

Zera Shimshon

Profound Divrei Torah culled from the writings of the Gaon and Mekubal Rav Shimshon Chaim ben Rav Nachman Michael Nachmeni zy"l, author of Sefer Zera Shimshon on Chumash and Toldos Shimshon on Pirkei Avos, who promised that all who study his words will be blessed with an abundance of good, wealth and honor, and will merit to see children and grandchildren thriving around their table.



Ki Sovo תש"פ

• Zera Shimshon - the Limud that brings Yeshuos •

גליון 102

אמרות שמשון

The Torah's Clear Confirmation That Reuven Did Not Sin

וְאֵלֶּה יַעֲמִדוּ עַל הַקְּלָלָהּ בְּהָרַ עֵיבַל וְגו' (כז יג).
אֲדוֹר שֶׁכֵּב עִם אִשְׁתּוֹ אֲבִיו וְגו' (שם פסוק כ).

And these shall stand for the curse on Mount Eival: Reuven, Gad and Asher... Cursed is he who lies with his father's wife...

The Gemara in Shabbos (נה ע"ב) establishes Reuven's innocence from the fact that his descendants were among those who were chosen to stand on Mount Eival and affirm the curses. מוצל אותו צדיק. מאותו עון ולא בא מעשה זה לידו אפשר עתיד זרעו לעמוד על הר עיבל ולומר ארוך - *That righteous person* [i.e. Reuven] *was clearly saved from that sin* [that the Torah seems to attribute to him; lying with his father's wife, Bilhah], *as it's certain that this deed could not have come to his hand, for is it possible that his descendants would in the future stand on Mount Eival and declare, 'Cursed is he who lies with his father's wife', if this very sin had come to his hand?* [i.e. For if Reuven had actually laid with Bilhah, Hashem would surely not have selected his descendants to be among those affirming this curse].

The commentaries ask on this Gemara; why the need to establish Reuven's virtuousness from this incident which happened a short time before Moshe Rabainu's death, when it could have been proven from a much earlier indicator. For the Gemara in Sotah (לו ע"ב) says the following: באותה שעה פָּאָתָה דְּיוֹקָנוֹ שֶׁל אֲבִיו וְנִרְאָתָה לוֹ בַּחֲלוֹ; אמר לו, יוסף, עתידין בניך שִׁכְתְּבוּ עַל אֲבִי אֶפֶד וְאֵתָה בִּינִיחָן, רְצוֹנָךְ שִׁמְחָה שֶׁמֶךְ - *At that moment* [before Yosef succumbed to the sin], *the visage of his father came and appeared to him in the window and said to him, "Yosef! Your brothers are destined to be inscribed upon the stones of the Efod, and you are destined to be among them. Do you want your name to be erased?"* In view of that, when we find Reuven's name inscribed on the stones of the Efod, that in itself should clearly attest to his integrity, for had Reuven indeed sinned, his name would have been erased from the Efod; just as Yaakov had warned Yosef would happen if he would sin.



Truthfully, we can pose a much greater question on the proof that the Gemara chose to use when establishing Reuven's innocence. For immediately after the Torah narrates the incident which seems

to indicate a wrongdoing on Reuven's behalf, the Passuk proceeds and says, ויהיו בני יעקב שנים עשר - *and the sons of Yaakov were twelve*, and Rashi cites the Chazal who say, שוים, *These words come to teach us that all Yaakov's twelve children are equal and all are righteous, for Reuven did not sin*. Accordingly, we need to understand why the Gemara would need to prove Reuven's innocence from the incident which occurred on Mount Eival, when the Torah itself plainly and clearly vindicates him of any sin?

This obvious difficulty would compel us to say that that those words alone, where the Torah acknowledges that all twelve sons were equally righteous, would not suffice to prove that Reuven didn't sin, as we can easily say that Reuven *did* indeed sin, yet only because he repented was his sin atoned for, and thus was he once again considered righteous, equal to his brothers. Accordingly, we can similarly say that from this fact alone, that Reuven's name was inscribed on the stones of the Efod, we could not have proven that he had never sinned, for by the same token we can say that he had indeed sinned, and only because he repented was his name eventually inscribed on the Efod stones.



We can now understand why the Gemara needed to prove Reuven's virtuousness from the fact that his descendants were chosen to stand on Mount Eival and affirm the curses, and not from the fact that Reuven's inscription was on the Efod, nor from the fact that Reuven was considered equally as righteous as his brothers. For if he had indeed sinned, then although his repentance would have sufficed for him to be considered righteous and to be reinstituted in having his name inscribed on the Efod, nevertheless, out of respect for his honor, Hashem would still not have chosen Reuven's descendants to be among those selected to affirm the curses which the Torah places upon those who violate the Torah's commandments.

דע שמשון פרשתנו אות ה

The Admonishment That the Jews Will Lose Even That Which Essentially Belongs to Them

שׁוֹרְךָ טֹבוֹחַ לְעִינֶיךָ וְלֹא תֹאכַל מִמֶּנּוּ חֶמֶד, גְּזוּל מִלְפָּנֶיךָ וְלֹא יִשׁוּב לְךָ צֹאנְךָ נְתֻנוֹת לְאֹיְבֶיךָ וְאֵין לְךָ מוֹשִׁיעַ: (דברים כה לא)

Your ox will be slaughtered before your eyes, but you will not eat from it; your donkey will be robbed from before you, but it will not return to you; your sheep will be given to your enemies, and you will have no savior.

We need to understand the meaning of the three distinct penalizations that the Torah makes reference to; *'Your ox will be slaughtered, but you will not eat from it; your donkey will be robbed from before you, but it will not return to you; your sheep will be given to your enemies, and you will have no savior'*.



We can explain that the Torah is making reference to three rulings regarding the obligation and judicial approach to a thief's responsibility to pay back that which he stole.

The first reference is to the monetary penalty which is called, תשלום ארבעה וחמשה - *the fourfold and fivefold penalty*. That is, a thief who steals a sheep or a goat and slaughters or sells it must pay four times its value, and if he steals an ox and slaughters or sells it, he must pay five times its value. Nevertheless, there is a prerequisite for this penalty, as the Mishnah in Bava Kama (ע"א) teaches us. *A thief pays the fourfold or fivefold payment only if he stole the animal from outside the owner's domain or he slaughtered or sold it outside the owner's domain. But if he stole the animal and also slaughtered or sold it inside the owner's domain, he is exempt from the fourfold or fivefold payment.*

The second reference is to that which the Gemara in Bava Kama (ע"ב) teaches us regarding the remuneration of a thief who wishes to repent. The Gemara relates the following episode. *There was an incident with a certain person who wished to repent from his engagement with thievery and lending on interest. His wife said to him, "Empty one! If you repent, even the belt that you are wearing is not yours". He thus refrained and did not repent. At that time the Sages declared: If thieves and lenders on interest wish to return their ill-gotten gains, their victims should not accept from them* [i.e. so that they should not be deterred from repenting because of the great financial burden it would place on them]. *And if one does accept from them, the spirit of the Sages is displeased with him.*

The third is in reference to that which we learn in the Gemara Bava Kama (ע"א). The Mishnah says: *If bandits confiscated someone's garment and gave him another*

garment [i.e. which were clearly the property of another of their victims], *they are his, because we presume that their original owner despaired of ever retrieving these clothing as soon as it was seized from them.* Rav Bartenura quotes the Gemara to explain, that the Mishnah's contention *'that it may be assumed that the initial victim, who was the original owner of these clothing, has despaired of retrieving them, and thus the second victim can use them'*, was only said with regard to Jewish bandits, but with regard to non-Jewish bandits one would not be able to use the clothing that the bandits gave him. The reason for this is because when robbed by Jewish bandits

the victim may only summon them to a Jewish court, and thus the victim despairs from ever retrieving his belongings from the bandits because the Jewish court would never issue a verdict without clear testimony, and the victim knows that he cannot supply witnesses who have witnessed the robbery. But when robbed by non-Jewish bandits, he can summon them to a non-Jewish court who issues verdicts even without clear testimony, and thus the victim does not despair of retrieving his belongings, because he believes that he has a reasonable chance of recovering them.



Accordingly, we can explain the three distinct penalizations as follows.

Your ox will be slaughtered before your eyes, but you will not eat from it, is alluding as follows, *'Your ox will be slaughtered before your eyes'* - the thief will [steal and] slaughter the ox inside your domain, and thus, *'you will not eat from it'* - the thief will be exempt from paying you the fourfold or fivefold payments.

Your donkey will be robbed from before you, but it will not return to you, is alluding to the wishes of the Sages that the victims should not accept reparation from those who robbed them.

Your sheep will be given to your enemies, stating clearly that although they will be taken by *'your enemies'*, namely non-Jews, whose court system would typically issue a verdict for the victim to receive back his property; nevertheless, *you will have no savior*, no one will help you retrieve that which truthfully belongs to you.

זרע שמשון פרשתנו אות ט



Published and distributed by The International Organization to Disseminate the Works of The Zera Shimshon
Translated and written by Rabbi Moshe Spira - yomospira@gmail.com

To receive the Seforim of the Zera Shimshon or for sponsorships and donations please contact:

USA - Rabbi Menachem Binyomin Paskesz 347-496-5657 mbpaskesz@gmail.com
Zera Shimshon c/o Rabbi B Paskesz 1645 48th Street, Brooklyn NY 11204

Eretz Yisroel - Rabbi Yisroel Silberberg
052-716-6450 zera277@gmail.com



זכות הצדיק ודברי תורתו הקדושים יגן מכל צרה וצוקה, ויושפע על הלומדים ועל המסייעים בני חיי ומוזני וכל טוב סלה כהבטחתו בהקדמת ספריו

To subscribe, please send a request to zsen@zerashimshon.co.il or visit our website at www.zerashimshon.com
To hear Shiurim given in many languages on Sefer Zera Shimshon please call 716-229-4808