

Toldot Shimshon

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Chapter VI – Mishnah 3

אמר רבי יהושע בן לוי, בכל יום ויום בת קול יוצאת מהר חורב ומקצות ואומרת, אוי להם לבריות מעלבוניה של תורה. שכל מי שאינו עוסק בתורה [גסה אחר: תדיר] נקרא נזוף, שנאמר "גזם זקב באף תזיר אשה יפה וסרת טעם". ואומר "נהלחת מעשה אלהים המה והמכתב מכתב אלהים הוא תרות על-הלחת", אל תקרא "תרות" אלא "תירות", שאין לה בן חורין אלא מי שעוסק בתורה. וכל מי שעוסק בתורה הרי זה מתעלה, שנאמר "וממתנה נחליאל ומנחליאל במות".

Rabbi Yehoshua ben Levi said: every day a Heavenly voice goes forth from Mount Horeb and proclaims, saying: “Woe unto mankind for their contempt towards the Torah,” for whoever does not engage in the Torah is called “the rebuked” [nazuf]. As it is said, “Like a gold ring in the snout of a pig is a beautiful woman bereft of sense.”¹ And it says, “And the tablets were the work of G-d, and the writing was the writing of G-d, graven [charut] upon the tablets.”² Read not *charut* [“graven”] but *cherut* [“freedom”].³ [That is, don’t read it as “graven upon the tablets,” but as “freedom by means of the tablets.”] For there is no free man but one that occupies himself with the Torah. And whoever occupies himself with the Torah is surely exalted, as it is said, “And from Matana [“a gift,” i.e., a gift of Torah] to Nachaliel [“an inheritance of G-d”]; and [from] Nachaliel [“an inheritance of G-d”] to Bamoth [high places].”⁴

The Toldot Shimshon will address a number of points of this Mishnah:

- 1) What does it mean that someone who does not engage in the Torah is called “the rebuked”? Who rebukes him?
- 2) Why does it say every day, and why is a Heavenly Voice involved?
- 3) What is the significance of the verse, “Like a gold ring in the snout of a pig”?
- 4) What is the significance of the tablets of the Ten Commandments having been fashioned by G-d, and having been written by G-d?
- 5) Does “freedom by means of the tablet” still apply, as those first tablets were destroyed and replaced by a second set?
- 6) What is the significance of the verse, “And from Matana to Nachaliel . . . ?”

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¹ Prov. 11:22.

² Ex. 32:16.

³ See also Eruvin 54a: “Rav Acha bar Ya’akov said: [Had the tablets not been broken,] no nation or tongue would have ruled over them, as it is stated: ‘Engraved;’ do not read it ‘engraved’ [*charut*] but ‘freedom’ [*cheirut*].”

⁴ Num. 21:19.

חברים מקשיבים, בקולם השמיעו דקדוקים רבים. ו"תבררו ויתלבנו" הדברים, בהקדים מאי דאיתא בשלחן ערוך אבן העזר סימן כ"ט סעיף ז', האומר לאשה, הרי את מקודשת לי במאה דינרים, ונתן לה אפילו דינר אחד, הרי זו מקודשת משלקחה הדינר, והוא ישלים לה השאר. שנה כמי שאמר הרי את מקודשת לי בדינר זה על מנת שאתן לך מאתיים זוז, שהיא מקודשת לו מעכשו. והוא הדין אם חסר דינר אחד או שהיה רע. ויש חולקין בזה. וכתב שם החלקת מחלק, שאם לא ישלים לה לבסוף כל המאה דינרים, יש מחלוקת בין הפוסקים אם היא מקודשת או לא.

Friends are listening, i.e., Torah scholars are listening to G-d's voice, they made their voices heard⁵ with many details, i.e., they teach others what G-d expects. The matters will be "purified and cleansed,"⁶ with the advancement of what is written in the Shulchan Aruch, Even ha'Ezer, siman 29, se'if 7:

"One who says to a woman, 'You are betrothed to me with 100 dinar,' and gives her even one dinar, she is betrothed from when she takes the dinar, and he will pay her the balance. For this is like one who says, 'You are betrothed to me with this dinar, on the condition that I will give you 200 zuz,' for she is betrothed to him from this point. This is the law if [the payment] is deficient by one dinar or a bad [dinar i.e., a counterfeit one]."

However, there are those who disagree with this. It is written there in the *Chelkat Mechokek* (100:11),⁷ that if he doesn't finally pay her the 100 dinar, there is a dispute among judges if she is betrothed or not.

ואיתא בירושלמי סוף מסכת ברכות, "אם יום תעזבני יומים אעזבך", משל לאשה שהיתה יושבת וממתנת לאיש, כל זמן שהיה בדעתו להנשא לה, היתה יושבת וממתנת לו. כיון שהפליג את דעתו ממנה, אף היא הלכה ונשאת לאחר. ופירש הכבוד חכמים, אף אם היתה נשואה לו מחמת הלימוד שכתב עשה, אין דינה כשאר אשה שאגודה בבעלה לעולם, אלא הרי היא כנשואה על תנאי, שגם היא יכולה לגרש אותו, אם לא ינהג בה מדת בת מלך. ועל כן, אם הוא פורש ממנה יום אחד, יכולה היא שתאמר אין לי חפץ בו, ורשות לה לגרשו, ולהדבק בתלמיד חכם אחר. ועל כן צריך לידיבוק בה תמיד, שהיא מקפדת מאד בכבודה. עכ"ל.

It is brought in the Jerusalem Talmud at the end of tractate Berachot, "Rabbi Shimon ben Lakish said, in a scroll of the pious, they found written: 'If you leave me [i.e., the Torah] for a day, I will leave you for two days.' . . . This is like a parable of a woman who sat and waited for a man. All the time that he intended to marry her, she sat and waited for him. When he put her out of his mind, she went and married another."⁸

⁵ This is an alteration of Song of Songs 8:13, "You who dwell in the gardens, companions are listening to your voice; let me hear it" ("היושבת בגנים חברים מקשיבים לקולך השמיעני"). Bava Batra 75a says that "friends" in this verse refer to Torah scholars; i.e., "friends are listening" means that Torah scholars listen to G-d's voice.

⁶ Dan. 12:10.

⁷ Moses ben Isaac Judah Lima, *Chelkat Mechokek* (composed in Vilna, c.1628–58), commentary on the first 126 chapters of Shulchan Aruch's Even ha'Ezer.

⁸ Yerushalmi Berachot 9:5.

The *Kevod Chachamim*⁹ explained, even if she [i.e., the Torah] were “married” to him because of the Torah study he had already done, she is not judged like any other woman who is united with her husband forever. But rather, she is married on condition, for she is also able to divorce him, if he doesn’t behave toward her as fitting a king’s daughter. Therefore, if he separates from her one day, she can say, ‘I have no desire for him,’ and she is allowed to divorce him and to cleave to another Torah scholar. Therefore, it’s essential to cleave to her always, for she is very particular about her honor.

וְהַמְדַרְשׁ שְׂמוּאֵל גּוֹרֵם, שְׁכַל מִי שְׂאֵינּוּ עוֹסֵק בַּתּוֹרָה תְּדִיר, נִקְרָא נְזוּף. וְאִם כֵּן, כּוֹנֵנֶת רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי הִיא לְהוֹדִיעַ לְמִי שְׂעוֹסֵק בַּתּוֹרָה, שְׁלֵא יִתְבַטֵּל מִלִּמּוּדוֹ וְשְׁלֵא יִסִּיחַ דַּעְתּוֹ לְדַבְרִים בְּטָלִים, שֶׁהַתּוֹרָה הִיא אֲרוּסָה לָנוּ, וְהַלִּימוּד שְׂאֵנּוּ לּוֹמְדִים בָּהּ הוּא כְּסָף הַקִּידוּשִׁין.

The *Midrash Shmuel* states, that whoever does not constantly engage in the Torah is called “the rebuked.” If so, the intent of Rabbi Yehoshua ben Levi was to inform one who is occupied in the Torah not to be distracted from his study, and not to be distracted by useless things, to know that the Torah is a fiancée to us, and that the lessons we learn in her are the dowry.¹⁰

Thus, the answer to the first question is that one who studies the Torah is considered to be betrothed to her, but if he does not treat her as one should treat a princess, she can leave him, and then he will be considered to be “rebuked.”

וּכְשֶׁם שֶׁבְּכָל יוֹם הַקְדוּשׁ בְּרוּךְ הוּא מְחַזֵּיר לָנוּ נִשְׁמוֹתֵינוּ, וּמְחַדְשֵׁנוּ לְבָקָרִים, כְּדִכְתִּיב "תְּחַדְּשִׁים לְבָקָרִים", וְכִמוֹ שֶׁפָּתְבוּ הַפּוֹסְקִים, שֶׁהָאֲדָם נִעֲשֶׂה כְּבָרְיָה תְּחַדְּשָׁהּ, וּמִשּׁוֹם הַכִּי חַיִּיב לְבָרֵךְ בְּרִכּוֹת הַשַּׁחַר. כִּךָ אֵנּוּ חוֹזְרִים וּמְבָרְכִים עַל הַתּוֹרָה, מִפְּנֵי שֶׁבְּכָל יוֹם בְּנִשְׁמָה תְּחַדְּשָׁה אֵנּוּ מְחַדְּשִׁים לָהּ הַקִּידוּשִׁין.

The second question is why the Mishnah says “every day,” and why is a Heavenly Voice involved?

Every day, the Holy One, Blessed be He, returns to us our souls, and renews us for the mornings, as it is written, “they are renewed every morning.”¹¹ As the commentators wrote,¹² man becomes like a new creation, and therefore is obligated to make the morning blessings. Thus, we repeatedly bless the Torah, because every day with a new soul, we renew our betrothal to her.

⁹ Shimon Wolf ben Yakov, *Kevod Chachamim* (Hamburg 1703), commentary on the Aggadot of the Yerushalmi. See note 29 on Berachot 9:5.

¹⁰ See above, Chapter III, Mishnah 11.

¹¹ Lam. 3:23.

¹² Beit Yosef, Orach Chaim 4:5, citing Rabbi Shlomo ben Avraham ibn Aderet (“Rashba”) (1235 – 1310).

וכשאנו מחדשים הקידושין עם התורה שנתנה מהר סיני, והר סיני נקרא נמי בשם הר חורב, לפי שהתורה נקראת חרב, כדאיתא במדרש פרושי פקודי שניאמר "רוממות אל בגרונם וחרב פיפיות" וכו'. משום הכי יוצאת בת קול מההר הנקרא בשם זה, לענוש למי שעוזב התורה, כמו החרב שמענשת האדם, ואומרת "אוי להם לבריות מעלבונה של תורה", שפשוואה התורה שהאדם עוזבה, היא מקפדת על כבודה ותוכעת עלבונה ומתגרשת ממנו, כמו המשל דירושלמי הנ"ל. ומהו העלבונו, שכל מי שאינו עוסק בתורה תדיר, התורה שהיא בת מלכים מנזפת בו בגערה, ונקרא גזוף, דגזיפה היא כשאדם גדול כעס עליו, ותייב לנהוג בעצמו מצנות גזיפה, כדאיתא בפירק ג' דמועד קטן.

Thus, daily we renew the betrothal with the Torah, which was given from Mount Sinai, and Mount Sinai is also called by the name of Mount Choreb [חורב],¹³ as the Torah is called “a sword” [*cherev*] [חרב], as is brought in the Midrash in Parashat Pekudei,¹⁴ as it is said, “with high praises to G-d in their throats and two-edged swords in their hands.”¹⁵

Because of this, a Heavenly voice goes forth from the mountain that is called by this name, to punish anyone who leaves the Torah, as the sword punishes the man, and the Heavenly voice says, “Woe unto mankind for their contempt towards the Torah.” When the Torah sees that the man has left her, she is particular about her honor, she avenges the wrong done to her and divorces from him, like the parable from the Jerusalem Talmud above. What is the insult? That regarding everyone who does not constantly engage in Torah—for the Torah is a daughter of kings—she scolds him with a rebuke, and he is called “the rebuked,” for rebuking is when a great man is angry at him, and requires him to behave himself according to the commandment of one who has been subject to ostracism, as is brought in the third chapter of tractate Moed Katan. Ostracism, which lasts a minimum of 30 days, is a lower form of excommunication.¹⁶

ואם תאמר, ואלא אף אם לא יעסוק בה תדיר, אין מקום לתורה להקפיד, שהרי כבר היא מקודשת לו מיד, והוא התנה ללומדה וללמוד הדינים שיש בה, דהיינו לימוד תרי"ג מצוות, כמו מי שצדק לתת לה מאה דגרים, ומה איכפת אם איזו שעה מהיום יתבטל.

The third question relates to the significance of the verse, “Like a gold ring in the snout of a pig.”

If you will say, even if he doesn't constantly engage in [the Torah], there's no standing for the Torah to be particular, for she already became betrothed to him immediately, and [her fiancé] stipulated to teach her to others and to learn the laws within her, that is, the learning of the 613 commandments. What difference does it make if some hour from the day is wasted by him?

¹³ Ex. 3:1.

¹⁴ Ex. Rabbah 51:8.

¹⁵ Ps. 149:6.

¹⁶ Moed Katan 16a.

משום הכי, הביא ראיה מהכתוב "גַּנֵּם זָהָב בְּאֵף חֲזִיר" וכו', אם הוא מפסיק מלימודו, ישפח אינה דבר ממשנתו או איזו סבָּרָא, ואף אם יחזור ללמוד, מגמר בעתיקא, קשה מסדָּתָא, ולא יוכל עוד להבין הדבר על בוריו, ולמצוא טעם יפה במשנתו. ומכל שכן שמה שפָּבֵר לַמֵּד הוא מחלל אותו ומוציאו לחולין, ומטנף אותו כמו גַּנֵּם זָהָב בְּאֵף חֲזִיר. והרי דומיא לַאִם נִמְצָא דִינָר רַע או חֶסֶר, או דִינָר שֶׁל נְחֹשֶׁת, שִׁישׁ מְחֻלָּקֵת אִם הִיא מְקוּדָּשֶׁת או לֹא, וְנִהוּ "אִשָּׁה יָפָה וְסָרַת טַעַם". ומשום הכי מתרחקת ממנו, ונקרא גִּזְוּף.

Because of this, [Rabbi Yehoshua ben Levi] brought proof from the Scripture, “Like a gold ring in the snout of a pig is a beautiful woman bereft of sense,” if he stops his studying, he will forget something from his studies or forgot some logical argument. Even if he returns to learn, “It is easier to learn something new than to recover what one has forgotten,”¹⁷ and he won’t be able anymore to understand the matter clearly, and to find a nice reason in his learning.

Even more so, perhaps since he has already learned some mitzvah, by forgetting it he has desecrated it and made it profane, and defiled it like a golden ring in a pig’s nose. This is equivalent to if a bad or deficient dinar has been found, or a dinar made of copper instead of silver, for there is an argument whether this can affect a betrothal or not,¹⁸ and this is the meaning of “a beautiful woman bereft of sense.” Because of this, [the Torah] distances herself from him, and he is called “rebuked.”

וכי תימא, איך קאמר שְׁבִנְדָאֵי נִקְרָא גִזְוּף, והא הואיל שְׁבִרְצוּנָהּ הַדְּבָר תְּלוּי, אֶפְשָׁר שְׁלַפְעָמִים לֹא תִחְזֹר בָּהּ, וְאִז לֹא יִהְיֶה נִקְרָא גִזְוּף, וְנִמְצָא הַדְּבָר סֶפֶק וְלֹא נִדְאֵי. ומכל שכן, שִׁישׁ מְחֻלָּקֵת אִם הִיא מְקוּדָּשֶׁת או לֹא, וּמֵאֵן לִימָא לֵן דְּתִיתְפּוּס לְחֻמְרָא בְּנִדְאֵי. משום הכי, הביא ואומר "וְהִלַּחַת" וכו' אל תִּקְרִי "חֲרוּת" אֶלָּא "חִירוּת". וְהִמְפָּרְשִׁים הִרְגִּישׁוּ בַטַּעַם שֶׁל "אל תִּקְרִי", דִּהְיֶה לוֹ לומר חֲרוּת "בלוחות", וּמִמָּה שֶׁאָמַר "עַל הַלּוּחֹת", אָמְרוּ אֵל תִּקְרִי "חֲרוּת" אֶלָּא "חִירוּת".

The fourth question relates to the significance of bringing the verse that the tablets were fashioned by G-d, with His writing.

Lest you say, how is it that it says that he will surely be called “rebuked,” for isn’t the matter decided by her will? It’s possible that sometimes she won’t change her mind [and leave him], and thus he won’t be called “rebuked,” and the matter is doubtful and not certain.

Because of this, [Rabbi Yehoshua ben Levi] presented the text, “ ‘And the tablets were the work of G-d, and the writing was the writing of G-d, graven [charut] upon the tablets.’ Read not charut [“graven”] but cherut [“freedom”]. The commentators¹⁹ felt that the reason for Rabbi Yehoshua to say “read not etc.” was that [Scripture] should have said “graven in the tablets,” and for what reason did it instead say, “graven upon the tablets”? Rabbi Yehoshua felt that the unexpected preposition was sending a message, and that was, “Read not charut [‘graven’] but cherut [‘freedom’],” i.e., “Freedom by means of the tablets.”

¹⁷ Yoma 29a.

¹⁸ Kiddushin 8a.

¹⁹ E.g., Rabbi Binyamin HaKohen (“Rabach”), *Avot Olam* (Venice, 1719).

ואף על פי שהדקדוק הוא טוב ויפה, מכל מקום אין בו כח להכריח רבותינו ז"ל לומר "אל תקרי", שהרי בקיצור היו יכולים לעשות אף דרשא זו שאין לה בן חורין וכו', מפס הדקדוק לחודיה של "על הלוחות", שהיה לו לומר "בלוחות", ומי הכריחם להוציא הכתוב מפשוטו לגמרי, עד שאמרו "אל תקרי" וכו'.

Even though the grammar is fine and well, in any case [the grammar] does not seem to have the power to force our rabbis, may they rest in peace, to say “read not . . .” How is it that, **in short, they could have made this interpretation that, “there is no free man but one that occupies himself with the study of the Torah” from the force of the grammar alone of “graven upon the tablets,” just because it should have said “graven in the tablets.”**

Who forced them to take the Scripture completely from its simple meaning, such that they said, “read not . . .”?

ונראה לומר, דאיתא בפרק ב' דגטין דף כ', תנו רבנן, ו'כתב', ולא נחקק. למימרא דחקיקה לאו פתיבה היא, ורמינהי וכו', לא קשיא, הא דחק תוכות, הא דחק יריכות, ופרש רש"י, הא דחק תוכות של אותיות וצדקו, דהאותיות בולטות אינו פתב וכו'. הא דחק יריכות של אותיות, שישקע הפתב, זו היא פתיבה. עכ"ל. וכן הוא בשלחן ערוך אבן העזר סימן קכ"ה סעיף ד', דחק הגט על הלוח או על האבן או על טס של מתכת, אם חפר ירכי האותיות, פשר. אבל אם חפר תוך האות, עד שיראו הירכות גבוהות מפתן ומפאן, אינו גט. עכ"ל.

It seems we can say, as it's brought in the second chapter of tractate Gittin, page 20a:

The rabbis taught [in a *Baraita*], [with regard to a bill of divorce]: **“And he writes** [her a scroll of severance],”²⁰ [in order to emphasize that one must write the document] **and not chisel** [it]. [The Gemara asks:] **Is this to say that chiseling is not writing? And** [the Gemara] **raises a contradiction** [based on what was taught in a *Baraita*: If] a slave is emancipated [through a bill of manumission that was] written [by being chiseled] on a slate [*tavla*] [or on a] tablet [*pinekas*], he goes free. . . .

Ulla said that Rabbi Elazar said: **It's not difficult. This** [first case, where the document is not valid because engraving is not considered to be writing, occurs] **when [the scribe] chiseled** [the area] **surrounding** [the letters]. **This** [second case, where the document is valid because chiseling is considered to be writing, occurs] **when he chiseled the parts** [of the letters].

- Gittin 20a

Rashi explained the text **“when [the scribe] chiseled [the area] surrounding”** as meaning **“embossing.”** **“[The scribe] kept in mind** where the letters would be, and then **chiseled** [away the

²⁰ Deut. 24:1.

background] **surrounding** these desired **letters and their sides.**” What was left were **raised letters, which are not considered writing.**

Rashi explained the text **“when he chiseled the parts [of the letters]”** as meaning “engraving.” **“[The scribe] chiseled the letters into the surface, sinking the writing, and this is considered writing.**

So too, in the Shulchan Aruch, Even haEzer, siman 125, se’if 4, it is written: “If the bill of divorce was inscribed on a board, stone, or metal tray, if the legs of the letters have been dug in, it is valid. So too if he engraved the legs of the letters from behind the tray so that they protruded from the front of the tray. However, if he dug into the letter until the legs appeared at different heights, or he hit the front of the tray until the letters protruded like on a gold coin, it is not a bill of divorce.”

ובלוחות היו בנדאי "חק ורכות", שְׁהָרִי נֶאֱמַר בָּהֶם לְשׁוֹן פְּתִיבָה. וְכֵן נִרְאָה מִדְּבָרֵי הַתּוֹסְפוֹת שֶׁם דְּבוּר הַמִּתְחִיל לְמִימְרָא דְחֻקִּיקָה וְכוּ'. וְכֵן קָתַב רמ"ע בְּתְשׁוּבוֹתָיו סִימָן צ"ג, ועי"ש. וְאִם כֵּן, הִיָּה לוֹ לומר חֲרוֹת "בלוחות", דְּמִשְׁמַע חֵק וְרִיכוֹת, וְלֹא "עַל הַלּוּחוֹת", דְּמִשְׁמַע שְׁהָאוֹתִיּוֹת הֵיוּ גְבוּהוֹת מֵהַלּוּחוֹת, דְּזָה לֹא מִקְרֵי פְתִיבָה. וּמִשׁוּם הַכִּי אָמְרוּ ז"ל, אֵל תִּקְרֵי "חֲרוֹת", אֶלָּא "חֲרוֹת".

For the tablets, certainly [G-d] chiseled the parts of the letters, for they are spoken of in the language of writing. Thus it appears from the words of the Tosafists there, the text beginning, “Is this to say that chiseling is not writing?” Similarly wrote the Rema MiFano²¹ in his responsa, siman 93, and see there. If so, he should have said “graven ‘in the tablets,’ ” with the meaning “chiseled the parts of the letters,” and not “graven ‘on the tablets,’ ” which has the meaning of embossed, that the letters were taller than the surrounding material of the tablets, which is not called writing.

In other words, “graven in” would have suggested engraving, which is halachically writing, but “graven upon” suggests embossing, which is not writing. The verse already said that “the writing was the writing of G-d,” so the halachic interpretation of “graven upon” as not being writing would contradict the earlier part of the verse. Thus, the rabbis were compelled by the word “upon” to look for a different interpretation.

Because of this, [that it did not say “in,” but “on,” the rabbis] of blessed memory said, “Read not *charut* [‘graven,’ i.e., graven upon the tablets] but *cherut* [‘freedom,’ i.e., freedom by means of the tablets].”

21 Rabbi Menachem Azaria da Fano (“Rema M’Fano”) (1548–1620), Italian Kabbalist and commentator on the Talmud.

אֵלָא שְׁצָרִיךְ עֲדִיין לְדַקְדַּק, מַה רְאָיָה מְבִיא מִפְסוּק זֶה, וְהָא פְסוּק זֶה נֶאֱמַר בְּלוּחֹת הַרְאִשׁוֹנוֹת, וְלֹא [זו] בְּלִבְד הִיגִינוּ לְוַמְדִים מַה שְׁאוּמַר הַסֵּפֶא "שְׂאִין לָךְ בֶּן חוֹרִין" וְכוּ', אֵלָא אִף חִירוֹת מִיִּצְרָה הִרַע וּמִמְלָאָךְ הַמְנַת וּמִשְׁעִבּוּד מַלְכִּיּוֹת. אֲמַנְם לְאַחַר שְׁחִטָּאוּ, נִיטַל זֶה הַחִירוֹת מֵהֶם, שְׁהִרִי בְּלוּחֹת הָאֲחֵרוֹנוֹת לֹא פְתִיב בְּהֶם "חִירוֹת עַל הַלְחַת", וּמִנְלָן שְׁמִי שְׁעוֹסֵק בְּתוֹרָה נִקְרָא בֶּן חוֹרִין, שְׁמָה שְׁפָתוֹב בְּלוּחֹת הַרְאִשׁוֹנוֹת, אִינוּ רְאָיָה לְעַת עֲתָה. וְעוֹד, שְׁהִיָּה לוֹ לֹמַר כָּל הַדִּירוּשִׁים שְׁעֲשׂוּ עַל "חִירוֹת", חִירוֹת מִיִּצְרָה הִרַע וְכוּ'.

The fifth question asks if “freedom by means of the tablet” still applies, as those first tablets were destroyed and replaced by a second set?

But it is still necessary to be precise, what evidence does [the Tanna] bring from this verse? Also, this verse speaks of the first tablets, and not only would we learn what the Tanna says, “For there is no free man but one that occupies himself with the study of the Torah” from the first tablets, rather we would even learn the freedom from the Evil Inclination and from the Angel of Death and from the servitude to the nations. For the midrash says:

What is [the meaning] of *charut*? Rabbi Yehuda and Rabbi Yirmiya and the rabbis [had opinions]. Rabbi Yehuda said, “Don’t read *charut* [‘graven’], but *cherut* [‘freedom’] from the exiles.” Rabbi Nechemia said, “Freedom from the Angel of death.” And our rabbis said, “Freedom from sufferings.” . . . The Holy One, Blessed be He, said to Moses, “In this world, because they have the Evil Inclination, they engage in idolatry, but in the Future to Come, I will uproot the Evil Inclination from them and give them a heart of flesh, as it says, ‘I will remove the heart of stone from your body and give you a heart of flesh.’²²”

- Ex. Rabbah 41:7

However, after they sinned with the Golden Calf, [G-d] took the liberty from them, for [regarding] the second set of tablets, it wasn’t written about them “graven upon the tablets.” From where do we know that one who engages in Torah is still called “a free man” even after the sin of the Golden Calf, for what was written in the first tablets is no proof for now, as the first tablets were replaced by the second ones?

Further, based on what Ex. Rabbah 41:7 says, [the Tanna] should have said all of the interpretations that he made on the word “graven” [*charut*], i.e., not only a free man, but also: freedom from the Evil Inclination, etc. Why didn’t he do so?

²² Ezek. 36:26.

וַיֵּשׁ לֹמֶר, שְׁפָנַת הַתַּנָּא הִיא לְהוֹכִיחַ, שְׁגַם בְּדַבְרוֹת אֶתְרוּנוֹת צָרִיךְ לֹמֶר בְּהֵם חִירוֹת לְעַנְנָן זֶה שְׁאִין לָךְ בֶּן חוֹרִין וְכוּ', שֶׁהָרִי מִצִּינוֹ שֶׁהַלּוֹחֹת הָרֵאשׁוֹנוֹת הָיוּ בְּהֵם שְׁנֵי דְבָרִים לְטִיבוֹתָא, דְּהֵינּוּ שֶׁהָיוּ "מַעֲשֵׂה אֱלֹהִים", וְגַם "מִכְתַּב אֱלֹהִים". וּמִשׁוֹם הַכִּי, הָיָה בְּהֵם כְּמֵה מִינֵי חִירוֹת, דְּהֵינּוּ חִירוֹת מִצָּר הָרַע מִמְלָאךָ הַמְּנוֹת וּמִשְׁעֵבִיד מְלֻכִּיּוֹת. וְלָכֵן הָיָה מִן הַדִּין שֶׁיִּתְקַיֵּים בְּהֵם "אֲנִי־אֲמַרְתִּי אֱלֹהִים אֲתֵם". אֲמַנְם פֶּאֶתְרוּנוֹת שֶׁהָיוּ מַעֲשֵׂה יְדֵי אָדָם, כְּדָתִיב "פֶּסֶל־לָךְ", לֹא נִתְקַיֵּים עוֹד בְּיִשְׂרָאֵל שֶׁהָיוּ פֶאֱלֹהִים, כְּמוֹ מִתְחַלֶּה חִירוֹת מִצָּר הָרַע וְכוּ', אֲלָא "אֲכֹן כְּאָדָם תְּמוּתוּן". אֲמַנְם לְפִי שְׁגַם הָאֶתְרוּנוֹת הָיוּ כְּתוּבִים בְּאֶצְבַּע אֱלֹהִים, כְּדָתִיב "וְכִתְבִתִּי עַל־הַלּוֹחֹת" וְכוּ', וְהַקִּישׁוֹן הַכְּתוּב לְרֵאשׁוֹנִים, כְּדָתִיב "פֶּסֶל־לָךְ שְׁנֵי־לּוֹחֹת אֲבָנִים כְּרֵאשׁוֹנִים וְכִתְבִתִּי", עַל פְּרָחֶךָ לֹמֶר, דְּלַעֲנָן "וְכִתְבִתִּי" הַקִּישׁוֹן שֶׁיִּתְקַיֵּים בְּהֵם קִצַּת חִירוֹת, כְּמוֹ שֶׁיֵּשׁ בְּהֵם קִצַּת מַעֲשֵׂה אֱלֹהִים. וְשִׁפִּיר יְלַפִּינוּ, שְׁאֵף בְּאֶתְרוּנוֹת אִין לָךְ בֶּן חוֹרִין אֲלָא מִי שֶׁעוֹסֵק בַּתּוֹרָה.

It can be said, that the intention of the Tanna was to prove that even for the final utterances, i.e., the second set of tablets, it must be said about them “say not *charut* [‘engraved’] but *cherut* [“freedom”], for there is no free man but one that occupies himself with the study of the Torah.” For we find that the first tablets had two types of goodness, which was that “[The tablets] were G-d’s work, and the writing was G-d’s writing, incised upon the tablets.”²³ Because of this, there were a few types of freedom within them, which is freedom from the Evil Inclination, from the Angel of Death, and from the servitude to the nations. Therefore, it was lawful that enacted within them were the words, “I had taken you for divine beings.”²⁴

However, as the second [tablets] were the work of man, as it is written, “Carve for yourself,”²⁵ it was no longer enacted for Israel that they should be like divine beings, as at the beginning with the first tablets, when they had freedom from the Evil Inclination, etc. Rather, “but you shall die as men do.”²⁶

However, even the second [tablets] were written by the Finger of G-d, as it is written, “I will write upon the tablets the words that were on the first tablets, which you shattered.”²⁷ Also, Scripture juxtaposes the writing to the first [tablets], as it is written, “Carve two tablets of stone like the first, and I will write upon the tablets the words that were on the first tablets.”

Thus, you must necessarily say, that with regard to the matter of “I will write,” the juxtaposition that will be enacted within them is a bit of freedom, just as there is within them a bit of “G-d’s work.” It is nicely derived, that even with the second [tablets], “there is no free man but one that occupies himself with the study of the Torah.”

²³ Ex. 32:16.

²⁴ Ps. 82:6.

²⁵ Ex. 34:1.

²⁶ Ps. 82:7.

²⁷ Ex. 34:1.

ומי שאינו עוסק בתורה, נקרא עבד ליצרו, כמו שאמרו ז"ל על פסוק "ועבד תפשי מאדניו". ואם כן, מי שפוסק מדברי תורה ומתבטל מלימודו ועושה רצון יצרו, נקרא עבד ליצרו, והתורה שהיא בת חורין אינה יכולה להנשא לעבד, ובנדאי שמתגרשת ומתרחקת ממנו, נקרא נזוף.

One who does not engage in the Torah, is called a slave to his [Evil] Inclination, as the [rabbi] of blessed memory said on the verse, “and the slave is free of his master.”²⁸ If so, one who ceases from words of Torah and renounces his learning and does the will of his [Evil] Inclination, is called a slave to his [Evil] Inclination. The Torah, which is free, cannot be married to a slave, and certainly she divorces him and distances herself from him, and he is called “rebuked.”

ואם תאמר, היאך הוא בן חורין מי שעוסק בתורה, והלא כשם שמי שאינו עוסק בתורה הוא עבד ליצרו, כך מי שעוסק בה הוא עבד ליצרו. על זה אמר, "וכל העוסק וכו' הרי זה מתעלה", אף על פי שבין כך ובין כך נקרא עבד, זה העבדות גדולה היא לו, דאמרי אינשי, עבד מלך, מלך. ולא די שהתורה היא מתרצית להנשא לו, אלא אף הוא מושל בה כמלך, שהרי ניתנה לו במתנה לעשות מה שיירצה, שצאמר "וממתנה וכו'".

The sixth question addresses the significance of the verse, “And from Matana to Nachaliel . . . ?”

You may say, how is one who is engaged in Torah a free man? For just as one who does not engage in the Torah is a slave to his [Evil] inclination, so one who does engage in her is a slave to his Maker. To this, [the Tanna] said, “whoever occupies himself with the study of the Torah is surely exalted,” even though this one who is not occupied in Torah and that one who is occupied in Torah are each called “a slave,” for this service to the Torah is great for him, for people say, “a king’s slave is a king.”²⁹ It’s not enough that the Torah wants to marry him, rather even he rules her as a king, for she was given to him as a present to do with what he desires, as it says, “and from Matana to Nachaliel, and from Nachaliel to Bamoth.” This verse from Num. 21:19 is explained:

Rava said to Rav Yosef: If a person makes himself [humble] like this wilderness, [which is open to all and] upon which everyone treads, the Torah will be given to him as a gift [matana]. And once it is given to him as a gift, he inherits it [nechalo] and G-d [EI] [makes it His inheritance], as it is stated: “And from Matana to Nachaliel.” And once G-d has made it His inheritance, he rises to greatness, as it is stated: “And from Nachaliel to Bamoth [‘heights’]”.

- Eruvin 54a

²⁸ Job 3:19. Yalkut Shimoni on Nach 896:1 cites this verse and also uses the term “a slave to his [Evil] Inclination.”

²⁹ Sifrei Deut. 6:4; Midrash Aggadah, Gen. 15:18; Midrash Aggadah, Deut. 1:7:1; Yalkut Shimoni on Torah 21:5 and 801:6; Midrash Lekach Tov, Deut. 28:10.

וְעוֹד יֵשׁ לֹאמֵר, דְּמִי שֶׁקוֹנֶה נְכָסִים, הוּא עֶבֶד לְאוֹתָם נְכָסִים שֶׁצָּרִיךְ לְשַׁמְרָם, וְכֵן מִי שֶׁהוּא מֶלֶךְ, כְּלוּם שְׂרָרָה אֲנִי גוֹמֵן לָכֶם, עֲבָדוֹת אֲנִי גוֹמֵן לָכֶם. אֲבָל מִי שֶׁקוֹנֶה הַתּוֹרָה, הוּא מֶלֶךְ מִמֶּשׁ, שֶׁהִיא מְשַׁמֶּרֶת אוֹתוֹ. וְנִהְיָ מֵאֵן מַלְכִי, רַבְּנֵנוּ, וְאִין לֵךְ בְּן חוֹרִין אֶלָּא מִי שֶׁיַּעֲסוֹק בַּתּוֹרָה.

It can also be said, that one who acquires assets is a slave to those assets, for they need to be guarded.

Also, even regarding one who is a king, “Do you imagine that I am granting you authority? I am granting you servitude, as it is stated: ‘And they spoke to him saying: If you will be a servant to this people today’ (I Kings 12:7).”³⁰

But one who acquires the Torah, he is an actual king, for she guards him. This is the meaning of the saying, “Who are kings? The rabbis.”^{31,32} Thus, “there is no free man but one that occupies himself with the study of the Torah.”

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³⁰ Horayot 10a–b.

³¹ Isaac ben Moses Arama (c. 1420 – 1494), *Akeidat Yitzchak* 4:1:5, 46:1:5, 74:1:5; Abarbanel (1437 – 1508), *Nachalat Avot*, 6:1; Abraham Saba (1440–1508), *Tzror haMor*, Ex. 19:7; Midrash Shmuel on Avot 6:1; Joseph Karo (1488–1575), *Beit Yosef, Orach Chaim* 1:4; Moshe Alshich (1508–1593), Ex. 19:4.

³² Gittin 62a: “Rav Chuna and Rav Chisda were sitting. Geniba passed by. One said to the other: We should stand before him, for he is a son of Torah. [The other one] said to him: But should we stand before an argumentative person? In the meantime, [Geniba] approached them and said to them: Peace be upon you, kings, peace be upon you, kings. They said to him: From where do you [know] that the Sages are called kings? He said to them: As it is written, ‘Through me, kings rule’ (Prov. 8:15).”