

Zera Shimshon

by Rabbi Shimshon Chaim Nachmani zt"l

Published Mantua 1778*

Chapter LIII: Haazinu (Deut. 32:1–32:52)

Essay 1. Heaven and earth as witnesses

"הֲאֵזִינוּ הַשָּׁמַיִם", פֶּרַשׁ רַשִׁי הֲאֵזִינוּ הַשָּׁמַיִם שְׁאֲנִי מְתַרְהֵם בְּהֵם בְּיִשְׂרָאֵל וְתִהְיוּ עֵדִים בְּדִבְרִי, וְכוּ "וְתִשְׁמַע הָאָרֶץ" וְכוּ, וְלִמָּה הֵעִיד בָּהֶם שָׁמַיִם וָאָרֶץ? אָמַר מֹשֶׁה אֲנִי בָּשָׂר וְדָם לְמַחֵר אֲנִי מֵת, אִם יֹאמְרוּ יִשְׂרָאֵל לֹא קִבְּלֵנוּ עָלֵינוּ הַבְּרִית מִי בָּא וּמְכַחֵשִׁים? לְפִיכֹךְ הֵעִיד בָּהֶם שָׁמַיִם וָאָרֶץ, עֵדִים שֶׁהֵם קִיָּמִים לְעוֹלָם שְׁאֵם יִזְכּוּ יְבוֹאוּ הָעֵדִים וְיִתְּנוּ שְׂכָרָם וְכוּ. מִקְשִׁים הַמְּפָרְשִׁים דָּהָא בְּפִרְשֵׁת נִצְּבִים כְּתִב רַשִׁי שְׁתֵּי טַעְמִים אֲחֵרִים וְלִמָּה לֹא פִירַשׁ שֶׁם גַּם הַטַּעַם הַזֶּה שְׁאֵם יִזְכּוּ יְבוֹאוּ הָעֵדִים.

“Hear, O heaven, let me speak; let the earth hear the words I utter!”¹ Rashi comments:

“Hear, O heaven, that I am admonishing Israel, and you shall be witnesses to this matter,” and similarly, **“and let the earth hear,”** etc. **Why did He make the heaven and the earth witnesses? Moses said: “I am flesh and blood; tomorrow I will die. If Israel should say, ‘We do not accept the Covenant,’ who will come and contradict them?”** Therefore, **He made the heaven and the earth witnesses: witnesses that exist forever. That is, if they are worthy, the witnesses [of heaven and earth] will come and give their reward [to man]:** the vine might yield its fruit, the ground give its increase, the heaven bestow its dew; while if they should act sinfully, the hand of the witnesses might first be against them,² **“and He will restrain the heaven, that there be no rain, and the earth will not give its increase; and you shall perish quickly”³** through the attacks of other nations.

- Rashi on Deut. 32:1

The commentators raise a difficulty: in parashat Nitzavim, Rashi gives two other reasons.⁴ First, that heaven and earth are eternal and thus able to testify that Israel was warned about the consequences of sinning,⁵ Second, heaven and earth follow the behavior that G-d commanded of them whether He gives them reward or punishment, and therefore man, who does receive reward or punishment, should definitely follow G-d’s will. Now here in Haazinu, Rashi’s third reason is that the heavens and earth will outlive Moses, serving forever to testify that Israel had indeed

* English translation: Copyright © 2025 by Charles S. Stein. Additional essays are available at <https://zstorah.com>

¹ Deut. 32:1.

² Cf. Deut. 13:10.

³ Deut. 11:17.

⁴ Rashi on Deut. 30:19.

⁵ For example, whereas in laws of modern nations we hear the saying, “ignorance of the law is no excuse,” the Sanhedrin would not execute a party unless they had been actively warned about a crime and its punishment.

accepted the Covenant, and also serving as conduits to reward Israel for good behavior and punish Israel for bad behavior.

Question 1: **So why did [Rashi] not explain that same reason there in Nitzavim, that if [Israel] are worthy, the witnesses of heaven and earth will come and give Israel a reward themselves in the form of good weather and crops?**

ועל הטעם שפירש בפירוש נצבים, אמר משה הסתפלו בשמים ובארץ ובראתי לשמש אתכם, שפא שינו את מדתם. ומה אלו שלא נבראו לא לשכר ולא לעונש שאם זוכים אין נוטלים שכר ואם חוטאים אינם מקבלים פורענות. כך, אתם שאם תקיימו תקבלו שכר ואם תעברו תקבלו עונש על אחת כמה וכמה. עוד מקשים שהרי מצינו שהארץ שינתה מדתה ונענשה, דאיתא במדרש "ארוהה האדמה בעבורך" אמר ר' יהודה שהארץ שינתה מדתה שאמר הקב"ה עץ פרי שיהיה טעם העץ כטעם הפרי והיא לא עשתה כן אלא עץ עושה פרי, ולפיכך פשוטקלל אדם נפקדה גם היא על עונה. ועוד מצינו במקום אחר שהארץ קבלה עונש, כדאמרנו בפרק ד' דסנהדרין מיום שפתחה הארץ את פיה וקבלתו לדמו של הכל שוב לא פתחה שנאמר "מפני הארץ" ולא מפי הארץ, ופירש מהרש"א שזהו עונש שלה שלא תאמר שירה בפה.

Regarding the second reason Rashi gave in parashat Nitzavim:

Moses said: “The Holy One, Blessed be He, said, **look at the heaven and the earth that I created to serve you, have they changed their character** [from how I commanded them to behave]? **Regarding those things that were not created for reward or punishment—if they are worthy, no reward is taken, and if they sin, they do not receive punishment. In your case, if you fulfill** [the commandments] **you will receive reward, and if you transgress you will receive punishment,** so how much more [should you obey the commands of your Maker]!

- Rashi on Deut. 30:19

People question this, for we find that the earth did change its character and was punished, as it is stated in the Midrash:

“Cursed be the earth because of you.”⁶ Why was it cursed? Rabbi Yehuda said: the earth changed its character, for the Holy One, Blessed be He, said that a fruit tree [itself] should have the taste of the fruit. It did not do so; rather, the tree produces fruit [that is edible]. Therefore, when man was cursed, the earth too was afflicted for his sin.

- Gen. Rabbah 5:9

Furthermore, we find in another place that the earth received punishment, as we say in chapter 4 of tractate Sanhedrin (37b): from the day the earth opened its mouth and received the blood of Abel, it did not open again [for the good], as it says, “**from the end of the earth, we hear singing: Glory to the righteous!**”⁷ The singing came from the end of the earth, **not from the mouth of the earth** as we would have expected. **Maharsha explained that this was its punishment, that it should not speak song with its mouth.**

Question 2: **So how could Rashi say this, that the earth does not change its character?**

⁶ Gen. 3:17.

⁷ Isaiah 24:16.

ועוד דאיך קרא משה לשמים ולארץ להיות עדים והא בפרק קמא דעבודה זרה אמרינן שטוענים האומות לשמים וארץ נוגעים בעדות הם ואי אפשר להיות עדים, והקב"ה מודה להם. ועוד קשיא לן שלוש טעמים למה לי.

Question 3: Also, how could Moses call upon the heaven and the earth to be witnesses? For in the first chapter of tractate Avodah Zarah (3a), it is said that the nations claim that the testimony of the heaven and the earth is tainted by a conflict of interest, because G-d said at Creation that if the Jewish people would not accept the Torah at Sinai, He would return heaven and earth to the primordial state of chaos and disorder.⁸ Thus, the nations say that they cannot serve as witnesses, and the Holy One, Blessed be He, concedes their argument.

Question 4: Another difficulty is that there are three reasons given by Rashi. Why do I need this many reasons for heaven and earth being made witnesses?

ונראה לתרץ שהוצרכו שלוש טעמים נגד שלוש פורעניות הבאות עליהם חס ושלום אם לא יזכו לפי שישי הפורעניות הפתובות בתורה בתוכחות שאומר הקב"ה לשלחם אם יחטאו, וכנגד אלו פירש הטעם הראשון בפרשת נצבים בפסוק "העדתי בכם היום את השמים ואת הארץ", ונ"ל, וכאשר תקרה אתכם הרעה יהיו עדים שאני התרתי בכם בכל זאת עכ"ל. ויש פורעניות אחרות שבאות מהמקרים המתהווים בעולם, שמי שהוא טוב וצדיק הקב"ה יצילהו מפגעים רעים ויקפד חס ושלום הרשעים נקשלים ונקפדים בהם. ועל זה נאמר "שלום רב לאהבי תורתך ואיך למו מכשול", וכנגד אלו פירש שם דבר אחר, הסתכלו בשמים ובארץ שלא שינו את מדתם וכו', ואף אתם אם תשנו את מדתכם שלא לעשות רצונו של מקום תהיו נקפדים במקרה הזמן הבאים שלא פסדו ומנהגו. ועוד יש פורעניות אחרות הבאות מחמת המזל או לפעמים שהמקום גורם, וכנגד זה פירש טעם שלישי.

Answer to Question 4: It seems the resolution is that three reasons were required corresponding to the three types of punishments that could come upon them, Heaven forbid, if they are not worthy.

First, the punishments written in the Torah in the admonitions, i.e., the *Tochachot* of parashot Bechukotai and Ki Tavo, that the Holy One, Blessed be He, says He will send if they sin. These are items specifically recited in the Torah, such as drought, famine, disease, exile. Corresponding to these, [Rashi] explains the first reason in parashat Nitzavim on the verse, “I call heaven and earth to witness against you today: I have put before you life and death, blessing and curse; choose life—if you and your offspring would live.”⁹ This is his language: “[Heaven and earth] exist for ever, and when evil will befall you, they will be witnesses that I have warned you regarding all this.”¹⁰

Second, there are other punishments that come from circumstances that occur in the world: one who is good and righteous, the Holy One, Blessed be He, saves him from evil harms, and conversely, Heaven forbid, the wicked fall and are trapped by them. Regarding this it is said, “Those who love Your teaching enjoy well-being; they encounter no stumbling

⁸ In addition to Avodah Zarah 3a, this teaching by Reish Lakish also appears in Shabbat 88a.
⁹ Deut. 30:19.
¹⁰ Rashi on Deut. 30:19.

block.”¹¹ These are *mikreh*, which since they are not explicitly recited in the *Tochachot*, may appear to be happenstance, such as accidents, untimely deaths, sudden illnesses, financial losses. **Corresponding to these types of punishments, Rashi explained another reason: “look at the heaven and the earth that I created to serve you, have they changed their character?” So too you, if you change your character by not doing the will of the Omnipresent, you will be trapped by the events of time that come counter to order and custom.**

Third, **there are still other punishments that come from fortune or sometimes caused by the person’s location.** They are not included in the listed *Tochachot*; nor are they *mikreh*, because they are regularly patterned influences that operate continuously and impartially. **Corresponding to this, Rashi explained a third reason** in our parashah, that heaven and earth can serve as a conduit for punishment.

ולפי שבפְּרֻשַׁת נְצֻבִים הִנֵּה מְדַבֵּר עִם יִשְׂרָאֵל, מִשׁוּם הֵכִי לֹא פִירֵשׁ שֶׁ אֵלֹא שְׁמֵי טַעֲמִים נִגְדָּה שְׁמֵי פּוֹרְעָנוּת דֵּהִינּוּ אוֹתָן הַכְּתוּבוֹת בְּפְרֻשַׁת תּוֹכַחוֹת שֶׁהִקְבִּ"ה שׁוֹלֵחַ אוֹתָן אוֹ שְׂבָאוֹת בְּפִגְעָה וּמִקְרָה שֶׁהִקְבִּ"ה מִצִּיל מֵהֶם כָּל הַצְּדִיקִים. אֲמָנָם בְּפְרֻשַׁת הַאֲזִינוּ שֶׁמְדַבֵּר עִם שְׁמַיִם וְאָרֶץ פִּירֵשׁ שֶׁ דְּוָקָא הַטַּעַם הַשְּׁלִישִׁי, שֶׁהַשְּׁמַיִם וְהָאָרֶץ יִתְּנוּ לָהֶם שָׂכָר וְעוֹנָשׁ לְפִי הַכַּח הַנִּשְׁפָּע לָהֶם מִתְחִלַּת בְּרִייתָם דֵּהִינּוּ כַּח הַמַּזָּל, אוֹ טַבַּע הַמְּקוֹם. וְכֵאן דְּוָקָא כְּתוּב שֶׁאִם יִזְכוּ יִבְאוּ הָעֵדִים וְיִתְּנוּ שָׂכָרָם, כְּדִי לְצַוֵּת לָהֶם שֶׁאִם הַמַּזָּל לֹא יִהְיֶה טוֹב עִם כָּל זֶה אִם יִזְכוּ יִשְׂרָאֵל יִהְיוּ מְחויִּיבִים הַמַּזָּלוֹת לְהַשְׁפִּיעַ לָהֶם טוֹבָה שֶׁהִרִי אֵין מַזָּל לְיִשְׂרָאֵל וְכוּ', וְזֶהוּ שֶׁאִם יִזְכוּ וְכוּ' וְכֵן לְהַפְּדוּ חַס וְשְׁלוֹם, וְלָכֵן הוֹצֵרְכּוּ שְׁלוֹשָׁה טַעֲמִים, וְדַיִק שֶׁפִּיר לְכַתּוּב שְׁנַיִם שֶׁ בְּפְרֻשַׁת נְצֻבִים וְטַעַם הַשְּׁלִישִׁי דְּוָקָא כְּאֵן.

Answer to Question 1, as to why Rashi didn’t explain the third reason, which he gives here in Haazinu, earlier in Nitzavim, where he gave the other two reasons. **Since in parashat Nitzavim he was speaking to Israel, therefore he explained there only two reasons corresponding to two punishments, those written in the section of the *Tochachot*, which the Holy One, Blessed be He, sends or that come by mishap, from which the Holy One, Blessed be He, protects all the righteous.**

However, in parashat Haazinu, where he speaks to the heaven and the earth, he explains there specifically the third reason: that the heaven and the earth give reward and punishment according to the power bestowed on them from the beginning of their creation — that is, the power of fortune or the nature of the place. Here he specifically writes that “if they are worthy, the witnesses will come and give their reward,” to command them that even if fortune is not favorable, nevertheless, if Israel are worthy, the stars and fortune are obligated to bestow good upon them, for there is no constellation ruling over Israel.¹² This is the meaning of “if they are worthy, the witnesses [of heaven and earth] will come and give their reward [to man],” and similarly the opposite, Heaven forbid, “if they should act sinfully, the hand of the witnesses might first be against them.” **Therefore, three reasons are required, and this is why [Rashi] wrote only two in parashat Nitzavim and the third reason specifically here.**

¹¹ Ps. 119:165.

¹² Shabbat 156a; Nedarim 32a.

ומאי דאמרינו בפרק קמא דעבודה זרה ששמים וארץ נוגעים בעדותן הו, היינו במאי דמירי התם בדין של זמן התחייה, שאם ישראל לא קיימו או לא קבלו התורה אף שמים וארץ בטליו. אבל פאן עדות זה אינו עדות לראות אם ישראל חייבים או לא, אלא אדרבא כבר ישראל חטאו וכאו עליהם ייסורין, וכדי שלא יתרעמו ישראל לומר לא קבלנו עלינו הברית, הם מעידים עליהם שמשו פד התרה בהם והם קבלו עליהם, ואינו אלא גלוי מילתא בעלמא. וזהו מה שכתב שם בפרשת נצבים, וכאשר תקרה אתכם הרעה יהיו עדים שהתרתם בכם בכל זאת עכ"ל. וכאן אמר שיבואו העדים ויתנו שכם או עונש כהיה דפרק קמא דמענית במאמין בחולדה ובור ועיי"ש בפרקים.

Answer to Question 3, as to how Moses could call upon heaven and earth to be witnesses: **Regarding what we said in the first chapter of Avodah Zarah (3a), that the heaven and the earth have a conflict of interest regarding their testimony, it is talking there about the judgment at the time of the resurrection, that if Israel do not keep or accept the Torah, even the heaven and the earth are nullified.**

But here, this testimony is not testimony to see whether Israel are obligated for punishment or not. Rather, on the contrary, Israel have already sinned and punishments have come upon them; the testimony is so that Israel should not be enraged and say, "We did not accept the Covenant." In such a case, **the heaven and the earth testify about them that Moses thus admonished them and they accepted it upon themselves; thus their testimony is nothing more than the revelation of a matter in the world, i.e., a point of history.**

This is the meaning of what [Rashi] wrote there in parashat Nitzavim: "[Heaven and earth] exist for ever, and when evil will befall you, they will be witnesses that I have warned you regarding all this."

Here, in Ha'azinu, he says that the witnesses will come and give reward or punishment, as in the first chapter of Taanit (8a) of one who believes in signs from a weasel and a pit. Once a young man saved a girl who had fallen into a pit. After rescuing her, they swore to remain faithful to each other, and they declared the pit and a passing weasel their witnesses. As time went by, the young man forgot his vow and married another woman. They had two children, both of whom died tragically, one by falling into a pit and the other when he was bitten by a weasel. Their unusual deaths led the young man to realize his error and he returned to the first woman. Thus, the pit serves as an example of the earth that testified against the man and punished him. **See there in the commentaries, such as the Tosafot, which more fully explains the story than the Gemara.**

ועוד דקושיא מעיקרא ליתא, שהרי מי שחוטא מסתמא חוטא בסתר ובהצנע ואין שמים וארץ רואים אותו ואינם יכולים להעיד עליו, שאם הוא חוטא בסתר בביתו הלא הבית אינו קרקע עולם, שהרי הוא תלוש ולבסוף חברו כדאמרינו בפרק ג' דעבודה זרה (דף מ"ז) המשפתחה לבית אסרו דתלוש ולבסוף חברו בתלוש דמי ואינו נקרא בשם ארץ סתם, ואף אם חטא בקרקע עולם כגון באיזו מערה וכיוצא, אי נמי שבכלל הארץ יש כל הדברים הגשמיים אשר בארץ. וזהו שרמזו במסכת חגיגה ושם אמר אדם מי מעיד בי אבני ביתו של אדם וקורות ביתו וכו'. הלא השמים אינם יכולים להעיד שהרי אינם רואים אותו וקיימא לן שהעדים צריד שיראו שניהם פאחד כמו שפסק הרמב"ם (בפרק ד' מהלכות עדות), ומכל שכן פאן שהארץ רואה והשמים אינם רואים.

There is still a difficulty from the outset: for one who sins, presumably he sins in secret and in concealment, and the heaven and the earth do not see him and cannot testify against

him. If he sins in secret in his house, the house is not natural ground, since it is detached and subsequently attached, as it is said in the 3rd chapter of Avodah Zarah (page 47b), that, “one who bows to a house has rendered it forbidden, for something [built with materials that were] detached [from the ground] and subsequently attached, is considered as if it were still detached,” and it is not called “earth.” So if he sins in his house, it seems to not be in the presence of the earth, so how could the earth testify against him?

Even if he were to sin on natural ground, for example in a cave or the like, or alternatively if one would argue that [the floor of a house] is in the category of earth, and so are all physical things in the world, in truth the earth cannot “see” him in the cave or in the house. This reality, and a partial solution, is hinted in tractate Chagigah: “and lest one might say: Since I am acting in private, who will testify against me? The stones of a person’s house, the beams of his house can testify against him.”¹³

Nevertheless, even if we consider that the earth includes a cave or the inside of a house, so that the earth would be able to testify, there is still the fact that **the heaven cannot testify** in such a circumstance, **since it does not see him. It is established for us that the witnesses need to both see equally, as the Rambam rules (chapter 4 of the Laws of Testimony, halacha 1). All the more so here within a house, when the earth sees but the heaven does not see.**

ואף על פי שדין זה אינו אלא בדיני נפשות ולא בדיני ממונות, הלא בפרק ט"ז מהלכות סנהדרין פתב הפסוק משנה דסבירה ליה להרמב"ם פתירו צא דרבא דמלקות במקום מיתה עומד, וכן פסק שם הרב שאף בדין המלקות בודקים העדים בדרישה וחקירה פדרה שעושים בדיני נפשות, ואין חילוק ביניהם אלא שהמלקות סגי בבית דין של שלושה ולא בעינו עשירים ושלוש.

Although this law that both witnesses must see equally applies only in capital cases and not in monetary cases, in chapter 16 of the laws of the Sanhedrin (halacha 1), the *Kesef Mishneh* writes that it seems reasonable according to the Rambam as a resolution to the problem of lashes in place of the death penalty. Thus, he rules there (halacha 4) that even in the case of lashes, the witnesses are examined by questioning and investigation in the same manner as in capital cases. The only difference between them is that lashes are administered in court of three judges, rather than in the eyes of twenty-three judges.

ואף כאן הייסורין של ישראל הם כמו מלקות ואי אפשר לעולם שיהיו עדים אלא למי שחוטא בודון ופשע ובגלוי, ומי שחוטא בפרהסיא הלא כל שאר ישראל הם עדים עליו. ואם חס ושלום כל ישראל חטאו בפרהסיא ובודון חייבים פלייה חס ושלום. ושמים נארץ בודאי שנוגעים בעדות הם, וכאן בפרשה זו שהיה מדבר עם השמים והארץ ממש פדכתיב "האזינו השמים" וכו', אף על פי שמצוה עליהם להיות עדים אינו רוצה לומר עדים ממש, אלא לפי שכל מי שרואה חבירו לעשות איסור אם הוא קרוב או פסול או נוגע בדבר שאינו יכול להיות עד, מפל מקום יכול להפותו ולייסרו.

Here too, the afflictions of Israel are like lashes, and it is only possible to have witnesses where one sins intentionally, flagrantly, and openly. Regarding one who sins

¹³ Chagigah 16a; Ta'anit 11a.

publicly, aren't all other Jews witnesses against him? Heaven forbid, if all Israel were to sin publicly and intentionally, they would be liable to destruction. Certainly, the heaven and the earth would then have a conflict of interest, as they would be returned to the primordial state of chaos and disorder. Here, in this section where [Moses] speaks to the heaven and the earth, as it says, "Hear, O heaven," etc., even though it is commanded of them to be witnesses, it does not mean literal witnesses. Rather, it is because anyone who sees his fellow committing a transgression—whether he is close or unfit or involved in the matter and cannot be a witness—still may strike and punish him.

וּפְסָק הַרְמַב"ם (בְּפָרְק ה' מֵהִלְכוֹת עֵדוּת) שֶׁכֵּל עַד שֶׁהָעֵיד בְּדִינֵי נְפֻשׁוֹת אֵינוֹ יָכוֹל לִהְיוֹת דַּיָּין בְּדִין זֶה, וְכַתּוּב הַפָּסֶק מִשְׁנָה שֶׁסּוֹבֵר הַרְמַב"ם דְּדוֹקָא קְשִׁיבָר הָעֵיד הָעֵד אֵינוֹ יָכוֹל לְדוֹן אֲבָל אִם לֹא הָעֵיד יָכוֹל לְדוֹן אֲפִילוֹ בְּדִינֵי נְפֻשׁוֹת, שְׁמִשְׁמַע מִזֶּה שֶׁכֵּל מִי שְׂרֹאָה אֵף עַל פִּי שְׂאִינוֹ מְעִיד נִקְרָא עַד.

The Rambam rules (chapter 5, Laws of Testimony, halacha 8) that any witness who has testified in capital cases cannot serve as a judge in monetary cases. The Kesef Mishneh writes that according to the Rambam, only after the witness has testified is he disqualified from judging, but if he has not testified, he may judge even in capital cases. From this it is implied that anyone who sees (even if he does not testify) is called a witness.

וּבְפָרְק ה' מֵהִלְכוֹת מְמָרִים פָּסֶק שְׁמִי שֶׁעֲבָר עֲבִירָה וְנִגְמַר דִּינֹו לְמִיתָה וּבָא אַחֵר וְהִכּוֹהוּ וְקִלְלָהוּ פְטוֹר אֲפִילוֹ אִם עָשָׂה תְּשׁוּבָה, וּמִכֵּן קוֹדֵם שֶׁיַּעֲשֶׂה תְּשׁוּבָה דְקָרִינוּ בֵּיהּ "וְנִשְׂיָא בְעַמְדָּה לֹא תֵאָר" בְּעוֹשֶׂה מַעֲשֶׂה עֲמָדָה, שְׁמוֹתָר גְּמוֹר לְהַכּוֹתוֹ וּלְקַלְלוֹ. וְאֵף כֵּאֵן לְאַחֵר שֶׁאֵמַר מִשְׁנֵה הַקְּלָלוֹת לְיִשְׂרָאֵל חַס וְשְׁלוֹם אִם יִחַטְאוּ צְנֹה לְשָׁמַיִם וְאֶרֶץ גְּמִי לְהַכּוֹתָם וּלְיִיטְרָם כְּשִׂירָאוּ שֶׁעֲבָרוּ עַל הַתּוֹרָה וְהַמִּצְוֹת.

In chapter 5, Laws of Rebels (halacha 12), [the Rambam] ruled that one who transgresses and is liable to death, and another comes and strikes or curses him, [the one who struck the rebel] is exempt even if [the rebel] repented [for the rebel is regardless going to be executed]. All the more so, before he repents, as it is written regarding him, "do not curse a ruler of your people"¹⁴ but this is only applicable towards a who performs an action becoming of your people,¹⁵ that it is fully permitted to strike and curse [a rebel]. Here too, after Moses pronounced the curses to Israel, Heaven forbid if they sin, he commanded the heaven and the earth also to strike and punish them when they see that they have transgressed the Torah and the commandments.

¹⁴ Ex. 22:27.

¹⁵ Bava Metzia 62a; Yevamot 22b; Bava Kamma 94b; Sanhedrin 85a; Makkot 8b.

ומה שפרש רש"י שם שהם לא שנו את מדתם וכו' היינו שלא שינו ממה שקבלו עליהם, כמו שפירש, שמא עלתה גלגל חמה מן המערב או שמא זרעו לארץ ולא צמחה וכו', שהם דברים מפורסמים, ומה שהארץ שינתה בעין עושה פרי או בקיבול דמו של הבל, אלו הדברים היו בהצנע ובסתר וצדיין לא קבלה עליה הפד זה ואינו נקרא שינוי מדתה, מה שאין כן ישראל שקבר קבלו עליהם לשמור ולעשות כל המצוות שבתורה.

Answer to Question 2, how could Rashi say that the earth does not change its character? **What Rashi explained there, that they have not changed their character, means that they have not changed from what they accepted upon themselves. This is as Rashi explains: whether the sun rose from the west or whether they sowed the earth and it did not grow, these are public matters. But what the earth changed, e.g., regarding the tree that produces fruit or in the earth receiving Abel's blood, these matters were done in secret and in concealment, and the opposite had not yet been accepted, and this is not called a change of character. This is unlike Israel, who already accepted upon themselves to observe and perform all the commandments in the Torah.**

ועל מה שהקשו שמצינו שהארץ קבלה עונש כדכתיב "ארורה האדמה בעבורך", אדרבא משם ראיה לדברי רש"י ו"ל, שאם נאמר ששמים וארץ אם לא יזכו ויקבלו עונש, אם כן קשה למה לא נתן לה עונש מיד כשחטאה ולמה המתין שישחט אדם, אלא ודאי שבארץ עצמה לא שייד לא עונש ולא שכר וכל העונשים הנמצאים בה הכל הוא לעונש האדם.

Regarding the difficulty raised, that we find the earth received punishment, as it is written, "Cursed be the earth because of you," on the contrary, this serves as evidence for the words of Rashi, of blessed memory. For if it were said that the heaven and the earth, if Israel are not worthy, receive punishment, then there would be a question: why did it not receive punishment immediately when it sinned, and why did it wait until man sinned? Rather, certainly in the earth itself there is no relevance to punishment or reward; all the punishments found in it are for the punishment of man.

וכמו שפרשו המפרשים על "ותטמא הארץ ואפקד עונה עליה ותקא הארץ את-ישביה", וכן פרש רש"י על פסוק "ארורה האדמה בעבורך", מעלה לה דברים ארוכים כגון זבובים ופרעושים ונמלים, משל ליוצא לתרבות רעה והבריות מקללות שדים שינק מהם עכ"ל, הרי שהכל הוא לעונש האדם ולא לעונש הארץ.

This is as the commentators explained regarding the verse, "Thus the land became defiled; and I called it to account for its iniquity, and the land spewed out its inhabitants."¹⁶ So too Rashi explained on the verse "Cursed be the earth because of you":

It will produce for you cursed objects such as flies, fleas, and ants; it may be compared to the case of one who gets into depraved ways, and people curse the breasts at which he was suckled.

- Rashi on Gen. 3:17

¹⁶ Lev. 18:25.

All of this is for the punishment of man, and not for the punishment of the earth.

ולפי דרפנו תורץ מה שמקשים העולם על פּרש רש"י והם דברי בראשית רבה (פּרשה כ') שאם הזבובים והפרעושים באו לעולם אחר חטא אדם הראשון אם פּן היתה הבריאה חסירה וכתוב "אין כל־חדש תסת השמש". ולדין ניקח שאין הכי נמי שהכל נברא בששת ימי הבריאה אבל לא שיהיו מזיקין ומצערין את הבריות, ועוד שלא יהיו כל כּף בריבוי גדול אלא מעט כמו שאר המינים, או לא יהיו מצויים בין הבריות כמו הנחשים, ולאחר שחטא אדם נתקלה האדמה שתוציאם בכל מקום ובמקום ובבריבוי גדול שיהיו מזיקים את הבריות, ואין הכי נמי שאם לא חטא אדם מתקלה או שהדורות להבא יתקנו מעשיהם לגמרי גם הארץ תהיה מתוקנת, שהרי היא מצד עצמה אינה ראויה לא לעונש ולא לשכר.

According to our understanding, the difficulty raised by everyone against Rashi can be resolved, as it is brought in Bereishit Rabbah (chapter 20:8): that if the flies and fleas came into the world before Adam sinned, then creation would have been deficient, as it is written, "There is nothing new under the sun."¹⁷ I.e., these pests must have been included in Creation, so how can Rashi suggest they were only brought forth after man sinned.

According to our reasoning, it is indeed so that everything was created in the six days of creation, but not intended that they would harm and afflict the creatures, and also that they would not be in such large numbers, but few, like other species, or not present among the creatures at all, like the snakes. But after Adam sinned, the earth was cursed so that they would come forth in every place and in great abundance to harm the creatures. Indeed, if Adam had not sinned initially, or if future generations had perfected their deeds entirely, the earth itself would have been perfected as well, for it is not inherently capable of punishment or reward, and the words of Rashi, of blessed memory, are correct.

וּצְדָקוֹ דְּבְרֵי רִש"י ו'ל. והיינו דאמרין בפרק קמא דברכות איש האלהים קדוש הוא שלא ראתה זבוב עובר על שלחנו, ועוד בפרק ז' דסנהדרין חבל על שמש גדול שאבד מן העולם, שאלמלא לא נתקלל נחש וכו', והכי נמי ההיא ד"מכנף הארץ" וכו' הוא לעונש בני אדם מחמת חטאו של קין.

This is what we say in the first chapter of Berachot (10b): "A man of G-d is holy, such that a fly does not pass over his table." Also, in chapter 7 of Sanhedrin we read:

Woe over a great attendant that has been lost to the world; as had the snake not been cursed [that it should go on its belly], there would have been two fine snakes at the disposal of each and every one of the Jewish people . . . to bring precious stones to man, and to work in his garden.

- Sanhedrin 59b

Similarly, that "from the end of the earth," this too is for the punishment of humans because of Cain's sin.

¹⁷ Eccl. 1:9.

וכן נראה ממה שהקשו שם התוספות בפרק ד' דסנהדרין לטובה לא פתחה ואם תאמר והא פתיב "תבלעמו ארץ", ויש לומר טובת הנכרים אינה קרויה טובה עכ"ל, וכן פירש הר"ף שוב לא פתחה לטובה בין לצדיקים בין לרשעים אבל לרעה פתחה לרשעים עכ"ל.

Thus, it appears from the difficulty raised there by the Tosafot in chapter 4 of Sanhedrin (37b). We earlier brought a teaching that “from the day the earth opened its mouth and received the blood of Abel, it did not open for good.” Tosafot ask: “for if you say, it is written ‘the earth swallowed them up,’¹⁸ one may answer: something good that happens to the non-Jews is not called ‘good.’ ” I.e., it is indirectly good for Israel that our enemies were destroyed, but we should not consider the suffering of our enemies to be “good.” Intrinsic good is when we see blessings from G-d such as wealth, peace, rain, children, etc. So the Rif also explained: [the mouth of the earth] did not open for good, neither for the righteous nor for the wicked, but for evil it opened for the destruction of the wicked.

וכשיהיה העולם מתוקן יהיה גם לה פה לומר שירה כמו שכתב ו"ל, ומשום הכי היא מתאנה ומתפללת שיתוקנו הדורות ויבוא משיח בעגלא ובזמן קריב, וכן היתה מתפללת בימי חזקיה "צבי לצדיק" עשה צביונו לצדיק פשבקש הקב"ה לעשותו משיח כדאיתא בפרק י"א דסנהדרין ועיי"ש.

When the world will be perfected, it will also then be possible for it to sing praise, as [the rabbis] of blessed memory wrote.¹⁹

For this reason, it longs and prays that the generations be perfected and that the Messiah come swiftly and in the imminent time. So it prayed in the days of Hezekiah for the righteous, “from the end of the earth, we hear singing: Glory to the righteous!” “Perform the will of this righteous man,” when the Holy One, Blessed be He, wished to make [Hezekiah] the Messiah, as it is brought in chapter 11 of Sanhedrin (94a), and elsewhere.²⁰

* * *

¹⁸ Ex. 15:12.

¹⁹ See the Rif, Iyun Yaakov.

²⁰ Ein Yaakov, Sanhedrin 11:23.