

Zera Shimshon

by Rabbi Shimshon Chaim Nachmani zt"l

Published Mantua 1778*

Chapter XXXIX: Chukat (Num. 19:1–22:1)

Essay 10. Death by inadvertent sin

שַׁבָּת פָּרָק ה' אָמַר רַב אַמִּי: אֵין מִיתָה בְּלֹא חֲטָא, וְאֵין יִיסוּרִין בְּלֹא עֲוֹן. מִתִּיבִי: אָמְרוּ מַלְאַכֵי הַשָּׁרָת לִפְנֵי הַקַּב"ה וְכוּ' וְהִלֵּא מִנְשֵׁה וְאַהֲרֹן שְׂקִיִּימוּ כָּל הַתּוֹרָה כְּלָה, וּמִתּוֹ! אָמַר לָהֶם: "מִקְרָה אֶחָד לְצַדִּיק וְלְרָשָׁע" וְכוּ', הוּא דְאָמַר כִּי הָאִי תִנָּא, ר' שְׁמַעוֹן בֶּן אֶלְעָזָר אוֹמַר: אַף מִנְשֵׁה וְאַהֲרֹן בְּחֲטָאֵם מִתּוֹ, שְׁנַאֲמַר: "יַעַן לֹא־הֶאֱמַנְתֶּם בִּי", הָא אִם הֶאֱמַנְתֶּם בִּי עַדִּינן לֹא הִגִּיעַ זְמַנְכֶם לִיפְטֹר מִן הָעוֹלָם ע"כ.

Tractate **Shabbat**, chapter 5:

Rav Ami said: There is no death without inadvertent sin [חֲטָא] [*chet*]; **and there is no suffering without intentional sin** [עֲוֹן] [*avon*] . . .

[The Gemara] **raises an objection** [from a Baraita]: **The ministering angels said before the Holy One, Blessed be He: Master of the Universe, why did You penalize Adam, the first man, with death? He said to them: I gave him a simple mitzva, and he violated it. They said to Him: Didn't Moses and Aaron, who observed the whole Torah in its entirety, [nevertheless] die? He said to them: "[All things come alike to all;] there is one event to the righteous and to the wicked; to the good [and to the clean, and to the unclean; to him who sacrifices, and to him who does not sacrifice . . .]**"¹ [I.e., the Baraita indicates that even if someone didn't sin, he will die because of Adam's sin.]

[Rav Ami isn't bothered by this Baraita, for] **he stated** [his position] **in accordance with the Tanna who taught** [in a Baraita]: **Rabbi Shimon ben Elazar said: Even Moses and Aaron died due to their inadvertent sin, as it is stated: "[And the L-rd spoke to Moses and Aaron:] Because you did not believe in Me [to sanctify Me in the eyes of the children of Israel, therefore you shall not bring this congregation in to the land which I have given them]."**² **Had you believed in Me [and spoken to the rock as commanded], your time would not yet have come to leave the world.**

- Shabbat 55a-b

* English translation: Copyright © 2023 by Charles S. Stein. Additional essays are at <https://www.zstorah.com>

¹ Eccl. 9:2.

² Num. 20:12.

יש לדקדק אמאי קאמר אין מיתה בלא חטא, הנה לו לומר בלא עון, שקהרי החטא הוא השוגג ובשוגג אין בו כדי להמית, ועוד היכי מוכח מר' שמעון בן אלעזר דאין מיתה בלא חטא והא היה קאמר עדיין לא הגיע זמנכם דשמע מינה שפשיהה מגיע זמנם היו מתים אף בלא חטא והחטא גרם להם קוצר זמן חייהם.

We need to check why he says “there is no death without inadvertent sin.” He should have said “there is no death without intentional sin,” for the inadvertent sin is unintentional, and for [a sin] committed unintentionally, there is no reason for a court to inflict death.

Also, how does [Rav Ami] prove from Rabbi Shimon ben Elazar that there is no death without inadvertent sin, but then he says that their time did not yet arrive. For we hear from this, that when their time arrives, they would die even without inadvertent sin, and at most the inadvertent sin caused them only a shortening of their lives.

וניש לומר דאיתא במדרש רבה על פסוק "אסף אהרן", זה שאמר הכתוב "לא ירעיב ה' נפש צדיק" וכו' הצדיקים נענשים מיתה על חטא קל שלא יהא אדם הראשון נתפס על ידיהם, לפי שבשעת מיתה מתנופחים זה עם זה ואומרים לו אתה גרמת לנו וכו'. ור' אמי סבירא ליה דאין מיתה בלא חטא קל כדי שלא יתרעמו על אדם הראשון, ומשום הכי בחטא קל סגי, ומאן דסבירא ליה דיש מיתה בלא חטא משום דמכל מקום יכולים עדיין להתרעם עם אדם הראשון, שקהרי לפי האמת בחטא קל דהיינו שוגג אין בו פח להמית אי לא חטאו של אדם הראשון, והצדיקים בודאי שלא יפלו אלא בחטא קל ואם כן מה תועלת בנה החטא אם על כל פנים יש להם מקום להתרעם.

It can be said that it's brought in Midrash Rabbah on the verse, “Let Aaron be gathered to his kin: he is not to enter the Land that I have assigned to the Israelite people, because you disobeyed My command about the Waters of Meribah”³:

This is what Scripture says, “The L-rd will not let the righteous go hungry, but He denies the wicked what they crave.”⁴ The righteous are punished even for a minor inadvertent sin, so that the first Adam would not be blamed on their account, because at the time of death they reprove him and say to him, “You caused this death to us.”

- Num. Rabbah 19:18

Thus, we can understand that **Rav Ami has the opinion that there is no death without at least a minor inadvertent sin, in order that people won't be angry with the first Adam, and because of this, their minor inadvertent sin is enough.**

The one who is of the opposite opinion that there is death without an inadvertent sin, holds that in any case, they would still be able to be angry with the first Adam. After all, the truth is that a minor inadvertent sin, i.e., an unintentional one, would not have the power to inflict death, if not for the sin of the first Adam. That is certainly the case for the righteous, who would fall only into a minor inadvertent sin. If so, what is the use of this inadvertent sin, if the people have reason to be angry anyway at the first Adam?

³ Num. 20:24.

⁴ Prov. 10:3.

וטעם מחלקותם היינו דאימתא בתורת פהנים וקביאו רש"י ז"ל סוף פרשת ניקרא אם נפישד לידע מתן שְכָרו של מצות צא ולמד מאדם הראשון שלא נצטווה אלא מצוה אחת וכו'. ופירש שם הקרבן אהרן דאדם הראשון לא היה ראוי לכל כך עונש לפי שניתנה לו מצוה אחת לבדה והיא צריכה שמירה רבה, לפי שאין הדברים שצריכה לזקרה בהם רבים וזנה אין הרגל השמירה מקריחו לקנותה בקנין גמור ואם עבר וראה שאין לו אשמה כל כך וכו' ועיי"ש.

The reason for their dispute was as is brought in Torat Cohanim, i.e., chapter 5 of Leviticus, and Rashi of blessed memory brings it at the end of parashat Vayikra, “If you wish to know the reward for the [fulfillment of the] commandments, go and learn from the case of the first Adam, who was only commanded with one mitzvah [viz, not to eat from the Tree of Knowledge], and who transgressed it. See how many kinds of death-penalties were on this account decreed as a punishment against himself and all his descendants!”⁵

The *Korban Aharon*⁶ explained there that the first Adam was not fit for so much punishment. That’s because he was only given one mitzvah and it required great observance, but as there were not many things for him to be careful about, he had not habituated himself to guard his compulsion. Thus, he had not acquired [his one mitzvah] with a complete acquisition. Therefore, if he has violated this one mitzvah, he will see that he is not so guilty, etc., and see there.

ולפי סברא זו סבירא ליה לר' אמאי דבחסא קל סגי שלא יוכלו להתרעם עם אדם הראשון, שהרי יותר חמור חטא קל שלקהם שנצטוו על מצות הרבה ויש להם חובת הרגל השמירה ואפלו הכי חטאו ממה שהיה החטא שלו שלא נצטווה אלא מצוה אחת בלבד, ומאן דסבירא ליה דיש מיתה בלא חטא לפי שאף בחטא קל יכולים להתרעם עם אדם הראשון, היינו משום שהצדיקים יש להם להזקק ליפול בחטא כדי שלא להזיק לעצמם שלא יתחייבו הם ממש. אבל אדם הראשון היה לו להזקק מן החטא כדי שלא להזיק לעצמו ולאחרים דהיינו לדורות הבאים שהיה גורם להם מיתה, ואם כן יותר היה לו לאדם הראשון להשמר מהחטא ממה שהם חייבים, שהרי פתבו התוספות בפרק ב' דקמא (דף כ"ב ע"א ד"ה וליחייב בעל גחלת וכו') דיותר יש לו לאדם לזקק עצמו שלא יזיק אחרים משלא יזקק הוא עצמו ועיי"ש. ומשום הכי יש להם תרעומת עם אדם הראשון על כל פנים.

According to this thinking, Rav Ami’s opinion is that also for a minor inadvertent sin they should not be angry with the first Adam, for their own minor inadvertent sin is more serious. That is, in contrast to Adam, they were commanded on many mitzvot and they had the obligation to habituate themselves to guard against violations. Even so, they sinned just as he did, in that he was commanded only one mitzvah.

One who is of the opinion that there is death without inadvertent sin holds that even with a minor inadvertent sin, they are able to be angry at the first Adam, as they believe that Adam’s sin is what brought death to the world.

⁵ Rashi on Lev. 5:17.

⁶ Aharon Ibn Chayim (1545–1632), Moroccan-born Biblical and Talmudic commentator, *Korban Aharon* (Venice 1609–11) is his commentary on the Sifra.

Thus, Rav Ami would say that the righteous must be careful not to fall into sin, so as not to harm themselves, so that they will not be truly guilty. But the one who disagrees with Rav Ami would say that the first Adam had to be careful of sin so as not to harm himself and others, that is, the future generations, as that would have caused their death. If so, the first Adam had more reason to guard against inadvertent sin than they have to, for the Tosafists wrote in the 2nd chapter of tractate Bava Kamma (page 23a, the text beginning “But let the owner of the coal be liable”) that a person has to be more careful not to harm others than to be harmed himself, and see there. Because of this, they have a grudge against the first Adam.

וכולי עלמא סבירא ליה דחטא משה ואהרן חטא קל הנה, כמו שכתב מהרש"א בפ"ק ח' דיומא על אשיריהם משה ואהרן וכו', ולתנא קמא לא הנה בו כדי להמית ולפי זה הוצרך לתרץ "מקרה אחד" וכו'. והכי נמי במסכת שבת הנ"ל כתב מהרש"א דלמאן דסבירא ליה דיש מיתה בלא חטא צריך לפרש קרא ד"יען לא־האמנתם בי" שהחטא גרם להם שלא יכנסו לארץ ישראל אבל לא הנה פח באותו חטא להמיתם, ולר' שמעון בן אצלעזר אף שחטאם הנה חטא קל אפשר שהקב"ה דקדק עמם יותר מפל שאר הצדיקים כדכתיב "וסביביו" וכו', וראיה על זה שהמיתם מיד קודם זמנם.

The entire world is of the opinion that the inadvertent sin of Moses and Aaron was a minor inadvertent sin, as the Maharsha⁷ wrote in the 8th chapter of tractate Yoma, “fortunate were Moses and Aaron that they were not respected in this world, as it is stated: ‘Because you did not believe in Me, to sanctify Me.’ Had you believed in Me, your time would not yet have come to leave the world.”⁸ But according to the first Tanna, there is no reason for a court to inflict death for a minor sin, and because of this, it’s necessary to solve that, “[All things come alike to all;] there is one event to the righteous and to the wicked . . . ,” i.e., that everyone dies because of Adam’s sin.

Indeed, in tractate Shabbat quoted above, the Maharsha writes, “One who has the opinion that there is death without inadvertent sin needs to explain the verse that, ‘Because you did not believe in Me.’ I.e., if Moses and Aaron would have died anyway, what is their punishment. The explanation is that the inadvertent sin caused them to not enter into the Land of Israel, but the same inadvertent sin did not have the force to cause their death.

For Rabbi Shimon ben Elazar, his view is that even though their inadvertent sin was a minor inadvertent sin, it’s possible that the Holy One, Blessed be He, was stricter with them than all the other righteous people, as it’s written, “Devouring fire preceded Him; it stormed around Him fiercely. He summoned the Heaven above, and the earth, for the trial of His people.”⁹ The proof of this is that [the inadvertent sin] caused their death immediately, prior to their time.

⁷ Rabbi Shmuel Eliezer Eidels (“the Maharsha”) (1555–1631), *Chiddushei Agadot*.

⁸ Yoma 87a. The cited text, “fortunate were Moses and Aaron,” does not appear in the Vilna edition, but appears in the Guadalajara (Spain) printing, c. 1488.

⁹ Ps. 50:3–4.

והאי דקאמר עדיין לא הגיע זמנכם דמשמע שאם הגיע זמנם הנה להם למות אף מבלי חטא, היינו משום דלסבירתו שהמיתה באה על ידי חטא קל. אי אפשר שהצדיקים לא נפלו בחטא קל, שהרי קרא פתיב "אין צדיק בארץ אשר יעשה" וכו', ונפקא ליה מדאמר הכתוב "כן לא תביאו את הקהל הזה", ומילתא דפשיטא היא שאם גזר עליהם מיתה אי אפשר שיכנסו לארץ, אלא ודאי דקא משמע לן שאם לא חטאו הנה להם להכניסם לפי שעדיין לא הגיע זמנם.

The reason he said “your time would not yet have come,” meaning that if their time had come, they would have died even without sinning, is because of his explanation that death comes through a minor inadvertent sin. It is impossible for the righteous not to fall in a minor inadvertent sin, for Scripture writes, “Of man, there is not one righteous who does good and who does not inadvertently sin.”¹⁰ This is derived from the fact that Scripture says, “therefore you shall not lead this congregation into the Land that I have given them.”¹¹

This matter is obvious that if death were decreed upon them, it would be impossible that they would enter into the Land of Israel. Rather, it’s certain that this teaches us that if they hadn’t sinned, they would have been able to enter [the Israelites] into the Land, because their time would not yet have come.

אמנם למסקנא דאיתותב ר' אמי, אף ר' שמעון בן אלעזר סבירא ליה דגש מיתה בלא חטא ושפיר קאמר עדיין לא הגיע זמנכם, שאם הנה מגיע זמנם היו מתים בלי שום חטא.

Indeed, the final result is that Rav Ami was refuted. Even Rabbi Shimon ben Elazar was of the opinion that there is death without inadvertent sin, and it’s fine that it says “your time would not yet have come,” for if their time had come, they would have died without inadvertent sin. I.e., regarding the Baraita, “Rabbi Shimon ben Elazar said: Even Moses and Aaron died due to their inadvertent sin,” it doesn’t mean that they never would have died, but rather that they died at the time that they did, before entering the Land of Israel, because of their inadvertent sin.

* * *

¹⁰ Eccl. 7:20.

¹¹ Num. 20:12.