

# Toldot Shimshon

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## Chapter IV – Mishnah 13

רבי אליעזר בן יעקב אומר, העושה מצוה אחת, קונה לו פרקליט אחד. והעובר עבירה אחת, קונה לו קטיגור אחד. תשובה ומעשים טובים, כתרס בפני הפרענות.

**Rabbi Eliezer ben Ya'akov said: he who performs one commandment acquires for himself one advocate, and he who transgresses one sin acquires for himself one accuser. Repentance and good deeds [serve] as a shield against punishment.**

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**יְהִי** לנו לעינים דקדוקי ספר אבות עולם, שבמצוה נקט "העושה", ובעבירה "העובר". ולמה לא אומר גם כן "והעושה" עבירה אחת, או יאמר "המקיים מצוה אחת, והעובר עבירה אחת". ולמה אומר "פרקליט", ולא אומר "סניגור". עכ"ל. ועוד יש לדקדק מהו "כתריס", ומה צריך למשל של התריס. הנה לו לומר, תשובה ומעשים טובים מגינים בפני הפורענות.

We will have as our eyes<sup>1</sup> the details of *Avot Olam*.<sup>2</sup> Question 1 is that for the word “commandment” [Rabbi Eliezer ben Ya’akov] selects the word “he who performs,” but for “sin” he selects the word “transgresses.” Also, why doesn’t it also say “he who performs one sin,” or say “one who fulfills one commandment,” and “one who transgresses one sin”?

Question 2: Also, why does he say “*peraklit*” [פרקליט] [“advocate”] and he doesn’t say the synonymous “*sanegor*” [סניגור]?

Besides the questions raised by *Avot Olam*, Toldot Shimshon asks the following.

Question 3: We also need to check why he said “repentance and good deeds [serve] as a shield against punishment.” What is this “*ci’teris*” [כתריס] [“as a shield”],<sup>3</sup> and what is the need for a parable of the shield? He could have more simply said, “repentance and good deeds” defend against punishment.

ונש לומר, שאפשר שהאדם יקיים הרבה מצוות, ולא יקנה בהם פרקליטים, כגון בזמן הזה, מי שאינו אוכל פיגול ונותר, הוא מקיים אותם, שגרי אינו עובר עליהם, כמו שקתב מהרש"א בפרק ג' דמכות, שקודם בריאתו של אדם, הוא מקיים כל הלאוין, ועי"ש. וכיוצא בזה בכל שאר מצוות לא תעשה, שאם לא באה לידו כלל, אף על פי שקיימה, אין לו כל פד שזכר.

**It can be said, that it’s possible a person has fulfilled many commandments, and has not acquired an advocate by them, as for example in this time, one who does not eat *pigul*<sup>4</sup>**

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<sup>1</sup> Cf. Num. 10:31.

<sup>2</sup> Rabbi Binyamin haCohen Vitali (1651-1730) (“Rabach”), *Avot Olam* (Venice, 1719).

<sup>3</sup> Using the prefix כ [“as”] in front of the noun תריס [“shield,” derived from the Greek *thyreos*].

<sup>4</sup> Offerings that were invalidated due to inappropriate intent while being sacrificed. Ex. 29:33.

and *notar*<sup>5</sup>, he fulfills [those commandments], in that he does not transgress them. I.e., not eating *pigul* and *notar* are examples of negative commandments, but as we are not conducting sacrifices now, when we have no Temple, it would not be possible to transgress these commandments. Thus, everyone is upholding these particular commandments without making any effort to do so. This is as the Maharsha writes in the 3<sup>rd</sup> chapter of tractate **Makkot**, that before the creation of a person, he fulfills all of the negative commandments, and see there. I.e., before a person is born, he obviously cannot violate any of the negative commandments, and so he is upholding all of the negative commandments even without any effort.

ומשום הכי, שפיר נקט התנא כל "העושה" מצוה אחת, דמשמע או מצות עשה שמקיים אותה במעשה ממש, או מצות לא תעשה שמקיים אותה במעשה, שפ[ר]ש ממנה לאחר שבאת לידו. אבל לישנא ד"מקיים" שייד אף במי שלא באת לידו, שקיימה במה שלא עב[ר] עליה.

Because of this, it is fine that the Tanna, Rabbi Eliezer ben Ya'akov, chose the words “he who performs’ one commandment,” that means either a positive commandment that he fulfills with an actual action, or a negative commandment that he fulfills with an action, that he removed himself from it after it came to his hand. For example, the positive commandment of “honor one’s father and mother”<sup>6</sup> could be fulfilled by standing for one’s parents, and the negative commandment of “do not follow your hearts or your eyes with lustful things”<sup>7</sup> could be fulfilled by not looking at immodestly dressed women.

But the language of “fulfill,” which Rabbi Eliezer ben Ya'akov didn’t choose, is relevant even for one that [the negative commandment] doesn’t come to his hand, that he fulfills it in that he doesn’t transgress it. For example, as discussed above, no one is tempted by *pigul* or *notar* today, as they don’t exist today, when we don’t conduct sacrifices. We technically fulfill these negative commandments without any intention on our part, but Rabbi Eliezer ben Ya'akov taught that we should be credited with that. Thus, instead of using the word “fulfill,” he uses the word “perform,” requiring some action on our part to fulfill a positive commandment or to avoid a negative commandment.

This answers part of question 1: Why when discussing a commandment, Rabbi Eliezer ben Ya'akov selected the word “performs” rather than “fulfills.”

ואף בעבירה לא הנה יכול לומר "העושה" עבירה אחת, שלפעמים אדם עושה עבירה לשמה, כדאמרין "גדולה עבירה לשמה, ממצוה שלא לשמה". ומשום הכי נקט דנקא "העובר" שתהיה פנוניתו לעבור, שאז דנקא קונה לו קטיגור אהד.

The second part of question 1 asked why, when discussing a sin, Rabbi Eliezer ben Ya'akov used the verb “transgresses,” instead of “performs.” **But for a sin, it is not possible to say “one who performs’ one sin acquires for himself an accuser,” for sometimes a person performs a sin**

<sup>5</sup> An offering that remained after the time when they may be eaten has expired. Ex. 29:34.

<sup>6</sup> Ex. 20:12.

<sup>7</sup> Num. 15:39.

for the sake [of Heaven], which does not warrant an accuser. This is as it is said by Rav Nachman bar Yizchak, “A sin [committed] for the sake [of Heaven] is better than a commandment [performed] not for the sake [of Heaven].”<sup>8</sup> An example of a sin committed for the sake of Heaven is when Tamar, seeking to become pregnant to perpetuate the name of her late husband, pretended to be a prostitute in order to seduce Judah.<sup>9</sup> Because of this, [Rabbi Eliezer ben Ya’akov] specifically chose the word “one who transgresses,” that it should be his intention to transgress, for example, to derive pleasure, or to sin out of hatred of G-d. For then in that case, he specifically acquires for himself one accuser.

ועוד שמעינו ממתניתין, דדוקא "העושה" קונה הפרקליט, אבל מי שחשב לעשות מצוה, אף על פי שהקדוש ברוך הוא מצרפה למעשה, אינו קונה הפרקליט עד זמן העשייה ממש. וכן בהעובר עבירה, אפילו אם יהיה הרהור עבודה זרה, דקתיב ביה "למען תפש את בית-ישׂראל בלבם", עם כל זה, אינו קונה הקטיגור עד זמן העשייה, שהמלאכים אינם יודעים המחשבות.

We also hear from our Mishnah, that it's specifically he who performs one commandment who acquires for himself one advocate, but one who thinks about doing a commandment, does not acquire the advocate until the time he actually performs it.

Similarly, regarding one who transgresses a sin, even if there would be thoughts of idol worship, as it is written, “Thus I will hold the House of Israel to account for their thoughts.”<sup>10</sup> Despite all this, he doesn't acquire an accuser until the time of action, as the angels don't know the thoughts of man.

ונקט לשון "פרקליט", דמשמע "פורק ליט", משום דאמרינן במדרש על פסוק "לא-יהיה לה בסיס אבן ואבן", הברכות מברכות את בעליהן, והקלות מקלות את בעליהן. ובפרק ג' דסוטה מסיק רבא, מצוה, בין בעידנא דעסיק בה, בין בעידנא דלא עסיק בה, אגוני מגנא מן הפורענות. והכי נמי, פורקו ומצילו, אף אם כבר עשה איזו עבירה שמקלת אותו, שפרגום "ארור" ליט.

The Toldot Shimshon's second question is why Rabbi Eliezer ben Ya'akov used the word “*peraklit*” instead of the synonymous “*sanegor*.” He adopted the language “*peraklit*” [פרקליט], as it has the meaning *porek lit* [פורק ליט] [“it throws off a curse”]. This is as it is said in the Midrash on the verse, “You shall not have in your pouch alternate weights, larger and smaller,”<sup>11</sup>: The blessings [i.e., good deeds] bless those who offer them, and the curses [i.e., evil deeds] curse those who offer them.<sup>12</sup> Also, in the 3<sup>rd</sup> chapter of tractate Sotah, Rava concludes, “[Performing] a mitzvah, both at the time when one is engaged in its [performance] and at the time when one is not engaged in its [performance], defends one from misfortune.”<sup>13</sup>

<sup>8</sup> Nazir 23b; Horayot 10b.  
<sup>9</sup> Sforno on Gen. 38:26.  
<sup>10</sup> Ezek. 14:5.  
<sup>11</sup> Deut. 15:13.  
<sup>12</sup> Ruth Rabbah 1:3.  
<sup>13</sup> Sotah 21a.

Therefore, [a person's performance of a mitzvah] throws [the curses] off and it saves him, even if he has already committed some sin that curses him, and the Aramaic of "cursed" is *lit* [ליט].<sup>14</sup>

ואחר כך סיים, תשובה ומעשים טובים כתרס בפני הפורענות, כלומר, אף על פי שהעושה מצוה, קונה לו פרקליט, שמגין עליו מן היסורים, ומקטרוג הקטיגור שנוכחא בעבירה הקודמת, היינו דוקא קודם גזר דין. אבל אם כבר נגזר עליו הפורענות, שהוא שעת הדין, אז אין לפרקליט פח להגן, אלא דוקא כתרס, ולא הגנה גמורה. והכי משמע כתרס בפני הפורענות, שהוא שעת פורענות ממש, שהפורענות עומד בפניו.

The third question was the reason for saying “[serve] as a shield against punishment” instead of saying “defend against punishment.”

Afterward, [Rabbi Eliezer ben Ya'akov] concluded, “Repentance and good deeds [serve] as a shield against punishment.” This is as if to say: Even though “one who performs one commandment acquires for himself an advocate”—which defends him from suffering and criticizes the accuser that was created by the preceding sin—this is true only specifically prior to his sentence being issued.

But if punishment has already been decreed upon him, which is the hour of judgment, then there is no power for the advocate to defend. Rather specifically, repentance and good deeds only serve as a shield, and this is not a complete defense. Thus, the meaning of “as a shield” is before the punishment, which is specifically the hour of the punishment, that the punishment stands before him.

והטעם הוא, שהרי אמרו חכמים אין מיתה בלא חטא. וכן איתא בילקוט בענין מיתתו של משה רבנו עליו השלום, שאברהם יצחק ויעקב ומשה, כלם בהטאם מתו. וקשה, דהא קיימא לן, אם ראינו תלמיד חכם שעבר עבירה בלילה, אל תהרהר אחריו ביום וכו', ודאי עשה תשובה. ומכל שכן איתני עולם פאבות הקדושים ומשה רבנו עליו השלום, שבנדאי עשו תשובה, ואיך מתו בשביל חטאם מאחר שעשו תשובה. אלא ודאי צריך לומר, שמשעה גיעה שעת הדין, אפילו התשובה אינה מגנת לגמרי.

The reason is, because the sages said, “there is no death without sin.”<sup>15</sup> Similarly, it is brought in the Yalkut Shimoni regarding the death of Moses, peace be upon him, that Abraham, Isaac, Jacob, and Moses all died by their sin.<sup>16</sup> There is a difficulty, for don't we hold that “if you see a Torah scholar who violates a prohibition at night, don't think badly of him during the day; perhaps he has repented [in the meantime].”<sup>17</sup> Most of all, the mighty ones of the world, such as the holy patriarchs, and Moses our teacher, peace be upon him, who certainly repented—how did they die by their sin, after they repented? Rather, it's certainly necessary to say that from the time that the hour of judgment arrives, even repentance does not defend entirely from punishment.

<sup>14</sup> See both Targum Jonathan and Onkelos on Gen. 3:14.

<sup>15</sup> Shabbat 55a.

<sup>16</sup> Yalkut Shimoni, parashat Chukat, remez 764.

<sup>17</sup> Berachot 19a.

וְלִכְּנֹן לֹא קָאָמַר הַתַּנָּא, תְּשׁוּבָה וּמַעֲשִׂים טוֹבִים מְגִינִים בְּפָנֵי הַפּוֹרְעָנוֹת, אֲלֵא תַנְי "כְּתָרִים" בְּפָנֵי הַפּוֹרְעָנוֹת. דְּבָרֵי שְׁרָק כ"ד דְּכַלִּים תַּנְן, שְׁלֵשׁ תְּרִיסִין הֵם, תְּרִיס הַכְּפוּף טָמֵא מִדָּרָס. וְשִׁמְשֻׁקִין בּוֹ בְּקוֹנָפוֹן, טָמֵא טָמֵא מֵת. וְדִיצַת הָעֶרְבִיִּים, טְהוֹרָה מְכֻלָּם. וּפִירֵשׁ הָרַע"ב, תְּרִיס הַכְּפוּף, שְׁמִקִּיפִים אֶת הָאָדָם מִשְׁלֵשָׁה רוּחוֹת וְכוּ'. וְדִיצַת הָעֶרְבִיִּים, תְּרִיס קָטָן בְּיוֹתֵר, שְׁהֶעֱרַבִיִּים עוֹשִׂים לְדִיצָה וְלִשְׁמֻקָה וְלִשְׁחֹק, וְאִינוּ כָּלִי שֶׁל תְּשׁוּמִישׁ, עכ"ל.

**Therefore, the Tanna did not say, “Repentance and good deeds defend against punishment,” but he taught “ ‘are as a shield’ against punishment.” As it is brought in the beginning of the 24<sup>th</sup> chapter of Mishnah Kelim:**

**There are three different types of shields: A bent shield [i.e., protecting one from the front, the right, and the left, but not from the rear] is susceptible to ritual impurity.<sup>18</sup> A shield used in the arena is susceptible to corpse impurity. And the Arabian toy shield is pure from all [ritual impurity].**

- Kelim 24:1

**Rabbi Obadiah of Bartenura explains: “ ‘A bent shield’: That it surrounds a person from three directions. . . ‘And the Arabian toy shield’: The smallest shield that the Arabs use for dancing and for joy and sport, but it is not a vessel of use.”** We see that the use of “as a shield” implies something that is not necessarily a complete defense. “A shield” could refer to a toy, or even to a real shield that nonetheless does not defend a person from all sides.

וְהָכִי נְמִי, אִם הַתְּשׁוּבָה וּמַעֲשִׂים טוֹבִים שְׁעוֹשֶׂה הָאָדָם אֵינָה אֲלֵא בְּאֶקְרָאֵי בְּעֵלְמָא, דְּהֵינּוּ לַעֲשׂוֹת כְּמוֹ שְׁהֶאֱתָרִים עוֹשִׂים, בְּלִי כְּוֹנָה וְהַתְּעוֹרְרוֹת כָּלֵל, זֶהוּ כְּמוֹ הַתְּרִיס הַקָּטָן, שְׁעוֹשִׂים אוֹתוֹ לִשְׁחֹק וְאִינוּ מְגִינִין כְּלוּם.

**Thus, if repentance and good deeds are something a person does without much thought, which is to do as others do, without any intent or awakening at all, this is like the small shield, that people make to play and that do not defend anything.**

וְאִם הָאָדָם עוֹשֶׂה תְּשׁוּבָה וּמַעֲשִׂים טוֹבִים מִירְאַת הָעוֹנֵשׁ, אֵינָם כָּל תְּשׁוּבָה וְאֵינָם מְגִינִים לְגַמְרֵי, וְהָרִי הֵם כְּמוֹ הַתְּרִיס שְׁמִשְׁחֻקִין בּוֹ בְּקוֹנָפוֹן, שְׁכּוֹנָתָם לְהִגֵּן בְּאוֹתוֹ הַתְּרִיס מִהַמְכָּה שְׂרוּצָה חֲבִירוֹ לְהַכּוֹתוֹ דְּרָךְ שְׁחֹק בְּעֵלְמָא, כְּמוֹ שְׁפִירֵשׁ הָרַע"ב שֶׁם, וְאֵינָה הִגְנָה גְּמוּרָה.

**If the person does repentance and good deeds out of fear of punishment, [these actions] are not at all important and they are not a complete defense. For they are like the shield that they play with in the arena, that their intent is to use this shield to defend from the blow that his friend wants to hit him with, in the way that people play in the world. I.e., such a shield is only a prop used for play acting, but it would not be effective in the event of true combat. This is as Rabbi Obadiah of Bartenura explained there, and it is not a complete defense.**

<sup>18</sup> Because of its shape, it can be used as a chair, and chairs are susceptible to ritual impurity originating by a woman who is menstruating or by a man who has had a seminal emission.

ואם עושה תשובה מאהבה, אז הוא דומה לתריס הכפור, שעשוי לכל תשמישים אפילו לשכיבה, ואף על פי שהוא חשוך, אינו מקיף את האדם אלא משלש רוחות. והכי נמי, אף על פי ששב מאהבה, אינה הגנה גמורה מכל הצדדים, רק משלש רוחות, ולעולם צד אהד נשאר פרוץ, שבשעת הגזר דין מתעורר החטא, כמו האבות ומשה רבנו עליו השלום, ועל זה נאמר "ואין שלטון ביום המות".

**If he repents out of love [of G-d], then he is like a bent shield, which is suitable for all uses, even for lying down. Still, even though it is significant by comparison to a toy shield, it nevertheless only surrounds a person from three directions. Thus, even though he returns out of love, it is not a complete defense from all sides, only from three sides.**

**There is always one side that remains open, for at the hour of judgment, the sin awakens, as with the patriarchs and Moses, peace be upon him, and about this it is said, "there is no power over the day of death."<sup>19</sup>**

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<sup>19</sup> Eccl. 8:8.