YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Sichot of the Roshei Yeshiva**

**Parashat BO**

**Sicha of HarAV Yaakov Medan**

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In memory of Irit bat Yitele *z”l*
whose *yahrzeit* is 6 Shevat,
by Family Rueff

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Dedicated in memory of Miriam Heller *z"l*
whose *yahrzeit* falls on the seventh of Shevat,
by her niece, Vivian Singer.

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**Why Was It Necessary for Pharaoh to Send the People of Israel Away Willingly?**

Translated by David Strauss

### I. a Cycle of Permission and Retraction

On another occasion, I suggested that God's hardening of Pharaoh's heart in *Parashat Va’era*, which led to Pharaoh's continued refusal to set Israel free, stemmed from Moshe's "concessions" to Pharaoh after each plague and from Moshe's readiness to remove the plagues from Egypt as advance payment for Pharaoh's false promises. Pharaoh accustomed himself to making promises and not keeping them, the plagues were renewed time after time with ever-greater force, and Egypt and Israel learned about the mighty hand of God.

This argument assumes that the desire to harden Pharaoh's heart suffices to explain the astonishing behavior of God and of his messengers Moshe and Aharon, who were "persuaded" by Pharaoh's promises. Let us now consider another reason why God refrained from pressuring Pharaoh by way of the plagues to the point of surrender, repeatedly accepting Pharaoh's promises to set Israel free and removing each plague from him at his request.

### II. Acceptance of Enslavement

It seems that Israel's bondage came about in stages, rather than all at once – as implied as well by the approach of the Ramban:

"Come, let us deal wisely with him"… Pharaoh said he would do it wisely so that the Israelites would not feel that it was done in enmity against them. It is for this reason that he placed a levy upon them, as it was customary that strangers in a country contribute a levy to the king, as is mentioned in the case of King Shlomo. Afterwards, he secretly commanded the midwives to kill the male children upon the birthing stool. Following that, he charged all his people: "Every son that is born, you shall cast into the river." Essentially, Pharaoh did not want to charge his executioners to slay them by the decree of the king or to cast them into the river. Rather, he said to the people that whoever would find a Jewish child should throw him into the river. Should the child’s father complain to the king or to the master of the city, they would tell him to bring witnesses and then they will exact vengeance [for the crime]. Once the king’s restriction was removed, the Egyptians would search the houses, entering them at night, and indifferent [to the cries of the parents], would remove the children therefrom. (Ramban, commentary to *Shemot* 1:10)

The Ramban’s intent is to explain the process of enslavement on the side of the Egyptians: to understand how they adjusted to the shift in relations with the people of Israel and became accustomed to treating them with cruelty. We will explore the same process from the perspective of the people of Israel.

The Israelites did not immediately sense the depth of the trap into which they had fallen. Their subjugation began with a labor tax, and when they became accustomed to that, additional decrees were issued. In the early stages, the Israelites still had the alternative of leaving the land of Egypt and its decrees; however, they had already adjusted to life in Egypt and lacked the courage to return to the land of their ancestors, and therefore swallowed decree after decree. Bondage in Egypt seemed preferable to emigration to an unknown land – as is proven from their later desire to return to Egypt whenever a difficulty arose in the wilderness.

As difficult as it may be to admit, it follows therefore that the bondage was lawful. By virtue of the principle of *dina de-malkhuta dina* ("the law of the country is binding"), it was the king's right to turn the people who were dependent upon him, and who preferred him to any other alternative, into a nation of slaves.

The same point follows from the words of Rabbeinu Nissim, the great halakhic authority of the fourteenth century:

The *Tosafot* write that the principle of *dina de-malkhuta dina* applies only to a gentile king, because the country belongs to him and he can say to them: If you do not observe my commandments, I will expel you from the land. (Ran, commentary to *Nedarim* 28a)

This point, however, must be qualified with two points: a) The killing of Jewish children, and similar atrocities, undoubtedly constituted a war crime and cannot in any way be called a "law." The above applies only to turning them into slaves. b) If the enslavement of Israel was "legal," that does not mean it was moral or humane. A law can be cruel and inhumane, but nevertheless it is a law. If the people of Israel accepted upon themselves the yoke of the kingdom of Egypt, then Pharaoh could reign over them with a mighty hand and with wrath.

God is subject neither to Egyptian law nor to international law when He comes to bring His people out of the land. Nevertheless, there seems to have been an advantage in taking Israel out of Egypt in accordance with the rules of law and justice that were practiced in the ancient world. International recognition would have been an important asset for the people of Israel, who were trying to take their place in the region and integrate into it as the people of God, rather than as slaves who fled from their legal masters by way of force. Moshe therefore demanded of Egyptian consent to the freeing of their slaves, consent that meant an official deed of manumission from the master – a deed that turns a slave into a free man in the eyes of all.

### III. Free Will of the Unwilling

What is Egyptian consent? When Pharaoh announces the liberation of Israel at a time when frogs or wild animals are chasing after him, he is not expressing true consent. He is acting under coercion, and he can rightfully withdraw his consent as soon as the coercion is cancelled. God removes the plague from Pharaoh, and only after he recovers from the plague can Pharaoh grant legally valid consent to his liberation of the Israelite slaves. His consent will be valid even if he does not grant it of his own good will, but out of recognition that God is stronger than he is and can embitter his life and the lives of his people intensely, and that it would be worthwhile to release Israel and avoid confrontation with God. But at the moment that he agrees to the liberation, he must be in a state that allows him to exercise his judgment, not in a state where he is being smitten by a plague that distorts his judgment.

The legal definition of free will versus coercion is difficult but can perhaps be clarified with the help of an example from the field of Halakha, one that deals with a problem that is, unfortunately, all too common. It is important to state that what I wish to argue is not found in the works of the *Poskim.* Therefore, it remains strictly theoretical and is not to be applied in practice under any circumstances. May the truth show us its path.

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According to Halakha, a divorce is valid only if the husband divorces his wife of his own free will (*Yevamot* 14a). Our Sages were well aware of the problem of women who should be released from their husbands due to the poor relationship between them (but not in every situation!), and concerning such cases they enacted a mechanism by way of which a court can force a husband to divorce his wife. The combination of judicial coercion and the free will of the husband is defined by the phrase: "They beat him until he says: I consent."

The reader may ask: Are coercion and consent compatible? The Rambam (*Hilkhot Geirushin* 2:20) deals with this problem in his way:

When a man whom the law requires to be compelled to divorce his wife does not desire to divorce her, a Jewish court should have him beaten until he consents, at which time they should have a bill of divorce written. The bill of divorce is valid. This applies at all times and in all places… With regard to this person who [outwardly] refuses to divorce [his wife] - he wants to be part of the Jewish people, and he wants to perform all the *mitzvot* and eschew all the transgressions; it is only his evil inclination that presses him. Therefore, when he is beaten until his [evil] inclination has been weakened, and he consents [to the divorce], he is considered to have performed the divorce willfully.

According to the Rambam (and most authorities followed in his footsteps), even someone who does not want to divorce his wife has an inner and primary desire, as part of the people of Israel, to behave properly and in accordance with Halakha, and it is this desire that is legally valid. His secondary and external desire is to defy Halakha and not divorce his wife. The beatings neutralize this secondary desire, and the divorce that he grants because of these beatings is considered as one granted of his own free will.

We might well question this explanation: It is certainly important within the framework of the uniqueness of Israel, love of Israel, and judging favorably, to assume that every Jew truly desires to belong to the people of Israel and do what is good, while his desire to defy the court is nothing but an external expression of the evil inclination and not his true will. But are these legal assumptions that are valid for transferring property and allowing a married woman to remarry?

To the best of my understanding, if the husband gives the divorce *while* he is being beaten, it would indeed be considered a coerced and invalid divorce. Therefore, the court administers the beatings as required, but then gives the husband a rest, allowing him to regain his composure and consider his next steps. If he persists in his refusal, he will undergo a second series of beatings, and the process is repeated. If he decides to accede to the court's request, and says: "I consent," the divorce will be considered as having been granted of his own free will and not through coercion, since it was given at a time of calm that allowed him to exercise his judgment – even though his desire was not to divorce his wife, but to be freed from the beatings. After all, anyone who divorces his wife does so to free himself of troubles; what difference should it make if the trouble comes from his wife or from the court? Once again, I wish to emphasize that these remarks are purely theoretical, with no practical application.

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Let us return to our topic. God compels Pharaoh to send Israel away, until he says: I consent. He allows him to regain his composure after each plague, to exercise his judgment and decide whether to believe of his own free will that God has the power to overcome him, and that he should free Israel and put an end to the Egyptians’ suffering. This decision must come at a time of calm from the plague, so that he can exercise his judgment and free will. As I see it, even after the plague of the firstborns, Pharaoh acted with clear judgment and not out of hysteria, for the firstborns had already died. He understood well that the plagues had begun to target human beings, and he decided to let Israel go before the next plague would strike.

**IV. God’s Will and Pharaoh’s Will**

After the plague of the firstborns and Israel’s departure from his land, Pharaoh and his advisors regret their consent and pursue the people of Israel to the Yam Suf. This remorse is too late, however, and at this point the people of Israel no longer need Egyptian good will for liberation. The war between Pharaoh and the God of Israel takes place at the Yam Suf, and God overcomes Pharaoh with His strong hand. Here it is clear that it is not the good will of Pharaoh that is the reason for the release of Israel, but the power of God, the God of Israel. This point was nicely made by my revered teacher, Rabbi Yoel Bin-Nun,[[1]](#footnote-1) in an article in which he compares Pharaoh's consent to send Israel away after the plague of the firstborns, to the Balfour Declaration in our generation and the permission we received from the nations of the world to establish our national home. He also compares the regret of Pharaoh and his advisors to the decrees of the White Paper, which emptied the Balfour Declaration of meaning. Similarly, the expulsion of the British and the War of Independence are compared to God's war at the Sea of Suf; in both wars, we achieved independence through the mighty hand of God and His outstretched arm.

**V. The Egyptians’ Will**

On another point: Israel's borrowing of the gold and silver jewelry and the garments of the Egyptians on the eve of their exodus from Egypt (*Shemot* 12:36) has provoked considerable criticism.

The plain meaning of the verses, as understood by the Rashbam, ad loc., is that the term "*she'eila*" in Biblical Hebrew denotes a request, as in: "Water he asked [*sha'al*]; milk she gave him" (*Shoftim* 5:25), and the intention of the request was for a complete and absolute gift. Only in the language of *Chazal* did the term "*she'eila*" take on the meaning of using an item for a limited period of time, at the end of which it would be returned to its rightful owner. Later, at the time of the return to Zion in the wake of the declaration of Cyrus, the king of Persia would also say about those returning to the Land of Israel after he sent them from his land:

And whoever is left, in any place where he sojourns, let the men of his place help him with silver, and with gold, and with goods, and with beasts, beside the freewill-offering for the house of God which is in Jerusalem. (*Ezra* 1:4)

And yet, why was it so important to God that Israel ask for gifts from the Egyptians on the eve of their departure? It seems that the main intention of the gifts was that they should serve as testimony to the fact that the Egyptian master liberated his Israelite slaves of his own free will – not that the slaves ran away, or the like. The gifts of silver and gold jewelry and clothing served as a bill of manumission.

On the eve of departure, the giving of jewelry testified to the good will of the Egyptians to send away the people of Israel, provided that they never return to Egypt.

**VI. The Israelites’ Will**

We can say more on the matter from a different angle. Scripture uses two terms to describe Israel's liberation from Egypt: *shilu'ach* [sending away]and *geirush* [driving out]. The demand to "send [*shalach*]my people away, that they should serve Me" is mentioned at each of the plagues in which a warning was given. Immediately after the exodus from Egypt, it is stated: "It came to pass, when Pharaoh sent away [*be-shalach*] the people" (*Shemot* 13:17), and we see the same term in many other places.

Sometimes, however, we find the term "drive out":

And they baked unleavened cakes of the dough which they brought forth out of Egypt, for it was not leavened; because they were **driven out** [*goreshu*] from Egypt. (*Shemot* 12:39).

And sometimes both terms are used:

And the Lord said to Moshe: Now shall you see what I will do to Pharaoh; for by a strong hand shall he **send you away** [*yeshalcheim*], and by a strong hand shall he **drive them out** [*yegarsheim*] from his land. (*Shemot* 6:1)

And the Lord said to Moshe: Yet one plague more will I bring upon Pharaoh, and upon Egypt; afterwards he will **send you away** [*yeshalach*]from here; when he shall send you away, he shall surely **drive you out** [*gareish yegareish*] from here altogether. (*Shemot* 11:1)

*Shilu'ach* denotes liberation from slavery, whereas *geirush* implies transferring the people of Israel from the land of Egypt to a different place, regardless of any change in their status as slaves. This distinction explains the fact that Sara demanded that Yishmael be driven out (*Bereishit* 21:10), so that he not be in the same house with Yitzchak, while in fact Avraham sent Hagar and Yishmael away (ibid. v. 14), thus setting them free.

But there is another difference between sending away and driving out. “Sending away” is usually desired by the slave who is being sent, who is thus liberated. “Driving out” expresses an action that is forced upon the one who is being driven out, as is emphasized in connection with the baking of the *matzot*:

And they baked unleavened cakes of the dough which they brought forth out of Egypt, for it was not leavened; **because** **they** **were driven out** [*goreshu*] **of Egypt, and could not tarry**, neither had they prepared for themselves any victual. (*Shemot* 12:39)

The Israelites were forcibly removed from Egypt.

Presumably, many followed Moshe of their own free will and desire to break free from the shackles of Egyptian bondage. But to many others, the land of Egypt seemed a safer place than either the great wilderness or the unknown land promised to their ancestors. Many were willing to pay the price of their slavery, so as to not lose the stability and security that the land of Egypt offered them. But they too were forcibly expelled from Egypt. And who knows how many of the people of Israel would have left with Moshe for the Promised Land if they had done so only of their own choice and will?

1. "*Shevi'i shel Pesach ve-Yom Ha-atzma'ut*," in his book *Nes Kibbutz Galuyot* (Tel Aviv 5771, pp. 85-91). [↑](#footnote-ref-1)