

פסח 5764 Pesach

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Introduction

1. משנה, מסכת פסחים פרק י, ה

[...] בכל דור ודור חייב אדם לראות את עצמו כאלו הוא יצא ממצרים, שנאמר: והגדת לבנך ביום ההוא לאמר: בעבור זה עשה יהוה לי בצאתי ממצרים. לפיכך אנחנו חייבין להודות להלל לשבח לפאר לרומם להדר לברך לעלה ולקלס למי שעשה לאבותינו ולנו את כל הנסים האלו. הוציאנו מעבדות לחירות מיגון לשמחה מאבל ליום טוב ומאפלה לאור גדול ומשעבוד לגאולה ונאמר לפניו שירה חדשה: הללויה.

1. Mishnah, Pesachim, 10:5

[...] In every generation each person should regard himself as though he personally had been freed from Egypt, as it is said: "You shall tell your children on that day, saying 'It is because of what Adonai did for me when I went free out of Mitrazyim'" (Exodus 13:8). Therefore, we must revere, exalt, extol, acclaim, adore and glorify God who performed all these miracles for our ancestors and for us. He took us from slavery to freedom, from despair to joy, from mourning to celebration, from darkness to great light, and from enslavement to redemption, and we sing before him a new song: Halleluyah.

Memory and Obligation: Treatment of the Other

2. שמות פרק כב, כ

כ נגר ל'א-תונה, ולא תלחצנו: כי-גרים הייתם, בארץ מצרים.

2. Exodus 22:20

²⁰You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt.

3. שמות פרק כג, ט

ט נגר, ל'א תלחץ; ואתם, ידעתם את-נפש הגר--כי-גרים הייתם, בארץ מצרים.

3. Exodus 23:9

⁹You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt.

4. ויקרא פרק יט, לג- לד

לג וכי-יגור אִתְּךָ גֵר, בְּאַרְצְכֶם--לֹא תוֹנוּ, אֲתוֹ. לֹד בְּאַזְרַח מִכֶּם יִהְיֶה לְכֶם הַגֵּר הַגֵּר אִתְּכֶם, וְאַהֲבַתְּ לוֹ כְּמוֹךָ--כִּי-גֵרִים הָיִיתֶם, בְּאַרְץ מִצְרַיִם: אֲנִי, יְהוָה אֱלֹהֵיכֶם.

4. Leviticus 19:33-34

³³When a stranger resides with you in your land, you shall not wrong him. ³⁴The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I the LORD am your God.

5. דברים פרק ה, יב- טו

יב שְׁמֹר אֶת-יוֹם הַשַּׁבָּת, לְקַדְּשׁוֹ, כַּאֲשֶׁר צִוְּךָ, יְהוָה אֱלֹהֶיךָ. יג שֵׁשֶׁת יָמִים תַּעֲבֹד, וְעָשִׂיתָ כָּל-מְלֹאכְתֶךָ. יד וַיּוֹם, הַשְּׁבִיעִי--שַׁבָּת, לַיהוָה אֱלֹהֶיךָ: לֹא תַעֲשֶׂה כָל-מְלֹאכָה אַתָּה וּבִנְךָ-וּבִתְּךָ וְעַבְדְּךָ-וְאַמְתֶּךָ וְשׂוֹרְךָ וְחֹמֶרְךָ וְכָל-בְּהֵמָתְךָ, וְגֵרְךָ אֲשֶׁר בְּשַׁעְרֵיךָ--לְמַעַן יָנוּחַ עַבְדְּךָ וְאַמְתֶּךָ, כְּמוֹךָ. טו וְזָכַרְתָּ, כִּי עֶבֶד הָיִיתָ בְּאַרְץ מִצְרַיִם, וַיִּצָּאֲךָ יְהוָה אֱלֹהֶיךָ מִמִּצְרַיִם, בְּיַד חֲזָקָה וּבְיָרֵעַ נְטוּיָה; עַל-כֵּן, צִוְּךָ יְהוָה אֱלֹהֶיךָ, לַעֲשׂוֹת, אֶת-יוֹם הַשַּׁבָּת. {ס}

5. Deuteronomy 5:12-15

¹²Observe the sabbath day and keep it holy, as the LORD your God has commanded you. ¹³Six days you shall labor and do all your work, ¹⁴but the seventh day is a sabbath of the LORD your God; you shall not do any work – you, your son or your daughter, your male or female slave, your ox or your ass, or any of your cattle, or the stranger in your settlements, so that your male and female slave may rest as you do. ¹⁵Remember that you were a slave in the land of Egypt and the LORD your God freed you from there with a mighty hand and an outstretched arm; therefore the LORD your God has commanded you to observe the sabbath day.

6. דברים פרק טו, יב- טו

יב כִּי-יִמְכַר לְךָ אֲחִיךָ הָעֵבֶרִי, אוֹ הָעֵבֶרִיָּה--וְעַבְדְּךָ, שֵׁשׁ שָׁנִים; וּבִשְׁנָה, הַשְּׁבִיעִית, תִּשְׁלַחְנוּ חֲפָשִׁי, מֵעִמְךָ. יג וכי-תִשְׁלַחְנוּ חֲפָשִׁי, מֵעִמְךָ--לֹא תִשְׁלַחְנוּ, רֵיקָם. יד הַעֲנִיק תַּעֲנִיק, לוֹ, מִצֹּאֲנֶךָ, וּמִגֵּרְךָ וּמִיִּקְבְּךָ: אֲשֶׁר בְּרַכְךָ יְהוָה אֱלֹהֶיךָ, תַּתֵּן-לוֹ. טו וְזָכַרְתָּ, כִּי עֶבֶד הָיִיתָ בְּאַרְץ מִצְרַיִם, וַיִּפְדְּךָ, יְהוָה אֱלֹהֶיךָ; עַל-כֵּן אֲנִי כִי מְצִוְּךָ, אֶת-הַדְּבָר הַזֶּה--הַיּוֹם.

6. Deuteronomy 15:12-15

¹²If a fellow Hebrew, man or woman, is sold to you, he shall serve you six years, and in the seventh year you shall let him free. ¹³When you set him free, do not let him go empty-handed: ¹⁴Furnish him out of the flock, threshing floor, and vat, with which the LORD your God has blessed you. ¹⁵Bear in mind that you were slaves in the land of Egypt and the LORD your God redeemed you; therefore I enjoin this commandment upon you today.

7. דברים פרק כד, יז- כב

יז לֹא תִטֶּה, מִשְׁפֵּט גֵר יְתוֹם; וְלֹא תִחַבֵּל, בְּגֹד אֱלֻמָּנָה. יח וְזָכַרְתָּ, פִּי עֶבֶד הָיִיתָ בְּמִצְרַיִם, וַיִּפְדֶּךָ יְהוָה אֱלֹהֶיךָ, מִשָּׁם; עַל-כֵּן אֵגִיד כִּי מִצְוֶיךָ, לַעֲשׂוֹת, אֶת-הַדְּבָר, הַזֶּה. {ס}

יט פִּי תִקְצֹר קִצְיֶיךָ בְּשֹׁדֶךָ וְשִׁכַחְתָּ עֹמֵר בְּשֹׁדֶה, לֹא תָשׁוּב לְקַחְתּוֹ--לִגֵּר לַיְתוֹם וְלֵאלְמָנָה, יְהִיָּה; לְמַעַן יִבְרַכְךָ יְהוָה אֱלֹהֶיךָ, בְּכֹל מַעֲשֵׂה יְדֶיךָ. {ס}

כ פִּי תִחַבֵּט זֵיתֶךָ, לֹא תִפְאַר אַחֲרֶיךָ: לִגֵּר לַיְתוֹם וְלֵאלְמָנָה, יְהִיָּה. כא פִּי תִבְצֹר פְּרִמְךָ, לֹא תַעֲזוֹל אַחֲרֶיךָ: לִגֵּר לַיְתוֹם וְלֵאלְמָנָה, יְהִיָּה. כב וְזָכַרְתָּ, פִּי-עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם; עַל-כֵּן אֵגִיד כִּי מִצְוֶיךָ, לַעֲשׂוֹת, אֶת-הַדְּבָר, הַזֶּה. {ס}

7. Deuteronomy 24:17-22

¹⁷You shall not subvert the rights of the stranger or the fatherless; you shall not take a widow's garment in pawn. ¹⁸Remember that you were a slave in Egypt and that the LORD your God redeemed you from there; therefore do I enjoin you to observe this commandment.

¹⁹When you reap the harvest in your field and overlook a sheaf in the field, do not turn back to get it; it shall go to the stranger, the fatherless, and the widow - in order that the LORD your God may bless you in all your undertakings.

²⁰When you beat down the fruit of your olive trees, do not go over them again; that shall go to the stranger, the fatherless, and the widow. ²¹When you gather the grapes of your vineyard, do not pick it over again; that shall go to the stranger, the fatherless, and the widow. ²²Always remember that you were a slave in the land of Egypt; therefore do I enjoin you to observe this commandment.

When a Slave Seeks Refuge

8. דברים טז- יז

טז לֹא-תִסְגִּיר עֶבֶד, אֶל-אֲדֹנָיו, אֲשֶׁר-יִנְצֵל אֵלֶיךָ, מֵעַם אֲדֹנָיו. יז עִמָּךְ יֵשֵׁב בְּקִרְבְּךָ, בְּמָקוֹם אֲשֶׁר-יִבְחַר בְּאֶחָד שְׁעָרֶיךָ--בְּטוֹב לוֹ; לֹא, תוֹנֶנּוּ. {ס}

8. Deuteronomy 23:16-17

¹⁶You shall not turn over to his master a slave who seeks refuge with you from his master. ¹⁷He shall live with you in any place he may choose among the settlements in your midst, wherever he pleases; you must not ill-treat him.

9. Rashi

כ"ט"י -

16. Thou shalt not deliver a bondman . 16 לֹא־תִסְגֵּיר עֶבֶד .

(Understand this) as the Targum renders it (viz., עֶבֶד עַמֵּי הַגּוֹיִם "the servant of the heathens").

Another interpretation: Even the Canaanite bondman of an Israelite

that fled from outside the land (of Israel) to the land of Israel (Git. 45).

כְּתַרְגוּמוֹ .

ד"א אֶפִּילוּ עֶבֶד

כְּנֻעֵי שֶׁל יִשְׂרָאֵל

שֶׁבָּרַח מִחוּצָה לְאֶרֶץ

לְאֶרֶץ יִשְׂרָאֵל

(גִּיטין מ"ה):

10. JPS Torah Commentary

"Wherever slavery existed, there were slaves who escaped from their masters. Ancient Near Eastern law forbade harboring runaway slaves, and international treaties required allied states to extradite them. The present law, in contrast, permits escaped slaves to settle wherever they wish in the land of Israel and forbids returning them to their masters or enslaving them in Israel.

Virtually all commentators hold that this law refers to slaves who flee from foreign countries to Israel. [...] What the law bans, then, is returning escaped slaves to other nations - the precise opposite of the provisions of ancient Near Eastern treaties mentioned above. The only thing remotely close to this biblical law in the ancient world is the practice at certain temples of granting asylum to slaves fleeing harsh treatment by their masters. Generally, such asylum was not permanent; it protected the slave until he could come to terms with his master or, as a last resort, was sold to another master. By contrast, the biblical law is absolute and treats the whole land of Israel as a sanctuary offering permanent asylum [...]"

"If this law really is limited to slaves from abroad, the absence of a comparable law dealing with Israelite slaves is remarkable. There certainly were runaway Israelite slaves. While some Israelites entered bondage voluntarily, to escape poverty, and might not be inclined to run away (15:16 expects some to decline freedom), some were enslaved involuntarily for debt or theft (see introductory Comment to 15:12-18), and even some who entered voluntarily must have been ill treated and fled. We can only speculate on whether there was a comparable rule for Israelite slaves, or whether the six-year limit on bondage and the provisions for freeing slaves injured by their masters (see introductory Comment to 15:12-18) were regarded as sufficient protection."

Pidyon Shevuyim: The Redeeming of Captives

11. Talmud Bavli, Baba Batra 3b

Rabina asked R. Ashi: Suppose money for a synagogue has been collected and is ready for use, is there still a risk? – He replied: They may be called upon to redeem captives and use it for that purpose. [Rabina asked further] : Suppose the bricks are already piled up and the lathes trimmed and the beams ready, what are we to say? – He replied: It can happen that money is suddenly required for the redemption of captives, and they may sell the material for that purpose. If they could do that, [he said], they could do the same even if they had already built the synagogue? – He answered: People do not sell their dwelling-places.

12. Talmud Bavli, Baba Batra 8a-8b

Raba asked Rabbah b. Mari: Whence is derived the maxim of the Rabbis that the redemption of captives is a religious duty of great importance? – He replied: From the verse, *And it shall come to pass when they say unto thee, Whither shall we go forth, then thou shalt tell them, Thus saith the Lord, Such as are for death, to death, and such as are for the sword, to the sword, and such as are for famine, to the famine, and such as are for captivity, to captivity* and [commenting on this] R. Johanan said: Each punishment mentioned in this verse is more severe than the one before. The sword is worse than death; this I can demonstrate either from Scripture, or, if you prefer, from observation. The proof from observation is that the sword deforms but death does not deform; the proof from Scripture is in the verse, *Precious in the eyes of the Lord is the death of his saints*. Famine again is harder than the sword; this again can be demonstrated either by observation, the proof being that the one causes [prolonged] suffering but the other not, or, if you prefer, from the Scripture, from the verse, *They that be slain with the sword are better than they that be slain with hunger*. Captivity is harder than all, because it includes the sufferings of all.

13. משנה תורה - ספר זרעים - הלכות מתנות עניים פרק ה, י - יא

ח,י פדיון שבויים, קודם לפרנסת עניים ולכסותן; ואין לך מצוה רבה כמו פדיון שבויים: שהשבוי הרי הוא בכלל הרעבים והצמאים, ובכלל הערומים; ועומד בסכנת נפשות. והמעלים עיניו מפדיונו--הרי זה עובר על "לא תאמץ את לבבך, ולא תקפוץ את ידך" (דברים טו, ז), ועל "לא תעמוד על דם ריעך" (ויקרא יט, טז), ועל "לא ירדנו בפרך, לעיניך" (ויקרא כה, ג); וביטל מצות "פתוח תפתח את ידך" (דברים טו, ח; דברים טו, יא), ומצות "וחי אחיך, עימך" (ויקרא כה, לו), "ואהבת לריעך כמוך" (ויקרא יט, יח), ו"הצל, לקוחים למוות" (משלי כד, יא), והרבה דברים כאלו. ואין לך מצוה רבה כפדיון שבויים.

ח,יא אנשי העיר שגבו מעות לבניין בית הכנסת, ובא להן דבר מצוה--מוציאין בו את המעות. קנו אבנים וקורות--לא ימכרו אותן לדבר מצוה, אלא לפדיון שבויים; אף על פי שהביא את הלבנים, וגדרו את האבנים, ופצלו את הקורות, והתקינו הכול לבניין--מוכרין הכול לפדיון שבויים בלבד. אבל אם בנו וגמרו--לא ימכרו את בית הכנסת, אלא יגבו לפדיון מן הציבור.

13. Maimonides, Mishneh Torah, Book of Seeds, Laws of Gifts to the Poor, 8:10-11

10. The ransoming of captives has precedence over the feeding and clothing of the poor. Indeed there is no religious duty more meritorious than the ransoming of captives, for not only is the captive included in the generality of the hungry, the thirsty, and the naked, but his very life is in jeopardy. He who turns his eyes away from ransoming him, transgresses the commandments *Thou shalt not harden thy heart, nor shut thy hand* (Deut. 15:7), *Neither shalt thou stand idly by the blood of thy neighbor* (Lev. 19:16), and *He shall not rule with rigor over him in thy sights* (Lev. 25:53). Moreover, he nullifies the commandments *Thou shalt surely open thy hand unto him* (Deut. 15:8), *That thy brother may live with thee* (Lev. 25:36), *Thou shalt love thy neighbor as thyself* (Lev. 19:18), *Deliver them that are drawn unto death* (Prov. 24:11), and many other admonitions like these. To sum up, there is no religious duty greater than the ransoming of captives.

11. If the people of the city, having collected money for the building of a synagogue, find themselves confronted with a matter of religious duty, they must divert the money to the latter. If they had already bought stones and beams, they may not sell them in order to fulfill the religious duty, unless it be the ransoming of captives. Even if they have already brought in the stones and set them up and the beams and planed them, and thus made everything ready for construction, they must nevertheless sell everything, but only if for the ransoming of captives. If, however, they have already completed the erection of the building, they may not sell the synagogue, but should rather make a new collection from the community for the redemption of those captives.