

כי היכי דחזו אינשי ומרחמי –

In order that people will see and have mercy

OVERVIEW

The גמרא explains that the dispute between רשב"ג ורבנן whether the עבד can demand from his master (in a hunger year) או פרנסני או הוציאני להירות (רבנן), or not (רשב"ג), explains how this גמרא does not contradict another which seemingly indicates that רשב"ג ורבנן maintain the exact opposite.

הקשה הרב רבינו יצחק בן הרב רבינו מאיר דבפרק השולח (לקמן דף לז,ב) –

The ריב"ם asked that in פרק השולח –

גבי עבד שנשבה ופדאו ישראל אחר שמעינן להו איפכא –

Regarding a slave who was captured and another Jew redeemed him; we find that רשב"ג and the חכמים maintain there the opposite of what they maintain here –

דקא אמרי רבנן לא ישתעבד לא לרבו ראשון ולא לרבו שני –

For there the רבנן rule that this slave shall not be indentured not to the first master (who owned him originally [when he was taken captive]) and not to his second master (the ישראל who redeemed him). אב"י explains the ruling –

לרבו שני לא דהא לשם בן חורין פרקיה –

The second master shall not enslave him, because the second ישראל redeemed him to become a free man (and not to keep him as a slave) –

לרבו ראשון לא דלמא מימנעי ולא פרקי¹ –

The first master cannot enslave him, because perhaps people will be reluctant to redeem the slave from captivity if they know he will return to be a slave.

This is the view of the רבנן –

ורבן שמעון בן גמליאל סבר כשם שמצוה לפדות בני חורין כן מצוה לפדות את העבדים.

רב"ג maintains that just as it is a מצוה to redeem free men, so too is there a מצוה to redeem the slaves, therefore even if he remains a slave by רבו ראשון, this will not deter people from redeeming slaves.²

¹ This indicates that people are willing to redeem בני חורין, but not עבדים (not as the חכמים maintain here).

² Regarding פדיון (there) the רבנן maintain that people do not 'care' about slaves as much as they 'care' about free people, while רשב"ג maintains that people 'care' about slaves just as they care about free people. However here (regarding feeding) the רבנן maintain that people will be merciful for slaves just as they will be merciful for בני חורין, while רשב"ג maintains that they will not be as merciful to slaves as they are to בני חורין. The רבנן and רשב"ג both contradict themselves.

answers: תוספות

– ואומר רבינו יצחק דרבן שמעון בן גמליאל סבר דלענין פדיון פרקי ליה טפי –

And the ר"י answers that רשב"ג maintains that regarding פדיון, people will be more apt to redeem an עבד (than feed him) in order -

– **שלא יטמע בין העובדי כוכבים³**

That he should not become intermingled (assimilated) between the עכו"ם

– **ורבנן סברי דלענין מזונות מרחמי עליה טפי שלא ימות ברעב⁴**

While the רבנן maintain that regarding food, people will be more merciful on the עבד (than redeeming him), in order that he should not die from hunger -

וגם⁵ כל אחד יתן לו מעט לחם אבל בפדיון צריך הרבה ביחד:

And also (it is easier to feed him, because) each one needs to give the עבד only a little bread to sustain him, however regarding redeeming an עבד, much (money) is necessary at one time, which people may not have.

SUMMARY

On one hand it is more apt to save someone from assimilation than to worry about his sustenance (רשב"ג); on the other hand one is more concerned for dying from hunger than a possible assimilation, especially since feeding is less expensive than redeeming (רבנן).

THINKING IT OVER

It appears from תוספות that according to the רבנן, people will give for hunger quicker than for פדיון שבויים. However the גמרא in ב"ב ה, ב states that captivity is worse than the others (including hunger) for in captivity one suffers from hunger as well. How can we reconcile תוספות with that גמרא?⁶

³ The עבד כנעני is מחויב במצות like a woman. If he remains in captivity by the עכו"ם he may assimilate and stop observing the מצות. Here however there is no such concern; if he is hungry, the עבד will merely have to try harder to procure food.

⁴ People tend to be more merciful when it comes to someone dying from hunger, as opposed to a case where his spiritual nourishment may be taken from him.

⁵ This is a second reason why the רבנן maintain that one is more apt to feed the עבד (since it is inexpensive) than to redeem him (which is more expensive).

⁶ See אמ"ה # 71-73 and סוכ"ד אות כד