

A Taste of Text: Source based learning for Shabbat

This weekly sheet is brought to you by Rabbi Dr. Moshe Freedman of Northwood United Synagogue in conjunction with Shapell's/Darché Noam

PARSHAT MISHPATIM

DVAR TORAH: NO PILGRIMAGE DURING THE SHMITTAH YEAR?

The Torah juxtaposes Shemittah, the Sabbatical year, with aliyah laregel, the three yearly pilgrimages to the Temple in Jerusalem on Pesach, Shavuot, and Sukkot (Shemot 23:10-19). Rashi, quoting the Mechilta, explains that we might have mistakenly thought that the pilgrimage is not obligatory during the Shemittah year (Rashi on Shemot 23:17). Asks Dayan Yisrael Yaakov Fisher, ztl (Even Yisrael on the Torah Parshat Mishpatim): Why might we have thought that? What would have motivated the Torah to cancel this beautiful mitzvah – the entire people of Israel traveling from all over the country to gather in Jerusalem – during such a holy year?

He answers based on another verse (Shemot 34:24): “While you are going up to appear before Hashem your God,” says the Torah, “No one will even desire your land.” At first glance, this looks like a mere footnote: ‘By the way, don’t worry about abandoning your land during the holiday. Make the pilgrimage and trust in God.’ But the halachah gives great importance to this verse. According to Rabbi Ami in the Bavli (Pesachim 8b) and Rabbi Yossi quoting Rabbi Yehoshua ben Levi in the Yerushalmi (Peah 3:7) one who does not own land is absolved from aliyah laregel (whether the Rambam rules this way is unclear). The Torah here teaches that owning land is an essential element of the pilgrimage mitzvah; it is not just addressing a possible worry of a landowner. Perhaps we might have thought that the message of aliyah laregel is: the land is God’s, He protects us when we move from one place to another, and He wants us to periodically express our trust by abandoning our land and coming up to the Temple.

But this is also the message of the Shemittah year. The land is God’s; and we must affirm that one year out of seven by not displaying our personal ownership. We cannot hold back others from partaking of its produce and are likewise prohibited doing business with its fruit. This explains why, a number of times, the Torah prefaces Shemittah with “Six years you shall plant your land and gather its fruit” (Shemot 23:10). Only one who acknowledges God’s ownership over the land through observing Shemittah is not stealing from Him the other six years.

This is how Dayan Fisher answers his problem with Rashi and the Mechilta. We might have mistakenly thought that, since the theme of both the Shemittah year and aliyah laregel is affirming God’s ownership over the land, we are absolved from the pilgrimage during the Shemittah year.

But the Torah teaches us that we are obligated in aliyah laregel during Shemittah because of a second, more essential goal of the three pilgrimage festivals - to draw Torah and kedushah from the holiest of places in the land of Israel. Jews come from all over the country and see the kohanim, the Sanhedrin, the nation’s great Torah scholars; and all converge on the Beit Hamikdash to together experience the Divine Presence and appear before God. But in the holy Shemittah year aliyah laregel is all the more powerful. Not only is the pilgrimage still obligatory during Shemittah, it is more effective. In a year devoted to spiritual pursuits, the people are primed and receptive to kedushah. When in that year they come up to Jerusalem the holiness and Torah they receive and experience is all the more powerful. May we and all of Israel merit the complete return of Shemittah, aliyah laregel, all of the mitzvot of the land of Israel, the rebuilding of the Temple, and the final redemption.

SOURCE GUIDE: WHY WAS “NAASEH VENISHMA” EFFECTIVE?

The Beis Halevi, Rabbi Yosef Dov Soloveitchik, ztl, in Drashah 17, asks a striking question about “Naaseh venishma,” Israel’s declaration of acceptance of God’s Torah. A central theme flows out of his answer.

1. Shemot 24:7 He (Moshe) took the Book of the Covenant and read it in the ears of the people and they said, “All that God says we will do and we will listen.”	שמות כד:ז וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם וַיֹּאמְרוּ כָּל אֲשֶׁר דִּבֶּר ה' נַעֲשֶׂה וְנִשְׁמָע.
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Israel accepted God’s Torah unconditionally by declaring “Naaseh venishma”, “We will do and we will listen,” but our acceptance was mocked by outsiders as hasty and rash.

2. Shabbat 88a A certain heretic saw Rava learning with great intensity. His finger was under his leg and blood was flowing from the wound. He said to Rava: “You hasty nation, who put their mouths before their ears, accepting the Torah before hearing its contents. You should have first found out if you would be able to fulfill the Torah before you accepted it.”	שבת פח. ההוא צדוקי דחזייה לרבא דקא מעיין בשמעתא ויתבה אצבעתא דידיה תותי כרעא וקא מיין בהו וקא מבען אצבעתיה דמא אמר ליה עמא פזיזא דקדמיתו פומיכו לאודניכו אכתי בפחזותיכו קיימיתו ברישא איבעיא לכו למשמע אי מציתו קבליתו ואי לא לא קבליתו ...
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Rava defends Israel’s acceptance as an expression of their pure and intense love of God, willing to do whatever He says.

The Beis Halevi’s Question:

But, asks the Beis Halevi, Rabbi Yosef Dov Soloveitchik, ztl, according to the halachah itself, “Naaseh venishma” does not seem to be viable. It seems to go against the Torah’s own rules for how to effectively take on obligations. The Rambam, quoting his teachers, rules that taking on an unspecified obligation, a *davar she’eino katzuv*, is ineffective.

3. Rambam Mishneh Torah Laws of Sales 11:16 If someone attempts to obligate himself to something unspecified – like, for instance, saying “I take upon myself to support or clothe you for five years” even though he makes a formal act of acquisition – this is ineffective. He is not obligated for this is like giving a present, and there is nothing known or extant that being given. This is how my teachers ruled.	רמב"ם משנה תורה הלכות מכירה יא:טז חייב עצמו בדבר שאינו קצוב כגון שאמר הריני חייב לזון אותך או לכסות חמש שנים אע"פ שקנו מידו לא נשתעבד שזו כמו מתנה היא ואין כאן דבר ידוע ומצוי שנתנו במתנה וכן הורו רבותי.
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Likewise, claims the Beis Halevi, someone who said, “I obligate myself to do whatever such and such a person says I should,” would not obligate himself to anything. The Rambam and his teachers rule that such an obligation, because it doesn’t relate to something specific, is invalid and ineffective.

But if that is the case, why is “Naaseh venishma” effective? Because the people of Israel did not specify what they were obligating themselves to, the obligation should be considered invalid. Could it be that our acceptance of the Torah did not follow the Torah’s own rules for taking on obligations?

The Beis Halevi's Answer: Servitude vs. Obligation

His answer: True, accepting on one's self an unspecified obligation is ineffective, but the halachah does have a mechanism for becoming obligated to whatever another says – one can sell himself as a servant. A servant, owned by the master, must do whatever tasks his master gives him. This servitude defines our relationship with God; through "Naaseh venishma" **we gave ourselves over** to God. We did not merely take on future obligations; we became God's and automatically became obligated in all of His mitzvot.

This, says the Beis Halevi, makes the Jews' obligation to do their 613 mitzvot fundamentally different than the Noachides' obligation to do their seven mitzvot.

<p>4. Beis Halevi Drush 17</p> <p>For the Noachide, the commandments are an obligation, but their bodies are not owned with regards to the mitzvot. But for Israel, at the giving of the Torah God said, "You will be for me a treasure from all the nations." The Mechilta expounds this verse as follows: "You should be acquired by Me and involved in Torah." The intention of this verse is that God told them that their bodies and selves are acquired for service and fulfilling the mitzvot and Torah. This is the meaning of being a treasure from all of the nations, that they will in this respect be different in that they are owned by God.</p>	<p>בית הלוי דרוש יז</p> <p>דאצל בן נח המצוות שלהם הם בגדר חיוב עליהם ולא דגופם קנוי להמצות רק הם מחוייבים לקיימם, אבל בישראל אמר הכתוב במתן תורה והייתם לי סגולה מכל העמים ואיתא במכילתא על פסוק זה שתהיו קנוים לי ועוסקים בתורה. כוונת הפסוק שאמר להם שיהיו גופם ועצמותם קנוי לעבודתו יתברך ולקיום המצות והתורה וזה שאמר והייתם לי סגולה מכל העמים דבזה יהיו הם שונים מכל העמים שהם יהיו קנוים לו.</p>
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Self-Sacrifice and Conversion

This sheds light on the anecdote he quoted above (Source 2, Shabbat 88a). There's another difference between the Jew's relationship to Torah and mitzvot and the gentile's relationship to the seven Noachide laws. Jews are commanded, in certain instances, to give up their lives rather than transgress the Torah. This does not apply to the gentile and his seven mitzvot.

Based on the above, says the Beis Halevi, this makes sense. The Jew at Sinai gave his body and soul to God. He is owned by God, as the Mechilta says. Therefore he must be willing to give up his life for God's sake. Rava was totally absorbed in his learning, to the point of self-sacrifice; his fingers were bleeding. This prompted the comment by the perceptive heretic, who correctly connected Rava's self-sacrifice with "Naaseh venishma." Our acceptance of the Torah involved giving ourselves over to God, resulting in Rava's total absorption in Torah. This trait was, as the heretic notes, particularly Jewish.

The Beis Halevi goes further and explains that because the Jews gave themselves over to God, they became sanctified with קדושת הגוף, the type of sanctity that only applies to sacrifices and Temple vessels, כלי שרת. A vessel sanctifies that which it contains. This, he explains, is why conversion only takes effect through a court of three Jews. A convert can only attain Jewish sanctity by entering a "sanctified vessel", connecting to the Jewish people through three Jews.

GIVE AND BE COUNTED BY RABBI SHAYA KARLINSKY

Parshat Shekalim raises a number of difficulties. The Rabbis instituted the public reading of Parshat Shekalim to announce the upcoming Machatzit Hashekel requirement – each Jew must contribute a half shekel to purchase animals for the daily communal sacrifices in the Temple. But why do we continue reading Parshat Shekalim today, with no Holy Temple and no sacrifices? And even if maintaining a remembrance of giving the half shekel is deemed appropriate, what is the value of reading a special parshah to inform us about an upcoming requirement that is no longer applicable?

In Parshat Shekalim we read that each and every individual should give exactly one half shekel. “The rich person should not add and the poor person should not subtract from [giving] a half shekel” (Shemot 30:15). Isn’t this a strange way to give charity – ignoring the ability of the giver and the specific needs of the recipient? Furthermore, one of the functions of the half shekel was to count the Jewish people. Mathematically, the census was taken by tallying up the total number of shekalim given, and multiplying by two. This almost reminds us of the farmer who, when asked how he knew how many cows he had, answered, “I count the legs and divide by four!” Wouldn’t it have been simpler for each Jew to give a full shekel?

When Haman approaches Achashveirosh for approval in annihilating the Jewish people, he says, “There is a unique nation (am echad) dispersed and divided (mefuzar umefurad) among the nations... (Esther 3:8)” And then Haman offered ten thousand silver coins to be allowed to destroy the Jews. The Gemara in Megillah (13b) teaches us: It was revealed and known to He who said “And let the world be created,” that Haman was going to count out shekalim [to purchase the right to annihilate] the Jewish people. Therefore, He had [the Jewish people] precede Haman’s shekalim with their shekalim. That is why we are taught, “On Rosh Chodesh Adar we announce the bringing of the Half Shekel” (Mishnah Shekalim 1:1).

Because every person, rich and poor, is commanded to give the same half shekel toward purchasing the Temple sacrifices, and through this a census is taken – it is clear that the real purpose of this giving is none other than for the sake of giving. And through this giving each person is counted as part of the community. Most people like the sense of accomplishment their giving creates. Many like the power and control their giving accords them. Others look to avoid giving, trying to get off cheap and enjoying the feeling that the other person was foolish for giving more.

Machatzit Hashekel defines correct Jewish giving. G-d gave every Jew resources, and every Jew commits to share them with the Jewish people. Every person gives no more than a half shekel to acknowledge that whatever one gives cannot be effective without others. This minimizes the ego gratification that making a contribution can create.

The Jewish people were vulnerable to Haman’s decree because they were “mefuzar umefurad,” dispersed and divided. This is a recurring problem throughout Jewish history, and we require annual immunization from the recurring danger of destruction and annihilation. Each year we announce the recipe for Jewish unity: every person commits to sharing his G-d-given resources, giving to the Jewish community in a selfless, generous, humble way. This creates true community and authentic Jewish unity. We must implement the lesson of the Gemara, preceding Haman’s payment to destroy a fragmented and divided nation with our contributions to help and unite the Jewish community. Then we can be confident that in these times of great danger to the Jewish people, we will merit a recurring Purim miracle.

**This issue is dedicated in memory of David Shapell, of blessed memory,
Yosef David ben Binyamin ז"ר**

*This publication is compiled by the staff and Rabbonim at **Shapells/Yeshivat Darché Noam** for men and **Midreshet Rachel v'Chaya Seminary** for women in Jerusalem. Find out more about the **married couples' programme** and the **Pathways Israel** and **Pathways Plus** programmes offered at www.darchenoam.org +972-2-651-1178, 5 Beit Hakerem Street, Jerusalem.*

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