

Zera Shimshon

Profound Divrei Torah culled from the writings of the Gaon and Mekubal Rav Shimshon Chaim ben Rav Nachman Michael Nachmeni zy"o, author of Sefer Zera Shimshon on Chumash and Toldos Shimshon on Pirkei Avos, who promised that all who study his words will be blessed with an abundance of good, wealth and honor, and will merit to see children and grandchildren thriving around their table.



אמרות שמשון

How Hashem Refuted the Arguments of Those Who Opposed the Redemption of the Jews

וַיֹּאמֶר יְתְרוֹ בְרוּךְ ה' אֲשֶׁר הֲצִיל אֶתְכֶם מִיַּד מִצְרַיִם וּמִיַּד פַּרְעֹה אֲשֶׁר הֲצִיל אֶת הָעָם מִתַּחַת יַד מִצְרַיִם (יה י):

Yisro said, "Blessed be Hashem, Who rescued you from the hand of Egypt and from the hand of Pharaoh, Who rescued the people from under the hand of Egypt".

It would seem that this entire Passuk is superfluous and recurring. Would it not have sufficed for the Passuk to simply have stated, ברוך ה' אשר הציל אתכם מיד מצרים - Blessed be Hashem Who rescued you from the hand of Egypt; what is the need for the Passuk to expound with repetitive wording and say, מיד מצרים ומיד פרעה, and from the hand of Pharaoh? Furthermore, what is the need at all for the conclusion of the Passuk which states, אשר, Who rescued the people from under the hand of Egypt, for that definitely seems to be a total repetition of the former part of the Passuk?

The Midrash recounts the Egyptian Guardian Angel's contention to the Jews' redemption as follows. When the Jews departed from Egypt, the Egyptian Guardian Angel arose to prosecute them and said, "Master of the Universe, until now the Jews were idolaters just as the Egyptians are, and You are splitting the sea for them?!"

Similarly, Pharaoh also opposed the Jews' redemption. He claimed that since the Jews were only enslaved in Egypt for two hundred and ten years, it was only fitting that they should remain in Egypt and be enslaved for yet another one hundred and ninety years, for Hashem had clearly told Avraham Avinu (בראשית טו יג) at the Covenant of the Pieces that his 'offspring will be sojourners in a land that's not their own, and they will be enslaved and oppressed to them for four hundred years'.

In view of that, we can explain Yisro's exclamation, ברוך ה' אשר הציל אתכם מיד מצרים ומיד פרעה - Blessed be Hashem, Who rescued you from the hand of Egypt and from the hand of Pharaoh, to be referring to

these two arguments which were set forth by the Egyptian Guardian Angel and Pharaoh; as if to say that Hashem redeemed the Jews from these two protestations. And when he said אשר הציל את העם מתחת יד מצרים - Who rescued the people from under the hand of Egypt, he was alluding to the rebuttal itself against these two protestations, as we shall explain.

Blessed be Hashem Who rescued you from the hand of Egypt: We can explain that he wasn't inferring to the Egyptian people, rather to the Egyptian Guardian Angel, and thus these words are referring to Hashem's refuting the Guardian Angel's contention when he argued at the time of redemption, "Master of the Universe because until now the Jews were idol worshippers just

like the Egyptians, why would You split the sea for them?! It must be, that it is only because You show them favor, that You agree to redeem them. Is that fair?!"

and from the hand of Pharaoh: This is referring to Pharaoh's argument that the Jews were meant to stay in Egypt for another one hundred and ninety years, as Hashem Himself decreed upon them that they be enslaved for four hundred years.

Who rescued the people: This is in refence to Hashem's reply to the Angel's argument. Hashem replied, that if it was favor that He was showing the Jews, why would He split the sea for the Egyptians who joined the Jews, as the Passuk (שמות יב ל"ח) says, וגם ערב רב עלה אתם - Also a great conglomeration went up with

them. This would clearly demonstrate that the reason Hashem split the sea for the Jews wasn't out of misplaced favor, rather because they repented from their idol-worship, which was the very reason why the conglomeration of Egyptians who joined the Jews were worthy as well, for they too repented. Yisro used the term עם, to refer to the conglomeration, for as the Shach (ש"ך על התורה) says, the term עם refers to the conglomeration who joined the Jews when they left Egypt.

from under the hand of Egypt: This refers to Hashem's reply to Pharaoh's argument. Hashem refuted his contention, for He said that indeed it was decreed that the Jews were to be enslaved for four hundred years, nevertheless, it was never decreed upon the Jews that they were to be enslaved to the Egyptians for four hundred years. Therefore, although they will indeed need to go into exile once again in order to complete their decreed-upon-years of slavery, nevertheless they can be redeemed from Egypt, and will make up the other years subjugated to other Nations.



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The Manner in Which Two Judges Alone May Adjudicate

וְאַתָּה תִּחְזָה מִכָּל הָעָם אֲנָשֵׁי חֵיל יִדְאֵי אֱלֹקִים אֲנָשֵׁי אֱמֶת שְׂנֵאִי
כְּצַע וְשִׁמְתָ עֲלֵהֶם שְׂרֵי אֲלָפִים וְכוּ': וְשִׁפְטוּ אֶת הָעָם בְּכָל עֵת
(שמות י"ח כא-כב)

You shall see from among the entire Nation, men of means, men who fear Hashem, men of truth and men who despise money, and you shall appoint them leaders... and they shall judge the people at all times...

The Gemara in Shabbos (נ"ג ע"ג) recounts the custom of Rav Ami and Rav Assi when they would avail themselves to judge the people. Rav Ami and Rav Assi would sit and study between the pillars of the study hall, and each and every hour they would bang on the bolt of the door and say, "If there is someone who has a case to be tried, let him enter and come before us!"

We need to understand these particular details of their unique custom. Firstly, why did Rav Ami and Rav Assi choose to avail themselves to judge the people specifically between the pillars? Secondly, why did they feel the need to announce their availability every hour, over and over again? And lastly, why did they need to call out "If there is someone who has a case to be tried, let him enter and come before us!"? Wasn't it obvious that all those who came before them were coming to have their cases tried before them?



It seems clear from this Gemara that Rav Ami and Rav Assi would judge on their own - by a court of two judges - and did not invite a third judge to join them in order to establish the more typical form of court, which is made up of three judges. We can understand this phenomenon based upon the following two concepts.

The first is the Gemara in Sanhedrin (ע"ג ע"ב) which explains some of the various terms that are used throughout the Gemara as anonymous references to particular sages. One of them is, דיני דארץ ישראל רבי אמי, ורבי אסי - the term 'the Judges of Eretz Yisroel' signifies Rav Ami and Rav Assi. This clearly indicates that Rav Ami and Rav Assi were considered to be of the highest caliber of judges in Eretz Yisroel during their period of time.

The second concept is the Gemara in Sanhedrin (נב ע"א) that teaches us the following moral practice which the pure minded people were careful to follow. So would the pure-minded men of Yerushalayim conduct themselves: They wouldn't sign on a document unless they knew who would be signing with them, they wouldn't agree to sit as judges in judgement unless they knew the judges who would be judging with them, and they wouldn't enter to dine at a meal unless they knew who would be dining with them. This is because it is unbecoming of a Torah scholar to sit amongst others who aren't as

righteous and learned as them.

In view of the fact that Rav Ami and Rav Assi were considered to be the greatest expert judges of their time, and at the same time were also pure-minded souls who weren't willing to judge along with someone who wasn't on their status and caliber of Torah scholarship, we can understand why they judged on their own without inviting a third judge to join them.

Nevertheless, there is a third concept which the Gemara in Sanhedrin (נ"ג ע"ג) teaches us, which would be very relevant to the two-judge-court that Rav Ami and Rav Assi established. *Although a court of three judges may forcibly summon a defendant to come before them for adjudication, and the defendant would have no choice but to appear before them, nevertheless, a court of two judges may only judge a case when both litigants come before them and agree to be adjudicated by them.*

Hence, in order for the judgement of Rav Ami and Rav Assi to carry any validity, it was necessary for all litigants who sought out their adjudications to willingly concur to be judged by them.



In this light we can understand the particular details which Rav Ami and Rav Assi displayed when availing themselves to adjudicate the people.

They would announce over and over again "If there is someone who has a case to be tried, let him enter and come before us!" This was done in order to emphasize that because they are only two judges, they cannot impose their judgement on anyone; rather all who want to be judged by them need to come before them on their own, and to willingly accept to abide to their judgment.

We can also explain that they sat between the pillars in order to indicate that, although they were only two judges whose ruling was not able to be imposed on anyone, even so, due to their proficiency, they were nonetheless the 'pillars of the Halachic-rulings', and the 'pillars upon which the world stands', as the Mishnah in Avos (י"ז ע"א) teaches: *The world stands upon three things: on Justice, on Truth and on Peace.*

And finally - 'they would bang on the bolt of the door each and every hour'; we can explain was an indication to their integrity by alluding to that which the Gemara in Shabbos (נ"ג ע"ג) tells us regarding the Judges who give up of their time to adjudicate with integrity. *Every Judge who adjudicates justice with absolute truth for even just one hour, is considered as if he became a partner with Hashem in the creation of the world.* By announcing their availability on the hour, they were alluding that they too were from those about whom the Gemara refers to when saying 'Every Judge who adjudicates justice with absolute truth for even just one hour...'.
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