

Zera Shimshon

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Chapter XXI: Ki Tisa (Ex. 30:11–34:35)

Essay 23. The importance of G-d leading the way

פסוק "אם-אין פניך הלכים אל-תעלנו מזה". הקשו המפרשים מדוע לעיל בפרשת משפטים כשאמר לו "הנה אנכי שלח מלאך לפניך" וכו', שמתק משה, ושתיקה בהודאה דמיא שיהיה מרוצה בשליחות המלאך, ובהיום נתרעם ואמר "אם-אין פניך הלכים" וכו'.

Exodus chapter 33 begins with the L-rd telling Moses, “Set out from here, you and the people that you have brought up from the land of Egypt, to the land of which I swore to Abraham, Isaac, and Jacob, saying, ‘To your offspring will I give it’—*I will send an angel before you*, and I will drive out the Canaanites, the Amorites, the Hittites, the Perizzites, the Hivites, and the Jebusites—a land flowing with milk and honey. But I will not go in your midst, since you are a stiffnecked people, lest I destroy you on the way.” (Ex. 33:1–3). The people mourned when they heard that G-d was angry at them, and Moses pleaded with Him, so He relented somewhat and said, “I will go in the lead and will lighten your burden” (Ex. 33:14). In the next **verse**, Moses affirmed, “**Unless You go in the lead, do not make us leave this place**” (Ex. 33:15).

The commentators ask, why is it that above, in parshat Mishpatim, prior to Moses’ ascent of Sinai, when G-d was instructing Moses in various commandments, and He said to him, “**I am sending an angel before you** to guard you on the way and to bring you to the place that I have made ready” (Ex. 23:20), Moses was silent. Silence was like an acknowledgment of one who was satisfied with the sending of the angel, but today, in Exodus chapter 33, [Moses] was complaining and said, “**Unless You go in the lead . . .**”?

ונראה דאימא בפנסת הגדולה חושן משפט (סימן קל"ח בהגהת הטור סעף כ"ב) בשם תשובת מהר"ם, דכי אמרינו דשתיק הוי מחילה ונקא במקום ששור טבוח לפניו. אבל היכא דאינו רואה עדיין נזק בשלו, לא הויא בהודאה, שאינו חושש להשיב על העתיד עכ"ל.

It appears that it’s brought in the sefer **Knesset HaGedolah, Choshen Mispat¹ (siman 138 in the commentary of the Tur, se’if 22), in the name of a responsum of Meir of Rothenburg,² that it is said that silence is definitely forgiveness in a place where [a man’s] ox**

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¹ Rabbi Chaim Benveniste (1603–1673), rabbi of Izmir, Turkey. The first part of his commentary, Knesset HaGedolah, on Choshen Mishpat was published in Izmir in 1660.

² Meir of Rothenburg (c. 1215–93), German Rabbi and poet, major contributing author of the Tosafot on Rashi's commentary on the Talmud.

is slaughtered before him. But where [a man] does not yet see any damage to himself, [silence] is not a consent, for he does not fear he'll have to refute now for the future.

ואף כֵּן, מִשֶּׁה בְּפָרְשַׁת מִשְׁפָּטִים שָׁאָמַר לוֹ "הִנֵּה אֲנֹכִי שֹׁלֵם מִלְּאֹף לִפְנֵיךָ לְשֹׁמְרֵךְ בְּדַרְדָּר וְלִהְבִּיאָה אֶל־הַמָּקוֹם", שָׁתַק מִשֶּׁה וְלֹא חָשַׁשׁ לְהַשִּׁיב לוֹ, שֶׁעֲדֵיכֵן לֹא הָיָה יוֹדֵעַ הַזְּמַן שֶׁהָיָה רוֹצֵה לְהִבְיֹאם, וְלֹא רָצָה לְהַשִּׁיב עַל הָעֲתִיד.

Even here, regarding Moses in parshat Mishpatim, where He said to him, “I am sending an angel before you to guard you on the way and to bring you to the place that I have made ready,” Moses was silent and not anxious to answer Him, as he did not yet know the time that He wanted to bring them, and he did not want to answer about the future.

אָבָל בְּפָרְשַׁת פִּי תִשָּׂא שָׁאָמַר לוֹ הַקַּב"ה "לֵךְ עֲלֶה מִזֶּה אַתָּה וְהָעָם" וְכוּ' "וְשָׁלַחְתִּי לְפָנֶיךָ מִלְּאֹף" וְכוּ', שֶׁנִּרְאָה שֶׁמִּיַּד הָיָה לוֹ לַעֲלוֹת לְאֶרֶץ יִשְׂרָאֵל, הִרְגִּישׁ מִשֶּׁה וְאָמַר לוֹ "אִם־אֵין פְּנֵיךָ הַלְכִים", שֶׁמִּעֲתָה הָיָה דֹבֵר בְּעֵתוֹ מֵה טוֹב. וְכֵן זֶה הוּא תִירוּץ לְפִי דַרְכָּם, אֲמָנָם לְדִידוֹ קוֹשֵׁי מַעֲיָקְרָא לִיתָא, שֶׁהָרִי מִשֶּׁה הָיָה שְׁלוּחַן שָׁל יִשְׂרָאֵל, וְאֵי אֲפָשֶׁר לוֹמַר דְּמַדְשַׁתְּמָן מַסַּל, שֶׁאֵין בְּיָדוֹ לְגַרוּעַ טַעֲנוֹתֵיהֶן שָׁל יִשְׂרָאֵל, שֶׁיִּכּוֹלִים יִשְׂרָאֵל לוֹמַר לְמַקוֹנֵי שְׂדֵרְתֵיהֶן וְלֹא לְעוֹתֵיהֶן. וְאִם כֵּן שְׁתִּיקַת הַשְּׁלִיחַ אֵינָה פְּלוּם.

But in parshat Ki Tisa, the Holy One, Blessed be He, told him, “Set out from here, you and the people” and “I am sending an angel before you.” The imperative language, “Set out from here,” made it appear that he was to immediately go up to the Land of Israel. Moses sensed this and said, “Unless You go in the lead.” I.e, from now, it was not a question of some future event, but it was the present, and he would say what was good for him.

All this is a solution according to the way of the commentators. Albeit from the outset, it was not difficult for us to understand the distinction. For Moses was the agent of Israel, and it is impossible to say that from the fact that he was silent that he was forgiving, for he could not detract from the claims of Israel, for if he did, Israel could say, “I sent you to [act for] my benefit, and not to my detriment.”³ If so, the silence of the agent is meaningless.

וְעוֹד שֶׁשָּׁם לֹא אָמַר לוֹ הַקַּב"ה שֶׁיִּפְרֹשׁ הַדְּבָר לְיִשְׂרָאֵל כְּמוֹ שָׁאָמַר כֵּן "אַתָּה וְהָעָם" וְכוּ' "כִּי עִם־קִשְׁה־עֲרָף" וְכוּ', וְלָכֵן מִתְחַלֵּה שָׁתַק מִשֶּׁה וְכֵן הִרְגִּישׁ וְלֹא רָצָה הַמִּלְאָךְ.

Furthermore, there in parshat Mishpatim, the Holy One, Blessed be He, didn't tell him to explain the matter to Israel as he said here, “Set out from here, you and the people,” and obviously Moses would have to tell the people where they were going. G-d also said, “I will not go in your midst, since you are a stiffnecked people, lest I destroy you on the way” (Ex. 33:3). Therefore, at the beginning, in parshat Mishpatim, Moses was silent, but here he sensed this, that their goal of entering the Land of Israel was more imminent, and that he could and should raise any questions or concerns that he had, and he expressed that he didn't desire the mere sending of the angel, but rather that he wanted G-d to take the lead. G-d in fact said that He would take the lead, and so Moses just stressed how important that would be.

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³ Ketubot 85a, 99b; Kiddushin 42b; Bava Metzia 108a; Bava Batra 169b; Bechorot 61a.