

Zera Shimshon

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Chapter XVIII: Mishpatim (Ex. 21:1–24:18)

Essay 3. Retroactive rebellion: The timing of the pierced ear

פסוק "וְרָצַע אֹזְנוֹ אֶת־אָזְנוֹ" וכו', פֶּרַשׁ רַש"י מָה רָאִתָּה אוֹזְן לִירְצַע וְכו' אוֹזְן שֶׁשָּׁמְעָה עַל הַר סִינַי "לֹא תִגְנֹב" וְהִלָּךְ וְגַב תִּרְצַע וְכו'. מִקְּשִׁים הַמְּפָרְשִׁים דְּמִיד כְּשֶׁגָּבַב הִיָּה לוֹ לִירְצַע.

There are **verse[s]**: “But if the slave declares, ‘I love my master, and my wife and children: I do not wish to go free,’ his master shall take him before G-d. He shall be brought to the door or the doorpost, **and his master shall pierce his ear** with an awl; and he shall then remain his master’s slave for life.”¹

Rashi explained:

What is the reason that the ear had to be pierced rather than any other limb of the servant’s body? Rabban Jochanan ben Zaccai said: **The ear that heard on Mount Sinai, “You shall not steal,”² but he went and stole** [and was therefore sold as a slave]. **Let it be pierced!**

- Rashi on Ex. 21:6

Question 1: **The commentators ask:** [If so, then] **as soon as he stole, [the ear] should have been pierced.** I.e., if he was enslaved for theft, and his ear is being pierced because of the theft, then why wasn’t it pierced from the outset?

וְנִרְאֶה לְתַרְזֵן דְּמִיד שֶׁגָּבַב אֶפְשָׁר שְׁלֹא יִהְיֶה רְאוּי לְעוֹנֵשׁ, אֲבָל כְּשֶׁאִינוֹ יוֹצֵא בְּשֵׁשׁ אֵיגְלָאֵי מִיִּלְתָּא לְמַפְרַע שְׁעֵבֵר עַל "לֹא תִגְנֹב", וּמִשּׁוֹם הַכִּי אִזְ עוֹנֵשִׁין אוֹתוֹ, דְּאִמְרִינוּ בְּפֶרֶק ג' דְּמוֹעֵד קִטּוֹן ר' שִׁמְעוֹן בֶּן לִקְוִישׁ הֵנּוּ מְנַשֵּׁר פְּרֻדְסָא, אֲתָא הֵהוּא גְבִרָא קָא אָכִיל תְּאִינִי רְמָא בֵּיה קִלְא וְלֹא אֲשַׁגַּח בֵּיה, אָמַר לוֹ לִיהוּי הֵהוּא גְבִרָא בְּשִׁמְתָא, אָמַר לוֹ אֲדַרְבָּא לִיהוּי הֵהוּא גְבִרָא בְּשִׁמְתָא, אִם מְמוֹן נִתְחַיְבַתִּי לָךְ גִּידוּי לֹא נִתְחַיְבַתִּי לָךְ וְכו'.

Apparently, we can answer that as soon as he stole, it is possible that he was not yet deserving of punishment; but when he does not go free at the end of six years, it becomes clear retroactively that he transgressed “You shall not steal.” Therefore, at that point they punish him. For we say in chapter 3 of Moed Katan:

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¹ Ex. 21:5–6. This commandment only applies to one who is enslaved for theft. One who sold himself into slavery out of poverty would not have his ear pierced. See Kiddushin 14b and Mishneh Torah, Laws of Servants 3:1.

² Ex. 20:13.

Reish Lakish was guarding an orchard. A certain man came and ate figs [from the orchard]. [Reish Lakish] raised his voice, but [the man] paid no attention to him [and kept eating]. [Reish Lakish] said: Let that man be excommunicated. [The man] said to him: On the contrary, let that man, [i.e., Reish Lakish], be excommunicated. If I have become liable to you for payment [for stealing], have I become liable to you for excommunication?

[Reish Lakish] went to the study hall [to clarify the *halakha*]. [The Sages] said to him: His excommunication [of you] is [proper]. Your excommunication [of him] is not.

- Moed Katan 17a

וְכַתֵּב הַנְּמוּקֵי יוֹסֵף וְז"ל, וְאִם תֵּאמַר דְּכִינּוֹן דְּקָא עֵבֶר אֶלְאוּ דְּלֵא תַּגְזוּל אַמְאִי לֹא גַתְסִיב גְּדוּי, עַל אִיסוּר דְּרַבְּנָן מִשְׁמַתִּינּוּ עַל אִיסוּר דְּאוֹרְיִיתָא לֹא כָּל שְׁכּוֹן, וּבְשֵׁם הָרֵאָב"ד תִּירְצוּ שְׁרִישׁ לְקִישׁ טַעַה עַל שְׁלֵא הִתְרָה בּוּ תַחֲלָה שְׁלֵא יֹאכֵל, כִּי שְׁמָא הִנֵּה סְבוּר הָאוּכֵל דְּלִמְכִירָה עוֹמֶדֶת וְדַעְתּוֹ לְפָרוּעַ עַכ"ל. וְכַתֵּב הַבֵּית יוֹסֵף בִּירוּרָה דְּעָה (רִישׁ סִימָן שֶׁל"ד) דְּדוֹקָא פְּהֵאי גִּוְנָא דְּלֵא יִדְעִינּוּ פְּוֹנְתּוֹ אִם הִיֵּתָה לְפָרוּעַ, אֲבָל בְּנֵי אָדָם שְׁעוֹשִׁין אֵיזָה דְּבָר וְיִדּוּעַ פְּוֹנְתָם שְׁהִיא לְרַעָה אִין צְרִיכִים הִתְרָאָה עַכ"ל.

The *Nimukei Yosef*³ wrote as follows: If you say, since he transgressed the negative commandment of “You shall not steal,” why was he not obligated in excommunication? For a rabbinic prohibition, we excommunicate; for a Torah prohibition, all the more so.

In the name of the Ra'avad, they answered that Reish Lakish erred in that he did not first warn him not to eat, for perhaps the one who was eating thought that it was designated for sale and he intended to pay.

The Beit Yosef wrote in Yoreh De'ah (beginning of siman 334) that this is specifically in such a case where we do not know his intention, whether it was to pay. But people who do something and whose intention is known to be malicious do not require prior warning. Thus, we don't excommunicate or punish when intentions are ambiguous

וּמַעֲתָה זֶה הַגֵּנֵב שְׁנִמְכַר בְּגִנְבָתוֹ, לְכַאוּרָה יֵשׁ לָנוּ לומר שְׁהוּא גֵנֵב מִמֶּשׁ וְרָאוּי לְעוֹנֵשׁ מִיַּד פְּשָׁעֵנֵב, וּמִכָּל שְׁכּוֹן פְּשָׁעֵנֵב דְּבָר שְׁבוּדָאֵי אִינוּ עוֹמֵד לְמַכִּירָה, דְּלִיפָא לְמִיטְעֵי כְּהֵהִיא דְּרִישׁ לְקִישׁ הַנּוֹכַר לְעִיל, וְאֶפִּילוּ שְׁכּוֹנָתוֹ לְשֵׁלֵם, הָרִי הַפְּתוּב אוֹמֵר לֹא תַגְנוּבוּ וְנָרְשׁוּ רַז"ל אֶפִּילוּ עַל מְנַת לְמַקְט אוּ לְצַעַר אוּ לְשֵׁלֵם תְּשִׁלוּמֵי כָּפֵל, דָּאֵי אֶמְרַת שְׁאֲנוּס הִנֵּה מַחֲמַת דּוֹחֶקוֹ, לְמָה גֵנֵב, הִנֵּה לוֹ לְמַכּוֹר עֲצָמוֹ לְעַבְד, כְּדַכְתִּיב "וְכִי־יִמּוֹךְ אֶחָיִד עִמָּךְ וְנִמְכַרְתָּ לָּךְ" וְאֶמְרִינּוּ בְּפָרֶק קַמָּא דְּקִידוּשֵׁינוּ (דָּף ט"ו) מַה לְמוֹכֵר עֲצָמוֹ דְּלֵא עֵבֶד אִיסוּרָא, אֶלְא וְדָאֵי שְׁכּוֹנָתוֹ רַעָה וְרָאוּי לְעוֹנֵשׁ מִתַּחֲלָה.

Now then, this thief, who was sold for his theft, it appears we should say that he is truly a thief and deserving of punishment as soon as he stole. This is even more true when he stole something that certainly was not intended for sale, for there is no room to err as in the case of Reish Lakish mentioned above. Even if his intention was to pay, Scripture says “You shall not steal,” and our rabbis of blessed memory expounded that this applies even if one steals in order to vex, or to cause pain, or to pay double restitution.⁴ For if you say that he

³ Joseph ibn Habiba (14th–15th Centuries), Spanish Talmudist, author of *Nimukei Yosef*.

⁴ Bava Metzia 61b.

was compelled due to his distress, why did he steal? He should have sold himself as a servant, as it is written, “If your brother becomes impoverished with you and is sold to you.”⁵ We say in the first chapter of Kiddushin (page 15a): What about one who sells himself, isn’t this a forbidden act? Rather, certainly his intention was evil and he is deserving of punishment from the outset.

אָלָא שְׁמַצַד אַחַר יֵשׁ לְהַפּוֹף בְּזִכּוּתוֹ וְלוֹמַר שְׁכּוֹנְוֹתוֹ אֵינָה רְעָה אֶלָּא שְׁטֻעָה בְּסִבְרָתוֹ, מִשּׁוּם דְּאִמְרִינָן בְּפֶרֶק ח' דְּבִתְרָא דְרַשׁ ר' פִּנְחָס בַּר חֲמָא קָשָׁה עֲנִיּוּת בְּתוֹף בֵּיתוֹ שֶׁל אָדָם יוֹתֵר מִתְּמַשִּׁים מִפּוֹת שְׁנָאֲמַר "חֲנִנִי חֲנִנִי" וְכוּ'. וְכַתּוּב מִהֲרַשׁ"א נֶשֶׁם, דְּקָדַם לֹמַר בְּתוֹף בֵּיתוֹ שֶׁל אָדָם דִּהְיִינוּ אַף שֶׁיֵּשׁ לוֹ מְזוֹנוֹת אֲצֵל אַחֲרִים, פִּינּוּן שֶׁהֵם תְּלוּיִים בְּאַחֲרִים הֵנִי לִיה מִפְּתוֹ גְּדוּלָּה יוֹתֵר מִתְּמַשִּׁים מִפּוֹת עכ"ל.

However, from another perspective one can argue in his favor and say that his intention was not evil, but that he erred in his reasoning. For we say in the 8th chapter of Bava Batra (116a): Rabbi Pinchas bar Chama expounded that poverty within a person’s household is harsher than fifty lashes, as it is stated, “Pity me, pity me! You are my friends; for the hand of G-d has struck me!”⁶ The Maharsha wrote there that he was precise in saying “within a person’s household,” meaning that even if he has sustenance from others, since he is dependent on others, his affliction is greater than fifty lashes.

וּמַעֲתָה זֶה הָיָה סוֹבֵר שֶׁהוֹאִיל שְׂאִין מִן הָרְאוּי לְעִשׂוֹת כֹּף לְמַכּוֹר עֲצָמוֹ לְעַבְד, שֶׁהָרִי בְּמִכְרָהּ זוֹ לֹא יִצָּל מִצַּעַר וְהִדוּחַק וְחִבְלֵי עוֹנֵי כְּנֻכָּר לְעֵיל, אִם כֵּן מֵה שְׁאֲמַר הַכְּתוּב "וְכִי־יִמְוָה אַחִיד עִמָּךְ" לֹא מִיִּירֵי אֶלָּא בְּמִי שֶׁכָּבַר עֲשֵׂה, וְאִדְרָבָּא פֶּשֶׁט הַכְּתוּב הוּא לְאִיסוּרָא, "פִּי־לִי בְּנִי־יִשְׂרָאֵל עֲבָדִים עֲבָדִי הֵם—וְלֹא עֲבָדִים לְעַבְדִּים", וְהוֹאִיל שֶׁיְהִינָה נִלְחָץ מִהִדוּחַק, יוֹתֵר הָיָה קָל בְּעֵינָיו לְגַנוֹב עַל מְנַת לְשִׁלְמֵי תְּשׁוּבָה כֶּפֶל, שֶׁלֹּא בָּא אֲזוּהָרָה עַל זֶה בְּפֶשֶׁט הַכְּתוּב אֶלָּא בְּאַסְמַכְתָּא בְּעֵלְמָא, וְעוֹד אֲפָשָׁר שֶׁלֹּא הָיָה יוֹדֵעַ הֵדִין שְׁמוֹכֵר עֲצָמוֹ לֹא עֲבִיד אִיסוּרָא וְגַם הִלִּימוּד שֶׁל "לֹא תִגְנוּבוּ עַל מְנַת לְשִׁלְמֵי" וְכוּ', חֲדָא דְלֵא מִשְׁמַע לְהוּ לְאִנְשֵׁי אִיסוּרָא בְּאֵלוֹ הֶעֱנִינִים, וְעוֹד שֶׁגַם דָּוִד לֹא הָיָה יוֹדֵעַ זֶה הֵדִין, שֶׁהָרִי הַסְּנֵהֲדֵרִין שֶׁלְּחֹו לִיה "חִבְלֵי לְשִׁיב רְשָׁע גְּזוּלָּה יִשְׁלַם" אַף עַל פִּי שֶׁמְשַׁלֵּם רְשָׁע הוּא כְּדֵאִתָּא בְּפֶרֶק הַכּוֹנֵס (דף ס') וְעֵי"ש.

Accordingly, he was of the opinion that it is not fitting to do such a thing—to sell oneself as a servant—for in such a sale he would not be spared pain, pressure, and the pangs of poverty as mentioned above. Thus, since Scripture says, “If your brother becomes impoverished with you,” he reasoned that this refers only to one who has already done so.

Indeed, the plain meaning of the verse implies a prohibition, for “‘For it is to Me that the Israelites are servants: they are My servants’⁷—and not servants to servants.”⁸ Since he would be pressed by distress, it seemed easier in his eyes to steal with the intention of paying double restitution, since there is no explicit warning about this in the plain sense of Scripture, but only as a rabbinic support.

In other words, the thief understood that ideally [*le’chatchilah*], a person should not sell himself, but that if one had already done so [*bedi’avad*], the Torah would tolerate it. Where he

⁵ Lev. 25:39.

⁶ Job 19:11.

⁷ Lev. 25:55.

⁸ Kiddushin 22b; Bava Kamma 116b; Bava Metzia 10a.

erred was in thinking, “Since selling oneself is not appropriate *lechatchilah*, I may prevent that outcome by committing theft, in order to achieve a morally preferable result.”

Furthermore, it is possible that he did not know the law that one who sells himself does not commit a transgression, nor the teaching that “ ‘you shall not steal’ in order to pay double restitution.”⁹ This is so first, because people do not perceive a prohibition in these matters, and second, because even David did not know this law. For the Sanhedrin sent to him: “If the wicked restore the pledge, give back that which he had taken by robbery, walk in the statutes of life, committing no iniquity; he shall surely live, he shall not die.”¹⁰ They explained: “Even though he pays, he is still called wicked,” as stated in the 6th chapter of Bava Kamma entitled “One who brought,” at page 60b, and see there.

ומשום הָכִי לֹא רָצָה לְמַכּוֹר אֶת עַצְמוֹ וְהִלָּךְ לְגָנוּב לְמִלְאֵת נַפְשׁוֹ וְעַל מִנַּת לְשִׁלְם כְּשֵׁישׁ לוֹ, וּלְפִיכָּךְ אֵינּוּ רְאוּי לְעוֹנֵשׁ, וְהוּא בְּכֻלּוֹ "לֹא-יְבוֹזוּ" וְכוּ' "לְמִלְאֵת נַפְשׁוֹ" וְכוּ', וּמִשׁוּם הָכִי אָמַר הַכֶּתוּב "וְנִמְכַר בְּגִבּוֹתָיו", שֶׁהָרִי אֶפִּילוֹ לְפִי דְבָרָיו וּלְפִי טְעוּתוֹ בְּדִין כְּבָר הוּא נִקְרָא "עֶבֶד", שֶׁהָרִי הוּא חַיִּיב לְשִׁלְם, וְקִרְא כֶּתִיב "וְעֶבֶד לֹנֶה לְאִישׁ מִלְּנֶה", וְעַל כֵּן צָרִיכִים אָנוּ לְמוֹכְרוֹ כְּדֵי לְשִׁלְם דְּמֵי הַגְּבִיבָה.

For this reason, he did not wish to sell himself, and he went and stole to fill his hunger, with the intention of paying when he would have the means.

Therefore, he is not deserving of immediate punishment, and he falls under the category of “They do not despise a thief if he steals to satisfy his hunger.”¹¹ Therefore, Scripture says, “[The thief] must make restitution, and if lacking the means, shall be sold for the theft.”¹² For even according to his own words and his mistake in understanding the law, he is already called a servant, since he is obligated to pay. Where is he already called a servant? Scripture states, “A borrower is a servant to the lender.”¹³ Therefore, we must sell him in order to pay the value of the theft. He is ultimately forced into the situation he tried to avoid, being sold, to show him that while it was difficult, it was not forbidden, and did not justify theft.

וּבְזֶה יוֹבֵן הַטַּעַם לָמָּה שֶׁאָמְרוּ ז"ל ל "וְנִמְכַר בְּגִבּוֹתָיו"—וְלֹא בְּכַפְלוֹ, לְפִי שֶׁבְּמִכְרָהּ זֶה לֹא רָצָה הַכֶּתוּב לְהַטִּיל עָלָיו שׁוּם עוֹנֵשׁ, הוּאִיל שֶׁאֵין לוֹ וְגַב מִחֲמַת דוּחַקוֹ, וְאֶפְשֶׁר שֶׁלֹּא הִיָּתָה כּוֹנֵנָתוֹ לְעִבּוֹר עַל דְּבָרֵי תוֹרָה אֲלֵא שֶׁטַּעַה בְּדִין כּוֹנֵנָתוֹ לְעִיל, אֲמַנָּם כֹּל זֶה הוּא כְּשֶׁהוֹלֵךְ לְחִירוֹת לְסוּף שֵׁשׁ, אֲבָל כְּשֶׁאֵינּוּ רוֹצֵה לְצַאת לְחַפְשֵׁי אִם כֵּן גִּילָה דַּעְתּוֹ שֶׁאֵינּוּ מְקַפֵּיד לְקַנְיִים גְּזִירַת הַכֶּתוּב "וּבִשְׂבַעֶת יֵצֵא לְחַפְשֵׁי" וְכוּ', וְלֹא פֶשֶׁט הַכֶּתוּב שֶׁל "כִּי-לִי בְּנִי-יִשְׂרָאֵל עֶבְדִים", וְאֵינּוּ מְקַפֵּיד נְמִי שֶׁיִּהְיוּ מְזוֹנְתִיו מְלוֹנִיִּים בִּיְדֵי אֲחֵרִים, וְהִדְרָא קוֹשְׁיִין לְדוּכְתָא לָמָּה לֹא מְכַר עַצְמוֹ מִתְחִילָה, וְאֵין לוֹ עוֹד תִּירוּץ דְּקוּשָׁה עֲנִיּוּת, אֲלֵא אֲדַרְבָּא אֵיגְלָאי מִלְּתָא שֶׁגַב הִיָּתָה כּוֹנֵנָתוֹ לְרַעָה, וּמִשׁוּם הָכִי רוֹצְעִים אֶת אֲזוּנוֹ שֶׁעֲבַר עַל "לֹא תִגְנוּבוּ".

With this, the reason will be understood for what [the rabbis] of blessed memory said: “ ‘he shall be sold for his theft’ [to pay for items that he has stolen], but not [to pay] for his

⁹ Yerushalmi Sanhedrin 8:3.

¹⁰ Ezek. 33:15.

¹¹ Prov. 6:30.

¹² Ex. 22:2.

¹³ Prov. 22:7.

double payment.”¹⁴ For by this sale, Scripture did not wish to impose any punishment upon him, since he had nothing and stole due to his distress. It is possible that his intention was not to transgress the words of the Torah, but rather that he erred in the law, as mentioned above.

However, all of this applies when he goes free at the end of six years. But when he does not wish to go free, then he reveals his intent that he does not care to fulfill the decree of Scripture, “When you acquire a male Hebrew slave, he shall serve six years; in the seventh year he shall go free, without payment.”¹⁵ Nor does he care to fulfill the plain meaning of “for it is to Me that the Israelites are servants,” and he also does not care that his sustenance be dependent on others. Then the difficulty returns to its place: why did he not sell himself from the outset? He no longer has the excuse of the hardship of poverty. On the contrary, it becomes clear that his intention in stealing was evil, and therefore they pierce his ear for having transgressed “You shall not steal.”

Question 1 asked: If the slave’s ear is being pierced because of his theft, why wasn’t it pierced from the outset. The answer is: Because of his mistaken thinking that one could violate a commandment in order to avoid a *bedi’avad* situation that the Torah allows. That is, initially, and throughout the first 6 years, the thief was given the benefit of the doubt. We assume his crime was a result of desperation or poverty, not a fundamental rejection of G-d’s authority. The end of year 6 was the moment of truth: He is offered total freedom to return to his status as a direct servant of G-d. If he refuses freedom, it proves retroactively that his original theft was not just a lapse in judgment, but a preference for human mastery over Divine Law. Now that this rebellion is revealed, the ear is finally pierced.

ואם תאמר למה דוקא אוזן יותר משאר איברים, ואי מטעם און ששמעה על הר סיני וכו', אם כן אף כשעובר האדם על שאר המצוות היה לנו לרצוץ אוננו בשביל ששמעה וכו'. ויש לומר דאמרין בפרק קמא דכתובות תנו רבנן לעולם אל ישמיע אדם לאזניו דברים בטילים, לפי שהם נכוות תחלה לאיברים. וכתב מהרש"א, שגם הדיבור המותר כגון דברים בטלים שאינו צריכין, אל ישמיע לאזניו אלא לדיבור של מצנה, מה שאין כן בשאר חושים כגון בחוש הראות שאין אדם מוזהר להעצים עיניו מראות דבר המותר, לפי שבקל יבא משמיעת דיבור הבטל לידי שמיעת דיבור האסור, שעל כן הן נכוות תחלה לשאר איברים, ששאר החושים יוצאים ממנה, לפי שהאסור מצוי בו יותר עכ"ל.

Question 2: **If you say: why specifically the ear more than the other limbs? If it is because the ear heard at Mount Sinai, etc., then when a person transgresses other commandments, we should also pierce his ear because it heard the commandments at Mount Sinai.**

One may say that we state in the first chapter of Ketubot (5b): Our Rabbis taught: A person should never cause his ears to hear idle words, because they are burned before the other limbs.

The Maharsha wrote that even permitted speech, such as idle words that are unnecessary, one should not cause his ears to hear, only speech related to the commandments. This is unlike the other senses, such as sight, where a person is not warned to avert his eyes

¹⁴ Kiddushin 18a.

¹⁵ Ex. 21:2.

from seeing something permitted, because it is easy to come from hearing idle speech to hearing forbidden speech. Therefore, they are burned first among the other limbs, since the other senses derive from it, because prohibition is more prevalent in it.

ובפרק ד' דמציצא אמרינו אמר רב פל ההולך אחר עצת אשתו נופל בגהינם, והא אמרי אינשי אתתה גוצא נכו', לא קשיא הא במילי דעלמא והא במילי דביתא. וקשה מהו הלשון נופל בגהינם, הנה לו לומר יורש, כדתנו באבות וסופו יורש גהינם. ובדברי מהרש"א הנזכר לעיל אתי שפיר, שיקרי תנו באבות ואל תרבה שיחה עם האשה באשתו אמרו, דהיינו אפילו בדברים המותרים אסור להרבות שיחה, ואם כן אף לשמוע עצת אשתו במילי דביתא צריך למעט, ואף על פי שאינן דברים האסורים עם כל זה יש לחוש פן מן המותר יבא אל האיסור, ומשום הכי אמר נופל כלומר נופל באיסור ולא ירגיש ומתודך כף נופל בגהינם.

In chapter 4 of Bava Metzia, we say:

Rav said, anyone who follows the counsel of his wife falls into Gehinnom. But people say, “If your wife is short, stoop and whisper to her [and consult with her]? This is not difficult: this [statement of Rav means don’t follow her counsel] in general matters. That [proverb means that one may follow her counsel] in household matters.

- Bava Metzia 59a

But it is difficult—why does it say “falls into Gehinnom”? It should have said “inherits,” as we learned in Pirkei Avot, “and in the end he inherits Gehinnom.”¹⁶ In light of the Maharsha’s words mentioned above, this fits well. For we learned in Pirkei Avot: “Do not engage in excessive conversation with a woman”—this was said even regarding one’s own wife—meaning that even in permitted matters it is forbidden to engage in excessive conversation. Therefore, even listening to his wife’s counsel in household matters must be limited. Although these are not forbidden matters, nevertheless one must fear that from the permitted one may come to the forbidden. Therefore, it says “falls,” meaning that he falls into transgression without noticing, and as a result falls into Gehinnom.

וקצת מפרשים אמרו שהטעם שהתורה לא התירה שפחה כנענית לעבד אלא דוקא כשיהיה נשוי מתחלה, דמסתמא הלא לגנוב בשביל אשתו שהיתה מצערתו בשביל תכשיטיה שאינו עושה לה כמו שעושים שאר האנשים לנשיהם, ומחמת כך הלא לגנוב, ובפרק קמא דמגילה אמרינו אין אשה מתקבצת אלא בירך חבירתה, ומשום הכי אמר הכתוב שאדוניו יתן לו אשה. והכא נמי כשיש לו אשה שפא לידי לא תגנוב בשביל לשמע הרבה יותר מדאי לעצת אשתו ומן המותר בא לידי איסור, לכן ירצע באזנו, שהנה לו ללמוד משם להתרחק מן המותר פן יבא אל האיסור.

Some commentators further said that the reason the Torah permitted a Canaanite maidservant to a Hebrew slave only when he was already married is that presumably he went to steal on account of his wife, who distressed him because of her jewelry, which he could not provide for her as other men do for their wives. Because of this, he went to steal.

¹⁶ Pirkei Avot 1:5.

In the first chapter of Megillah (13a) we say: A woman becomes jealous only of her fellow's thigh. Therefore, Scripture says that his master shall give him a wife,¹⁷ as a moral stress test.

If after six years, he leaves his master, he loses the wife given to him, and the children she bore. That proves that he never wanted to be a slave, but that he only erred under pressure. His theft was not rebellion, but desperation, and no punishment is needed.

However, if he refuses to leave, showing that he prefers this arrangement and accepts a human master, then his theft is revealed as a rejection of serving G-d. He was no longer mistaken, but wicked, and he deserves punishment.

Here too, when he has a wife and comes to transgress “You shall not steal” because he listened excessively to his wife’s counsel, and from the permitted came to the forbidden, therefore his ear is pierced, for he should have learned from this to distance himself from the permitted lest he come to the forbidden.

עוד שם ר' שמעון דרש מה נשתנו דלת ומזוזה מכל פלים שבבית אמר הקב"ה דלת ומזוזה שהיו עדים במצרים כשפסקתי על המשקוף ועל שתי המזוזות ואמרתי "כילי בגי' ישראל עבדים". ומקשים העולם היכן מצינו שאמר הקב"ה באותו פעם שנתנו מן הדם על המשקוף וכו' "כילי בגי' ישראל עבדים", ועוד מה ענין עדות לכאן. ואיתא ביבמות פרק ד' (דף מ"ו) ששמשטביל את העבד אמר שמואל צריף לתוקפו במים, כלומר צריף להטיל עליו עול ושעבוד בעודו במים, כדי שישטבול עצמו לשם עבדות ולא יקדים את עצמו לטבול לשם בן חורין.

Question 3: Why is the ear pierced on the doorpost?

Also there in Kiddushin (22b), Rabbi Shimon ben Rabbi expounded: Why were the door and the doorpost distinguished from all the vessels in the house? The Holy One, Blessed be He, said: The door and the doorpost that were witnesses in Egypt, when I passed over the lintel and the two doorposts, and I said, “For it is to Me that the Israelites are servants.”

People ask: where do we find that the Holy One, Blessed be He, said at that time, when they placed the blood on the lintel, etc., “For it is to Me that the Israelites are servants”? Also, what relevance does testimony have here? Also, it is stated in Yevamot, chapter 4 (page 46a), that when immersing a slave, Shmuel said that one must submerge him forcefully in the water. That means that one must impose upon him the yoke and subjugation while he is in the water, so that he immerses himself for the sake of servitude and does not precede himself into the immersion as a free man.

ואף כן במצרים בשעה שהיו ישראל קונים לעצמם החירות, דהיינו בשעת מפת בכורות שהמצריים היו אומרים להם "קומו צאו" וכו' וכמו שאמרו ז"ל בהפזון דמצרים, הוצרך הקב"ה לתקפם תחת רשותו כדי שיהיו לו לעבדים ולא יקנו החירות לעצמם, וזהו "כילי בגי' ישראל עבדים עבדי הם אשר-הוצאתי אותם מארץ מצרים", וכמו שפירש החכם השלם מ"ו אפרים הפהן זצ"ל "ימינה ה' נאדרי בלח ימינה ה' תרעץ אויב", שבעוד שהיתה ימינו רועצת האוייב בלח היתה נאדרת בלח לתקוף את ישראל לו לעבדים עכ"ד. ותקפם תחת רשותו במה שהפחידם שלא יצאו איש מפתח ביתו, שאם היו יוצאים היו גם הם מתים, ואף בבית היו בסכנה אם לא היה הסימן של הדם על המשקוף והמזוזה.

So too here in Egypt, at the time when Israel were acquiring freedom for themselves—namely, at the time of the plague of the firstborn, when the Egyptians were saying to them,

¹⁷ Ex. 21:4.

“Rise, go, from among my people, you and the Israelites with you,”¹⁸ and as [the rabbis] of blessed memory said, in the haste of Egypt—the Holy One, Blessed be He, needed to overpower them under His authority so that they would be servants to Him and not acquire freedom for themselves. This is the intent of “For it is to Me that the Israelites are servants: they are My servants, whom I freed from the land of Egypt.”

As the perfect sage, our teacher Ephraim the Kohen, of blessed memory, explained on the verse, **“Your right hand, L-rd, glorious in power, Your right hand, L-rd, shatters the foe,”¹⁹ that while His right hand was shattering the enemy in the sea, it was glorious in power to overpower Israel to be His servants.**

He overpowered them under His authority by frightening them not to leave the entrance of their houses, for if they went out, they too would die. Even inside the house, they were in danger if not for the sign of the blood on the lintel and the doorpost.

נמצא אם כן שהמשקוף והמזוזה שהיה בהם הדם לסימן, הם הם העדים שהיו ישראל מתיראים באותה שעה מהקב"ה, ואם כן אינם בני חורין אלא משועבדים לו, כדי שיתקיים "כילי בני ישראל עבדים", ואם כן שפיר קאמר דלת ומזוזה שהיו עדים במצרים וכו' ואמרתי "כילי בני ישראל עבדים" כמו שפירשנו, דאי לא הכי לא היה צורך לסימן הדם כלל וכלל, שהרי "ידע מה בתשוכא ונהורא עמה שרא".

Thus, to answer Question 3, **it is found that the lintel and the doorpost that had the blood upon them as a sign are precisely the witnesses that Israel feared the Holy One, Blessed be He, at that moment. Therefore, they were not free men but subject to Him, so that “For it is to Me that the Israelites are servants” would be fulfilled. Accordingly, it is well stated by Rabbi Shimon ben Rabbi that G-d said: “The door and the doorpost that were witnesses in Egypt, when I passed over the lintel and the two doorposts, and I said, ‘For it is to Me that the Israelites are servants,’ ” as we explained. For if not so, there would have been no need at all for the sign of the blood, since “He knows what is in darkness and in light dwells with Him.”²⁰**

By connecting the timing to the Exodus, the *Zera Shimshon* clarifies why the ear is the chosen limb. The ear is the organ that “heard” the warning in Egypt and the declaration of freedom at Sinai. Since the slave’s choice after six years proves he has retroactively rejected the ears’ testimony of Divine Servitude, that specific organ—the one that failed to “internalize” the message of the doorpost in Egypt—is the one that must be pierced.

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¹⁸ Ex. 12:31.

¹⁹ Ex. 15:6.

²⁰ Dan. 2:22.