

Toldot Shimshon

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Published Livorno 1776*

Chapter V – Mishnah 8

בארבעה פרקים הדבר מתרבה, ברביעית, ובשביעית, ובמוצאי שביעית, ובמוצאי החג שבכל שנה ושנה. ברביעית, מפני מעשר עני שבשלישית. בשביעית, מפני מעשר עני שבשלישית. ובמוצאי שביעית, מפני פירות שביעית. ובמוצאי החג שבכל שנה ושנה, מפני גזל מתנות עניים.

At four times pestilence increases: in the fourth year [of the seven-year Sabbatical cycle], in the seventh year [i.e., the Sabbatical year] and at the conclusion of the seventh year, and at the conclusion of the Holiday [of Sukkot] in every year. In the fourth year, on account of the tithe of the poor which is due in the third year. In the seventh year, on account of the tithe of the poor which is due in the sixth year. At the conclusion of the seventh year, on account of [neglecting the laws pertaining to] the produce of the seventh year.¹ And at the conclusion of the Holiday [of Sukkot] in every year, for robbing the gifts to the poor.

מקשים העולם, שבעון המעשרות, כבר אמר במשנה הקודמת, שבא רעב בעולם. ועוד, מה ענין "הדבר מתרבה", דמהו זה הרבוי. ועל פירות שביעית נמי, כבר תנא לעיל, דבר בא לעולם על מיתות וכו' ועל פירות וכו', שאפילו מתחלה בא, חס ושלום. ועוד, דלעיל אמר, שהדבר אינו בא אלא על מיתות האמורות וכו', ועון המעשר אינו במיתה.

Question 1: Everyone asks, that for the sin of not tithing produce, it was already said in the preceding Mishnah 7, that hunger came into the world. If a second punishment was pestilence, why wasn't it mentioned together with the mention of hunger?

Question 2: Also, what is this matter "pestilence increases?" What is this increase? I.e., in comparison to what is it increasing?

Question 3: Also, regarding the produce of the seventh year, it was already taught in the Mishnah 7 above, "Pestilence comes to the world for sins punishable by death according to the Torah, but which have not been referred to the court, and for [neglect of the law regarding] the fruits of the seventh year." Thus, even from the start, i.e., from Mishnah 7, we know that pestilence comes for neglect of the law of *shmita* ["release"], G-d forbid, i.e., the requirement during the Sabbatical year that the land lie fallow. So why is the punishment repeated here?

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¹ During the Sabbatical year, it is Biblically prohibited for a Jew to sow, plant or prune the produce of the Land as well as to harvest it (for sale). Produce that grows by itself, without cultivation during the year, must be declared ownerless, and anyone can harvest enough for oneself and one's family to eat in the near future. This produce is considered sanctified, and must either be eaten in its entirety or else not discarded until they have rotted. The Mishnah's reference to [neglecting the laws pertaining to] the produce of the Sabbatical year is thus very broad, though the translator wonders if the intent is actions that harm the poor, such as failing to allow poor people to harvest from a field, as the other three actions listed here for which pestilence increases relate to depriving the poor of their due.

Question 4: **Also, above it says that the pestilence only comes because of the sins punishable by death according to the Torah. But the sin of not tithing produce is not a sin punishable by death, so why should pestilence come for this non-capital offense?**

וְנִשְׁלוּם לֹמֵר, דְּעָף עֲוֹן מַעֲשֵׂר עָנִי הוּא בְּכֻלָּל מִיתוֹת הָאֲמֻרוֹת בַּתּוֹרָה, שֶׁהָרִי בְּתֵיב "אֶל־תִּגְזֹל־דָּל וְכוּ" " וְאֶל־תִּדְכָּא עָנִי בְּשַׁעַר". וְפִירְשׁוּ הַמְּפָרְשִׁים, שֶׁלֹּא תִגְזֹל מֵהֶם מַעֲשֵׂר עָנִי, דְּכִתִּיב "וְאָכְלוּ בְּשַׁעְרֵיךָ וְשָׂבְעוּ", וְכִתִּיב בַּתּוֹרָה (מְשָׁלִי שָׁם, כ"ג) "כִּי־הוּא וְכִבְעֵ אֶת־קִבְעֵיהֶם נִפְשׁ", כְּדָאֲמַרְיֵנוּ בְּסוּף קַמָּא, נִפְשׁוּ שְׁל גְזֻלָּן. נִמְצָא שְׁמֵי שְׁגֻזָּל הַמַּעֲשָׂרוֹת עָנִי וּמִתְנֻזָּת עָנִים, דְּמַחֲזִיב מִיתָה לְמָקוֹם, חַס וְשְׁלוֹם.

To answer the fourth question: **It can be said, that even the sin of ignoring the tithe of the poor is included in the category of the sins punishable by death according to the Torah, for it is written, “Do not rob the poor, because he is poor; do not crush the poor man in the gate.”² The commentators³ explained this to mean, that you shouldn’t rob from them the tithe of the poor, as it is written, “they may eat their fill within your gates,”⁴ and it’s written after “do not crush the poor man in the gate”: “for the L-rd will take their case, and will rob of life those who rob them,”⁵ as it says at the end of tractate Bava Kamma 119a, “the life of the robber.” Thus, it is found that he who robs the tithe of the poor, i.e., in the fourth year and seventh year, and the gifts of the poor, i.e., at Sukkot, is obligated to death by the Omnipresent, G-d forbid.**

וְכִבְרַ אֲמַרְנוּ לְמַעַלָּה בְּפִירוּשׁ "דְּכָר בָּא לְעוֹלָם"—"לְעוֹלָם" שֶׁהַקְדוּשׁ בְּרוּךְ הוּא רוֹצֵה לְהוֹדִיעַ לְעוֹלָם מִי הוּא הַחוּטָא, וְעֵינֵי שָׁם. וְאִם הוּא חֲזִיב מִיתָה בִּידֵי שָׁמַיִם, גַּם בְּזֶה מוֹדִיעַ לְבְרִיּוֹת, כְּמוֹ שֶׁפָּתַח הַפְּסָק מִשְׁנֵה בְּפָרָק ד' מֵהַלְכוֹת בִּיאַת הַמַּקְדָּשׁ, שֶׁהַחֲזִיב מִיתָה בִּידֵי שָׁמַיִם, עֲלֵה מְנוֹת בְּחִלּוּנָיו, וּמִקְנֵה קִנְיָנוּ מֵתִים—פָּרְתוּ רוֹעֵה בְּאֶפְרַח וְהִיא מֵתָה, תִּרְנַגְלוּתוֹ מִנְקֻרָת בְּאֶשְׁפָּה וְהִיא מֵתָה. וּבְזֶה חֲמוּרָה מִיתָה בִּידֵי שָׁמַיִם מֵהַפְּרָת. עכ"ל. וְהִכִּי נָמִי, רָצָה הַקְדוּשׁ בְּרוּךְ הוּא לְהוֹדִיעַ הַסְּבָה שֶׁבְּגֻלְתָּה בָּא זֶה הַדְּבָר, כְּדֵי שֶׁיִּדְעוּ בְּאִיזָה עֲוֹן הוּא בָּא, וְלֹא יֵאמְרוּ שֶׁבָּא בְּשִׁבִיל שֶׁעֲבָרוּ בְּכִרְיֻתוֹ, שֶׁחִלְלוּ הַשְּׁבֵת, אוֹ אָכְלוּ חֶלֶב וְדָם, אוֹ חֲטְאוּ בְּעֲרִיּוֹת. אֲלֵא בְּשִׁבִיל פִּירוֹת שְׁבִיעִית. וְהִסִּימֵן יְהִיָּה לְשִׁיתְרַבָּה בְּמוֹצָאֵי שְׁבִיעִית.

For the third question, we noted that the previous Mishnah teaches that “Pestilence comes to the world for sins punishable by death according to the Torah, but which have not been referred to the court, and for [neglect of the law regarding] the fruits of the seventh year.” We asked why the punishment is repeated in this Mishnah. **We already said above in Mishnah 7 in the explanation of “pestilence comes to the world,” that it says “to the world,” for the Holy One, Blessed be He, wants to inform the world who is this sinner; and see there for more discussion.**

If he is obligated to death at the hands of Heaven, this too should be announced to humanity, as the Kessef Mishneh^{6,7} wrote on the fourth chapter of the laws of building the

² Prov. 22:22.

³ Such as Rabbeinu Yona.

⁴ Deut. 26:12.

⁵ Prov. 22:23.

⁶ Rabbi Joseph Karo (1488–1575), author of the Beit Joseph and Shulchan Aruch. The *Kessef Mishneh* (Venice, 1574–75) is a commentary on the Rambam’s *Mishneh Torah*.

⁷ While the text does appear in the *Kessef Mishneh*, it originates in the earlier *Sha'arei Teshuvah* 3:107, written c.1243 - c.1263 by Rabbeinu Yonah of Gerondi (d. 1264).

Temple, regarding the one who is obligated to death at the hands of Heaven: “death has risen in his windows, and the livestock in his possession are dead; his cow grazes in the ashes and she dies, his hen pecks at the rubbish and she dies. And in this way, we see that death at the hands of Heaven is more serious than excommunication.”

So, too, regarding this Mishnah, from the repetition of pestilence coming in response to violating the laws regarding the fruits of the Sabbatical year, **the Holy One, Blessed be He, wanted to announce the reason for which the pestilence came, in order that [people] would know for which sin it came.** G-d did not want people to say that [the pestilence] came because they violated [a prohibition for which the penalty is] excommunication, or that they violated the Sabbath, or that they ate forbidden fat and blood, or that they sinned in matters of sexual immorality. Rather, it was on account of the produce of the seventh year. And the sign that people have been violating the laws regarding the Sabbatical fruits will be that [the pestilence] will grow stronger at the conclusion of the seventh year.

ואם על מעשר עני ומתנות עניים, יתרבה באותם הזמנים, כדי שיהיה גיפר לעולם סיבת החטא והעונש. ודייק קרא לומר "וקבע את קבעיהם נפש", שיעשה להם קבע בעונש שלהם, שיהיה לו זמן קבוע. וה' ברחמינו נקבנו בדרך אמת, ויצילנו מכל מיתות רעות וחולאים רעים, וישמור צאתנו ובואנו לחיים טובים ולשלום, אמן, כן יהי רצון.

Similarly, if [the punishment] is not on account of the violation of the laws of *shmita*, but rather on account of the tithe of the poor in the fourth year and seventh year, and the gifts of the poor during Sukkot, [the pestilence] should grow stronger at those times, in order that it should be known to the world the reason of the sin and punishment. Scripture was precise to say, “for the L-rd will take their case, and will rob of life those who rob them,” that He will fix their punishment, that it will have a fixed time, so that people will be informed as to what Torah law has been violated. This is therefore the answer to the first question, as to why the preceding Mishnah mentioned that hunger came into the world for not tithing, and this Mishnah separately mentioned that pestilence came into the world for the same reason. It is to emphasize the G-d wants to inform people of the sin.

Finally, the second question asked about the terminology, “pestilence increases.” Apparently, there is a certain incidence of pestilence present throughout the year, owing to sins punishable by death according to the Torah, but which have not been referred to the court. The incidence increases during the four periods cited in this Mishnah, for the reasons given.

G-d in His mercy leads us on the true path, and saves us from all bad deaths and serious illnesses, and “He will guard our going out and our coming in for life and peace,”⁸ amen, may it be His will.

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⁸ From the weekday *ma'ariv* prayer, in the second of the blessings of the *Shema*.