

Zera Shimshon

by Rabbi Shimshon Chaim Nachmani zt"l

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Chapter XLIV: Devarim (Deut. 1:1–3:22)

Essay 4. Did Moses agree with the idea of sending spies?

“ ‘Go up, take possession, as the L-rd, the G-d of your fathers, promised you; fear not and be not dismayed. Then all of you came to me and said, "Let us send men ahead to reconnoiter the land for us and bring us back word on the route we shall follow and the cities we shall come to." The matter was good in my sight, and so I selected twelve of your men, one from each tribe.’ ”

- Deut. 1:21–23

"**וַיֵּיטֵב בְּעֵינֵי הַדִּבָּר**", פִּירֵשׁ רַשִׁי "וְאִם בְּעֵינֵי מֹשֶׁה הָיָה טוֹב, לְמַה אָמְרָה בְּתוֹכָהוּת? מִשָּׁל לְאָדָם שְׂאוֹמֵר לְחִבְרֵי מִכּוֹר לִי תְּמוֹרָה, זֶה אָמַר לוֹ הֵן. נוֹתְנֵנוּ אֶתְּהָ לִי לְנִסְיוֹן? אָמַר לוֹ הֵן נָכוֹן. אַף אֲנִי הוֹדַתִּי לְדַבְרֵיכֶם שְׂמָא תְּחַזְרוּ בְּכֶם כְּשֶׁתִּרְאוּ שְׂאֵינִי מַעֲכָב, וְאַתֶּם לֹא תִזְרְתֶם בְּכֶם עַכ"ל.

“The matter was good in my sight” (Deut. 1:23), Rashi explained, “But if it was good in Moses’ sight, why did he mention it in [these] rebukes? It is a parable, as a man said to his fellow, ‘Sell me this donkey of yours.’ He replied to him, ‘Yes.’ He asked him, ‘Will you give it to me on trial?’ He replied: ‘Yes.’ ‘On hills and mountains?’ He replied, ‘Yes.’ — When he saw that [the seller] put no obstacles in his way, the purchaser says to himself: ‘He is certain I won’t find any defect in it,’ and he at once says to him, ‘Take your money, I don’t need to put it to trial.’ [Moses was saying:] ‘I, too, consented to your words, thinking that you would perhaps turn back on yourselves [i.e., reconsider the question of sending spies] when you saw that I was not preventing your idea, but you did not reconsider.’”¹

קִשְׁיָה דְהָא מְפָל מְקוֹם אַף לְפִי פִירוּשׁ זֶה לֹא שְׂיִיף לּוֹמֵר "וַיֵּיטֵב בְּעֵינֵי הַדִּבָּר", דְּיוֹתֵר טוֹב הָיָה שְׂלֹא יִשְׁאַלּוּ כְּלוּם, אֵלָא יִצְמִינּוּ בְּהַקְב"ה וּבַמִּשְׁפָּה. וּמִדְקָאֵמַר "וַיֵּיטֵב בְּעֵינֵי הַדִּבָּר", גְּרָאָה שֶׁהָיָה טוֹב בְּעֵינֵי מֹשֶׁה שֶׁיִּשְׁאַלּוּ דְבָר זֶה וְאַחֵר כִּדּוּ לְדַבְרֵי, יוֹתֵר מִשְׂאֵם הָאֲמִינוּ בְּתַחֲלָה כְּלָל, וְזֶה אֵינּוּ לְפִי תִירוּצוֹ שֶׁל רַשִׁי "ו"ל.

A difficulty is that in any case, even according to this explanation of Rashi, it was not appropriate to say, “The matter was good in my sight,” for it would have been better if they had not questioned anything, rather, if they had believed in the Holy One, Blessed be He, and in Moses. In other words, the people were wrong to even suggest sending spies. Since it says,

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¹ Rashi’s comment is based on Sifrei Devarim 21:1.

“The matter was good in my sight,” it appears that it was good in the eyes of Moses that they requested this thing, and afterward he praised their words, more so than if they had believed from the beginning in G-d and Moses without any question at all, and this is not according to the explanation of Rashi of blessed memory.

ועוד יש לדקדק במה שאמר משה למרגלים, "וראייתם את־הארץ" וכו' "החזק הוא הרפה המעט הוא" וכו'. דמה הוצרך משה לברר להם דוקא ענגנים אלו, והלא הם דברים פשוטים שכל מי שישפלת ישית לבו לדברים אלו בלי שיפרש אותם תחלה? והנה די לומר בסתם "וראייתם את־הארץ מה היא ואת־העם הישב עליה" ותו לא.

We also have to scrutinize what Moses said to the spies, “and see the land, what it is; and the people that dwell therein, whether they are strong or weak, whether they are few or many” (Num. 13:18). For why did Moses need to clarify for them these particular matters, for wouldn’t these things be obvious, that anyone sent away would set his heart to these things, without them being clarified first? It would have been enough for him to simply say: “and see the land, what it is; and the people that dwell therein,” and not [say anything] more.

אמנם איתא בשולחן ערוך חושן משפט (סימן רל"ב סעיף ו') כל שהספיקו עליו בני המדינה שהוא מום שמחזירין בו המקח זה מחזירין. וכל שהספיקו עליו שאינו מום הרי זה אינו מחזיר בו אלא אם פירש, שכל הנזשא ונותן סתם על מנהג המדינה הוא סומך עכ"ל.

Indeed, it’s brought in the Shulchan Aruch, Choshen Mishpat (siman 232, se’if 6): “Whenever those in a community agree that a blemish [of an object is serious enough that it] warrants return [of the object and nullification of a transaction], the object should be returned. Whenever they agree that [a fault] is not [considered to be] a blemish, [the object] should not be returned unless there was an explanation [by the purchaser that he refused to accept even the slightest blemish]. Everyone who conducts business without [making a] specific demand relies upon the custom of the community.”²

ואם כן נראה שישאל האל הלכו אצל משה לשלוח המרגלים, והספיקו ביניהם על ענגן המומין שימצאו בה, דהיינו: אם יהיה שם הרוב עם, אם יהיו חזקים, דהיינו שישבו בפרזים, שהוא הסימן שמסר להם לראות אם הוא חזק כמו שפרש רש"י פרושת שלח לה. ועוד יהיה נקרא מום אם הארץ תהיה רזה או לא יהיה בה עץ. ומשום הכי הוצרך משה לפרש להם "החזק הוא הרפה" וכו' כדי להודיע להם ענגן המומין שהספיקו ביניהם.

If so, it appears that Israel went to Moses to send the spies, and they agreed amongst themselves regarding the blemishes that were found within [the Land], that is: if there were many people there; and if they were strong, meaning that they dwell in open cities,³ which is a sign that [Moses] gave them to see if the [Canaanites] were strong, as Rashi explained in

² The Shulchan Aruch’s text is taken almost verbatim from the Rambam’s Mishneh Torah, Sales 15:5.
³ Num. 13:19: “ ‘Is the country in which they dwell good or bad? Are the towns they live in open or fortified?’ ”

parshat Shalach Lecha (on verse Num. 13:18).⁴ Furthermore, it will be called a blemish if the land will be poor, or if there will be no trees there.⁵ Because of this, Moses needed to explain to them, “[are the people] strong or weak” etc., in order to inform them of the matter of blemishes that they agree amongst themselves.

ונזהו שפֿתב "וַיִּטב בְּעֵינֵי הַדָּבָר" שֶׁהָיָה טוֹב בְּעֵינֵי לְהַסְפִּים בֵּינֵינוּ הַמוֹמִין, לְפִי שֶׁהָיִיתִי יוֹדֵעַ שֶׁבְּאַרְצָךְ יִשְׂרָאֵל לֹא הָיָה שׁוּם מוֹם מֵאוֹתָם שֶׁהַסְפַּמְנוּ. וּבְנֵה דְנִיק שֶׁפִּיר תִּיַרְצוּ שֶׁל רִש"י, "בְּהָרִים וּגְבְעוֹת? אָמַר לוֹ, הֵן. גּוֹתְנוּ אִתָּה לִי לְנִסְיוֹן? אָמַר לוֹ, הֵן." הֵיכָן מִצְיָנוּ שֶׁבִּין מֹשֶׁה לְיִשְׂרָאֵל הָיָה כָּל כָּךְ שֶׁאֵלּוּת וּתְשׁוּבוֹת, אֲלֵא וְדַאי שֶׁמִּמָּה שֶׁפָּרַט מֹשֶׁה "הִתְחַזַּק הוּא הַרְפָּה הַמַּעַט הוּא" וְכוּ', אָנוּ לְמַדִּים הַדִּיבּוּרִים שֶׁהָיוּ בֵּינֵיהֶם, וְאִם לֹא הָיוּ מְסַפְּיִים בְּנֵה הָיָה חוֹשֵׁשׁ מֹשֶׁה פֶּן יֵאמְרוּ שֶׁאֵף מֵה שֶׁאֵינּוּ מוֹם שֶׁהוּא מוֹם, אָבֵל עִתָּה שֶׁהַסְפִּימוּ אֵין לָהֶם פֶּתַח־וֹן פֶּה לְדַבֵּר.

This is why it was written, “The matter was good in my sight,” that Moses was saying, “It was good in my eyes to agree amongst ourselves [regarding] the blemishes, because I knew that in the Land of Israel there was no such blemish of those upon which we agreed.” In this [way], Rashi’s explanation is nicely precise, referring to the parable, “[The donkey is good] on hills and mountains?’ He replied, ‘Yes.’ ‘Will you give it to me on trial?’ He replied: ‘Yes.’ Thus we find that between Moses and Israel were many questions and answers, just as between the buyer and seller in the parable. It’s certain that from what Moses detailed, “whether they are strong or weak, whether they are few or many” etc., we learn the words that were between them. If they hadn’t agreed about this, Moses would have feared lest they say that even what wasn’t really a blemish was a blemish in their opinion, but now that they had agreed in advance on what defined a blemish, they would have no point of attack.

וּבְדָרְךָ זֶה יוֹבֵן נְמִי מֵה שֶׁפִּרַּשׁ רִש"י עַל פְּסוּק "וַיִּשְׁבּוּ אוֹתְנוּ דָבָר", בְּאִיזָה לְשׁוֹן הֵם מְדַבְּרִים עַכ"ל. דְּמָה אֵיכֶפֶת לְהוֹ לְיִשְׂרָאֵל לְדַעַת בְּאִיזָה לְשׁוֹן מְדַבְּרִים? אֲלֵא מִפְּנֵי שֶׁאֵף זֶה הַסְפִּימוּ בֵּינֵיהֶם שֶׁהָיָה מוֹם. וְעַם כָּל זֶה לֹא הוֹעִילוּ כְּלוּם בְּתַקְנֵתָם, שֶׁהַמְרַגְלִים הוֹצִיאוּ דִיבָה וְאָמְרוּ מוֹמִין שֶׁלֹּא הַסְפִּימוּ בֵּינֵיהֶם, כְּשֵׁם "שֶׁפָּרַט מֹשֶׁה כִּי עָמָה מְשׁוּנָה כִּי עָמָה מְשׁוּנָה". וְאִפִּילוּ שֶׁרָאוּ שֶׁהָיוּ יוֹשְׁבִים בְּמִבְצָרִים, שֶׁזֶהוּ הַסִּמָּן שֶׁהַסְפִּימוּ לְהַפִּיר שֶׁהֵם חֲלָשִׁים, עַם כָּל זֶה, אָמְרוּ "כִּי־חִזַּק הוּא מִמָּנוּ", וְלִפְיֶכָךְ אָמְרָה בְּתוֹכָחֹת.

In this way, we can also understand the explanation of Rashi on the verse, “and bring us back word” (Deut. 1:22), for which Rashi interpreted, “in which language are they speaking?”⁶ For what difference would it make to Israel to know in which language they were speaking? Rather, because they agreed amongst themselves as to what would be a blemish, Moses even discussed with the spies whether they would have any concern based upon

⁴ Rashi on Num. 13:18: “He gave them a sign: if they live in open cities, they are strong, since they evidently rely on their own strength, but if they live in fortified cities, they are weak.” Rashi’s source was Midrash Tanchuma, Shelach 6.

⁵ Num. 13:20: “ ‘Is the soil rich or poor? Is it wooded or not? And take pains to bring back some of the fruit of the land.’ ”

⁶ Rashi’s comment is based on Sifrei Devarim 20:3.

the languages spoken by the Canaanites. **Despite all these** preparations on Moses' part, **the enactment of** what would constitute a blemish **didn't help at all, for the spies brought forth false and defamatory statements and said there were blemishes that they hadn't agreed upon** in advance, **such as that** "the fruits were strange and the people were strange."⁷ Another example is that **even though [the spies] saw that [the Canaanites] were dwelling in fortified cities, which was the sign by which they had agreed to recognize that [the Canaanites] were weak, despite all this they said,** "We cannot attack this people, **for it is stronger than we."** Therefore, [Moses] mentioned [this incident with the spies] in the rebukes of parshat Devarim.

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⁷ Rashi on Deut. 13:23.