

Zera Shimshon

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

Essay 25. The ownership of the Tablets

גמרא דנדרים פרק ד' אומר ר' יוסי בר חנינא: מתחלה לא ניתנה התורה אלא למשה ולזרעו, שנאמר "כתב-לך" "פסל-לך", מה פסלתו שלך יהא אף כתיבתו שלך יהא עכ"ל.

There is a **Gemara of tractate Nedarim, chapter 4:**

Rabbi Chama, son of Rabbi Chanina, said: Moses became wealthy only from the waste [remaining] from [hewing] the Tablets [of the Covenant], as it is stated: “Hew for yourself two tablets of stone like the first.”¹ [“Hew for yourself” means that] their waste shall be yours. [The tablets were crafted from sapphire, so even the remnants were valuable.]

Rabbi Yossi bar Chanina said: The Torah was given initially only to Moses and his descendants, as it is stated: “Write for yourself,”² [and it is also stated]: **“Hew for yourself,”** [meaning]: **Just as their waste is yours, so too their writing is yours.** [However,] Moses treated [the Torah] with generosity and gave it to the Jewish people.

- Nedarim 38a

מקשים העולם דמה צורף להיקוש, והלא בשם שממלת "לך" הכתוב אצל "פסל" אנו למדים שיהיו הפסולות שלו, אף מתיבת "לך" הכתוב אצל "כתב" אנו יכולים ללמוד שתהא הכתיבה שלו. ויש לומר דהואיל ששאר הפעמים הכתוב בתורה "לך" דרשו בו רז"ל שיעשה משלו, כגון "עשה לך שתי חצוצרות כסף", "קח-לך עגל כן-בקר" וכו', וכמו שכתב מהרש"א, ובאלו השמים אי אפשר לכאורה לדרוש בהם כף, שהרי הלווחות היו של סנפרינון ואי אפשר שמשה יעשה משלו, וכן "כתב-לך", בשלמא אם היו כתובים בדיו הייתי יכול לומר שיקח הקולמוס והדיו משלו. אבל עכשיו שהיו נחקקים בלווחות אין מקום לומר שיעשה ואת החקיקה משלו, שאין בה ממש אלא הטורה, ואם כן קשיא להו לרז"ל דרשת אלו השתי "לך" הכתובים אצל "פסל" ו"כתב".

The world asks what need there was for the *hekeshe*, the drawing of conclusions due to similarity between two or more things. Just as by the word “for yourself” being written beside “hew,” we learn that the waste shall be his, so too, from the word “for yourself” being written beside “write,” we are able to learn that the writing is his.

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¹ Ex. 34:1.

² Ex. 34:27.

It can be said that the other times that it is written “for yourself” in the Torah, the rabbis of blessed memory interpreted that he should make it from what he has, for example, “Make for yourself two silver trumpets,”³ and “take a calf of the herd.”⁴ As the Maharsha wrote, “with these two [i.e., “hew for yourself” and “write for yourself”] it is apparently impossible to demand this, for the Tablets were made of sapphire and it was impossible for Moses to make that of his own material. Similarly, it’s apparently impossible regarding “write for yourself.”⁵ Granted, if they had been written in ink, I could say that he took a quill and his own ink, but now that they were required to be engraved in the Tablets, there’s no room to say that he should make the Tablets and the engraving would be his. That is, there is nothing tangible there, rather only the labor, and if so, it is difficult for them, for the rabbis of blessed memory, who gave their explanation of these two “for yourselves” written beside “hew” and “write.”

אָמַנְם לֹאֲחֵר שְׁמַצִּינוּ בְּמִדְרָשׁ וּבִירוּשְׁלָמִי דְשִׁקְלִים מַחְצָב שֶׁל אֲבָנִים טוֹבוֹת הִרְאָה לּוֹ הַקַּב"ה לְמִשְׁה בְּתוֹךְ אֶהְלוּ וְאָמַר לּוֹ "פָּסֶל־לָךְ" וְכוּ'. אִם כֵּן גַּם זֶה הִ"לָּךְ" הַסְמוּךְ לִ"פָּסֶל" יְכוּלִים אָנוּ לְדוֹרְשׁוֹ כְּמוֹ שֶׁאָר "לָךְ" הַכְּתוּבִים בְּתוֹרָה, דִּהְיִינוּ שְׂיַעֲשֵׂם מִשְׁלוֹ, שֶׁהָרִי כָּבֵר הָיָה לּוֹ הָאֲבָנִים בְּתוֹךְ אֶהְלוּ, שֶׁכָּבֵר נִתְּנָם לּוֹ הַקַּב"ה בְּמִתְנָה. וְלִרְמוֹז עַל זֶה אָמְרוּ ו'ל פָּסֶלְתָּן יָהּ אֶשְׁלָךְ, דְּמִזֶּה מִשְׁמַע שֶׁהָיָה שְׁלוֹ לְהַתְנַהֵג בָּהֶם כְּבַעַל הַבַּיִת, כְּדַתְנֵן מֵה שֶׁהִתְרַשׁ מוֹצִיא בְּמַעֲצָד, הָרִי אֵלָיו שְׁלוֹ, וּבְכַפְשִׁיל, הָרִי הֵם שֶׁל בַּעַל הַבַּיִת. וּמִשׁוֹם הָכִי עָשׂוּ הַהִיקוּשׁ שֶׁגַם "כְּתַב־לָךְ" רָצָה לִזְמַר "כְּתַב לָךְ מִשְׁלָךְ", דִּהְיִינוּ שֶׁהַתּוֹרָה הַיְתָה שֶׁל מִשְׁה, שֶׁכָּבֵר נִתְּנָה לּוֹ הַקַּב"ה בְּמִתְנָה כְּמוֹ הַמַּחְצָב שֶׁל הָאֲבָנִים טוֹבוֹת, וְהִנֵּה הֵנָּם כְּמוֹ שֶׁאָר "לָךְ" הַכְּתוּבִים בְּתוֹרָה דְּמִשְׁמַעֵם מִשְׁלָךְ.

Indeed, after we find in the Midrash⁶ and in the Talmud Yerushalmi of Shekalim,⁷ “Rabbi Chanin said: The Holy One, Blessed be He, showed Moses a quarry of precious stones in his tent, and He said to him, ‘Hew for yourself two tablets.’” If so, also for this “for yourself” that is adjacent to “hew” we are able to expound as the remaining “for yourselves” written in the Torah, that he should make them from what he has, for he already had the stones in his tent, as the Holy One, Blessed be He, had already given them to him as a present. This is meant to hint at what the [rabbis] of blessed memory said, “Just as their waste is yours, so too their writing is yours,” that from this we hear that these are his properties to act toward them as though a homeowner, as we learned in a Mishnah, “That which a carpenter removes with an adze belongs to him [because an adze removes only small shavings of wood, which the customer is uninterested in]; but [what he removes] with an ax belongs to the homeowner.”⁸ Because of this, they made a conclusion due to similarity between two or more things, that also “write for yourself” wants to say, “write for yourself from what is yours. That is, that the Torah was Moses’, that the Holy One, Blessed be He, had already given it to him as a present, like the quarry of precious stones. Here they are like the other instances of “for yourself” written in the Torah, which have the meaning of “from what is yours.”

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³ Num. 10:2.

⁴ Lev. 9:2.

⁵ Rabbi Shmuel Eliezer Edels (“the Maharsha”) (1555–1631), *Chidushei Agadot* for Nedarim 38a.

⁶ Kohelet Rabbah 9:11.

⁷ Talmud Yerushalmi, Shekalim 5:2.

⁸ Bava Kamma 119a.