

# Toldot Shimshon

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## Chapter III – Mishnah 8

רבי אלעזר איש ברתותא אומר, תן לו משלך, שאתה ושלהך שלו. וכן בדרך הוא אומר "כי־ממך הכל ומיךך נתנו לך".

**Rabbi Elazar of Bartotha said: give to Him of that which is His, for you and that which is yours are His. And thus it says with regards to David: “for everything comes from You, and from Your own hand have we given You.”<sup>1</sup>**

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**"יש זָהָב וְרַב־פְּנִינִים"**, וְהֵן דּוֹרֵשׁ וְהֵן מְבַקֵּשׁ, שְׁלֵקְאוּרָה הָאִי תִּנָּא לָאוּ רִישִׁיָּה סִיפִיָּה, וְלָאוּ סִיפִיָּה רִישִׁיָּה. דְּמַעֲיָקְרָא אָמַר "תֵּן לוֹ מִשְׁלֹךְ", אִם כֵּן, אִינּוּ שְׁלֵךְ כָּלֵל. וּבְסִיפָא אָמַר "שְׁאֲתָה וְשְׁלֵךְ", אִם כֵּן הוּא שְׁלֵךְ, אֲלָא שְׁלֵפִי הָאָמַת הוּא שְׁלֹךְ. וְעוֹד, מַהוּ "שְׁאֲתָה", דְּמָה עֲנִינָן "אֲתָה" לְכָאן. וְעוֹד, דְּ"תֵן לוֹ מִשְׁלֹךְ" סָגִי, שְׁכַבְרָא יִדְעֵנוּ שְׁהוּא שְׁלֹךְ, וּמָה רְצָה לְהוֹסִיף עִם הַפְּסוּק "כי־ממך הכל" וכו'.

**“Gold is plentiful, jewels abundant, but wise speech is a precious object,”<sup>2</sup> and they search for them and seek them.<sup>3</sup> For apparently, regarding this Tanna<sup>4</sup> of our Mishnah, the beginning of his teaching does not fit the end and the end does not fit the beginning.<sup>5</sup> This teaching is understood to refer to the giving of *tzedakah*, charity. What is unclear about the teaching?**

**From the outset, [the Tanna] said, “give to Him of that which is His.” If so, that it is His, then it is not yours at all, so how can you give it? And at the end, he said, “for you and that which is yours are His.” If so, it is yours, and thus not His! Rather, according to the truth it is His, as said at the beginning of the teaching.**

**Further, what is this word “for you” doing here, i.e., “for you and that which is yours,” for what relevance is “you” to here, when we are talking about giving charity? Further, that order, “give to Him of that which is His” is sufficient, for we already know that it is His, and what does he mean to add with the verse, “for everything comes from You, and from Your own hand have we given You”?**

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<sup>1</sup> I Chron. 29:14.

<sup>2</sup> Prov. 20:15.

<sup>3</sup> Cf. Ezek. 34:6: “. . . with no one to search or seek [them].”

<sup>4</sup> A rabbinic sage of the Mishnah.

<sup>5</sup> This term appears in a number of places in the Zohar: I:135b; I:141a; I:150b; II: 53a; II:65a; II:105a; II:167a; II:190a; II:198a; II:218a; III:3b; III:41a; III:64a; III:89a; III:92b; III:121a; III:131b; III:268b.

וְנִשׁ לֹמֵר, דְּבִפְרָק ג' דְּבִתְרָא דִּף ג"ז אֲמַרְיָנוּ, דְּבִחְצַר הַשְּׂוֹתְפִין, אֵהֶעֱמְדָה פְּדִי, לֹא קִפְדִי. אִמְחִיצָה קִפְדִי. וּפְרָשׁ ר"ש"י [רשב"ם], אִם אֶחָד מֵהַשְּׂוֹתְפִין הֶעֱמִיד בְּהַמּוֹתְיוֹ וְתַנּוּר וְאִשְׁפָּה שְׁלֹו בְּחָצַר שְׁלוֹשׁ שָׁנִים, וְלֹא מִיחוּ בּוֹ, אִין לֹו חֲזָקָה, דְּבִהַעֲמָדָה בְּלֹא בְּנִין, לֹא קִפְדִי הַשְּׂוֹתְפִין זֶה עַל זֶה, עַד שְׁעָה שֶׁיִּצְטָרְכוּ לְאוֹתוֹ מְקוֹם, וְאָף עַל פִּי שֶׁהִחְצַר עֲשׂוּי לְכַנְיָסָה וַיִּצְיָאָהּ. וְכִשְׁיִצְטָרְכוּ, יִסְלַק זֶה חֲפָצָיו. עכ"ל. וְאָף בְּמַטְלָטְלִין הַדִּין כּוֹ, דְּאִיתָא בְּשִׁלְחָן עֲרוּדָה חֲשׂוֹן מִשְׁפָּט סִימָן קע"ט סְעִיף א', דְּבָר הַיְדוּעַ שֶׁהוּא מְשַׁל הַשְּׂוֹתְפִין, אִין לְאֶחָד חֲזָקָה כּוֹ עַל חֲבִירוֹ, וְאִפְּלוּ נִשְׁתַּמָּהָא בְּיָדוֹ זְמַן רַב, אִינוּ יְכוּל לֹמֵר שֶׁלְקַחוּ מִמֶּנּוּ אוֹ שֶׁנִּתְּנוּ לוֹ בְּמַתְנָה, אֶלָּא בְּרָאָהּ. עכ"ל.

**It can be said, that in the third chapter of tractate Bava Batra, page 57b, we say that, “Regarding a courtyard belonging to partners, they are not particular with regard to the mere placing [of items of one partner in the courtyard], [but] they are particular with regard to [the construction of] a partition.”** [The presumption of ownership is established only where the lack of a protest indicates that the prior owner concedes that the property is no longer his. The co-owner’s silence in the face of his partner using the courtyard for a temporary purpose does not indicate a concession, but silence in the face of one who constructed a partition is a concession.]

**Rashi [sic] explains,<sup>6</sup> if even one of the partners sets up his animals and his oven and his ash heap in the courtyard three years, and they didn’t protest against him, he still has no presumption that it is his right to use the land in this way. For in setting up his items without erecting a building, the partners are not particular against the actions of each other, until the time that they need the space, and this is true even if the courtyard is used for coming and going, i.e., when all are aware of the one partner’s private use of the common space. When they need the space, it is understood that he will dispose of his belongings.**

**Even for movable objects, the law is like this, for it is brought in the Shulchan Aruch, Choshen Mishpat, siman 179, se’if 1, “When property is known to belong to the partnership, one [partner] does not have precedence over his fellow, and even if it was in his possession a long time, he cannot say that he purchased it from [the other partner], or that he gave it to him as a present. Instead, proof is required.”<sup>7</sup>**

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<sup>6</sup> This is actually a comment of Rabbi Shlomo ben Avraham ibn Aderet (“Rashbam”) (1235–1310).

<sup>7</sup> See also Rambam’s Mishneh Torah, Agents and Partners, 5:8, “When property is known to belong to the partnership, it is assumed that both partners have a share in its ownership throughout the entire duration of the partnership. This applies even though the property was located in the domain of only one of the partners. The partner in whose domain it is located may not claim that he purchased it from the other partner, or that he gave it to him as a present. In such an instance, we do not follow the principle: When a person desires to expropriate property from a colleague, the burden of proof is on him. Instead, the property is assumed to belong to both partners, unless one of them brings proof otherwise.”

וְכָאן הַפְּתוּב אֹמֵר "וְהָאֶרֶץ נְתַן לְבְנֵי־אָדָם", וְאִם כּוֹ, בְּכָל מָמוֹן שֶׁבְעוֹלָם, הַכֹּל שׁוֹתֵפִין בּוֹ, וְהָיָה כְּמוֹ חֲצַר הַשׁוֹתֵפִין. וְזֶה כְּבָר הַחֲזִיק בְּעוֹשֵׁר שְׁלוֹ, וְכִינּוּן שֶׁבָּא הָעֲנִי וְהוּא צָרִיךְ כְּדֵי חֵיוָתוֹ מֵאוֹתוֹ הַמָּמוֹן שֶׁיֵּשׁ לוֹ לְעֹשִׁיר, סְדִיב לִיתֵן לוֹ, שֶׁהָרִי הוּא שׁוֹתֵף בּוֹ. וְזֶהוּ "תֵּן לוֹ מִשְׁלוֹ", תֵּן לוֹ לְעֲנִי מִמָּה שֶׁהוּא שְׁלוֹ, שֶׁהוּא שׁוֹתֵף עִמָּךְ. וְעוֹד, "שֶׁאַתָּה וְשִׁלְךָ שְׁלוֹ", דְּהֵינּוּ שֶׁל הַקַּב"ה. שְׁמָה שֶׁאָמַר הַפְּתוּב "וְהָאֶרֶץ נְתַן לְבְנֵי־אָדָם", אֹקְמִינּוּ בְּגִמְרָא דְּבִרְכוֹת לְאַסֵּר בְּרִכָּה, שֶׁאִז אָדָם זֹכֶה בְּאוֹתוֹ הַפְּרִי שֶׁבָרַךְ עָלָיו. אֲבָל בְּלֹא הֶכִי, הַכֹּל הוּא שֶׁל הַקַּב"ה, שֶׁהָרִי שֶׁיִּיר לְעֲצָמוֹ הַכֶּסֶם לְעֲצוֹר אֶת הַשָּׁמַיִם, שֶׁהָאֲדָמָה לֹא תִתֵּן אֶת יְבוּלָהּ. וְגַם הַכֶּסֶף וְהַזָּהָב, הַכֹּל שְׁלוֹ.

**Here, Scripture says, “And the earth was given to the sons of man,”<sup>8</sup> and if so, for all the wealth of the world, everyone shares in it, and this is like a courtyard belonging to partners. That is, someone already holds [the wealth of the world] as his wealth, but since the poor man comes to him and needs a livelihood from the same wealth that the rich man has, [the rich man] is obligated to give to him, for [the poor man] is a partner in [the wealth]. This is the meaning of our Mishnah, “give to him of that which is his,” i.e., reading it not as referring to G-d, but to a person, give to him, to the poor person, of what is his, for he is a partner with you. Furthermore, “for you and that which is yours are His,” that is, belonging to the Holy One, Blessed be He. That which Scripture said, “the earth was given to the sons of man,” has the meaning established by the Gemara of Berachot, that after one says a blessing, that then a man merits to eat the fruit upon which he has made the blessing.<sup>9</sup> I.e., if a man owns a fruit tree, or has purchased a fruit, that only establishes his ownership rights with regard to other men. The fruit still belongs to G-d, and it is only after one makes a blessing that he can rightfully eat the fruit, without it being considered stealing from G-d. In any case, everything belongs to the Holy One, Blessed be He, for He has apportioned for Himself the power to stop up the rain from the Heavens, such that the earth would not give its crops. Also the silver and gold of the world, all is His.**

אֵלָּא שֶׁכְּשִׁישְׁרָאֵל עוֹשִׂים רְצוֹנוֹ שֶׁל מְקוֹם, נִקְרָא "שִׁלְהֵם", שֶׁקְרוּיִים בְּנִים, וְסִתָּם אָב, מַחֲיִל לְהַדִּי בְּרִיָּהּ. וְעוֹד תִּנּוּן, הָאֵב זֹכֶה לְבוֹ, בְּעוֹשֵׁר וְכוּ'. וְכְשִׁאִינָם עוֹשִׂים רְצוֹנוֹ שֶׁל מְקוֹם, קְרוּיִים עֲבָדִים, וְהַכֹּל הוּא שֶׁל הַקַּב"ה, דְּמָה שֶׁקִּנְיָה עֲבָד, קִנְיָה רַבּוֹ. וּמִשׁוֹם הֶכִי, אִם לֹא תַעֲשֶׂה רְצוֹנוֹ שֶׁל מְקוֹם לִיתֵן צְדָקָה, תִּתְּנֶהּ נִקְרָא עֲבָד, וְאִז אַתָּה וְשִׁלְךָ שְׁלוֹ.

**Rather, when Israel does the will of the Omnipresent, it is called “theirs,” for they are called sons,<sup>10</sup> and a father simply forgives on behalf of his son, i.e., forgives any affront to his honor if it benefits his son.<sup>11</sup> We also learned in a Mishnah, “Rabbi Akiva used to say: the father transmits to the son beauty, strength, wealth, wisdom and years.”<sup>12</sup> But when they do not do the will of the Omnipresent, they are called “slaves,” and all belongs to the Holy One, Blessed be He, for what a slave acquires, his master acquires.<sup>13</sup> Because of this, if you won’t do the**

<sup>8</sup> Ps. 115:16.

<sup>9</sup> Berachot 35a: “Rabbi Akiva said: A person is forbidden to taste anything before he recites a blessing.”

<sup>10</sup> Bava Metziah 10a.

<sup>11</sup> Pesachim 108a teaches that for the Passover seder, a son must recline while eating, even in front of his father.

<sup>12</sup> Mishnah Eduyot 2:9.

<sup>13</sup> Pesachim 88b.

will of the Omnipresent, to give charity, you will be called “a slave,” and then you and that which is yours are His.

וכן בְּדוֹד הוּא אוֹמֵר "כִּי־מִמֶּה הַכֹּל", כֹּל הַעוֹשֶׂה שֶׁבָּא לְאֲדָם, הוּא בָּא מִן הַקֹּב"ה, שְׂנוֹתָן לֹא בְּשִׁבִיל שֶׁעוֹשֶׂה רְצוֹנוֹ. וְאִינוּ זוֹכֵה בּו הָאֲדָם מִטַּעַם שֶׁ"הָאָרֶץ נְתַן לְבְנֵי־אָדָם", אֲלֵא "כִּי־מִמֶּה הַכֹּל". וְאִם אֵם תֹּאמַר שֶׁ"הָאָרֶץ נְתַן לְבְנֵי־אָדָם" דִּנְקָא, עִם כֹּל זֶה, חַיִּיב אָדָם לִיתֵן הַצְדָּקָה לְעַנִּי, שֶׁהָרִי "מִיָּדָה נְתַנוּ לָהּ", שֶׁהַפְּתוּב אוֹמֵר "פּוֹתַח אֶת־יָדָה וּמִשְׁבִּיעַ לְכָל־חַי רְצוֹן", דְּמִשְׁמַע בֵּין עוֹשֶׂה רְצוֹנוֹ שֶׁל מְקוֹם, בֵּין אִינוּ עוֹשֶׂה, מִתְחַיֵּיב הַקֹּב"ה לְפָרְנָסוֹ, דְּהָא "לְכָל־חַי" פְּתִיב, וּמִטַּעַם זֶה, אִף הָעַנִּי שׂוֹמֵר בּוֹ.

Similarly, with David, he says: “but all is from You.”<sup>14</sup> All the wealth that comes to a man, it comes from the Holy One, Blessed be He, Who gives to him because he has done His will. The man does not merit the wealth for the reason that “the earth was given to the sons of man,” but rather because “all is from You.” That’s true even if you will say that “the earth was given to the sons of man” specifically. With all this, a man is obligated to give charity to a poor person, for “from Your hand we have given You,”<sup>15</sup> as Scripture says, “[You] open your hand and satisfy the desire of every living thing.”<sup>16</sup> The meaning is that whether one does the will of the Omnipresent, or one does not do His will, the Holy One, Blessed be He, has obligated Himself to support him, for thus “every living thing” is written, and for this reason, even the poor person is a partner in this rule.

וְחִזְרוּנוּ לְמַה שֶׁאֲמַרְנוּ, דְּאֵתְעֻמְדָה פְּדִי, לֹא קָפְדִי, דְּמִיָּדָה שְׂנוֹתַנָּת "לְכָל־חַי רְצוֹן", מְצָא מְקוֹם הָעַנִּי לְתַבּוּעַ הַלְקוֹ שֶׁיֵּשׁ לוֹ עֲמָה, וּמִי שְׂנוֹתָן לֹא לְעַנִּי, כְּאִילוּ פּוֹרַע חוֹבּוֹ שֶׁל הַקֹּב"ה, וְזֵהוּ "נְתַנוּ לָהּ".

We have returned to the question of why we said, that for a courtyard belonging to partners, they are not particular with regard to the mere placing [of items in the courtyard]. The reason is that from Your hand that gives satisfaction of “the desire of every living thing,” the Omnipresent finds the poor person, to assist him to claim his share that he has with you. One who gives to him—to the poor person—it’s as if he is repaying the debt of the Holy One, Blessed be He. This is the meaning of “from Your own hand have we given You.”

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<sup>14</sup> I Chron. 29:14.

<sup>15</sup> Ibid.

<sup>16</sup> Ps. 145:16.