to a landlord and a tenant. The tenant pays rent; in return, he can do whatever he wants with the property and profit from it—but at the end of the day, he cannot sell it (or declare it ownerless), for he does not actually own it.

Now we are ready for the Ohr haChayim's interpretation:

Sarai suddenly found herself in an awkward position, where her own maidservant was treating her almost as an equal, and she was confounded. How could this be? It didn't make sense that

— CONTINUES ON NEXT PAGE —>

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At the Kollel

Every Day

👤👤 **“Dirshu” Gemara Shiur**

(Maseches Sota)

Rabbi Yitzchok Preis.....

Sunday 7:15–8:15 AM

Monday–Friday 5:50–6:45 AM

👤👤 **Kollel Yisgaber K’ari**

(amud-a-day of Mishnah B’rurah)

Rabbi Chaim Heinemann.....

Monday–Friday 6:55–7:20 AM

👤👤 **Kitzur Shuchan Aruch**

Live video conference!

Rabbi Dani Schon.....

Monday–Friday 12:05–12:20 PM

👤 **Daf Yomi**

Rabbi Meir Minster.....

Sunday–Thursday 8–8:45 PM

Shabbos (at CZE) 1:00 pre-mincha

👤👤 **Nightly Halacha Chabura**

Rabbi Dani Schon

& Binyamin Teitelbaum.....

Monday–Thursday 9–9:45 PM

Chavrusa Learning

(private & small groups).....times vary

Sunday *Free brunch!*

👤👤 **America Runs on Torah**

(Jewish Law & Parasha)

Rabbi Dani Schon

and Yisroel Kaufman.....10 AM

Grand Deluxe breakfast served

Tuesday

👤 **Mishnah**

Rabbi Yitzchok Preis.....8:10–9 PM

👤👤 **Partners in Torah at the Mayerson JCC**

Rabbi Binyamin Teitelbaum.....8 PM

👤👤 **Around the Table**

(Parasha & Pirkei Avos)

Rabbi Chaim Heinemann.....9 PM

Wednesday

👤👤 **Torah Treasures for**

Seniors at the Mayerson JCC

Rabbi Yitzchok Preis.....10:30–11:15 AM

👤👤 **Downtown Lunch-n-Learn at Strauss & Troy**

Rabbi Yitzchok Preis.....12–1 PM

Thursday

👤👤 **Halacha** (based on the parasha)

Rabbi Chaim Heinemann.....9:10–10 PM

Homemade refreshments served.

Minyanim for Daylight Time

Shacharis

Sunday.....8:15 AM

Monday–Friday.....7:20 AM

Shabbos.....N/A

Mincha

Sunday.....7:45 PM

Monday–Thursday.....5:45 PM

Shabbos.....6:15 PM

Ma’ariv

Sunday–Wednesday.....9:45 PM

Thursday.....10 PM

Shabbos.....N/A

KEY: 👤👤 Beginners

👤 Intermediate

👤 Advanced

👤👤 for men and women

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Haggling Over Hagar CONT'D

Hagar would consider herself to be a free woman... unless Avram had consorted with her for the sake of matrimony (or, according to the Rif, even without expressing such intent)! But who was Avram to make that decision? After all, Hagar was Sarai’s maidservant!

So Sarai had a claim against Avram: “Who said that you could live with her as you would a wife? She is *my* maidservant, and I merely ‘rented her out’ to you, so to speak, so that you would benefit from the ‘yield,’ so to speak, of her labors, i.e. a child. Even if Hagar assumes that she had been freed, because you lived with her for the sake of matrimony, she is sorely mistaken, because I, her mistress, never approved of that union as one leading to matrimony.

“Furthermore, if you want to argue that Hagar should be considered free because I, her mistress, gave her over to a free man, that is not a valid claim either! For the assumption of her freedom in that situation would be because a master would rather free a slave than allow someone to sin by consorting promiscuously. However, that would not work in this instance—I clearly stated that Hagar would remain my maidservant even after I ‘gave’ her to you, and she was yours only for the sake of procreation.”

Avram, upon hearing Sarai’s claim, agreed that she was correct, and that he should never have given Hagar the impression that after their cohabitation she was free. So he said to Sarai, “She is, indeed, still your maidservant.”

Even after Hagar ran away from Sarai, this question of who really owned Hagar—Sarai or Hagar—still remained in Hagar’s mind, and it was only fully resolved once the angel told Hagar (16:9), “Return to your mistress, and let yourself be subjugated under her.” 🗑️

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