

בס"ד

Dina de-Malkhuta Dina

Shabbat Vayakhel-Pekudei 5777

Source Sheet by Samuel J. Kessler

הגדה של פסח, מגיד, עבדים היינו ב'

עבדים היינו לפרעה במצרים, ויזציאנו יקוק אלקינו משם ביד חזקה ובזרע נטויה. ואלו לא הוציא הקדוש ברוך הוא את אבותינו ממצרים, הרי אנו ובנינו ובני בנינו משעבדים היינו לפרעה במצרים. ואפילו כלנו חכמים כלנו נבונים כלנו זקנים כלנו יודעים את התורה מצוה עלינו לספר ביציאת מצרים. וכל המרבה לספר ביציאת מצרים הרי זה משבח.

Pesach Haggadah, Magid, We Were Slaves in Egypt 2

We were slaves to Pharaoh in the land of Egypt. And YHWH, our God, took us out from there with a strong hand and an outstretched forearm. **And if the Holy One, blessed be He, had not taken our ancestors from Egypt, behold we and our children and our children's children would be enslaved to Pharaoh in Egypt.** And even if we were all sages, all discerning, all elders, all knowledgeable about the Torah, it would be a commandment upon us to tell the story of the exodus from Egypt. And anyone who adds in telling the story of the exodus from Egypt, behold he is praiseworthy.

תהילים קל"ז

(א) על נהרות | כָּל־יְשָׁבְנוּ גַם־בְּכִינוּ בְּזַכְרֵנוּ אֶת־צִיּוֹן: (ב) עַל־עַרְבִים בְּתוֹכָהּ תָּלִינוּ בְּנֵרוֹתֵינוּ: (ג) כִּי־שָׁם שָׂאֲלוּנוּ שׁוֹבֵי־נוֹדְבָרֵי־שִׁיר וְתוֹלְלֵינוּ שְׁמַחָה שִׁירוּ לָנוּ מִשִּׁיר צִיּוֹן: (ד) אִיךָ נִשְׁרַח אֶת־שִׁיר־יְקוֹק עַל אֲדָמַת נֶגֶר: (ה) אִם־אֲשַׁכַּח יְרוּשָׁלַם תִּשְׁכַּח מִיָּגִי: (ו) תִּדְבַק־לְשׁוֹנִי | לְחִפֵּי־אִם־לֹא אֲזַכְּרֶכִי אִם־לֹא אֲעֲלֶה אֶת־יְרוּשָׁלַם עַל רֹאשׁ שְׁמַחָתִי: (ז) זָכַר יְקוֹק | לְבָנָי אֲדוֹם אֶת־יּוֹם יְרוּשָׁלַם הַאֲמָרִים עָרוּ | עָרוּ עַד הַיְסוֹד בָּהּ: (ח) בַּת־כָּבֹד הַשְׂדוּדָה אֲשֶׁר־י שִׁישְׁלֵם־לָהּ אֶת־גְּמוּלָהּ שְׁגַמְלָתָהּ לָנוּ: (ט) אֲשֶׁר־י | שִׁיאֲחֹז וְנִפְץ אֶת־עַלְלֵיהָ אֶל־הַסֵּלַע:

Psalms 137

(1) By the rivers of Babylon, there we sat, sat and wept, as we thought of Zion. (2) There on the poplars we hung up our lyres, (3) **for our captors asked us there for songs, our tormentors, for amusement**, "Sing us one of the songs of Zion." (4) How can we sing a song

of YHWH on alien soil? (5) If I forget you, O Jerusalem, let my right hand wither; (6) let my tongue stick to my palate if I cease to think of you, if I do not keep Jerusalem in memory even at my happiest hour. (7) Remember, YHWH, against the Edomites the day of Jerusalem's fall; how they cried, "Strip her, strip her to her very foundations!" (8) **Fair Babylon, you predator, a blessing on him who repays you in kind what you have inflicted on us;** (9) a blessing on him who seizes your babies and dashes them against the rocks!

דברים ד':ב'

(ב) לֹא תֹסֵפוּ עַל־הַדְּבָר אֲשֶׁר אֲנִי מְצַוֶּה אֶתְכֶם וְלֹא תִגְרְעוּ מִמֶּנּוּ לְשֹׁמֵר אֶת־מִצְוֹת יְקוֹק אֲלֹקֵיכֶם אֲשֶׁר אֲנִי מְצַוֶּה אֶתְכֶם:

Deuteronomy 4:2

(2) **You shall not add anything to what I command you or take anything away from it,** but keep the commandments of YHWH your God that I enjoin upon you.

דברים ה':א'-ד'

(א) וַיִּקְרָא מֹשֶׁה אֶל־כָּל־יִשְׂרָאֵל וַיֹּאמֶר אֲלֵכֶם שְׁמַע יִשְׂרָאֵל אֶת־הַחֻקִּים וְאֶת־הַמִּשְׁפָּטִים אֲשֶׁר אֲנִי דֹבֵר בְּאָזְנוֹיְכֶם הַיּוֹם וְלִמְדַתְּכֶם אֹתָם וּשְׁמַרְתֶּם לַעֲשׂוֹתָם: (ב) יְקוֹק אֲלֹקֵינוּ כָּרַת עִמָּנוּ בְּרִית בְּחֵרֶב: (ג) לֹא אֶת־אֲבוֹתֵינוּ כָּרַת יְקוֹק אֶת־הַבְּרִית הַזֹּאת כִּי אֲתָנוּ אֲנִיחֶנוּ אֵלֶּה כֹּה הַיּוֹם בְּלָנוּ חַיִּים: (ד) פָּנִים | בְּפָנִים דִּבֶּר יְקוֹק עִמָּכֶם בְּהָר מְתוֹךְ הָאֵשׁ:

Deuteronomy 5:1-4

(1) Moses summoned all the Israelites and said to them: **Hear, O Israel, the laws and rules that I proclaim to you this day! Study them and observe them faithfully!** (2) YHWH our God made a covenant with us at Horeb. (3) It was not with our fathers that YHWH made this covenant, but with us, the living, every one of us who is here today. (4) Face to face YHWH spoke to you on the mountain out of the fire—

דברים ה':י"ט

(יט) אֶת־הַדְּבָרִים הָאֵלֶּה דִּבֶּר יְקוֹק אֶל־כָּל־קְהֵלְכֶם בְּהָר מְתוֹךְ הָאֵשׁ הָעֲנָן וְהָעַרְפָּל קוֹל גָּדוֹל וְלֹא יָסַר וַיִּכְתְּבֵם עַל־שְׁנֵי לַחַת אֲבָנִים וַיִּתֵּנָם אֵלַי:

Deuteronomy 5:19

(19) **YHWH spoke those words—those and no more—to your whole congregation at the mountain, with a mighty voice out of the fire and the dense clouds. He inscribed them on two tablets of stone, which He gave to me.**

ירמיהו כ"ט:א'-ז'

(א) ואלה דברי הספר אשר שלח ירמיה הנביא מירושלם אל-יתר זקני הגולה ואל-הכהנים ואל-הנביאים ואל-כל-העם אשר הגלה נבוכדנאצר מירושלם בבלה: . . . (ד) כה אמר יקוק צבאות אלקי ישראל לכל-הגולה אשר-הגליתי מירושלם בבלה: (ה) בנו בתים ושבו ונטעו גנות ואכלו את-פריהם: (ו) קחו נשים והולידו בנים ובנות וקחו לבניכם נשים ואת-בנותיכם תנו לאנשים ותלדנה בנים ובנות ורבו-שם ואל-תמעטו: (ז) ודרשו את-שלום העיר אשר הגליתי אתכם שמה והתפללו בעדה אל-יקוק כי בשלומה יהיה לכם שלום: (ח)

Jeremiah 29:1-7

(1) This is the text of the letter which the prophet Jeremiah sent from Jerusalem to the priests, the prophets, the rest of the elders of the exile community, and to all the people whom Nebuchadnezzar had exiled from Jerusalem to Babylon— . . . (4) Thus said YHWH of Hosts, the God of Israel, to the whole community which I exiled from Jerusalem to Babylon: (5) Build houses and live in them, plant gardens and eat their fruit. (6) Take wives and beget sons and daughters; and take wives for your sons, and give your daughters to husbands, that they may bear sons and daughters. Multiply there, do not decrease. (7) **And seek the welfare of the city to which I have exiled you and pray to YHWH in its behalf; for in its prosperity you shall prosper.**

משנה אבות א':י'

(י) שמעיה ואבטליון קבלו מהם. שמעיה אומר, אהב את המלכה, ושנא את הרבנות, ואל תתודע לרשות:

Pirkei Avot 1:10

(10) Shemayah and Avtalyon received from them. Shemayah says, "**Love work, hate lordship, and do not become familiar with the government.**"

משנה אבות ב':ג'

(ג) הוו זהירין ברשות, שאין מקרבין לו לאדם אלא לצרף עצמו. נראין כאוהבין בשעת הנאתו, ואין עומדין לו לאדם בשעת דחקו:

Pirkei Avot 2:3

(3) **Be careful about the government, as they approach a man only when they need him. They seem like good friends in good times, but they don't stay for him in time of his trouble.**

סנהדרין ג"ו א

דיברה תורה כלשון בני אדם תנו רבנן שבע מצות נצטוו בני נח דינין וברכת השם ע"ז
גילוי עריות ושפיכות דמים וגזל ואבר מן החי

Sanhedrin 56a

The Torah spoke in the language of man. The rabbis taught: The **Noachides** were commanded regarding seven commandments: (1) **Justice**, (2) Blasphemy, (3) Idol Worship, (4) Sexual Immorality (5) Murder, (6) Robbery (7) Eating the limb of a living animal.

סנהדרין ג"ו ב

והתניא כשם שנצטוו ישראל להושיב בתי דינין בכל פלך ופלך ובכל עיר ועיר כך נצטוו
בני נח להושיב בתי דינין בכל פלך ופלך ובכל עיר ועיר אלא אמר רבא האי תנא תנא דבי
מנשה הוא דמפיק ד"ך ועייל ס"ך דתנא דבי מנשה שבע מצות נצטוו בני נח ע"ז וגילוי
עריות ושפיכות דמים גזל ואבר מן החי סירוס וכלאים רבי יהודה אומר אדם הראשון לא
נצטווה אלא על ע"ז בלבד שנאמר ויצו יקוק אלקים על האדם רבי יהודה בן בתירה אומר
אף על ברכת השם ויש אומרים אף על הדינים

Sanhedrin 56b

A baraita teaches: Just as Israel was commanded to establish courts in every single town and every single city. So too the Children of Noah are commanded to establish courts in every single town and every single city. The school of Menashe taught: There are seven mitzvot that were commanded to the Children of Noah: (1) Idol worship, (2) Sexual transgressions, (3) Bloodshed, (4) Theft, (5) Eating the limb of an living animal, (6) castration, (7) mixing two species together. Rabbi Yehudah says: The first man was commanded only against idol worship, as it says, "and the Lord God commanded the man." Rabbi Yehuda ben Beteira says: He was also commanded against blasphemy and also **to establish courts**.

נדריים כ"ז ב-כ"ח א

מתני' נודרין להרגין ולהרמין ולמוכסין שהיא תרומה אף על פי שאינו תרומה שהן של
בית המלך אף על פי שאינן של בית המלך בית שמאי אומרים בכל נודרין חוץ מבשבועה
ובית הלל אומרים אף בשבועה בית שמאי אומרים לא יפתח לו בנדר ובית הלל אומרים אף
יפתח לו בית שמאי אומרים במה שהוא מדירו ובית הלל אומרים אף במה שאינו מדירו
כיצד אמר לו אמור קונם אשתי נהנית לי ואמר קונם אשתי ובני נהנין לי בית שמאי
אומרים אשתו מותרת ובניו אסורין ובית הלל אומרים אלו ואלו מותרין: גמ' והאמר

שמואל דינא דמלכותא דינא אמר רב חנינא אמר רב כהנא אמר שמואל במוכס שאין לו קצבה דבי ר' ינאי אמר במוכס העומד מאליו:

Nedarim 27b-28a

MISHNA: One may take a vow to murderers, i.e., people suspected of killing others over monetary matters; or to robbers [*ḥaramin*]; or to tax collectors who wish to collect tax, that the produce in his possession is *teruma* although it is not *teruma*. One may also take a vow to them that the produce in his possession belongs to the house of the king, although it does not belong to the house of the king. One may take a false vow to save himself or his possessions, as a statement of this sort does not have the status of a vow. **Beit Shammai say:** One may vow in such a case, although he has no intention that his words be true, using every means of taking a vow or making a prohibition in order to mislead those people, except for by taking of an oath, due to its more stringent nature. **And Beit Hillel say:** One may mislead them even by taking an oath. **Beit Shammai say:** When negotiating with a robber, one should not initiate by taking a vow for him unless the robber does not believe his claim, in which case he may take a vow to reinforce his words. **And Beit Hillel say:** He may even initiate by taking a vow to him. **Beit Shammai say:** One may take a vow only about that which the robber compels him to take a vow but may not add to it. **And Beit Hillel say:** One may take a vow even about that which he does not compel him to take a vow. The mishna explains the previous statement: **How so?** If the extortionist said to him that he should say: **Benefiting from me is *konam* for my wife** if the vow is not true, **and he said: Benefiting from me is *konam* for my wife and my children,** **Beit Shammai say: His wife is permitted** to benefit from him, since the extortionist demanded that he take that vow, **but his children,** whom he added of his own accord, **are prohibited** from benefiting from their father. **And Beit Hillel say: Both these and those are permitted** to benefit from him.

GEMARA: The Gemara asks, concerning the mishna's statement that one may take a vow to tax collectors: **But didn't Shmuel say: *The law of the kingdom is the law*,** i.e., there is a halakhic principle that Jews must obey the laws of the state in which they live? Since one must pay the tax determined by the kingdom, how did the Sages permit one to lie in order to avoid paying? **Rav Ḥinnana said that Rav Kahana said that Shmuel said:** The mishna is referring to a tax collector who has no fixed amount for collection established by the kingdom, but rather collects the tax arbitrarily. Therefore, this case is not included in the law of the kingdom. A Sage of the school of Rabbi Yannai said: The mishna is referring to a tax collector who establishes himself as such independently and was not appointed by the kingdom. §

גיטין י' ב

מתני' כל השטרות העולים בערכאות של עובדי כוכבים אע"פ שחותמיהם עובדי כוכבים כשירים חוץ מגיטי נשים ושחרורי עבדים ר"ש אומר אף אלו כשירין לא הוזכרו אלא בזמן שנעשו בהדיוט: גמ' קא פסיק ותני לא שנא מכר ל"ש מתנה בשלמא מכר מכי יהיב זוזי

קמייהו הוא דקנה ושטרא ראייה בעלמא הוא דאי לא יהיב זוזי קמייהו לא הוו מרעי נפשייהו
 וכתבין ליה שטרא אלא מתנה במאי קא קני לאו בהאי שטרא והאי שטרא חספא בעלמא
 הוא אמר שמואל דינא דמלכותא דינא ואב"א תני חוץ מכגיטי נשים:

Gittin 10b

MISHNA: With regard to **all documents produced in gentile courts, even though their signatures** are those of **gentiles** they are all **valid, except for bills of divorce and bills of manumission. Rabbi Shimon says: Even these are valid**, as these two types of documents are **mentioned only when they are prepared by a common person**, not in court.

GEMARA: With regard to the ruling of the mishna that all documents written in gentile courts are valid, the Gemara comments: The *tanna* **categorically teaches** a general *halakha* in the mishna, and it **is no different** if it is a document concerning **a sale** and it **is no different** if it is a document concerning **a gift**, the document is valid in both cases. The Gemara asks: **Granted**, in the case of **a sale** this is reasonable, as **from when** the buyer **gave money** to the seller in the presence of the gentile judges **he has acquired** the property, since he has performed an act of acquisition. **And the document is merely a proof** for the acquisition. It must be that he already acquired the property in question, **as if he had not given money in their presence** the court **would not act to its own detriment and write a document for him**, as the document detailing the sale would not be accurate, and writing such a document would reflect poorly on them. Therefore, the document clearly serves as proof that the acquisition was performed in the correct manner. **However**, with regard to **a gift, by what** means does the one who receives the gift **acquire** it from the giver? Is it **not via this document? And yet this document is merely a shard**, as a document written by gentiles is not considered a legal document according to *halakha*. **Shmuel said: The law of the kingdom is the law**, i.e., Jews must obey the laws of the state in which they live. Consequently, every form of property transfer accepted by local law is valid according to *halakha* as well. **And if you wish, say** that one should emend the text of the mishna, and **teach:** They are all valid **except for** documents that are **like bills of divorce**. In other words, the distinction is between different types of documents: Documents that are meant to serve only as proof are valid even if they were produced in gentile courts, whereas documents that effect a legal act, such as bills of divorce, are invalid if they were written in a gentile court. §

בבא קמא קי"ג א

מתני' אין פורטין לא מתיבת המוכסין ולא מכיס של גבאין ואין נוטלין מהם צדקה אבל
 נוטל הוא מתוך ביתו או מן השוק: גמי תנא אבל נותן לו דינר ונותן לו את השאר: ומוכסין
 והאמר שמואל דינא דמלכותא דינא אמר רב חנינא בר כהנא אמר שמואל במוכס שאין לו
 קצבה דבי ר' ינאי אמרי במוכס העומד מאליו...

Bava Kamma 113a

MISHNA: **One may not exchange** larger coins for smaller ones **from the trunk of customs**

collectors nor from the purse of tax collectors, and one may not take charity from them, as they are assumed to have obtained their funds illegally. **But one may take money from the collector's house or from money he has with him in the market** that he did not take from his collection trunk or purse.

GEMARA: It was **taught** in a *baraita* with regard to the prohibition against exchanging money from the trunk of a customs collector: **But one may give the customs collector a dinar** as payment for a debt that amounts to less than a dinar, **and** when the collector **gives him change**, he may accept it. It was taught in the mishna that one may not exchange money from the trunks of **customs collectors**, which are assumed to include stolen funds. The Gemara questions this ruling: **But doesn't Shmuel say that *the law of the kingdom is the law***, i.e., *halakha* requires Jews to obey the laws of the state in which they live. Accordingly, the customs are collected legally and it should be permitted to make use of the funds. The Gemara answers: **Rabbi Ḥanina bar Kahana said that Shmuel says:** The mishna is discussing **a customs collector who does not have a limitation** placed by the governor on the amount he may collect, and he collects as he pleases. Alternatively, the Sages of **the school of Rabbi Yannai said:** The mishna is discussing **a customs collector who stands on his own**, i.e., he was not appointed by the government but, on his own, he forces people to give him money.

בבא בתרא נ"ד ב-נ"ה א

אמר רב יהודה אמר שמואל נכסי עובד כוכבים הרי הן כמדבר כל המחזיק בהן זכה בהן מאי טעמא עובד כוכבים מכי מטו זוזי לידיה אסתלק ליה ישראל לא קני עד דמטי שטרא לידיה הלכך הרי הן כמדבר וכל המחזיק בהן זכה בהן א"ל אביי לרב יוסף מי אמר שמואל הכי והאמר שמואל **דינא דמלכותא דינא** ומלכא אמר לא ליקני ארעא אלא באיגרתא

אמר רבה הני תלת מילי אישתעי לי עוקבן בר נחמיה ריש גלותא משמיה דשמואל **דינא דמלכותא דינא** ואריסותא דפרסאי עד מ' שנין והני זהרורי דזבין ארעא לטסקא זבינהו זביני

Bava Batra 54b-55a

Rav Yehuda says that Shmuel says: With regard to the **property of a gentile** that was sold to a Jew for money, **it is ownerless like a desert** until the purchaser performs an act of acquisition; **anyone who takes possession of it** in the interim has **acquired it**. **What is the reason** for this? The **gentile relinquishes** ownership of it **from** the moment **when the money reaches his hand**, while the **Jew** who purchased it **does not acquire it until the deed reaches his hand**. **Therefore**, in the period of time between the giving of the money and the receiving of the deed, the property **is like a desert, and anyone who takes possession of it has acquired it**. **Abaye said to Rav Yosef: Did Shmuel actually say this? But doesn't Shmuel say that the law of the kingdom is the law**, i.e., the *halakha* obligates Jews to observe the laws of the locale in which they reside, **and the king said that land may not be**

acquired without a document? Therefore, taking possession should not be effective for acquisition.

Rabba said: These three statements were told to me by Ukvan bar Neḥemya the Exilarch in the name of Shmuel: *The law of the kingdom is the law*; and the term of Persian sharecropping [*arisuta*] is for up to forty years, since according to Persian laws the presumption of ownership is established after forty years of use; and in the case of these tax officials [*zaharurei*] who sold land in order to pay the land tax, the sale is valid, as the tax officials were justified in seizing it, and one may purchase the land from them.



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