

Halachic Contracts Vs. Involuntary Servitude

Rav Shmuel Binyomin Honigwachs

Question: An individual I am acquainted with needed a job, while I was in search of a chauffeur. I offered to hire him as my driver, but I had some stipulations. I said that I would need him to sign an agreement that he would be available for the next 10 years, every weekday at \$7.50 an hour. He signed the *shtar* with an Agreement Validation. Is this *shtar* valid?

Answer: There is a halacha that a worker is permitted to back out in the middle of the day. This is because the verse teaches us that we are only allowed to be slaves to Hashem, and not to human beings. If the worker would be forced to work even if he wanted to quit, it would be similar to slavery; therefore, he must be allowed to quit if he so desires.

There is a *machlokes haposkim* if a worker is allowed to back out of a job even after he signed a contract, made a *kinyan* or was paid for the job in advance. Some Poskim say that once he does one of those actions, he loses his right to quit, while others disagree.

If the contract has an Agreement Validation with *Kabalas Daas Yachid* - a clause that states that the two parties agree to follow whichever Posek is most constructive in fulfilling the intent of the agreement - it would seem that they would be bound to the ruling of the Poskim who say that the worker cannot back out of such an arrangement.

However, there is an opinion in the Poskim that *Kabalas Daas Yachid* only helps to accomplish something that is possible halachically according to all Poskim. Since it is impossible according to many of Poskim to force someone to work for you for an extended period of time, if you would force your driver to sign a long contract obligating himself to work for you for a specific amount of years at a very low rate, these Poskim would be of the opinion that he is not bound to the contract. Therefore, he would be able to say "*kim li*" that he sides with these Poskim, and you would not be able to force him to continue working for you.