

Zera Shimshon

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Chapter XXXV: Naso (Num. 4:21–7:89)

Essay 2. The importance of tithing

"**וְאִישׁ** אֶת־קֹדְשׁוֹ לֹא יִהְיֶה אִישׁ אֲשֶׁר־יִתֵּן לַפֶּה־לֹא יִהְיֶה", וְלִמְעַלְמָה אָמַר "וְכָל־תְּרוּמָה לְכָל־קֹדֶשׁ בְּנֵי־יִשְׂרָאֵל אֲשֶׁר־יִקְרִיבוּ לַפֶּה־לֹא יִהְיֶה", מֵהוּ שְׁלוֹשָׁה פְּעָמִים "לֹא יִהְיֶה", "לֹא יִהְיֶה", "לֹא יִהְיֶה".

Topic 1: There is a verse: “**And every man’s sacred donations shall be his: whatsoever any man gives the priest, it shall be his** [i.e., the priest’s].”¹ **And above, it said, “And every heave-offering of all the holy things of the children of Israel, which they present unto the priest, shall be his.”**²

What is the reason for the three-fold text “shall be his”?

וְנִשְׁ לֹא יִהְיֶה אִישׁ אֶת־קֹדְשׁוֹ לֹא יִהְיֶה אִישׁ אֲשֶׁר־יִתֵּן לַפֶּה־לֹא יִהְיֶה (פֶּה־לֹא יִהְיֶה אִישׁ אֲשֶׁר־יִתֵּן לַפֶּה־לֹא יִהְיֶה) אֵין חֲזִיבִין מִן הַתּוֹרָה לְהַפְרִישׁ תְּרוּמָה אֶלָּא בְּאֶרֶץ יִשְׂרָאֵל בְּלִבָּד, וְנִבְיָאִים תְּקִנּוּהָ אַף בְּאֶרֶץ שְׁנַעַר מִפְּנֵי שְׂרֹב יִשְׂרָאֵל הָיָה מִצּוּיָן שָׁם, וְחֻמְקִים הָרָאשׁוֹנִים הִתְקִינּוּ אַף בְּאֶרֶץ מִצְרַיִם וּבְעֵמֹן וּמוֹאָב מִפְּנֵי שֶׁהֵם סְבִיבוֹת אֶרֶץ יִשְׂרָאֵל עַכְ"ל. וְהַתּוֹרָה רְצָתָה לְרַמּוֹז שׁ"לֹא יִהְיֶה" מִמּוֹן הַרְבֵּה בְּהַפְרֶשֶׁת פֶּל אֱלוֹ הַשְּׁלוֹשָׁה תְּרוּמֹת, שְׁלֹא יֵאמַר לֹא יִהְיֶה מִמּוֹן הַרְבֵּה אֶלָּא בְּאוֹתָהּ שֶׁל אֶרֶץ יִשְׂרָאֵל בְּלִבָּד.

It may be said, as stated in the Rambam (*Mishneh Torah*, chapter 1, halacha 1, from Laws of Terumot): “One is only obligated by Torah law to separate *terumah* in the Land of Israel. The prophets instituted it also in the land of Shinar [i.e., Babylonia], because the majority of Israel resided there. The early sages instituted it also in Egypt, Ammon, and Moab, because they surround the Land of Israel.”³

The Torah wished to hint that “it shall be his” refers to substantial wealth that will result from separating any of these three types of *terumah*, so that one should not say that wealth comes only from [the *terumah*] of the Land of Israel.

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¹ Num. 5:10.

² Num. 5:9.

³ This is a paraphrase of the Mishneh Torah.

ובירוּשְׁלַמִי דְשִׁקְלִים אֵיתָא ר' יִרְמְיָהּ שְׁלַח לר' זְעִירָא סַד קַרְטִיל דְתַאנִּין, ר' יִרְמְיָהּ אָמַר אֶפְשָׁר דְר' זְעִירָא אָכִיל לֹון דְלָא מִתְפַקְנָן. ר' זְעִירָא אָמַר אֶפְשָׁר דְר' יִרְמְיָהּ מְשַׁלַּח לֹון דְלָא מִתְפַקְנָן. בֵּין דִּין אֶתְאַכְלוּן תַּאנִּים בְּטַבְלֵיהוּ ע"כ. קִשְׁה דְאִידָּ אֶפְשָׁר דְגַבְרֵי סְמִיכֵי כְּוֹתִיָהּוּ טַעוּ וְסְמִיכֵי דָא לְדָא.

Topic 2: **In the Jerusalem Talmud of tractate Shekalim [sic],⁴ it is brought:**

Rabbi Yirmiyah once sent a basket of figs to Rabbi Ze'eira. Rabbi Yirmiyah said: Is it possible that Rabbi Ze'eira would eat them without tithing them? Rabbi Ze'eira said: Is it possible that Rabbi Yirmiyah would send them without tithing? Between this and that, the figs were eaten untithed.

The next day, Rabbi Yirmiyah met Rabbi Ze'eira. He [Rabbi Ze'eira] said to him: Did you tithe those figs? He said to him: No. Rabbi Abba bar Yemina said to Rabbi Ze'eira: If the people of early generations were likened to angels, we are likened to human beings. If they were likened to people, we are likened to donkeys. And [if we are likened to donkeys] we are not likened to the donkey of Rabbi Pinchas ben Yair, [but to an ordinary donkey]. When the donkey of Rabbi Pinchas ben Yair was given untithed food it would not eat it, but we ate untithed figs.

- Gen. Rabbah 60:8

It is difficult to understand how such prominent sages could err and rely on each other in this way.

וְנִשְׁ לֹוֹמַר דְר' יִרְמְיָהּ הֵנָּה מַכִּיר בְּנֵה שְׁשִׁלִּים שְׁלַח הֵנָּה בְּחֻזְקָת נְאֻמוֹ, וְאָף עַל גַּב דְקַנְיָמָא לֹן דְחֻזְקָה עַל חֶבֶר שְׁאִינוּ מוֹצִיא מִתַּסַּח יָדוֹ דְבָר שְׁאִינוּ מִתּוֹקָן, הֵנָּה סְבוּר דְטַרְחָה וְהוֹצֵאָה שְׁלַח לְצוּרָה הִיא זֹו, הוֹאִיל דְמַפְלֵ מְקוֹם ר' זְעִירָא הֵנָּה בְּעֵי לְמַעֲשֵׁרֵיהוּ לְכָלֵי עַלְמָא, דְהָא תַנּוּן בְּדַמְאֵי הַנּוֹתָן לְפּוֹנְדְקִית, מְעֵשֶׁר אֶת שְׁהוּא גוֹתָן לָהּ, וְאֶת שְׁהוּא גוֹטֵל מִמֶּנָּה, אָמַר ר' יוֹסִי אִין אָנוּ אַחְרָאִין לְרַמָּאִין, אִינוּ מְעֵשֶׁר אֶלָּא מַה שְׁהוּא גוֹטֵל מִמֶּנָּה בְּלָבָד. וְעַד כָּאֵן לָא פְּלִיגֵי אֶלָּא בְּפּוֹנְדְקִית שְׁאֶפְשָׁר דְלְטוֹבָה מִתְפַקְנָן וּמְשוּם הֵכִי פְּלִיגֵי רַבָּנָן עַל ר' יוֹסִי, אָבָל אִי יִדְעִינָן דְמְכַנְנָת לְגוֹזֵל בְּנֵה אִין אָנוּ אַחְרָאִין לְרַמָּאִין אָף לְרַבָּנָן, כְּמוֹ שְׁכַתְבָּ שָׁם הָרַב רַבִּי עֲבַדְיָה בְּרַטְנוֹרָא וְהַתּוֹסְפּוֹת יוֹם טוֹב וְכֵן הִדִּין בְּכָל הַתְּשׁוּדִים.

It may be said that Rabbi Yirmiyah knew this particular messenger was not presumed to be trustworthy. Even though we hold that there is a presumption that a scholar does not release from his hand something untithed,⁵ he thought that the extra effort and cost were unnecessary, since in any case Rabbi Ze'eira would tithe them to satisfy all opinions. For we learned in Demai:

One who gives [produce] to an innkeeper [to prepare], he must tithe what he gives to her and what he takes back from her, because she is suspected of

⁴ Shekalim 5:1 only has the line of Rabbi Ze'eira saying, "If the earlier generations were angels, we are men; if they were men, we are donkeys." Demai 1:3 has a fuller account, but Gen. Rabbah 60:8 has the closest wording to the Zera Shimshon's text.

⁵ Pesachim 9a.

exchanging it [with other produce]. [I.e., according to this view, the guest should tithe the produce before giving it to the innkeeper, so that she won't eat untithed produce.]

Rabbi Yose [disagreed and] said: We are not responsible for deceivers; rather, he must tithe only that which he takes from her.

- Mishnah Demai 3:5

Even there, the disagreement is only regarding an innkeeper, where it is possible that she acts in good faith, such as replacing the guest's produce with better quality produce. Thus, the Rabbis disagree with Rabbi Yose, and believe that at least in the case of an innkeeper, one should tithe the produce before giving it to her.

However, if it is known that her intent is to steal, then even the Rabbis agree that “we are not responsible for frauds,” as Rabbi Ovadiah of Bartenura and the Tosefot Yom Tov explain. Such is the rule with all those who are suspected. Unlike the case of an innkeeper, who might possibly upgrade a guest's produce as a service to the guest, Rabbi Yirmiyah's messenger has no valid reason to exchange the figs: if he were to take even one of them, it would be theft.

ור' ירמיה אפשר שלא הנה לו באותה שעה איש נאמן לשולחם לו על ידו, ונהנה סבירא ליה דאין אנו אחראין לרמאין כלל, וכרבן שמעון בן גמליאל נמי דריש (פרק ה' דמסכת מעשר שני) דהלעיטהו לרשע ונמות, ומשום הכי לא עשרינהו, ור' זעירא סבר הואיל דחזקה על חבר שאינו מוציא וכו', על פרחד זה השלים ששלה לי ר' ירמיה הוא איש נאמן וכוונאי דפירות מעושרין הם ואכלינהו משום דר' זעירא לא הנה מכיר השלית.

It is possible that at that time Rabbi Yirmiyah had no trustworthy person to send the figs through, and he held that we are not responsible at all for protecting a fraud from eating *terumah*, in line with Rabban Shimon ben Gamliel, who taught (chapter 5 of tractate Ma'aser Sheni, Mishnah 1): “Feed it to the wicked man and let him die.” Therefore, he did not tithe them.

But Rabbi Ze'eira held that since there is a presumption that a scholar does not release something untithed, it must be that the messenger whom Rabbi Yirmiyah sent was trustworthy, and therefore he ate the figs, for Rabbi Ze'eira did not know the messenger.

ובפרק קמא דחולין (דף ה') אמרינו בהמתן של צדיקים אין הקב"ה מביא תקלה על ידם צדיקים עצמן לא כל שכן. והתוספות שם (ד"ה צדיקים עצמם) העלו דדוקא במידי דאכילה אמרינו הכי והקשו מהאי עובדא ותיבצו דמשום הכי קאמר עלה ר' זירא אם הראשונים כבני איניש אנו פתמורים וכו'. ועדיין הקושניא במקומה עומדת איך באה תקלה זו לידם והלא צדיקים היו.

In the first chapter of Chullin (page 5b), it says: “[Regarding] the animals of the righteous—the Holy One, Blessed be He, does not bring a mishap through them; the righteous themselves—how much more so.”

The Tosafot there (at the words, “righteous themselves”) conclude that this protection of the righteous by G-d is said specifically regarding matters of eating. They raise a difficulty from this story and answer that this is why Rabbi Ze’eira said about it, “If the people of early generations . . . were likened to people, we are likened to donkeys,” etc. I.e., according to the Tosafot, Rabbi Ze’eira was saying that this happened because they weren’t righteous, and didn’t merit G-d’s protection.

Yet the question remains: how could such a mishap occur through them, for they were righteous?

וְנִשְׁלַח לְדַמְיוֹן דְּכִי אֲמַרְיִנּוּ שְׂאִין הַקַּב"ה מְבִיא פְקֻלָּה הֵינּוּ דְּנִקְא בְּמַה שְׁהַצְדִּיקִים הֵם שׁוֹגְגִים גְּמוּרִים, שְׂלֵא יֵשׁ לְהֵם שׁוּם פְּשִׁיעָה אִזּוּ הַקַּב"ה מְאִיר עֵינֵיהֶם, אֲבָל בְּשִׁהֶם עוֹשִׂים אִיזוֹ פְּשִׁיעָה אִין הַקַּב"ה מְצִילֵם. וּבְכֻלָּהּ עוֹבְדֵי דְאַיִתּוֹ הֵתֵם הֵם שׁוֹגְגִים גְּמוּרִים אֲבָל בְּהֵאי עוֹבְדָא יֵשׁ לְהֵם אִיזוֹ פְּשִׁיעָה, שְׂר' יִרְמְיָה הֵנָּה לֹו לְהַמְתִּין לְשׁוֹלְחָם עַל יְדֵי אִישׁ נְאָמָן, וְעוֹד שְׂלֵא שְׂלַח לְדַמְר לֹו שְׁנַעְשָׂרָם, וְר' זְעִירָא לֹא שְׂאֵל אִם זֶה הַשְּׁלִיחַ נְאָמָן אוֹ לֹא.

It can be said that when we say the Holy One, Blessed be He, does not bring mishap through the righteous, that applies only when they are complete unintentional offenders; when they have no negligence whatsoever, then the Holy One, Blessed be He, enlightens their eyes. But if they are in any way negligent, the Holy One, Blessed be He, does not save them.

In all the incidents brought there, the individuals were complete unintentional offenders, but in this incident, there was some degree of negligence. Rabbi Yirmiyah should have waited to send [the figs] through a trustworthy person, and he also did not send instructions to say to him to tithe them. Rabbi Ze’eira did not ask whether the messenger was trustworthy or not.

אֲמָנָם עֲדִיין יֵשׁ לְדַקְדַּק בְּמַה שְׁתִּירְצוּ הַתּוֹסְפוֹת דְּחוּלִין בְּמֵאִי דְקָאֵמַר עֲלֵה הֵתֵם אִם הֵרְאִישׁוּנִים בְּגִי נִשׁ אָנוּ בְּתַמּוּרִים וְכוּ'. וְכִי צְדִיקֵי שְׂקֵלוּ מֵעֲלֵמָא, וְאִיךָ סְלִקָא דְעַתָּה שְׂאִין עוֹד צְדִיקִים בְּעוֹלָם. וְעוֹד דְּאִי הֵכִי הֵנָּה לִיה לְדַמְר בְּהַמְתִּין שְׁל צְדִיקִים הֵרְאִישׁוּנִים צְדִיקִים הֵרְאִישׁוּנִים עֲצָמָם לֹא כֹל שְׂכָן.

Indeed, there is still room to question the answer of Tosafot in Chullin, regarding the comment, “If the people of early generations . . . were likened to people, we are likened to donkeys.” Were the righteous taken from the world? How could one think there are no more righteous people in the world? Furthermore, if so, he should have said: “[Regarding] the animals of the early righteous—the Holy One, Blessed be He, does not bring a mishap through them; the early righteous themselves—how much more so.” That would have clarified that it was only the righteous of the early generations who deserved such protection, and not the righteous of later generations.

וַיִּשׁ לֵאמֹר דְּכֹנְוֹנְתֶם הִיא לֹמֵר שְׁהִגַּם שָׁמֶן הַדִּין קִיַּמָּא לֶן הַלְעִיטָהוּ לְרִשְׁעֵי וְיָמוֹת, מִכָּל מְקוֹם לְאוּ מִשְׁנַת חֲסִידִים הִיא זֹ כְּדָאֵמֵר לִיה אֵלֵיהּ לְרַבֵּי יְהוֹשֻׁעַ בֶּן לֹוִי וְכִי וְלִמְסוּרוֹת אֲנִי נִגְלָה, אִף עַל פִּי שְׁעֲשֵׂה כְּדַת וְכַדִּין כְּמוֹ שְׁכַתְּבֵי הַר"שׁ בְּפֶרֶק ח' דְּתַרְוֵמוֹת. וּבְאַמַּת שְׁקֵמַי הִנֵּה מִתְרַחֵשׁ נִיטָא לְהוּ מִפְּנֵי שְׁהִיוּ עוֹשִׂים יוֹתֵר מִחוּבְתֶם, שְׁהִיוּ מוֹסְרִים עֲצָמָם עַל קְדוּשַׁת ה' כְּדָאֵמְרִינֵן בְּבִרְכוֹת פֶּרֶק קמ"א, וְכֵן אָמַר הַפְּתוּב "רַגְלֵי חֲסִידוֹ יִשְׁמֵר".

One may say that their intent is this: Even though, by strict law, we follow the ruling, “Feed it to the wicked man and let him die,”⁶ nonetheless, this is not the teaching of the pious. This is as Elijah said to Rabbi Yehoshua ben Levi, “Have I appeared to you to report informers,”⁷ even though he had acted fully in accordance with the law, as Rabbi Shimshon of Sens⁸ explains in chapter 8, Mishnah 12, of Terumot.

Indeed, in earlier generations, miracles would occur for them because they acted beyond their obligation and would give themselves over for the sanctification of G-d's Name. This is as it says in Berakhot, first chapter (19a), and as the verse says: “He guards the steps of His pious ones.”⁹

וּמַעֲתָה כְּשֵׁם שְׂר' יִרְמְיָה לֹא הִקְפִיד לְהַצִּיל אֶת הַשְּׁלִיחַ מִהַחֲטָא כִּי לֹא הִקְפִידוּ מִן הַשְּׁמִימִים לְהַצִּילוֹ וְשֵׁלָא יָבֵא קְלִקוּל מִחֲמַתוֹ, וְר' זְעִירָא נִמְי שְׁלָא הִקְפִיד לְהַחֲמִיר עַל עֲצָמוֹ וּלְהַמְתִּין לְאַכּוֹל עַד שִׁישְׂאֵל לְר' יִרְמְיָה לֹא זָכָה שִׁישְׂמְרוּהוּ מִן הַחֲטָא, מִשּׁוּם דְּ"רַגְלֵי חֲסִידוֹ יִשְׁמֵר" דְּנֹקָא פְּתִיב, וְאַלְהָ לֹא נִהְגּוּ עֲצָמֵן כְּחֲסִידִים, וְלָכֵן סְמִיךְ לִיה אִם הִרְאִישׁוּנִים מִלְּאֲכִים, אֲנִי אֲנָשִׁים, וְאִם הֵם אֲנָשִׁים, אֲנִי וְכוּ'.

From this, we understand: Just as Rabbi Yirmiyah did not concern himself with protecting the messenger from sin, so too Heaven did not concern itself with protecting him from causing a mishap. And Rabbi Ze'eira likewise, who did not take care to be strict with himself and wait to eat until he asked Rabbi Yirmiyah, did not merit divine protection from sin, because “He guards the steps of His pious ones” is specifically written, and these did not conduct themselves as pious individuals in that incident. Therefore, he followed by saying: “If the earlier ones were like angels, we are like people; and if they were like people, we are like donkeys,” etc.

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⁶ Rambam, *Mishneh Torah*, Laws of Ma'aser Sheni, 9:7.

⁷ Jerusalem Talmud, Terumot 8:10.

⁸ Rabbi Samson ben Abraham of Sens (c. 1150– c. 1230) (“the Rash”), leading French Tosafist.

⁹ I Sam. 2:9.