

# Toldot Shimshon

by Rabbi Shimshon Chaim Nachmani zt"l

Published Livorno 1776\*

## Chapter III – Mishnah 6

ר' נחוניא בן הקנה אומר, כל המקבל עליו עול תורה, מעבירין ממנו עול מלכות ועול דרף ארץ. וכל הפורק ממנו עול תורה, נוטנין עליו עול מלכות ועול דרף ארץ.

**Rabbi Nechunia ben Hakkanah said: whoever takes upon himself the yoke of the Torah, they remove from him the yoke of government and the yoke of worldly concerns. And whoever breaks off from himself the yoke of the Torah, they place upon him the yoke of government and the yoke of worldly concerns.**

-----

**עקבות** הדיוקים של התנא לא נודעו, ו"לא־ראו איש את־אחיו". כמו שמקשים המפרשים דיוקא דרישא אדיוקא דסיפא, דמדתני "מעבירין", מפלל דיש עליו זה העול. ומדקתני בסיפא "נוטנין", מפלל שאין עליו זה העול. והיה לו לומר לשון שנה בשניהם, או "נוטנין" ו"אין נוטנין", או "מעבירין" ו"אין מעבירין".

**The footprints of the details of the Tanna are not known,<sup>1</sup> and “a man could not see his fellow.”<sup>2</sup>** This poetic introduction apparently means that this Mishnah appears vague at first glance, cloaked in darkness.

**Thus, the commentators<sup>3</sup> questioned the inference of the beginning of the Mishnah and the inference of the end. For from the fact that he taught at the beginning, “they remove” [מעבירין], this indicates that he has a yoke upon him to be removed. From the fact that he taught at the end, “they place” [נוטנין], this indicates that he has no yoke upon him. He should have used the same language for both of them, either “they place” and “they don’t place,” i.e., that a person would not ordinarily have such an obligation, or “they remove” and “they don’t remove, i.e., that a person would ordinarily have such an obligation.”**

---

\* English translation: Copyright © 2022 by Charles S. Stein. Additional essays available at <http://zstorah.com>

<sup>1</sup> Cf. Ps. 77:20, “Your way was through the sea, Your path was through the mighty waters; Your footprints were not known.”

<sup>2</sup> Ex. 10:23.

<sup>3</sup> See, e.g., Rabbi Samuel de Uçeda (1546–1604), *Midrash Shmuel* (Venice 1579); Rabbi Binyamin HaKohen (“Rabach”), *Avot Olam* (Venice, 1719).

וּנְרָאָה, דְּאִיתָא בְּפֶרֶק קַמָּא דְּבַתְרָא דִּף ז' וְדִף ח', רַבִּי יְהוּדָה נְשִׂיאָה, רַמָּא דְּשׁוּרָא, אַרְבָּנָן. אָמַר רִישׁ לְקִישׁ, רַבָּנָן לֹא צָרִיכִי נְטִירוּתָא וְכוּ'. וְאַחַר כֵּן מְסַקִּינָן, הַכֵּל לְפִסֵּי הָעִיר, אֲפִילוּ מִיְתָמִי. אֲבָל מְרַבָּנָן, לֹא, דְּרַבָּנָן לֹא צָרִיכִי נְטִירוּתָא. לְשׁוּרָא וּלְפֶרֶשְׁאָה וּלְטוּרְזִינָא, אֲפִילוּ מִיְתָמִי. אֲבָל מְרַבָּנָן, לֹא, דְּלֹא צָרִיכִי נְטִירוּתָא.

**It appears, as it is brought in the first chapter of tractate Bava Batra, page 7b and page 8a, Rabbi Yehuda ha’Nasi imposed a tax for the city wall, on the rabbis [along with all the city’s residents]. Reish Lakish said, rabbis do not need guarding [therefore they should not be charged with the expenses of the city wall]. Afterward, they agreed, all [are required to contribute] to [the] columns of the city, even orphans. But the rabbis are not [required to contribute], since the rabbis do not need protection. [Money is collected] for the [city] wall, for the horseman, and for the guard [of the city armory], even from orphans [it is collected], but [not from] the rabbis, who do not require protection.**

הֵיחָא דְּמִי כְּלִילָא דְּשָׂדֵי אֶטְבָּרְיָה, אָתוּ לְקַמֵּיה דְּרַבִּי וְאָמְרוּ לֵיהּ, לִיתְבוּ רַבָּנָן בְּהֶדְנָן. אָמַר לְהוּ, לֹא. עֲרוּקִינָן. עֲרוּקוּ. [עֲרוּקוּ] פְּלִגְיָהוֹן, דְּלִוְיָהּ אֶפְלָגָא, אָתוּ הִנְהוּ פְּלָגָא קַמֵּיה דְּרַבִּי, אָמְרוּ לֵיהּ, לִיתְבוּ רַבָּנָן בְּהֶדְנָן. אָמַר לְהוּ, לֹא. עֲרוּקִינָן. עֲרוּקוּ. [עֲרוּקוּ] כְּלָהוּ, פֶּשׁ הֵיחָא כּוּבָס, שְׂדֵיָהּ אֶכּוּבָס, עֲרוּק כּוּבָס, פִּקַּע כְּלִילָא. אָמַר רַבִּי, רַאִיתֶם שְׂאִין פּוֹרְעָנוּת כָּא לְעוֹלָם אֱלָא בְּשָׁבִיל עַמֵּי הָאָרֶץ.

It also says in Bava Batra 8a that there was an incident of a **coronation tax that was imposed on** [the residents of the city of] **Tiberias**. [The heads of the city] **came before Rabbi [Yehuda ha’Nasi] and said to him: The rabbis should contribute with us. He said to them: No** [i.e., the rabbis are exempt]. **They said to him: We will run away** [and the entire burden will fall on the Torah scholars]. **He said to them: Run away** [as you please]. **Half** [of the city’s residents] **ran away**. [The authorities then] **waived half** [the sum that they had initially imposed on the city]. **The half** [of the population that remained in the city then] **came before Rabbi [Yehuda ha’Nasi], and said to him: The rabbis should contribute with us. He said to them: No**. [They said to him: Then] **we [too] will run away**. [He said to them:] **Run away. They all ran away**, [so that only] **one launderer was left** [in the city. The authorities] **imposed** [the entire tax] **on the launderer. The launderer ran away. The coronation tax was then canceled. Rabbi [Yehuda ha’Nasi] said: You see** [from this] **that suffering comes to the world only due to ignoramuses** [for as soon as they all fled from the city, the coronation tax was completely canceled].

וְכַתְּבַת הַמְּרַדְכַי בְּשֵׁם רַבָּנָן תָּם, דְּכִי קָאָמַר דְּלִוְיָהּ אֶפְלָגָא, הִינְנוּ דְּשְׂדֵיָהּ כּוּלָּהּ אֶפְלָגָא דְּאִישׁוּתֵיּוֹר. וּבְהַכֵּי נִיחָא, דְּהוּי דּוּמְיָא דְּשְׂדֵיָהּ אֶכּוּבָס, שְׁלֹא מְחִלוּ לוֹ כְּלוּם. עכ"ל.

**The Mordechai<sup>4</sup> writes in the name of Rabbeinu Tam,<sup>5</sup> that since, as it says, they waived half of the tax, they imposed all of [that half tax] on the half of the people that**

<sup>4</sup> Mordechai ben Hillel HaCohen (c. 1250–1298) (“the Mordechai”), German rabbi and decisor.  
<sup>5</sup> Rabbi Jacob ben Meir (1100–1171) (“Rabbeinu Tam”), a grandson of Rashi and prominent Tosafist.

remained. It's understandable that this will be equivalent to imposing it all on the launderer, for they didn't forgive him anything. In other words, the government was willing to waive half of the tax when half of the population fled, but they weren't willing to reduce it further even when the population was reduced to one commoner, the launderer, plus the population of the rabbis. Thus, one might have thought that when the launderer fled, the government would have continued to demand payment from the rabbis. Instead, the government cancelled the tax, and the rabbis did not have to pay anything. This supports Rabbi Yehuda ha'Nasi's opinion that the tax was only imposed initially because of the presence of the ignoramuses.

ונתנו אנו, שההוצאה לחומת העיר ולפסי העיר וכדומה שהם דברים הקרובים, אלו נקראים בשם "עול דרך ארץ". ואף על פי שהדין נותן שיהיו סיבים אף התלמידי חכמים, עם כל זה, פטורים, משום דרבנן לא צריכי נטירותא. אבל ההיא דדמי קלילא, שהיא דבר דלא שכיחא, אלא שפד היתה רצון המלכות, וכמו שאמר רבי, ראיתם שאין פורענות בא לעולם וכו', זה נקרא "עול מלכות". ומתחלה המלך גזר על פולם אף על התלמידי חכמים, ומשום הכי, היו העמי הארצות טוענים, ליתבו רבנן בהדן. אלא שהקב"ה נתן ברצון המלך, להעביר מרבנן גזרה זו.

**Let us see, the spending for the wall of the city and for the columns of the city and the like are necessary things, these are called by the name, “the yoke of worldly concerns.” Even though the law provides that even the Torah scholars will be obligated for these costs, nevertheless, they are exempt, because the rabbis do not need guarding. But this coronation tax, which is something uncommon, rather it is the will of the king to impose it, and as Rabbi said, “You see that suffering comes to the world only due to ignoramuses,” this is called “the yoke of government.” Initially, the king decreed the tax upon everyone, even the Torah scholars, and because of that, the ignoramuses claim, “the rabbis should contribute with us.” Rather, the Holy One, Blessed be He, imposed upon the will of the king to change his mind, to exempt the rabbis from this decree.**

ולפי זה שפיר קאמר הפנא, שהמקבל עליו עול תורה, לא די שמעבירין ממנו עול מלכות, דהינו דומיא דקלילא, אלא אפילו עול דרך ארץ, דומיא דחומת העיר. ואמתי שפיר לישנא דמעבירין, משום דאי לאו טעמא שהם תלמידי חכמים, פבר הוי סיבין בין בנה ובין בנה.

**According to this history, the Tanah spoke nicely at the beginning, that for one who accepts upon himself the yoke of the Torah, it's not enough that they remove from him the yoke of government, in the form of the coronation tax, but rather they should remove from him even the yoke of worldly concerns, in the form of the city wall. He settles upon the language of “they remove from him,” instead of saying “they don't place upon him,” because if not for the reason that they were Torah scholars, they would already have been obligated for both this coronation tax and that city wall.**

וְסִיפָא קִתְנֵי "כָּל הַפּוֹרֵק וְכוּ' נוֹתְנִין" וְכוּ', כְּלוּמַר, שְׁמַטְעַם פּוֹרְעֵנוֹת יִתְּנוּ עֲלֵיהֶם אֵף מֵהַ שְׂאֵינּוּ מִן הַדִּין, כִּהְיָה דְכָלִּילָא, שְׁהִי רֹצִים שְׁמַהֲחֲצֵי שְׁנִשְׁתִּירוּ יִפְרְעוּ כָּל הַכְּלִילָא, אוֹ הַכּוֹבֵס לְחֻדְיָהּ. וְלֹא זֶה בְּלִבְדָּה שְׁהוּא דְבָר שְׂבָא בְּרִצּוֹן הַמֶּלֶךְ, אֲלָא אֵף דְבָר הַנְּהוּג, כְּגוֹן חֹמַת הָעִיר וְכדוּמָה, יִתְּנוּ עֲלָיו יוֹתֵר מִן הַחֶלֶק הַרְּאוי לוֹ, שְׁהִי הוּא צָרִיךְ לְפָרַע אֵף עַל חֶלֶק הַמַּגִּיעַ לְתַלְמִידֵי חֻכְמִים. וְעוֹד, בְּשִׁלְחֹן עָרוֹךְ חֲשׂוֹן מִשְׁפָּט סִימָן קס"ג סְעִיף ג', יֵשׁ אוֹמְרִים, שְׁגוֹבִין לְחֹמַת הָעִיר לְפִי הַמָּמוֹן. וּבְהִכִּי אֲתֵי שְׁפִיר מַעְבִּירִין בְּרִישָׁא, וְנוֹתְנִין בְּסִיפָא, וְרִישָׁא חִידוּשָׁא קָא מִשְׁמַע לָן, וְסִיפָא חִידוּשָׁא קָא מִשְׁמַע לָן.

**And the end of the Mishnah, that teaches “And whoever breaks off from himself the yoke of the Torah, they place upon him the yoke of government and the yoke of worldly concerns,” that is, for the reason of punishment, they will give them even what is not lawful, like the coronation tax, for they wanted to collect the entire coronation tax from the half of the people who remained, or from the launderer alone.**

**Not only that coronation tax, which is something that came about by the will of the king, but also something that is customary, such as the city wall and the like, they will place upon him more than his due share, since he has to pay even for a share that belongs to the Torah scholars. Furthermore, in the Shulchan Aruch, Choshen Mispat, siman 163, se'if 3, some say that they collect for the city wall according to the net worth of each person.**

**Now we understand that it is fine that the Tanna says “they remove” [מַעְבִּירִין] at the beginning, and “they place” [נוֹתְנִין] at the end, and the use of “they remove” at the beginning is a novelty that he wants to teach us, and the use of “they place” at the end is a novelty that he wants to teach us.**

וְעוֹד יֵשׁ לוֹמַר, דְּמַעֲיָקְרָא קִשְׂיָא לִיתָא, דְּמִי שְׁמַקְבֵּל עֲלָיו עוֹל תּוֹרָה, דְּהֵינּוּ רִישָׁא דְּמַתְּנִיתִין, שְׁמַע מִינָהּ, שְׁקוּדָם קִבְּלָהּ זֶה לֹא הָיָה לוֹ עוֹל תּוֹרָה, וּמִמִּילָא חָל עֲלָיו עוֹל מַלְכוּת וְעוֹל דְּרָךְ אֶרֶץ. וְשְׁפִיר תְּנֵי מַעְבִּירִין, שְׁעַכְשָׁו מַעְבִּירִין מִמָּוֶן הָעוֹל שְׁכִבְרָה הָיָה לוֹ. וְסִיפָא דְּתַנִּי כָּל הַפּוֹרֵק מִמָּוֶן, שְׁמַע מִינָהּ, שְׁקוּדָם פְּרִיקָה זֶה הָיָה לוֹ עוֹל תּוֹרָה, וּמִמִּילָא לֹא הָיָה לוֹ עוֹל מַלְכוּת וְעוֹל דְּרָךְ אֶרֶץ. וְשְׁפִיר תְּנֵי נוֹתְנִין, שְׁעַכְשָׁו נוֹתְנִין עֲלָיו מֵהַ שְׂלֵא הָיָה לוֹ מְקוּדָם.

**Also, it can be said, that from the outset there is no difficulty, for one who accepts the yoke of Torah upon himself, which is the beginning of the Mishnah, as we have learned, we hear from this, that before this acceptance, he did not have upon himself the yoke of Torah, and by itself the yoke of government and the yoke of worldly concerns fell upon him. It's fine that he taught “they remove,” for now they remove from him that yoke that he already had.**

**And the end of the Mishnah, which teaches “whoever breaks off from himself,” we hear from this, that prior to this breaking off he had the yoke of Torah, and by itself he did not have the yoke of government and the yoke of worldly concerns. It's fine that he taught “they place upon him,” for now they give him what he did not have initially.**

\* \* \*