

Toldot Shimshon

by Rabbi Shimshon Chaim Nachmani zt"l

Published Livorno 1776*

Chapter I – Mishnah 6

יהושע בן פרחיה נמאי הארבל קבלו מהם. יהושע בן פרחיה אומר, עשה לה רב, וקנה לה חבר, והגוי דן את כל האדם לכהן זכות.

Yehoshua ben Perachiah and Nittai the Arbelite received [the oral tradition] from them. Yehoshua ben Perachiah used to say: Appoint for yourself a *rav* [“a superior” or “a teacher”], and acquire for yourself a colleague, and judge all men favorably.

אשרי המסכה ליום "אשר דבר המלך ונתו מגיע", דבסוף מסכת ברכות אמרין, כל הדוחק את השעה וכו', וכל הנדחה מפני השעה, שעה עומדת לו. פה היא דרבה ורב יוסף, דרב יוסף סיני, ורבה עוקר הרים, והכל צריכין למרי חטייא. ואפלו הקי, לא קביל עליה רב יוסף, דאמרי ליה פלדאי וכו'.

The Toldot Shimshon first interprets the Mishnah as: “Appoint for yourself a superior.”

Happy is the one who waits for the day¹ “that the king’s command and decree arrive,”² as in the end of tractate Berachot, it is said:

Rabbi Avin HaLevi said: **If one forces the moment** [by attempting to take advantage of an undeserved opportunity], the **moment forces him** [and he is unsuccessful]. **If one yields to the moment**, the **moment yields to him**. **This is like** an incident of **Rabba and Rav Yosef**, for **Rav Yosef was Sinai** [i.e., a well-read scholar], and **Rabba was one who uproots mountains** [i.e., skilled in debate]. **The moment arrived when they were needed** [to lead the yeshiva]. [They sent] there, [to Israel, asking]: Which takes precedence, Sinai or one who uproots mountains? They sent to them: Sinai takes precedence, **for everyone needs the owner of the wheat** [i.e., one who is expert in the sources]. **Nevertheless, Rav Yosef did not accept, as the Chaldean** [astrologers] **told him**: You will preside [as head of the yeshiva] for two years. [He deferred to] Rabba, who presided 22 years. [After his death,] Rav Yosef presided for two and a half years.

- Berachot 64a

Even though Rav Yosef didn’t immediately take the appointment (i.e., “force the moment”), he still eventually attained the position. But if the Torah scholars in Israel favored Rav Yosef, why would it have been considered taking advantage of an undeserved opportunity if he had accepted the position? The *Toldot Shimshon* discusses this now.

* English translation: Copyright © 2024 by Charles S. Stein. Additional essays are at <https://zstorah.com>

¹ Cf. Dan. 12:12.

² Esther 4:3 and 8:17. Verses 2:8 and 9:1 are similar.

והתם בפירק קמא אמרינו, דהיכא דלא פניף לרביה, אל ידור במקום רבו. ובפירק י"ב דכתבות אמרינו, דכשנעשה רבי חנינא לראש, לא הנה ליה ללוי איניש למיתב גביה, ואתא לכבל. ומעקרא פי הנה רבי אפס רישא, הנה יתיב לוי לגביה דרבי חנינא, והכי נמי, רבי חנינא שלא קבל עליו שרבי אפס גדול ממנו, לא הנה פניף רבי אפס, כף פרוש רש"י שם. ובנה יובן פשוט המשנה, אף על פי שהגיעה לה השעיה למלוה, אם תתרחק כדי שיעלה חבירה שגדול ממך בגדולה, תזכה לאריכות ימים כרב יוסף, שהרי מה שנגזר לה מהגדולה, לא תאבד ממך. וזהו עשה לה רב.

There in the first chapter, it is said that where someone is not acquiescent to his superior, he should not live next to him.³

In the 12th chapter of tractate Ketubot, it is said that:

[Rabbi Yehuda HaNasi instructed that] Chanina bar Chama will sit at the head [of the yeshiva]. Rabbi Chanina did not accept [this appointment], because Rabbi Afes was older than him by two and a half years. [Thus,] Rabbi Afes sat at the head [of the yeshiva], and Rabbi Chanina sat outside [as it was unbecoming for him to sit as a student before Rabbi Afes]. And Levi came and sat [and studied] with him [outside]. When Rabbi Afes died, **Rabbi Chanina was made head** [of the yeshiva], **Levi did not have anyone to sit** [and study] **with** [outside the yeshiva, and it was unbecoming for him to sit as a student before Rabbi Chanina], **and so he came to Babylonia.**

- Ketubot 103b

Thus, Rabbi Chanina, who hadn't accepted that Rabbi Afes was greater than himself, was not acquiescent to Rabbi Afes. Thus explains Rashi there.

In contrast, reasons Toldot Shimshon, Rav Yosef felt that Rabba was more distinguished, and that was why he deferred to him.⁴ **In this way, the plain meaning of the Mishnah will be understood. Even though the time has come for you to rule, if you distance yourself so that your colleague (who is greater than you in distinction) will rise, you will merit length of days such as Rav Yosef. That is, what was decreed for you from your own distinction will not be lost from you. This is the meaning of “appoint for yourself a superior.”** If you believe that another is more distinguished, you should defer to him, and by doing so, you are “appointing for yourself a superior.”

ואם חבירה פשיהיה לראש גביה דעתו, קנה לה חבר, כמו שעשה לוי עם ר' חנינא. ומה שנענש לוי דלא עיילוהו למתיבתא דרקיעא פלהו שגוי דצעריה לר' אפס, היינו לפי שר' אפס לא גבה דעתו בנשיאותו, ואדרבה, לוי לא רצה להיות כפוף אצלו.

The Toldot Shimshon now discusses the teaching, “acquire for yourself a colleague.”

If your fellow, when he will be head, will become haughty, “acquire for yourself a colleague,” as Levi did with Rabbi Chanina. As discussed above, Ketubot 103b teaches that

³ Berachot 8a.

⁴ This disagrees with Rashi, who reasoned that Rav Yosef thought it would be a lifetime appointment, and that if he accepted the position immediately, that would mean he only had two more years to live.

Rabbi Chanina deferred becoming head of the yeshiva, essentially “appointing himself a superior” in the form of Rabbi Afes. However, Levi chose not to learn under Rabbi Afes, and instead “acquired a colleague” by clinging to Rabbi Chanina. But this was a mistake on Levi’s part, for Rabbi Afes was not haughty! Berachot 18b discusses whether the dead are aware of the events on earth. The Gemara there explains that Shmuel’s father stored money for orphans, but died without having told his son where the money was hidden. Shmuel went to the cemetery and told the dead that he wanted to speak with his father. They sent him to the Heavenly yeshiva, where he saw Levi sitting outside. **Why was Levi punished, such that after death he wasn’t granted access to the yeshiva on high?** Shmuel asked Levi, who explained that it was **because of all those years that he upset Rabbi Afes** by not entering his yeshiva. Had Rabbi Afes been haughty during his leadership of the yeshiva, Levi would have been justified in not “appointing himself a superior” in Rabbi Afes, but instead “acquiring himself a colleague” in Rabbi Chanina. But he erred, **because Rabbi Afes was not haughty during his leadership. Despite** the fact that Rabbi Afes wasn’t haughty, **Levi didn’t want to be subordinate to him.**

ואף על פי כן, שהיה נגביה דעתו בגדולתו, לא תדיניהו לכף חובה לומר, שכך היה דעתו מתחלה להיות לראש. אלא לכף זכות, כמו שהיא דמנחות בפרק י"ג דף ק"ט ע"ב, אמר ר' יהושע בן פרחיה, בתחלה כל האומר לי עלה לה, אני כופתו ונותנו לפני הארי. עתה, כל האומר לי לירד ממנה, אני מטיל עליו קומקום של סמין. אלא דהואיל ואתא לידו, צריך עיון אמאי שני בלישניה, ונדקא בלעלות היה כופתו וכו', ובליירד היה מטיל עליו וכו'. ויש לומר, שקלל גדול הוא, שהרבנות מקברת את בעליה, ומשעלה אי אפשר לו להשמיט ממנה, ובעל פרחו ימות.

The Toldot Shimshon now discusses the teaching, “judge all men favorably.”

Even if [the leader] seemingly becomes haughty regarding his distinction, do not judge him harshly, saying that he initially sought to be the leader, i.e., that he was haughty and rushed to accept the leadership, while another may have been more deserving. Rather, judge him favorably, as in the 13th chapter of tractate Menachot, page 109b:

Rabbi Yehoshua ben Perachya said: Initially, regarding anyone who said “Ascend to [the position of *Nasi*]”, I would tie him up and place him in front of a lion. [I.e., he was initially modest and did not seek the leadership role.] Now [that I have become the *Nasi*], regarding anyone who tells me to leave [the position], I am throwing a kettle of boiling [water] at him.

- Menachot 109b

Since [the topic] has come to our hands, we need to investigate why there was a change in language and his outlook. Why, specifically, when told to ascend to be *Nasi*, would he tie him up and place him in front of a lion, and when told to descend from the position, would he throw a kettle of boiling water at him? It can be said that this is a great principal, that the position of authority buries those that have it,⁵ and once one ascends to it, it is impossible to leave it, and the person must necessarily die in the position.

⁵ Pesachim 87b.

ואם כן, מי שאמר לו עלה, נקרא שבא להורגו ולכופתו לפני הרבנות, דהיינו לפני המיתה. ומשום הכי, מדה כנגד מדה, משום הבא להורגה השכם להרגו, הייתי כופתו ונותנו לפני הארי. ואחר ששעה, כל האומר לו רד, הנה מטיל עליו מים חמין, דבפרק ה' דשבת אמרינו, רישא בקריבי, רישא דרישא בתמימי, הא איכא מר עוקבא אב בית דין. ואם כן, מי שאומר לי רד, כדי שלא תפנה בתמימי כמו מר עוקבא, אני מטיל על ראשו מים חמין, מדה כנגד מדה. וכל זה מפני שכבר עליתי כמו שהיה בשאול, דמתחלה ברח, ולבסוף כששעה, בקש להרוג את דוד.

If so, regarding one who tells him to ascend to the position of *Nasi*, he is considered as if he is coming to kill him and force him into authority, which leads to his death, as it is essentially a life sentence. Because of this, as measure-for-measure punishment—because if one comes to kill you, rise early and kill him first⁶—“I would tie him up and place him in front of a lion.”

After he ascended, regarding one who told him to descend, he would throw hot water on him, according to chapter 5 of tractate *Shabbat*, saying:

Rav Yehuda was sitting before Shmuel. This woman came and cried before [Shmuel] [about a problem that she had], but he ignored her. [Rav Yehuda] said to [Shmuel]: Doesn't the Master hold, “Whoever stops his ears at the cry of the poor, he also shall cry himself, but shall not be heard” (Prov. 21:13)? He **said to him: Big-toothed one, your superior, [i.e., I, your teacher], will be [punished] in cold water. The superior of your superior will be [punished] in hot water. Mar Ukva, who sits as president of the court [is responsible for those matters, so he would be punished with hot water].**

- Shabbat 55a

If so, whoever tells me, “Descend from the position, so that you won't be burned with hot water like Mar Ukva,” I will throw hot water on his head, as measure-for-measure punishment. All of this is because I already ascended to a high position. That is, one who says “descend, so that you won't be burned,” may think he's being helpful, but if it is impossible to leave a position, and one must necessarily die in the position, then he is essentially wishing death upon him. This is like “Saul, who initially fled from [the kingship].⁷ But when he ascended [to the kingship], he sought to kill David”⁸ [whom he thought was trying to undermine him].⁹

Thus, “judge all men favorably” means that a leadership role becomes hard to surrender, but that doesn't mean that the leader was initially haughty, or even that his current reluctance to step down from the position implies haughtiness.

⁶ Berachot 58a.

⁷ I Sam. 10:21-22: “When they sought him he could not be found. . . . Behold, he has hidden himself among the baggage.”

⁸ I Sam. chapters 18–27.

⁹ Menachot 109b.

The Toldot Shimshon now interprets the Mishnah as: "Appoint for yourself a teacher."

אי נמי, יש לפרש מתניתין בדרבך אחרת, דיש מחלוקת בין הפוסקים, אי רבו סתם דאמרין בגמרא בכמה דוכתי, מיירי נמי ברבו שאינו מובהק. והפרי חדש בארח חיים סימן תע"ב הוכיח בראיות נכוחות, דכל רבו סתם המוזכר בתלמוד, מיירי נמי ברבו שאינו מובהק. ומסתיעא למלתיה נמי מדברי הרא"ש בפרק בתרא דפסחים, על ההיא דאמר [אביי], כי הוינן בי מר, זגינן אברכי דהדדי, כי אתינן לגבי דרב יוסף, אמר לן, לא צריכיתו, מורא רבך כמורא שמים. וכתב הרא"ש, דמיירי אפילו ברבו שאינו מובהק, מדלא אשפס לאוקומי ברייתא דתלמיד בפני רבו, צריך הסבה, אלא בשוליא דנגרי, עכ"ל הרא"ש. ומשום הכי אסיק הפרי חדש הנ"ל, דספק איסורא, לחומרא, שהרי אמרו, ומורא רבך כמורא שמים.

Alternatively, our Mishnah can be explained in another way, that there is a dispute between the decisors, if when "his teacher" is mentioned in several places in the Gemara,¹⁰ is it speaking about his principal rabbi, or is it also speaking about his teacher who is not his primary teacher? But the *Pri Chadash*, in *Orach Chaim*, siman 472, se'if 5, proved by straightforward evidence, that every reference to "his teacher" in the Talmud is speaking of his teacher who is not his primary teacher. We're also assisted to reach this conclusion by the words of the Rosh in the last chapter of *Pesachim*, on the teaching that:

Abaye¹¹ said: When we were in the house of my Master, [Rabba, for the Passover Seder,] we reclined on each other's knees. When we came to the house of Rav Yosef, he said to us: You should not [recline, because] the fear of your teacher is like the fear of Heaven. [I.e., a student should not display freedom in his presence.]

- *Pesachim* 108a

The Rosh writes, that [the teaching of Abaye that a student should not recline in front of his teacher] is speaking even about a teacher who is not his primary teacher. But what of the Baraita mentioned in the Gemara after Abaya's teaching, that a person must recline during the Passover Seder, even a student with his teacher? The Baraita isn't establishing the law that a Torah student must recline before his teacher. Rather, [the Baraita] is only establishing the requirement of a craftsman's apprentice to recline. Because of this, the *Pri Chadash* deduced as above, there is uncertainty as to whether it is forbidden to recline before one who is not his principal teacher, so we will act stringently.¹² For they said, the fear of your teacher should be as the fear of Heaven.

¹⁰ *Berachot* 17a; *Yoma* 77b.

¹¹ The first edition erroneously recited Rav Yosef.

¹² *Beitzah* 3b: For a case involving an uncertainty with regard to a matter prohibited by Torah law, the ruling is stringent. See also *Chullin* 134a.

ועוד יש מחלוקת בבית יוסף יו"ד סימן רמ"ב, דהתוספות וקרא"ש סבירא להו, דאף בתלמיד חבר, בפניו מיהא אסור להורות. ופירוש תלמיד חבר, היינו שהיא קרוב להיות קמותו, קרוב להיות חברו. ובפרק ד' דסנהדרין דף ל"ו, אמר רב, שונה אדם לתלמידו, וכן עמו בדיני נפשות. ופרש רש"י וכן עמו, ומטין הדין על פי התלמיד כפאחד מן הדיינים. מתיבי וכו'. ומסיק, פי קאמר רב, כגון רב פהנא ורב אסי, דלגמריה דרב הוה צריכי, ולסבריה דרב לא הוה צריכי. ופרש רש"י, דאי משום דשמעו מיניה, כל ישראל נמי ממשה שמעו וכו', עכ"ל.

Also, there is a dispute presented in *Beit Yosef, Yoreh De'ah, siman 242:5*, whether one may teach a third party when his own teacher is present. The *Arba'ah Turim* states: "It is always forbidden for a person to teach in front of his teacher, and one who does teach before him is deserving of death. The Rambam writes, 'If he is 12 miles distant from his teacher and someone happens to ask him a question of halacha, he is able to answer him, but to establish himself as a instructor, to answer questions and to teach, even if he is at the end of the world, it is forbidden for him to teach until his teacher dies or until he will give him permission [to teach].'" The *Beit Yosef* then brings a dispute regarding someone who was teaching a certain distance away from his teacher. The *Beit Yosef* states **that the Tosafot, Eruvin 62b and the Rosh, Sanhedrin, chapter 1, se'if 2, are in agreement with him, that even for a student colleague, even before him, in every case, it's forbidden to teach a third party.**

The explanation of "a student colleague" is that he's close to being like him, i.e., close to being his colleague, that is, a Torah scholar of similar stature who has learned some concepts from the teacher.¹³ In the 4th chapter of tractate *Sanhedrin*, page 36a, "Rav said, A person may teach his student [the relevant laws] and judge [cases of] capital law with him." Rashi explained "judge with him" as meaning **deciding by a majority according to the student as one of the judges.** Continuing in the Talmud:

[The Gemara] **raises an objection:** [For cases of] ritual purity and impurity, [if the judges include] a father and his son, or a teacher and his student, they are counted as two [opinions]. [That suggests that for cases of] monetary law, and capital law, and laws [involving the punishment] of lashes, [and cases regarding] sanctification of the month and the intercalation of the year [if the judges include] a father and his son, or a teacher and his student, they are counted as only one [opinion].

[The Gemara answers:] **When Rav says** [that a person may sit in judgment with his student, he's referring to those students] **such as Rav Kahana and Rav Asi, who needed** [to learn] **the** [halachic] **traditions of Rav, but they did not need** [to learn] **the reasoning of Rav** [as they were capable of conducting their own analysis].

- Sanhedrin 36b

Rashi explained: If [excluding a student] was because they heard it from [the teacher], then [why not argue that] **all Israel also heard** [the law] **from Moses** [and therefore no matter how many judges there are, they should all be expected to have the same opinion]. Instead, as long as a student's reasoning skills are developed, he can apply the law to the facts of the case independently from his teacher, and perhaps reach a different conclusion.

¹³ Rashi, Eruvin 63a.

ומעמיה אמר התנא, עשה לה רב, אף על פי שאינו רבך מובהק, נהוג בו כל הדברים הנאמרים במורא הרב, משום דספק איסורא לחוימר.

Now, says the Tanna, Yehoshua ben Perachiah, “Appoint for yourself a teacher,” even if he is not your primary teacher, treat him in accordance with all things mentioned regarding the fear of one’s teacher, because whenever there is an uncertainty with regard to a prohibition, the halacha is to be stringent.¹⁴

ויקנה לה חבר, השתדל להתחכם ולקנות חכמה כדי להיות קרוב לו, שאז יקראו לה חבר, ותוכל להורות שלא בפניו, אליבא דכולי עלמא. ועוד, אם מצליח בסברתך, שתהיה לה סברא נכונה, שלא תצטרך כלל לסברתו, תוכל לדון עמו בדיני נפשות, ונטו על פיה את הדין, ותוכל לזכות להציל נפש אחת מישראל, ולדון את כל האדם אפילו העבריני, לכף זכות, פדכתיב "והצילו העדה", "ושפטו העדה".

“Acquire for yourself a colleague” means strive to acquire wisdom in order to be close to [your teacher], for then they will call you “a colleague,” and you will be able to teach when he is not before you, in accordance with the opinion of everyone.

Further, in you will succeed in your reasoning, that you will have a correct reasoning, that you won’t need his reasoning at all, you will be able to judge with him in capital cases. Then, by your voice, you will turn away judgment from the accused, and you will merit to save one innocent soul from Israel, and to judge every man—even the sinner—favorably. This is as it is written, “The assembly shall protect the killer from the blood-avenger,”¹⁵ “the assembly shall decide between the slayer and the blood-avenger.”¹⁶

* * *

¹⁴ Chullin 134a.

¹⁵ Num. 35:25.

¹⁶ Num. 35:24.