

Zera Shimshon

by Rabbi Shimshon Chaim Nachmani zt"l

Published Mantua 1778*

Chapter XLVII: Re'eh (Deut. 11:26–16:17)

Essay 6. Tithing, robbery, and famine

בפרק קמא דתענית אמר ר' הונא כ' הפרעייב עצמו בשעת רעבון ניצול ממיתה משינה. קשה דמה ענין זה לזה.

In the first chapter of tractate Ta'anit, Rav Huna said, "Anyone who [has food for himself but nevertheless] starves himself in a time of famine will be saved from an unnatural death."¹ A question is what relationship does this starving oneself have to do with that avoiding an unnatural death?

ויש לומר דאיתא במסכת אבות מקצתו מעשריו ומקצתו אינו מעשריו, רעב של בצורת באה, מקצתו רעבין ומקצתו שבעין. וקשה למה נקט הלשון של רעבין ושבעין. ויש לומר שבכל הצרות שלא תבאנה על הצבור נאמר בהן בזמן שהצבור שרוי בצער, אל יאמר אדם וכו' ושלום עליה נפשי. אלא ישפתה עם הצבור. אבל כשיהיה חס ושלום הרעב מפני שאינו מעשרין אז היחידים שמעשרים אינם חייבים לענות נפשם כדי להשתתף עם הצבור שהם רעבין, שלפי שאינם מעשרין דמם בראשם, ואותם המעשרין אין הכי נמי שיכולים לאכול ולשתות ולשמוח, ואדרבא הואיל שהקב"ה השפיע להם הרבה תבואה צריכים הם להיות שבעים ולקבל הברכה בסבר פנים יפות כדי שיהיה ניכר שהאחרים הם רעבים בעון המעשר, וזה ממש הוא רצונו של הקב"ה.

It can be said that it's brought in a Mishnah in tractate Pirkei Avot, "When some of them give tithes, and others do not give tithes, a famine from drought comes. Some go hungry, and others are satisfied."²

A question is why did [the Tanna] of that Mishnah select the language of going hungry and being satisfied? It can be said that regarding all troubles—may they not come upon the community—it is said about them, that "when the community is immersed in suffering, a person may not say: I will go to my home and I will eat and drink, and peace be upon you, my soul. . . . Rather, a person should participate [and be distressed] with the community."³

But when the famine will occur because people do not give tithes, then the individuals who do give tithes are not obligated to cause their souls to suffer with the members of the community who are going hungry, for it's because they didn't tithe that their blood is on

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

¹ Ta'anit 11a. Instead of Rav Huna, our edition of the Talmud quotes Rav Yehuda in the name of Rav. The translator has not identified any older edition that cites Rav Huna.

² Pirkei Avot, chapter 5, Mishnah 8 in most editions, or Mishnah 7 in the edition of *Toldot Shimshon*.

³ Ta'anit 11a.

their heads. Regarding those who do tithe, it is indeed so that they are able to eat and drink and be happy. To the contrary, since the Holy One, Blessed be He, gave them plentiful income, they need to be satisfied and to receive the blessing with a pleasant countenance, in order that it be known that the others are hungry because of the sin of not giving tithes, and this is precisely the will of the Holy One, Blessed be He.

אָבֵל בְּפָרֶקֶת ב' דְּשִׁבְתָּ אֲמַרְיִנוּ מִפְּנֵי גִזְלֵי הַגּוֹבָאֵי עוֹלָה, וְהִרְעֵב הוֹנָה, וְאִם פֶּן הִרְעֵב בָּא חֵס וְשְׁלוֹם עַל אֶחָד מִשְׁנֵי דְבָרִים: אוֹ מִפְּנֵי שְׂאֵינָן מַעֲשָׂרִים אוֹ מִפְּנֵי הַגִּזְלָה. וְכִשְׂיָבוֹא בְּעוֹן מַעֲשֵׂר נִיחָא שְׂמוּתָר לֹו לְאָכֹול וְלִהֲתַעֲדָן נְפִשׁוֹ וְדָמָם בְּרֵאשִׁים וְעַיִן עוֹד סִבְרָא אַחֲרֵת בְּפִירוּשְׁנוּ לְמַסַּכְתָּ אַבּוֹת. אֲמַנָּם אִם יָבֵא מִפְּנֵי הַגִּזְלָה אֲזֵי אֵינּוּ יָכוֹל לְאָכֹול אֶלָּא מִשׁוּם פִּיקוּחַ נְפִשׁ דְּהֵיִינוּ כְּדֵי חֲזִיו בְּלִבְד מִשׁוּם דְּגַרְסִינָן בְּפָרֶקֶת הַגּוֹזֵל גִּזְלָן מֵאִימְתֵי מוֹתָר לִיהֲנוֹת מִמֶּנּוּ? רַב אָמַר, עַד שְׂיִהְיֶה רוּב מִשְׁלוֹ, וְשִׂמוּאֵל אָמַר, עַד שְׂיִהְיֶה מִיעוּט מִשְׁלוֹ. וּפְסָקוּ הַפּוֹסְקִים כָּרַב וְהִרְמַב"ם בְּפָרֶקֶת ה' מֵהִלְכוֹת גִּזְלִיָּה פְתַב וְז"ל, אֲסוּר לִיהֲנוֹת מִן הַגִּזְלָן וְכֵן דְּבַר שְׁחֻזְקָתוֹ גָּנוּב אֲסוּר לִיהֲנוֹת מִמֶּנּוּ עכ"ל. וְכִשְׂיִשׁ גִּזְלָנִים הִרְבֵּה בְּעוֹלָם יֵשׁ לְחוּשׁ שְׂמָא אוֹתוֹ הַדְּבַר שֶׁהוּא לֹאֲקַם הוּא דְּבַר גִּזְלוֹ וְאֲסוּר לִיהֲנוֹת מִמֶּנּוּ.

But in the 2nd chapter of tractate Shabbat, it is said, “Because of robbery, locusts emerge, and famine prevails.”⁴ If so, the famine comes—G-d forbid—because of one of two things: either because they did not tithe, or because of robbery.

When [the famine] comes because of the sin of tithing, it is fine that it is permitted to [one who tithes] to eat and for his soul to enjoy, but for those that did not tithe, their blood will be on their heads. See also a different view in our explanation of tractate Pirkei Avot.⁵

Indeed, if [the famine] will come because of robbery, then he will only be able to eat because of a danger to his soul alone, i.e., so that he will live, because of what we read in the 10th chapter of tractate Bava Kamma, entitled, “One who robs [another of food] and feeds his children”:

[Regarding] a robber, from when is it permitted to purchase [items] from him? Rav says: [It is prohibited] until the majority [of his possessions are] from his [own property that he obtained legally]. And Shmuel says: [It is permitted to purchase items from a known robber] even [if only] a minority [of his possessions are from] his [own property].

- Bava Kamma 119a

The commentators ruled as Rav, and the Rambam, in the 5th chapter of the Laws of Robbery, wrote, “It is forbidden to benefit from a robber, and similarly it is forbidden to benefit from a stolen item in his position.”⁶ When there are many robbers in the world, one needs to fear lest something that he takes is stolen property and it is forbidden to benefit from it.

⁴ Shabbat 32b.

⁵ *Toldot Shimshon* 5:7.

⁶ Mishneh Torah, Robbery and Lost Property 5:8.

וְזֶה יְהִי פִירוּשׁ מֵהַשְּׂאֵמָרוֹ וְלִבְיָלְקוּט "הַחֲמָס קָם לְמִטְהַרְשֵׁעַ" מִלְמַד שְׂזַקֵּף עֲצָמוֹ כְּמַקֵּל וְעָמַד לִפְנֵי הַקַּב"ה ע"כ, וְכִי גַם מִמִּשְׁוֹת בְּחֲמָס. אֲלֵא רְצָה לִזְמַר כָּל הַדְּבָרִים הַנִּמְצָאִים בְּעוֹלָם הוֹאִיל שֶׁהֵם כּוֹלֵם אֲסוּרִים הָיוּ עוֹמְדִים לִפְנֵי הַקַּב"ה וְכו', וְכִמוֹ שֶׁפִּירְשׁוּ לְעֵיל עַל פְּסוּק "כִּי־מְלֹאָה הָאָרֶץ חֲמָס" וְכו'.

This will be the interpretation of what [the rabbis] of blessed memory explained in the Yalkut Shimoni on Prophets, remez 345, on the verse, “lawlessness has grown into a rod of lawlessness”⁷: this teaches that [the personification of lawlessness] straightened itself like a rod and stood before the Holy One, Blessed be He, to testify as to the corruption of humanity,⁸ for there is a substance to lawlessness.

Rather, this means to say that all the things found in the world—because all of them are forbidden—were standing before the Holy One, Blessed be He, to testify as to the corruption of humanity, and as they explained above, Yalkut Shimoni on Torah, remez 51, on the verse, “for the earth is filled with lawlessness.”⁹

וְאִם כֵּן זֶה שֶׁאֵינּוּ אוֹכֵל יוֹתֵר מִכִּדֵּי חַיֵּי שְׂמִתְיָרָא פֶּן יְהִי אוֹתוֹ דְּבַר גְּזֵל וְאֵינּוּ רוֹצֵה לְהַכְנִיס עֲצָמוֹ בְּסַפֵּק אִיסוּר חוּץ מִקִּיּוּם הַמְצֻנָּה וְשֵׁל "וְנִשְׁמַרְתֶּם מְאֹד לְנַפְשֵׁיכֶם". מִשׁוּם הֵכִי מִדָּה כְּנֻגַד מִדָּה וְנִצָּל מִהִמִּיתָה חוּץ מִהִטְבֵּעַ, דְּהֵינּוּ אִם חָס וְשָׁלוֹם יִגְזֹר הַקַּב"ה אִיזוֹ מִיתָה כְּמוֹ שֶׁיִּדְעֻנוּ שְׁעוֹלָה עַל כָּל הָעֲבִירוֹת וּמִי מְקַטְרֵג בְּרֵאשׁ כְּלָם גְּזֵל, לֹא נִחָתָם גְּזֵר דִּינָם אֲלֵא עַל הַגְּזֵל.

If so, this teaching from Ta’anit is talking about one who does not eat more than necessary for his life, for he fears lest the same thing he eats will be stolen property. He doesn’t want to enter into a possible prohibition, other than doing the minimum necessary to fulfil the commandment of “for your own soul, therefore, be most careful.”¹⁰

Because of this, as measure-for-measure, he will be saved from an unnatural death, which is what can occur if—G-d forbid—the Holy One, Blessed be He, will decree some type of death, such as we know occurs for all transgressions.

“Which sin prosecutes at the head of all of them? Theft.”¹¹ This decree is only sealed because of the robbery.¹²

* * *

⁷ Ezek. 7:11.

⁸ Yalkut Shimoni on Prophets, remez 345; see also Midrash Tanchuma, Noach 4:1.

⁹ Gen. 6:13.

¹⁰ Deut. 4:15.

¹¹ Lev. Rabbah 30:2; Yalkut Shimoni on Prophets, remez 345.

¹² Sanhedrin 118a.