

Zera Shimshon

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Published Mantua 1778*

Chapter I: Bereisheet (Gen. 1:1-6:8)

Essay 2. Why not begin the Torah with the first mitzvah given to the Jewish people?

רש"י עליו השלום פירש, אמר ר' יצחק לא הנה צריף להתחיל התורה אלא מהחדש הנה לכם, שהיא מצנה ראשונה שנצטוו בה ישראל. ומה טעם פתח בבראשית? משום פח מעשיו הגיד לעמו לתת להם נחלת גוים. שאם יאמרו אומות העולם לסטים אתם שכבשתם ארצות שבועה גוים, אומרים להם כל הארץ של הקב"ה היא. הוא בראה וכו' וברצונו נטלה מהם ונתנה לנו עכ"ל.

Rashi, peace be upon him, explained the first verse of the Torah:

Rabbi Isaac said: It was not necessary for the Torah to have started with anything other than, “This month shall be to you the first of the months” (Ex. 12:2), which is the first mitzvah in which Israel was commanded.¹ What was the reason that it started, “In the beginning”? Because, “He revealed to His people His powerful works, in giving them the heritage of nations” (Ps. 111:6). That if the nations of the world would say, “You are robbers, that you conquered the lands of the seven nations of Canaan²,” Israel can say to them, “All the earth belongs to the Holy One, Blessed be He. He created it and gave it to whom He pleased, and by His will it was taken from them and given to us.”

- (Rashi on Gen. 1:1, based on Gen. Rabbah 1:2)

והעולם מקשים שאין פאן לא קושיא ולא תירוץ. דמה קושיא, היא זו לא הנה צריף וכו'? והלא מתחלה צריף להודיענו מי הם האבות המוזכרים בתורה בפמה פעמים, ומי הם משה ואהרן? ועוד מה תירוץ הוא זה משום פח מעשיו וכו'? ומה ענגן זה להשיב למה ששאל למה פתח בבראשית?

A great question here is that there is no apparent difficulty presented and no relevant explanation presented. For what is the difficulty, “It was not necessary for the Torah to have started with anything other than” the first mitzvah? For doesn't the beginning need to inform us

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¹ Ex. 12:2 is the source for the mitzvah that courts must determine when a new month begin. It is the first mitzvah commanded to all of Israel, i.e., through Moses. Mitzvot that appear earlier in the Torah, to be fruitful and multiply (Gen. 1:28) and not to eat the sinew of the thigh (Gen. 32:33), were not commanded through Moses.

² Deut. 7:1: “He dislodges many nations before you—the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations much larger than you.”

who these Patriarchs mentioned a number of times in the Torah were, and who Moses and Aaron were? Further, what is the relevance of the offered explanation, “because, ‘He revealed to His people His powerful works, in giving them the heritage of nations’”? How does this topic answer why it was asked why the Torah opened with, “In the beginning”?

ועוד קשה איך תיסק אדעתין לומר שהם לסטים בשביל שפכשו ארצות שבועה גוים, והלא מנהג העולם הוא, שמי שעושה מלחמה, שזוכה במה שפוכשו? ומי גרע פה ישראל מעשו שהוריש את החוריי וכפתורים היוצאים מפפתור, וכמה אחרים שיש בתורה? ועוד אדרבא הם דנקא הם הלסטים, שהם מזרע חם ולא ישראל שבאים מזרע שם, שבחלקו נפלה הארץ בחלוקה שעשה נח לבניו, כמו שפירש רש"י על פסוק והפנעני אז בארץ ועיי"ש.

Another difficulty is how it would enter your mind to say that they are robbers merely because they conquered the lands of the seven nations of Canaan, for isn't it a custom of the world that he who wages war, merits what he has conquered? Who disparaged the power of Israel compared to Esau, who dispossessed the Horites (Deut. 2:22) and the Caphtorim, who came out of Caphtor (Deut. 2:23), and a number of others recited in the Torah? To the contrary, it is [Esau] who are specifically the robbers, because they are from the seed of Ham, and it is not Israel who are the robbers, as Israel come from the seed of Shem. It was Shem in whose portion the Land [of Israel] fell, in the division made by Noah to his sons, as Rashi explained on the verse[s], “The Canaanites were then in the Land. The L-rd appeared to Abram and said, “I will assign this Land to your offspring.” (Gen. 12:6–7).³

ונקדים בתחלה מאי דאמרינן במדרש על פסוק בראשית, בשביל התורה שנקראת ראשית, שהקב"ה הנה מסתכל בתורה ובנרא העולם. וכן אמרו על פסוק ואהנה אצלו אמון שהתורה היתה פלי אומנותו של הקב"ה. ויש לדקדק על פסוק זה מהו שתי פעמים ואהנה, ושתי פעמים יום, ומהו בכל עת? ועוד אם משחקת בכל עת לפניו אינה משחקת בתבל ארצו. ומהו הפל בתבל ארצו הנה לו לומר בתבל וסגי?

At the beginning of our answer to these questions, we will advance what it says in the Midrash Gen. Rabbah 1:1 on the verse “In the beginning” (Gen. 1:1), it is because of the Torah that [the verse] is called “the beginning,” for the Holy One, Blessed be He, looked into the Torah as a blueprint and then created the universe. Similarly, it is said there in Gen. Rabbah 1:1 on the verse[s], “I was an *amon* (אמון) to Him, I was a delight day by day; rejoicing before Him at all times. Rejoicing in the world, His Land; finding delight with mankind. (Prov. 8:30–31),” that the Torah was the artisan’s tool of the Holy One, Blessed be He.⁴ One should

³ On Gen. 12:6, Rashi writes: “They (the Canaanites) were gradually conquering the Land of Israel from the descendants of Shem. For (the Land of Israel) had fallen to the share of Shem when Noah apportioned the earth amongst his sons, as it says, ‘King Melchizedek of Salem (Jerusalem)’ (Gen. 14:18). For this reason, the L-rd said to Abram, ‘to your seed will I give this Land’ (Gen. 12:7); i.e., ‘I will in some future time return it to your children who are descendants of Shem.’”

⁴ Gen. Rabbah 1:1: “The great Rabbi Hoshaya opened [with the verse], ‘[the Torah] was an *amon* (אמון) to Him and I was a delight to Him day by day’ (Prov. 8:30). *Amon* means ‘pedagogue’ (i.e. nanny). *Amon* means ‘covered.’ *Amon* means ‘hidden.’ And there is one who says *amon* means ‘great.’ *Amon* means ‘nanny,’ as in (Num. 11:12), ‘As a nanny (*omein*) (אמן) carries the suckling child.’ *Amon* means ‘covered,’ as in (Lam. 4:5), ‘Those who were covered

scrutinize this verse of Prov. 8:30–31, for **what is the meaning of twice saying “I was” and twice saying “day,” and what is this “at all times”?** Further, if [the Torah]⁵ was “rejoicing at all times before Him,” then all her time was taken, and she was not truly “rejoicing in the world, His Land.” What is the meaning of the duplication in “the world, His Land,” as [King Solomon] could have said “the world” and it would have been enough?

אָמַנְם בְּפֶרֶק קמָא דְעֵבוּדָה זָרָה אֵימָא תְנָא דְבִי אֵלִיהוּ שִׁית אֶלְפֵי שְׁנִין הוּי עֶלְמָא. שְׁנֵי אֶלְפֵים תְּהוּ. שְׁנֵי אֶלְפֵים תּוֹרָה. שְׁנֵי אֶלְפֵים יְמוֹת הַמְּשִׁיחַ ע"כ. אִם כֵּן מִתְחִלָּה הַתּוֹרָה הִיְתֵה מְכוּסָה מִהַבְּרִיּוֹת שְׁנִין הַקַּב"ה עַל הָעוֹלָם לְהִיּוֹת תְּהוּ.

In truth, in the first chapter of Avodah Zarah (9a), it is brought, “the school of Eliyahu taught: The world is destined to exist for six thousand years,⁶ which is broken into three stages. For the first stage of two thousand years, it was void. Then the second stage was two thousand years of the Torah. Then the third stage is two thousand years of the days of the Messiah.” If so, in the first stage, from the beginning of the world until the revelation at Mount Sinai, the Torah was covered (i.e., concealed) from the created beings, for the Holy One, Blessed be He, decreed upon the world to be void.

זֶהוּ וְאֵהָיָה אֶצְלוֹ אָמוֹן, וּבְמִדְרָשׁ אָמוֹן מְכוּסָה. אָמוֹן מוֹצְנָע. אַחַר כֵּךְ מְדַבֵּר עַל שְׁנֵי אֶלְפֵים תּוֹרָה. וְלָכֵן חָזַר וְאָמַר וְאֵהָיָה, כְּלוּמַר בְּשְׁנֵי אֶלְפֵים הָאֶחָדִים אָנִי הִיְתֵי שְׁעֵשׂוּעִים בְּעוֹלָם יוֹם יוֹם, שְׂיִוְמוּ שָׁל הַקַּב"ה אֶלְף שְׁנִים.

This is why the Proverb says, “I was an *amon* to Him,” and in the Midrash it explains, “*Amon* means ‘covered.’ *Amon* means ‘hidden.’ ” I.e., “In the initial stage of the world, I, the Torah, was ‘covered’ and ‘hidden’ from others, and known only to Him.” After evoking the first stage of the world, the Proverb **speaks about** the second stage, **the two thousand years of Torah. Therefore, in interpreting the Proverb, [Gen. Rabbah 1:1] repeats and says, “I was” a second time, as if to say, “In the second stage, the next two thousand years, ‘I was a delight in the world day by day,”** and as we know **that a day of the Holy One, Blessed be He, is one thousand years to a man,**⁷ “day by day” means the second stage was two thousand years. I.e., the use of “I

(emunim) (אֱמוּנִים) in scarlet have embraced refuse heaps.’ *Amon* means ‘hidden,’ as in (Esther 2:7), ‘He hid away (*omein*) (אָמוֹן) Hadassah.’ *Amon* means ‘great,’ as in (Nahum 3:8), ‘Are you better than *No-amon* (נֹא-אָמוֹן) [which dwells in the rivers]?’ which the Targum renders as, ‘Are you better than Alexandria the Great, which dwells between the rivers?’ Alternatively, *amon* means ‘artisan.’ *The Torah is saying, ‘I was the artisan’s tool of G-d.’* In the way of the world, a king of flesh and blood who builds a castle does not do so from his own knowledge, but rather from the knowledge of an architect, and the architect does not build it from his own knowledge, but rather he has scrolls and books in order to know how to make rooms and doorways. So too, G-d gazed into the Torah and created the world. Similarly, the Torah says, ‘In the beginning G-d created [the heavens and the earth],’ and ‘beginning’ means Torah, as in, ‘G-d made me [the Torah] the beginning of His way’ (Prov. 8:22).”

⁵ Prov. 8:1 and 8:12 says that the speaker is the personification of Wisdom. Rashi on Prov. 8:1 identifies the speaker as the personification of Torah.

⁶ The edition of Avodah Zarah published in Pesaro, Italy in 1515 has the Hebraized text “ששת אלפים שנה,” and none of the known manuscripts have the Aramaic שְׁנֵי אֶלְפֵי version. However, Sefer Etz Chaim 38:9 does use the Aramaic form in citing Avodah Zarah: “וּנְבִיאָר עֵתָה מֵאֲרוֹז” לַ בְּמִסַּע” ע”ז תְּנָא דְבִי אֵלִיהוּ שִׁית אֶלְפֵי שְׁנֵין הוּי עֶלְמָא”.

⁷ Cf. Ps. 90:4: “For in Your sight a thousand years are like yesterday that has passed”

was” for both stages means they were of equal length, and since the second stage’s “day by day” means it was two thousand years long, the first stage was also two thousand years long.

וְכַאֵן לֹא חִזַּר וְאָמַר וְאֵהְיָ אֶצְלוֹ שְׁעִשׂוּעִים מִפְּנֵי שְׁפִנוּנָתוֹ לְדַבֵּר אִף עַל שְׁעִשׂוּעַ הָעוֹלָם, וּבִשְׁנֵי אֲלָפִים אֱלוֹ אֲנִי מוֹצֵבֶת אֶרֶץ וְרֵאשִׁי מֵגִיעַ הַשְּׁמַיִמָה.

Here for the second stage, it doesn’t repeat “to Him” and say “I was a delight to Him day by day,” because [King Solomon’s] intent was to say that the Torah was a delight not just to G-d, but even for the world, and these two thousand years I[, the Torah,] “have been placed on the ground with my head arriving to Heaven.”⁸

וְזֶהוּ מִשְׁחַקֵּת לִפְנֵיו בְּכָל עֵת. מִשְׁחַקֵּת בְּתַבֵּל אֶרֶצוֹ. דְּאִיתָא בְּמִדְרַשׁ יְלִקוּט פְּרָשַׁת יִתְרוֹ, עַד שְׁלֹא נִיתְּנָה הַתּוֹרָה הַשְּׁמַיִם שְׁמַיִם לְה' וְהָאֶרֶץ נְתוּן לְבְנֵי-אָדָם. אֲבָל מִשְׁנִיתְּנָה הַתּוֹרָה, וּמִשָּׁה עָלָה, וַיֵּרֶד ה' עַל-ל. וְלִכֵּן אָמַר הַכְּתוּב מִשְׁחַקֵּת בְּתַבֵּל אֶרֶצוֹ, שְׁמַתְחֵלָה קוֹדֵם נְתִינַת הַתּוֹרָה, הָאֶרֶץ וְהָעוֹלָם הָיָה נְתוּן לְבְנֵי אָדָם, אֲבָל עַתָּה שְׁנִיתְּנָה הַתּוֹרָה נִקְרָאת נְמִי אֶרֶצוֹ.

We now discuss the meaning of: **“Rejoicing before Him at all times. Rejoicing in the world, His Land.”** As it was brought in the Midrash Yalkut Shimoni on Psalms 273, discussing parshat Yitro (Ex. 18:1–20:23): **“As long as the Torah hadn’t been given, ‘The heavens belonged to the L-rd, but the world He had given over to mankind’** (Ps. 115:16). I.e., before the revelation at Mount Sinai, G-d had ceded authority of the world to mankind. **But from the time that the Torah was given at Mount Sinai, ‘Moses ascended to G-d’** (Ex. 19:3), **‘and the L-rd descended on Mount Sinai’** (Ex. 19:20).” **Therefore, Scripture says, “Rejoicing in the world, His Land,” that from the beginning—before the Torah was given—the Land and the world were both given to mankind; but now that the Torah has been given, G-d has retaken ownership of the Land of Israel, so now it is also called “His Land.”**

וְשְׁעִשׂוּעֵי אֶת-בְּנֵי אָדָם שְׂכַבְיָכוֹל הוּא מִשְׁתַּעֲשֵׂעַ בְּתוֹרָה עִם בְּנֵי אָדָם יַחַד, כְּמוֹ הַחֶתֶן שְׂמִשְׁתַּעֲשֵׂעַ בְּאֶרֶסוֹתוֹ, שִׁישְׁרָאֵל הֵם אֶרֶסוֹתוֹ שֶׁל הַקַּב"ה פְּדָתְיָב וְאֶרֶשְׁתִּיךְ לִי לְעוֹלָם. וְכֵן פִּירַשׁ רַש"י עַל פְּסוּק וַיּוֹצֵא מִשָּׁה אֶת-הָעָם לְקִרְאָת הָאֱלֹהִים, מֵגִיד שֶׁהַשְּׂכִינָה יֵצֵא לְקִרְאָתָם כְּחֶתֶן הַיּוֹצֵא לְקִרְאָת פְּלָה עַל-ל. וְכִשְׁשִׁישׁ חֶתֶן וְכֵלָה, בְּעַל כְּרַחֵךְ צָרִיךְ שִׁיְהִיו שֵׁם הַקִּידוּשִׁין נְמִי, וְהֵינּוּ הַתּוֹרָה וְהַמִּצְוֹת שֶׁנֶּתַן לָהֶם לְשֵׁם קִידוּשִׁין.

“Finding delight with mankind” (Prov. 8:31) is, as it were, **the delight of the Torah being together with mankind, like the groom who delights in his fiancée, for the nation of Israel is the fiancée of the Holy One, Blessed be He, as it is written, “And I will betroth you forever”** (Hosea 2:21). **Similarly, Rashi explained on the verse, “Moses led the people out of the camp toward G-d”** (Ex. 19:17), **“This tells us that the Shechinah was going forth to meet them, as a bridegroom who goes forth to meet his bride.”** When there is a groom and bride,

⁸ Cf. Rabbi Chaim ibn Attar (1696–1743) (Moroccan Kabbalist and Talmudist), Or HaChaim (Venice 1742) on Gen. 28:14: “The ladder is the mystical aspect of the human soul, something that is not entirely uprooted from the body at the time he is asleep. Part of that soul remains in the body. When the Torah speaks of [the ladder] *being placed in the ground with part of it in Heaven*, it refers to these two parts of the soul.”

it is necessary that there will also be a betrothal which requires a gift of some value, and the Torah and the mitzvot were given to [the Jewish people] for the sake of the betrothal gift.

אָמַנְם הַקִּידוּשִׁין צָרִיכִין שׁוּמָא פְּלוּמֵר שְׁתָּהּא שׁוּמָתָן יְדוּעָה, וְהַתּוֹרָה וְהַמִּצְוֹת אִין שׁוּמָתָן יְדוּעָה לְפִי שְׁהוּ בְּלִי תְּכָלִית, כְּדַכְתִּיב אַרְכָּה מְאָרְזִן מְדָה וְכוּ', לְכָל תְּכָלָה רְאִיתִי קִז רְחֵבָה מִצְוֹתָהּ מְאֹד. אֲלָא שְׁלִפִי הַהֲנָאָה שְׁנֵהֲנִים בְּגִי אָדָם מֵהֶם מְקָרִי שׁוּמָתָן יְדוּעָה מִצַּד זֶה. וְהֵינְגוּ שְׁבַתּוֹרָה וּבְמִצְוֹת תְּלוּי קִיּוּם הָעוֹלָם, שְׁנִבְרָא בְּעֶשְׂרָה מְאָמְרוֹת לִיתָן שְׁכָר טוֹב לְצַדִּיקִים וּלְהַפְרַע מִן הָרָשָׁעִים.

In truth, the betrothal requires an appraisal, that is to say that there be a known valuation, and the Torah and the mitzvot don't have a known valuation in that they are priceless, as it is written, "Its measure is longer than the earth; and broader than the sea" (Job 11:9), "I have seen that all things have their limit, but Your commandment is broad beyond measure" (Ps. 119:96). However, in accordance with the pleasure that mankind enjoys from [the Torah and mitzvot], are instances of known valuation from this aspect. It is upon Torah and mitzvot that the existence of the world depends, as [the world] was created with ten utterances, to give a good reward to the righteous, and to punish the wicked.⁹

וּבְנֵה נִבְא לְבִיאור דְּבָרֵי רַשִׁי ז"ל, שְׁכַנּוּנְתוֹ הִיא לְהַקְשׁוֹת שְׁתֵּי קוּשִׁיּוֹת. וּמִתְחִלָּה מְקַשָּׁה לֹא הִנֵּה צָרִיךְ לְהַתְחִיל הַתּוֹרָה אֲלָא מִהַחֲדָשׁ הִנֵּה לָכֵם, שְׁהִיא מִצְוָה רֵאשׁוֹנָה שְׁנִבְרָא בָּהּ יִשְׂרָאֵל. שְׁאֵלוֹ הֵם עָקֵר הַקִּידוּשִׁין שְׁבִין יִשְׂרָאֵל לְמָקוֹם, וּבַתִּירוּז קוּשָׁא זוּ יֵשׁ לוֹמֵר שְׁפַתַּח בְּבְרִיאַת הָעוֹלָם כְּדִי לְהוֹדִיעַנּוּ כֹּחַ שִׁיּוּי הַקִּידוּשִׁין שְׁיֵשׁ בָּהֶם כֹּחַ לְקַיֵּם הָעוֹלָם שְׁנִבְרָא בְּעֶשְׂרָה מְאָמְרוֹת. וּמִמִּילָא אֲנִי יוֹדְעִים מִי הֵם הָאֲבוֹת וְכִיּוֹצֵא בְּנֵה.

With this, we will come to an explanation of the words of Rashi, of blessed memory, that his intent is to question two difficulties. At the start, it is hard to understand why Rabbi Isaac said that, "It was not necessary for the Torah to have started with anything other than, 'This month shall be to you the first of the months' (Ex. 12:2), which is the first mitzvah in which Israel was commanded." These [words] of Ex. 12:2 are the principle of the betrothal between Israel and the Creator, and in explanation of this first question, one could say that the opening with the Creation of the world was in order to inform us of the power of the value of the later betrothal, that has within it the power to create the world (that was created with ten utterances). In any case, we know who the Patriarchs are, and so forth.

⁹ Pirkei Avot 5:1: "With ten utterances the world was created. And what is learned—couldn't it have been created by one utterance? Rather, it was to punish the wicked, who destroy the world, that it was created with ten utterances, and it was to give reward to the righteous, who sustain the world, that it was created with ten utterances."

אָבֵל עֲדִינִין יֵשׁ קוֹשֵׁי אֶחָרָת, דְּלַמָּה פָּתַח בְּתִיבַת בְּרֵאשִׁית. לְהוֹדִיעֵנו שֶׁנִּבְרָא הָעוֹלָם בְּכַח הַתּוֹרָה כִּנ"ל. דְּמָה אֵיכַפֵּת לָנוּ בְּזֶה? הֲלֹא דֵי לָנוּ לִידַע שִׁיּוּי הַתּוֹרָה, שֶׁהוּא לְקִיּוּם הָעוֹלָם? וְתִרְצַן מִשּׁוּם כֹּחַ מַעֲשֵׂיו הַגִּיד לְעַמּוֹ לָתֵת לָהֶם נְחִלַת גּוֹיִם. רָצָה לְהוֹדִיעַ לְיִשְׂרָאֵל שֶׁכַּח מַעֲשֵׂיו הָיָה עַל יְדֵי הַתּוֹרָה כְּדֵי לִיתֵן לָהֶם נְחִלַת גּוֹיִם. כְּדֹאמְרֵינוּ בְּעִבּוּדָה זָרָה, רָצָה וַיִּתֵּר גּוֹיִם. רָצָה שְׁלֹא קִיּוּמוֹ שִׁבַע מִצְוֹת שֶׁנִּצְטוּוּ עֲלֵיהֶם. עָמַד וְהִתִּיר מִמוֹנָם לְיִשְׂרָאֵל. וְאִם לֹא הָיָה נִבְרָא הָעוֹלָם בְּשִׁבְלֵי הַתּוֹרָה אֲלֵא שֶׁהַתּוֹרָה יִהְיֶה לָהּ כֹּחַ לְקִיּוּם הָעוֹלָם לְבַד, עֲכָשְׁיוֹ שְׁלֹא קִיּוּמוֹ שִׁבַע מִצְוֹת, אֲמַת הוּא שְׂאִין לָהֶם זְכוּת שְׂיִתְקַנִּים מִמוֹנָם. אָבֵל מִכָּל מְקוֹם כָּל זְמַן שֶׁהוּא בְּרִשְׁוֹתָם אֵין בְּיַדֵּינוּ כֹּחַ לְהַפְקִירוֹ, מֵה שְׂאִינוּ כֵּן עֲתָה שֶׁנִּבְרָא הָעוֹלָם בְּכַח הַתּוֹרָה. אִם כֵּן, כָּל מְמוֹן שֶׁבָּעוֹלָם הוּא שְׁלָהּ, וְיָמֵי שְׂאִינוּ מְשַׁמֵּר אוֹתָהּ וְאֵת מִצְוֹתֶיהָ אֵין לוֹ כֹּחַ לְנַפּוֹת בּוֹ, וְנִשְׁאֵר הַפְּקָר וְשְׁלָהּ הִיא נוֹטְלַת מִתְחַת יָדָם.

But there is still another difficulty, of why Scripture opened with the word “In the beginning.” It was to inform us that the world was created with the power of the Torah, as cited above, i.e., that the world was created with ten utterances. What difference does this make to us? Isn’t it enough for us to know the value of the Torah, to be able to create the world? The explanation to this question is because, “He revealed to His people His powerful works, in giving them the heritage of nations” (Ps. 111:6). He wanted to inform Israel that His powerful works were brought about through the Torah, in order to give [Israel] the heritage of nations. As it says in Avodah Zarah (2b): “ ‘He sees, and makes the nations tremble’ (Hab. 3:6) . . . He saw [the nations] did not fulfill the seven mitzvot¹⁰ in which they were commanded. He arose and untied their money [from them in favor of] Israel.”¹¹ If not for the world having been created for the sake of the Torah—rather, if the Torah had only provided the power to create the world—then now that the seven mitzvot are not being fulfilled, [the nations] truly have no merit that their money should exist. In any case, the entire time that [the money] was in their domain, we had no power to make them forfeit it, which is not the case now that it is understood that the world has been created by the power of the Torah. In recognition of this case, all of the money in the world belongs to [the Torah]¹² and whoever does not observe [the Torah] and her mitzvot has no power to merit in [the money], and it remains abandoned and hers; she takes it from under their hands.

¹⁰ The Seven Laws of Noah are: 1) not to worship idols; 2) not to blaspheme; 3) to establish courts of justice; 4) not to commit murder; 5) not to commit adultery; 6) not to steal; and 7) not to eat flesh torn from a living animal.

¹¹ Avodah Zarah 2b: “As Rav Yosef teaches in explanation of the verse: ‘He stands, and shakes the earth; *He sees, and makes the nations tremble*’ (Hab. 3:6): What did G-d see? He saw the *seven mitzvot* that the descendants of Noah accepted upon themselves, and *He saw that they did not fulfill them*. Since they did not fulfill them, *He arose and untied them* from the command to heed these mitzvot.” Avodah Zarah 2b does not say that G-d liberated their money in favor of Israel, but these words appear in Yerushalmi Bava Kamma 19b: “Rav said, ‘He sees, and makes the nations tremble’ (Hab. 3:6). *He unties the money* from the idol worshippers.”

¹² *Zera Shimshon* reads שלה, i.e., “hers.” The female grammar would most appropriately refer to the Shechinah, but as the Shechinah is not mentioned in the paragraph, the translator supposes an anthropomorphic reference to the Torah is intended.

וְלָמָּה הוֹצֵרְכֶוּ לְזֶה? שָׂאָם יֵאמְרוּ לְסֻטִים אַתֶּם שֶׁכָּבַשְׁתֶּם וְכוּ', לְפִי שֶׁהָאוֹמוֹת בָּאוּ עַל יִשְׂרָאֵל מִכַּח שְׂתֵי קוּשִׁיּוֹת. דְּמַמָּה נִפְשָׁה, לְסֻטִים הֵם שֶׁהָרִי הֵם לֹא עָשׂוּ מִלְחָמוֹתָם כְּמִנְהַג הָעוֹלָם, רַק בְּדֶרֶךְ נֶס וְחוּץ מִן הַטָּבַע, וְאִם כֵּן, נִקְרָאוּ גִזְלָנִים. וְאִם [כֵּן], יֵאמְרוּ שֶׁשָּׁלְתֶם נְטָלוּ, שֶׁכָּבַר נִפְלָה בְּחֵלֶק זָרְעוֹ שֶׁל שֵׁם כִּנ"ל, וְעוֹד שֶׁכָּבַר הַקַּב"ה נִתְּנָה לְאַבְרָהָם. אִם כֵּן לֹא הָיָה לָהֶם לְיִשְׂרָאֵל לַעֲשׂוֹת מִלְחָמָה, וְהָיָה לָהֶם לִישָׁח מִהַכְּנַעֲנִים אֲרָצָם בְּלִי מִלְחָמָה כְּלָל, כִּי אֵין מַעֲצוֹר לָהּ.

Why was this required? In case [the nations] had said, “You are robbers, that you conquered etc.,” it would be because the nations came to Israel with the force of two challenges. The first challenge that Israel might have to answer is: Whichever way you look at it, [Israel] are robbers, who did not wage their war according to the custom of the world, but only by a miraculous and supernatural way, and even if so, they are called robbers. If [so], [Israel] will say that [the Land] fell to them, that it already fell in the portion of the offspring of Shem, as cited above, and further that the Holy One, Blessed be He, gave [the Land of Israel] to their forefathers. If so, it was not for them, for Israel, to wage war, but instead it was for them to take their Land from the Canaanites without a war at all, “as nothing can stop the L-rd.”¹³

אֵלָּא וְדָאֵי הוֹאִיל שְׂרָאִינוּ שֶׁעָשׂוּ מִלְחָמָה, צָרִיךְ לוֹמַר שֶׁאֲרִץ יִשְׂרָאֵל לֹא הָיְתָה שְׁלֵהֶם, וְנָכוּ בָּהּ מַחְמַת הַמִּלְחָמָה, וְעַכְשָׁיו שֶׁמִּלְחָמָה זֹאת הָיְתָה חוּץ מִמִּנְהַג הָעוֹלָם, אִם כֵּן הֵם לְסֻטִים, וְדִינִיק שְׁפִיר הַלְשׁוֹן דְּקָאָמַר לְסֻטִים אַתֶּם, וְלָמָּה לְסֻטִים אַתֶּם? וּמִתְרַץ שֶׁכָּבַשְׁתֶּם וְכוּ' שֶׁלֹּא הָיָה לָכֶם לְכַבּוֹשׁ בְּדֶרֶךְ מִלְחָמָה אִם הָיְתָה שְׁלָכֶם, וְאִם אֵינָה שְׁלָכֶם, הַמִּלְחָמָה שֶׁעָשׂוּ אֵינָה מִלְחָמָה.

The second challenge that Israel might have to answer, is: **Rather, it's certain that since we have seen that war was waged, it's necessary to say that the Land of Israel wasn't theirs, but that they merited it because of the war, and now that this war was outside the custom of the world, if so, they are robbers, and it's better to be precise with the language, as it says, “you are robbers,” and why are you robbers? And the explanation is that you conquered the seven nations of Canaan, that it wasn't appropriate for you to conquer by way of war if [the Land] was yours, and if [the Land] wasn't yours, the war that they waged wasn't properly a customary war, but rather involved miracles and should not have effected a transfer of the Land to the Jewish people.**

¹³ The words appear in Derashot HaRan 4:8 (written by Nissim ben Reuven of Girona, 1320–76), and in Sifteï Chachamim on Gen. 14:14 (commentary composed c. 1660–80 by Shabbetai ben Joseph Bass, 1641–1718). Both may be derived from I Sam. 14:6, where the words are given in a different order.

ותירץ שְׁפַל הָאָרֶץ שֶׁל הַקַּב"ה היא שְׁהָרִי הוא בְּרָאָהּ. וְלֹא שִׁיָּדָהּ בָּהּ ש[ו]ם לְסֻטִים, לֹא לְיִשְׂרָאֵל שֶׁלְקַחְוּהָ מֵהַכְּנַעֲנִים, וְלֹא לְכְנַעֲנִים שֶׁהָיוּ מִזְרַע חַם, שֶׁבְּחִלְקוֹ נָפְלָה בִירוּשָׁת נֹחַ כּנ"ל. דָּלָא מִשְׁגָּחִינוּן כָּלִל בְּמָה שֶׁחִלַּק נֹחַ אֶת הָאָרֶץ לְבָנָיו, הוֹאִיל שֶׁהוּא בְּרָאָהּ וְלַעוֹלָם הִיא שְׁלוֹ, דְקַרְקַע לַעוֹלָם בְּחֻזְקָתָהּ בְּעֵלְיָהּ עוֹמֶדֶת. וְלִפִּי שֶׁהוּא הָאָדוֹן, נִתְּנָה לְאַשֶׁר יֵשֶׁר בְּעֵינָיו, וּבְאוֹתוֹ זְמַן שֶׁלֹא הָיוּ עַדִּיו יִשְׂרָאֵל בְּעוֹלָם, גַּם הָאָרֶץ לְכְנַעֲנִים, וְאַחַר זֶה בְּשִׂרְאָהּ שֶׁהַכְּנַעֲנִים לֹא שָׁמְרוּ שְׁבַע מִצְוֹת, רָצָה לִישָׁלָהּ מֵהֶם.

The reason is that the entire Land belongs to the Holy One, Blessed be He, that He created it. It's not the property of any robbers, not Israel, who took it from the Canaanites, and not the Canaanites, who were from the seed of Ham, into whose portion [the Land] fell as an inheritance of Noah, as cited above. He didn't watch at all how Noah apportioned the Land to his sons, since He had created it and the world was His, "as land forever stands in the possession of its Master and cannot be stolen."¹⁴ Since He was the Master, He gave it to whomever was upright in His eyes, and as at that time Israel did not exist in the world, He gave the Land to the Canaanites, and afterwards when He saw that the Canaanites didn't obey the seven mitzvot, He wanted to take it from them.

וְכַדִּי לְהִרְאוֹת לְכָל הָעוֹלָם שֶׁהִטְעַם שְׁנוּטְלָהּ מֵהֶם הוּא בְּשִׁבִיל רִשְׁעָתָם, מִשּׁוֹם הִכִּי רָצָה שֶׁתְּבוֹא לְיַד יִשְׂרָאֵל בְּכַח הַמַּלְחָמָה. כְּדִי לַעֲנוֹשׁ אוֹתָם עַל רִשְׁעָתָם, וּמִכָּל מְקוֹם סִייעַ בְּיַד יִשְׂרָאֵל בְּמַלְחָמָה בְּדֶרֶךְ גַּם כְּדִי לְהִרְאוֹת לְכָל הָעוֹלָם שְׁנוּטְלָהּ לְיִשְׂרָאֵל בְּרָצוֹנוֹ.

In order to show the entire world the intent that He took it from them because of their evil, He wanted it to come to the hands of Israel by the force of the war. This was in order to punish [the Canaanites] for their evil, and in any event, He assisted the hand of Israel in the war by way of miracle, in order to show the entire world that [the Land] was given to Israel by His will.

וְזֶהוּ שְׁפָיִים בְּרָצוֹנוֹ נִתְּנָה לָהֶם, מִתְחִלָּה עַד שִׁיעֲשׂוּ רָצוֹנוֹ, וְלְבַסּוּף שֶׁהֶם לֹא עָשׂוּ רָצוֹנוֹ נְטִלָה מֵהֶם וְנִתְּנָה לָנוּ, כְּדִי שֶׁנַּעֲשֶׂה רָצוֹנוֹ. וְכַדָּא מְרִינֵנוּ בְּמִצְיַעָא (דָּף ע"ג), אֲרַעָא לְטַסְקָא מִשְׁתַּעְבְּדָא, וּמִלְכָא אֲמַר מֵאֵן דִּנְהִיב טַסְקָא לִיכּוּל אֲרַעָא. וְעוֹד שֶׁמִּתְחִלָּה הִיָּתָה הָאָרֶץ לְבָנֵי אָדָם לְבַד וְלֹא לְהַקַּב"ה. וּמִשּׁוֹם הִכִּי נִיתְּנָה לָהֶם אַף עַל פִּי שֶׁהֶם הָיוּ חוֹטְאִים, שֶׁהָרִי הוּא הִיָּה רְחוּק מֵהֶם, שֶׁהַשָּׁמַיִם שָׁמִים לָהּ וְהָאָרֶץ נִתְּנָה לְבָנֵי־אָדָם לְבַדָּם. אָבַל אַחַר מִתְּן תּוֹרָה שִׁירְדָה שְׁכִינָה לְמִטָּה וּבִטֵּל הַגְּזֵרָה, לֹא רָצָה שִׁיִּהְיֶה דִירְתוֹ בֵּין הַחוֹטְאִים, וְלָכֵן נִתְּנָה לְיִשְׂרָאֵל, שֶׁאַף עַל פִּי שֶׁלֹא הִיָּה לָהֶם זְכוּת כְּדָא, מִכָּל מְקוֹם לֹא הָיוּ רִשְׁעִים.

This [Land] that was completed by His will was given to [the Canaanites], from the beginning as long as they did His will, but in the end when they didn't do His will, it was taken from them and given to us, in order that we should do His will. As it says in [Bava] Metzia (73b): "The Land is liened to the King as payment for the taxes, and the King says, 'Whoever pays the tax may consume the produce of the Land.'"¹⁵ Also, from the beginning the Land was [given to] mankind alone and not retained by the Holy One, Blessed be He.

¹⁴ See Bava Metzia 110a; Sukkah 30b; Tur, Choshen Mishpat 218:1, 218:9; Sefer Mitzvat Gadol (SMAg) (by the 13th century French rabbi, Moses ben Jacob of Coucy): Positive Commandments 73:1.

¹⁵ The Gemarah is referring to a human king and any land, but the translator has capitalized "King" and "Land," as *Zera Shimshon* is using this quotation to refer to G-d and the Holy Land.

Because of this, it was given to [the Canaanites] even though they were sinners, even though He was distant from them, that is, ‘The heavens belonged to the L-rd, but the land He had given over to mankind’ (Ps. 115:16), i.e., alone. But after the Torah was given, when the Shechinah descended downward and “nullified the decree,”¹⁶ referring to the initial decision to give the Land to the Canaanites, He didn’t want His dwelling to be amongst the sinners, and therefore [the Land] was given to Israel, for even though they didn’t have a worthwhile merit, at least they weren’t evildoers.

וְאִם תֹּאמַר, וּמָה צִוְּרָךְ הָיָה לְבַטֵּל הַגְּזֵרָה בְּשַׁעַת מִתֵּן תּוֹרָה דְּוִוּקָא, וְלָמָּה הוֹכַרְחָ שְׁמִינְשָׁה יַעֲלֶה בְּשָׁמַיִם דְּוִוּקָא לְקַבֵּל הַתּוֹרָה, יֵשׁ לֵאמֹר דָּאֵי לָאוּ, הֲכִי לֹא הָיָה יָכוֹל מִשָּׁה לְזַכּוֹת בַּתּוֹרָה, שְׁהָרִי הַתּוֹרָה הֵיחָדָה בְּשָׁמַיִם, וְשָׁמַיִם הֵם רְשׁוּתוֹ שְׁלַ הַקַּב"ה.

If you will say, what need was there to nullify the decree specifically at the time of the giving of the Torah, and why it was necessary that Moses ascended specifically to Heaven to receive the Torah,¹⁷ it’s worth saying that if that were not the case, Moses would not have been able to merit the Torah, as the Torah was in Heaven, and Heaven was the domain of the Holy One, Blessed be He. I.e., the decree of “The heavens belonged to the L-rd, but the land He had given over to mankind” (Ps. 115:16) is a two-part decree. The latter part was that G-d gave dominion over the land to mankind, and specifically originally gave the Holy Land to the Canaanites. Thus, he had to “nullify the decree” to withdraw the Land from them and give it to Israel. The former part of the decree is that G-d reserved the heavens for Himself, and He had to “nullify the decree” to allow Moses to ascend to receive the Torah.

וּבַפֶּרֶק ה' דְּבַתְּרָא (דָּף ע"ו ע"ב), אֲבַיִי וְרַבָּא דְאָמְרֵי תְרַנְוִיָּהוּ מְסִירָה קוֹנָה בְּרְשׁוֹת הַרְבִּיּוֹם וּבְחֻצָּר שְׁאִינָה שְׁלַ שְׁנֵיָהֶם, מְשִׁיכָה קוֹנָה בְּסִמְטָא וּבְחֻצָּר שְׁהִיא שְׁלַ שְׁנֵיָהֶם. וְכֹן פְּסִק הַשְּׁלֶחֶן עָרוּף חוֹשֵׁן מְשַׁפֵּט (סִימֵן קצ"ח), וּפִירֵשׁ שָׁם רַבְּב"ם שְׁבִירְשׁוֹת מוֹכֵר פְּשִׁיטָא שְׁלַא קָנָה בְּמִסִּירָה דְּוִוּקָא בְּחֻצָּר שְׁאִינָה שְׁלַ שְׁנֵיָהֶם, קָאֲמְרֵי אֲבַיִי וְרַבָּא דְקָנִיָּא מְסִירָה עַכ"ל.

In the fifth chapter of Bava Batra (page 76b), it says: “Abaye and Rava both say, with regard to an acquisition of a ship between a buyer and seller: **Passing effects acquisition in the public domain or in a courtyard that does not belong to either of the parties; pulling effects acquisition in an alleyway or in a courtyard that belongs to both of the parties;** and lifting effects acquisition in every place, even in the seller’s domain.” Thus rules the Shulchan Aruch, Choshen Mishpat (198), and the Rashbam¹⁸ explains there on Bava Batra 76b that in the domain of a seller it is obvious that there is no acquisition from passing occurring specifically in a courtyard that belongs to one but that does not belong to both of them, as Abaye and Rava say that passing [effects] acquisition in the public domain or in a courtyard that does not belong to either party.

¹⁶ Ex. Rabbah 12:3: “Likewise, when the Holy One created the universe, He decreed, saying: ‘The heavens belonged to the L-rd, but the world He had given over to man’ (Ps. 115:16). When He desired to give the Torah, He nullified this original decree.”

¹⁷ Ex. 24:1: “And to Moses, He said, ‘Ascend to the L-rd.’” Also see Ex. Rabbah 12:3.

¹⁸ Rabbi Samuel ben Meir (c. 1085–c. 1158) (Rashbam), a leading French Tosafist; a grandson of Rashi.

והקב"ה אף כשירד על הר סיני, הרפין שמי שמים העליונים על הר סיני, ונמצא ששכינתו לעולם היתה בשמים. וקרא קתיב, ניט שמים נרד, והתורה היתה עמו ונמצאת התורה ברשות מוכר, ואם כן אי אפשר במסירה, ועל פתח צריך לקנות במשיכה. אמנם אף המשיכה אינה קונה ברשות מוכר אלא דוקא בסמטא ובחצר שהיא של שניהם. ולכן מה עשה הקב"ה, בטל הגזרה ואמר שהעליונים ירדו לתחתונים וכו', ומקרי רשות של שניהם ואז משה יכול לקבל התורה.

The Holy One, Blessed be He, even when He descended on Mount Sinai—“He bent the uppermost heavens over Mount Sinai”¹⁹—it is found that His Shechinah was always in the heavens. Scripture says, “He bent the sky and came down” (II Sam. 22:10; Ps. 18:10), but the Torah was with Him and the Torah was found in the domain of the seller, and if so it is impossible [for acquisition to be affected] by passing, and it’s necessary that it must be acquired by pulling. In truth, even the pulling does not acquire an object in the domain of the seller unless it is in an alley or in a courtyard that is owned by both of them. Therefore, what the Holy One, Blessed be He, did, was that he nullified the decree and said that the “upper [realm] would descend to the lower”²⁰ and this occurred in the domain of both of them and thus Moses was able to receive the Torah.

אמנם עדיין קשה שהרי התורה היתה כלי גדול, כמו שפירש רש"י על מתניתין דפרק ג' דאבות, חביבין ישראל שניתן להם כלי חמדה. . . שבו נברא העולם. וז"ל, התורה כלי גדול וחשוב הוא שבו נברא העולם וכו' עכ"ל. ועיקר המשיכה הוא לטלטל אותו הכלי הנקנה מראשו לסופו ולעקרו מכאן ולהניחו כאן, ובתורה אי אפשר לעשות כן.

In truth, there is still a difficulty that the Torah was a great instrument, as Rashi explained on our Mishna in the third chapter of Pirkei Avot, “Beloved are Israel, since a precious instrument has been given to them . . . with which the world was created” (Pirkei Avot 3:14). Rashi, of blessed memory wrote: “The Torah is a great instrument and its importance is that through it, the world was created.” The principle of pulling is to move the instrument being purchased so that its front reaches to where its end had been and in this way to displace it from here and to deposit it there, but with the Torah it is impossible to do this.

¹⁹ Sifra, Baraita d’Rabbi Yishmael 17.

²⁰ Ex. Rabbah 12:3: “Likewise, when the Holy One created the universe, He decreed, saying: ‘The heavens belonged to the L-rd, but the world He had given over to man’ (Ps. 115:16). When He desired to give the Torah, He nullified this original decree. He said: ‘the lower [realms] shall ascend to the higher, and the higher [realms] shall descend to the lower; and I am the one who initiated [this].’ As it is written: ‘And the L-rd descended upon Mount Sinai’ (Ex. 19:20). And it is written: ‘And to Moshe, He said "ascend to the L-rd" ’ (Ex. 24:1).”

ויש לומר דאיתא התם ([בבא בתרא] דף ע"ה ע"ב), ספינה רב אמר כיון שמשוך כל שהיא קנה, ושמואל אמר עד שימשוך את כולה. והספינה הוא כלי גדול והוא טורח גדול למשוך את כולה שיבא סוף הספינה במקום שהיה ראשה עומד. וכמו שפירש רשב"ם וכל הפוסקים, ואף כאן התורה אי אפשר לעקרה כולה, ומטעם זה לא היה יכול נמי לקנותה בהגבהה שהרי לא היה יכול להגביה כולה. ולכאורה יש לומר דאיתא כרב דאמר כיון שמשוך כל שהיא קנה, וטעמא הוי משום דכי נדה בה פורתא נדה לה כולה. וכן התורה, מי שפוחת בה היא מאירה עיניו, כדכתיב מחכימת פתי, כדאיתא בזוהר, וקרא כתיב, יתב חכמתא לחכימין.

It can be said that it's brought there (Bava Batra 75b): "Regarding a boat, Rav says that pulling even the slightest acquires it, but Shmuel says he has not acquired it until he pulls all of it away from the place it occupied." The ship is a large instrument, and it is a great burden to follow Shmuel's opinion and to pull all of it until its stern arrives to the place where the bow was standing. As the Rashbam and all the *poskim* (decisors) explained, here with regard to the Torah, it's impossible to entirely displace it, by analogy to Shmuel's opinion regarding ships, because no one can grasp all of the Torah's esoteric secrets, and the sense is that [Moses] was also not able to acquire it by lifting it in the preferred way of acquiring a movable object, because he wasn't able to lift all of it, as it contained some esoteric secrets that even he did not grasp. Apparently it can be said that this opinion that one acquires the Torah not by lifting it (i.e., comprehending all of it), but by pulling it (i.e., engaging in at least some part of it), is like Rav's, who said that pulling a large instrument even the slightest acquires the instrument, and the sense is that "once a bit of it moves, all of it moves, and therefore the buyer acquires it" (Bava Batra 75b).²¹ Similarly with the Torah, whoever opens it brightens his eyes, as it is written, "making the simple wise" (Ps. 19:8), as brought in the Zohar I:185a on the parsha Vayeshev (Gen. 37:1–40:23), and Scripture also writes, "He gives the wise their wisdom" (Dan. 2:21).

אף קשה דתינח ספינה שהיא איל שסופו למשוך כולה קנה, אבל התורה החלק של הסוד תמיד נשאר למעלה. ויש לומר דנדון זה דומה ממש למי שנתנס באוצר אחד שיש בו אלה כלים ואינו רוצה לזכות אלא בתחום מאות, שפשיטא שהחמש מאות הנשארים אין מעפבים בידו כלל, שלא לזכות בראשונים. וכן בריש פרק ד' דבתרא תנו, המוכר את הבית לא מכר את היציע ואף על פי שהיא פתוחה לתוכו וכו'.

But there is a difficulty: the ship ended up being acquired by pulling; but for the Torah, the part of it that is forever secret remains above in Heaven. I.e., pulling on the bow of a ship will cause the stern to move. But for the Torah, which is partly on earth (having parts that are comprehended by man), and which is partly in Heaven (having some esoteric secrets that man has yet to uncover), how is it possible to say that pulling the part on earth will also cause the part in Heaven to move? And if the entire thing is not moved from its place by pulling, how can one acquire Torah? It can be said that this is judged exactly similar to one who enters into one storehouse in which there are a thousand instruments but he wants to merit only five

²¹ The Gemara contrasts this with animals, where lifting one leg of an animal doesn't necessarily cause it to move from its position. In contrast, for a rigid object such as a ship, moving one part of it would necessarily move all of it.

hundred of them: that it's obvious that the five hundred remaining aren't restricted by his actions, as they weren't merited with the first ones. I.e., one can acquire that part of Torah that is on earth and available to him, even if there is another part in Heaven that is not available to him because he cannot grasp its esoteric secrets. **Similarly, at the head of the fourth chapter of [Bava] Batra (61a), it's taught in the Mishnah, "one who sells a house has not automatically sold the gallery (an extension built above or alongside the main building), even if it opens into [the house]."**

והכי נמי משה לא נתפגון מעולם לזכות אלא בחלק התורה שעתידה להמשך ולהגלות ולהתחדש בעולם, על ידי חכמי ישראל, שכל אחד ואחד יש לו חלקו בתורה. ומשה קנה שפיר כל חלק התורה שהיה עתיד לבוא בעולם. וכדאיתא בזוהר ובתיקונים דנשמחא דמשה אתפשטת בכל דרא ודרא בכל תלמיד חכם וצדיק דעסיק באורייתא. והשתא שפיר מצי אתי נמי כשמואל, דאין הכי נמי שמושה אצלו כל התורה העתידה לבוא בעולם ולהגלות לישראל.

Also, Moses never intended to acquire anything other than the portion of the Torah that in the future would be continued and revealed and renewed in the world, at the hands of the wise men of Israel, each and every one of whom has his portion in Torah. Moses acquired very well each portion of the Torah that in the future would come into the world. As is brought in the Zohar²² and in the Tikkunei haZohar (113a): "Moses's soul spread out in each and every generation, in every [Torah] scholar and righteous person who engages in Scripture."²³ Now it is fine and we are truly able to agree with Shmuel['s opinion], that Moses pulled with him all the future Torah to come into the world and to be revealed to Israel.

עוד מצאנו ראינו בספר עומק [עמק] הלכה שהקשה בפרשת שמות, שלפי פירוש רש"י ז"ל הנה"ל שלא הוצרך להתחיל התורה מבראשית אלא משום פת מעשיו, דאי לא הכי הנה מתחיל מהחדש הזה. דאם פו, הנה לו להתחיל ספר שמות מהחדש הזה לכם, שהדעת מקרעת שתהיה פרשה זו ראשונה לספר.

After first discussing why the Book of Genesis didn't begin with the first mitzvah, we now ask the same question of the Book of Exodus:

We also found [that] we saw in the book Emek Halacha²⁴ a question raised on parshat Shemot (Ex. 1:1–6:1). According to the explanation of Rashi, of blessed memory, mentioned above, that it was not necessary for the Torah to have started with "In the beginning" other than to reveal His powerful works, for if not for that reason, [the Torah] would have started from "this month shall be to you the first of the months" (Ex. 12:2). If so, Emek Halacha asks,

²² Not located by translator.

²³ Tikkunei haZohar 119a: "Moses spread out in each and every generation and in each and every righteous person."

²⁴ The text reads Omek Halacha (Krakow 1593), a commentary on the Talmud by Jacob ben Samuel Bunim Koppelman (1555–94). However, it seems more likely that he means Emek Halacha (Padua 1739), a commentary on Torah by Menachem Maneli ben Baruch Segal (d. 1742).

[G-d] should have started the Book of Exodus from “this month shall be to you,” that logic dictates that this would be the first parsha in the Book [of Exodus].²⁵

ותירץ במה שפירש רש"י עצמו בפְּרַשְׁת בא הטעם שצָנָה ליקח פסח מצרים מבעשור, מה שלא צָנָה בפסח דורות בהיא. דר' מתניא בן חרש וכו' לפי שהיו ישראל ערם ועָרְיָה מן המצות וכו'.

The explanation is as Rashi himself explained in parshat Bo (Ex. 10:1–13:16) the concept that [G-d] commanded [Israel] to take the Paschal lamb [sacrifice] of Egypt from the flock on the tenth [of the month] and examine it for four days before slaughter (Pesachim 96a), while this did not apply to the Paschal lamb of future generations. Rashi explains based on Yalkut Shimoni on Torah 195:1 that “Rabbi Mathia, the son of Cheresh, [said it was] because Israel was ‘naked and bare’ (Ezek. 16:7),”²⁶ i.e., from the mitzvot.

ועוד פירש רש"י בפְּרַשְׁת בהעלותה בפסוק בחדש הראשון, פְּרַשְׁה שְׁבְרָאש הספר לא נאמרה אלא עד אייר. וְלָמָּה לא פתח בזו? אלא לפי שבגנותן של ישראל הפתוב מדבר וכו'.

Rashi further explains on parshat Behaalotecha (Num. 8:1–12:16), on the verse “the first new moon” (Num. 9:1), referring to the month of Nisan, when G-d commanded a Passover sacrifice in the wilderness.²⁷

The section at the head of this Book, “on the first day of the second month” (Num. 1:1), where G-d commanded Moses to take a census, was not spoken before the month of Iyar, whereas the later section (Num. 9:1–5) was spoken a month earlier. You learn that there is no order of earlier or later in the Torah (i.e., events may be recorded out of order). So why didn’t [G-d] open the Book of Numbers with this chronologically earlier section of Num. 9:1–5? Because it is disparaging to Israel that it is written in this section that during all of the forty years that Israel was in the wilderness, they offered only this single Passover (sacrifice).²⁸

- (Rashi on Num. 9:1)

²⁵ Emek Halacha was written by Menachem Maneli ben Baruch Segal (d. 1742), and discusses this in parshat Yitro.

²⁶ Rashi on Ex. 12:6: “Rabbi Mathia, the son of Cheresh, said, in answer: Behold, it says, ‘When I passed by you [an allusion to G-d’s passing over the Israelites in Egypt] and saw that your time for love had arrived’ (Ezek. 16:8) . . . They, however, possessed no mitzvot in which to engage in order that they should merit to be redeemed—as it is said, ‘You were naked and bare’ (Ezek. 16:7).”

²⁷ Ex. 12:3–28 is directed to the first Passover sacrifice, in Egypt, which was to be continued upon entering “the Land that the L-rd will give to you” (Ex. 12:25). Israel was therefore not obligated to bring the Passover Sacrifice in the wilderness per Ex. 12:3–28, but was commanded to bring it one time in the wilderness in Num. 9:1–5.

²⁸ Zera Shimshon quotes from one of Rashi’s sources, Sifrei, Num. 64:1, “it is disparaging to Israel that it is written ‘wilderness.’” The translator has provided the full text of the more explanatory Rashi, that “it is disparaging to Israel that it is written in this section (Num. 9:1–5) that during all of the forty years that Israel was in the wilderness, they offered only this single Passover (sacrifice).”

וכינון דבפְּרִשְׁת הַחֹדֶשׁ הַזֶּה לָכֶם כְּתִיב, בְּהַבְעֵשֶׂר לַחֹדֶשׁ הַזֶּה וַיִּקְחוּ וְכוּ', אִין לָךְ גְּבוּת גְּדוּל מְנָה. וְשִׁיְהִי צְרִיכִין לִיקַח מִבְּעֵשׂוֹר לְפִי וְשִׁיְהִי עֲרוּמִים מִן הַמִּצְוֹת. לְכֹד לֹא פְתַח בְּהַבְרָאשׁ הַסִּפֵּר. זֶהוּ תַרְוִיצוּ.

Since in the section “this month shall be to you” (Ex. 12:2), it is written, “Speak to the whole community of Israel and say that on the tenth of this month each of them shall take a lamb to a family, a lamb to a household” (Ex. 12:3), you have no great disparagement from this, unlike the later experience in the wilderness where they conducted only one Passover sacrifice in 40 years. But it was necessary to take it on the tenth, as they were naked of mitzvot, which was disparaging in a different way. Therefore, [G-d] didn’t have this opening at the head of the Book [of Exodus]. This is [Rashi’s] explanation.

אָמְנָם קָשָׁה דְלָפִי זֶה אִין מְקוּם לְרַשִׁי לְהַקְשׁוֹת בְּבְרָאשִׁית לָמָּה לֹא פְתַח בְּהַחֹדֶשׁ הַזֶּה וְכוּ'. וְאִין אָנוּ צְרִיכִין לְטַעַם שֶׁל פַּח מִבְּעֵשֶׂי וְכוּ', וְשִׁיְהִי פְרִשְׁת הַחֹדֶשׁ הַזֶּה גְבוּתוֹ שֶׁל יִשְׂרָאֵל מִטַּעַם הַנִּלְ. וְעוֹד דְּאִין הַנְּדוֹן דּוּמָה לְרַאָּה.

Is being naked of mitzvot such a great embarrassment? In truth, this excuse for not starting the Book of Exodus is difficult, as according to this view, there’s no room for Rashi to question in [parshat] Bereisheet (Gen. 1:1) why [the Book of Genesis] didn’t open with “this month shall be to you the first of the months.” We don’t need the reason that Rashi brings of “His powerful works,” because we would already have a suitable excuse, that the section of “this month” was disparaging of Israel for the reason given above, that they were naked of mitzvot. Further, “the judgment is not similar to the evidence,”²⁹ meaning that the evidence presented does not belong to the subject that is discussed and does not prove or refute the claim. I.e., while Ex. 12:3–28 may follow immediately after Ex. 12:1–2, they are different subjects. So any possible embarrassment from being naked of mitzvot at the time of the Passover sacrifice in Egypt does not refute the claim that the Book of Genesis or at least the Book of Exodus could have begun with the first mitzvah of recognizing the new moon.

דְּבִשְׁלָמָא הֵיא דְפְרִשְׁת בְּהַעֲלוּתָךְ נִיחָא דְהוּ גְבוּת גְּדוּל לְיִשְׂרָאֵל, וְשִׁיְהִי נִבְטוּי וְלֹא עָשׂוּ, אוּ לֹא נִבְטוּי לְפִי שְׁלֵא וְכוּ'. וְאִין טַעַמַת הַאוּנָם אִינוּ מוֹעִיל לָהֶם מִפְּנֵי הַחֲטָא כְּמוֹ שֶׁכְּתִיבוּ הַתּוֹסְפוֹת בְּפָרֶק קַמָּא דְקִידוּשִׁין (דָּף ל"ז ע"ב) וְעֵינֵי שֶׁבְּאוּרְךָ.

Granted, in parshat Behaalotecha (Num. 8:1–12:16), where during the forty years in the wilderness, they offered only a single Passover sacrifice, this is a great condemnation of Israel, who were commanded to do the mitzvah and didn’t perform it, or who were not commanded to do the mitzvah so that they didn’t receive the merit of doing it. Even the claim of despair over being naked of mitzvot is not effective to excuse not taking Paschal lamb for 40 years, because of the sin as was written in Tosafot in the first section of Kiddushin (37b) and see there at length. Tosafot explain that Israel was required to offer the Passover sacrifice only in the Land of Israel. However, Israel was delayed in the wilderness for 40 years as punishment for the

²⁹ Beit Yosef, Orach Chaim 467:13 and 671:12.

sin of the spies.³⁰ Further, Israel did not perform the mitzvah of circumcision for the 40 years in the wilderness, and thus most were uncircumcised and were not allowed to eat a Passover sacrifice. Therefore, Israel was guilty of the condition that led to their inability to perform the mitzvah of the Passover sacrifice.

אָבֵל פִּשְׁהֵיוּ בְּמִצְוֹתַי, אִם הָיוּ עִירוּם וְעָרְיָה מִן הַמִּצְוֹת, מֵאֵי גִנוּת אֵיכָא, הֲלֹא עֲדִיין לֹא נִצְטוּוּ? וְאִם אִם נִצְטוּוּ בְּקִצְתָּ מֵהֶם, מִכָּל מְקוֹם הָיָה לָהֶם טַעֲנַת אוֹנָם מִחֻמַּת צַעַר הַשְּׁעֵבוּד וְטִירוּף דַּעְתָּם כְּדֵאִתָּא בְּמִדְרָשִׁים. וְאִם הָיָה מִתְחִיל הַתּוֹרָה אוֹ הַסֵּפֶר מִהַחֲדָשׁ הָיָה לָכֶם אֵין כָּל כֶּן גִּנוּת לְיִשְׂרָאֵל.

But when they were in Egypt, even though they were “naked and bare” of the mitzvot, what condemnation was there, since they had not yet been commanded in the mitzvot? Even if they had been commanded in a few of them, in any case they had a claim of argument because of the sorrow of servitude and insanity as brought in the Midrashim.³¹ If [G-d] had started the Torah or the Book [of Exodus] from “this month shall be to you” it would not have been such a condemnation to Israel.

אֵלֶּא נִרְאָה לְפָרֶשׁ כֶּן, דְּדוֹקָא בְּבְרָאשִׁית יֵשׁ לְהַקְשׁוֹת לָמָּה לֹא הִתְחִיל בְּהַחֲדָשׁ הָיָה לָכֶם. אָבֵל לֹא בְּסֵפֶר שְׁמוֹת, וּבְהֵכִי צְדָקוֹ דְּבָרֵי רַשִׁי"ו"ל. וְהֵינּוּ לְפִי מָה דֵּאִתָּא בְּמִדְרָשִׁים, שְׂאָם הָיוּ יִשְׂרָאֵל שָׁם דְּבוּקִים בְּקִדּוּשַׁת הַמִּצְוֹת שֶׁהָיוּ לָהֶם, הָיוּ מְשַׁלְּמִין כָּל הַמְּנֻן שֶׁל הַגְּלוּת בְּמִצְוֹתָם וְלֹא הָיָה לָהֶם עוֹד יִצָּר הַרְעָה וְלֹא שׂוֹם גְּלוּת אַחֵר. אָבֵל לְפִי שְׁדַלְג אֶת הַקֶּץ הוֹכֵרְחוּ לְרַדַּת בְּגִלוּיֹת אַחֵרוֹת.

Rather, we will see fit to distinguish between Genesis and Exodus like this, that specifically in [parshat] Bereisheet, one can question why not to start with “this month shall be to you.” But the question does not apply with regard to the Book [of Exodus], and the words of Rashi, of blessed memory, are correct in explaining why, i.e., because Israel was “naked and bare” of mitzvot. It is according to what is brought in the Midrashim, that if Israel had been attached there in Egypt to the holiness of the mitzvot that they had, they would have completed the entire counting of the years of the exile in Egypt and they wouldn’t have had any additional evil inclination and no other exile. But because they skipped the end of the intended 400 years of exile in Egypt, they were compelled to descend to additional exiles.³²

³⁰ Num. 13:1–33 explains that Moses sent 12 spies to report on the agriculture and geography of the Land, but that ten of them gave an unfavorable and discouraging report that overemphasized the strength of the inhabitants.

³¹ Yalkut Shimoni Beshalach, end of remez 234.

³² Tzror HaMor on Ex. 12:40. Tzror HaMor was composed by Abraham Saba (1440–1508).

והטעם שדלג את הקץ הוא לפי שערומים היו מן המצוות וכבר נכנסו בארבעים ותשעה שיערי טומאה, ומשום הכי הוצרך הקב"ה לגאלם מיד בהפזון קודם שיטמעו לגמרי. ועל זה נקרא הקרבן פסח על שם הדילוג והקפיצה. ועוד אמרינו בילקוט על פסוק, והארץ היתה תהו ובהו, תהו זהו מלכות בבל, ובהו זהו מלכות מדי, וחשך זה מלכות נון, על פני תהום זו מלכות אדום וכו' עכ"ל. ועוד אמרו דמלת בראשית רומזת ברי"ת א"ש, דהיינו שגזר עליהם הגיהנם, ותמורת הגיהנם יבואו הגליות.

The sense that they skipped the end of the Egyptian exile is because they were naked from the mitzvot and already entered into the 49th of the gates of impurity, and because of this, the Holy One, Blessed be He, needed to redeem them immediately, in haste, before they would be completely defiled.³³ Because of this, the Passover sacrifice is called by the name “skipping” and “springing.”³⁴ Also, Yalkut Shimoni on Torah, remez 4 says on the verse, “the earth was unformed and void, with darkness over the surface of the deep” (Gen. 1:2): “‘unformed’ refers to the kingdom of Babylonia, and ‘void’ refers to the kingdom of Media, and ‘darkness’ refers to the kingdom of Greece, and ‘over the surface of the deep’ refers to the kingdom of Edom.” Further, they said that the word בראשית (*Bereisheet*) (in the beginning) hints at ש"א (brit esh) (a covenant of fire), that Gehinnom was decreed upon [these kingdoms] and that in exchange for Gehinnom, the multiple exiles would come [as punishment to the Jewish people].³⁵

ואם כן מי גרם להיות הגליות? בשביל שלא שלמו המנין במצרים. ולמה לא שלמו? בשביל שהיו עירום מן המצוות. וכך אנו לומדים נמי מבראשית שהיו ישראל במצרים ערומים מן המצוות, כמו שהיינו לומדים אם הנה מתחיל התורה בהחדש הנה לכם, ואם בנה יש גנאי, גם בנה יש אותו גנאי עצמו.

If so, what caused the exiles? Because [Israel] didn't complete the counting of the years in Egypt. Why didn't they complete them? Because they were naked of mitzvot. Thus, we learn also from Bereisheet, following the progression of this essay, that Israel was in Egypt naked from the mitzvot, as we learned that if the Torah had started with “this month shall be to you” it would have implied disgrace relating to the sin of the spies, and if in this failure in the wilderness there was disgrace, also in that failure to observe mitzvot in Egypt there would be the same disgrace.

ושפיר מקשה רש"י למה לא התחיל מהחדש הנה לכם שהרי הכל אהד. דבשלמא בספר שמות אין קושיא, לפי שרצה להתחיל בשבחן של ישראל. דהיינו ואלה שמות, שבזכות שלא שינו את שמם וכו' לגאולה.

It's fine that Rashi asks why [G-d] didn't start [the Torah] from “this month shall be to you,” for this is all one answer. In completing the Book of Exodus, there was no question,

³³ There are 50 levels of holiness and 50 levels of impurity. Zohar Chadash, at the beginning of Yitro, explains that Israel had already fallen to the 49th level of impurity in Egypt, and G-d had to rescue us before we fell to the 50th level of impurity, from which there is no return. Therefore, He cut short our time in Egypt.

³⁴ Rashi on Ex. 12:11.

³⁵ Tikkunei Zohar, Tikkun 23.

since **He wanted to begin with praise of Israel. That is**, the Book of Exodus begins: “**And these are the names** of the sons of Israel who came to Egypt with Jacob, each coming with his household: Reuben, Simeon, Levi, and Judah; Issachar, Zebulun, and Benjamin; Dan and Naphtali, Gad and Asher” (Ex. 1:1–4). The significance is **that in the merit that they did not change their names** and abandon their identities, **they merited redemption.**

אָבֶל בְּבְרָאשִׁית שֶׁעָדִיין גַּם קִצַּת גְּנָאִי, שִׁינֵיךְ שְׁפִיר לְהַקְשׁוֹת מִהַחֲדָשׁ הַזֶּה לָכֶם וְכוּ'. וּמִשׁוּם כֵּן מְעַשְׂוֹ לֹא הִקְפִיד לְהַתְחִיל בְּבְרָאשִׁית לְפִי שֶׁהוּא גְּנָאִי קָטָן וְכוּ"ל. אָבֶל בְּסִפְרָ בְּמִדְבָּר הִקְפִיד לְפִי שֶׁהִיא בּוֹ גְּנָאִי גָדוֹל לְיִשְׂרָאֵל וְכוּ"ל.

But with Bereisheet, where there is still a bit of disgrace, for in that parsha Adam and Eve commit the sin of eating from the Tree of Knowledge, **it is appropriately fitting** for Rashi to **question**: “why not start with ‘**This month shall be to you** the first of the months’ (Ex. 12:2), which is the first mitzvah in which Israel was commanded. What was the reason that it started, ‘In the beginning’? **Because**, ‘He revealed to His people **His powerful works.**’ That is, **He was not strict to start with “In the beginning”** instead of “This month shall be to you” **because [of the fact that the latter] was a little disgraceful, as mentioned above**, but instead He had another reason for starting with “In the beginning:” to reveal to us the power of Torah. **But in the Book of Numbers, because there was great disgrace to Israel, as mentioned above**, that during all of the forty years that Israel was in the wilderness, they offered only this single Passover (sacrifice), the disgrace was a reason for not starting with the Torah with “the first new moon” (Ex. 9:1).

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