

מתוקים מדבש

*Dei'ah, Binah and Haskel on the weekly parashah*

RABBI MICHA BERGER

Bemachashavah Techilah

The Torah gives us an important rule on the nature of *eidim* (witnesses). “*Al pi shnayim eidim of shloshah eidim*” (Devarim 17:6) and then again, “*al pi shnayim eidim o al pi shloshah eidim yakum davar* – by the words of two witnesses or three witnesses the matter shall be established” (ibid. 19:15).

Why must the Torah write “or three witnesses”? If two witnesses are sufficient, then of course we would believe three. Why does the Torah use the extra phrase?

The Gemara in Makos (5b) concludes that the extra words teach us that if more than two *eidim* arrive, they are still treated as on *kas* (set). That means that all of them would have to be proven to be lying in order for any to be punished. Another, somewhat stranger, conclusion is that as a single *kas* they have no more credibility than any other *kas*. In the terminology normally used: “*trei kemei'ah*,” two witnesses have the same credibility as even 100. If a case comes to court and two witnesses testify on behalf of one side and a hundred on behalf of the other, the court gives equal weight to each testimony. Why?

Perhaps if we take a detour, and try to understand another case where *halachah* tells us to ignore the majority, we can understand this case as well.

In Chullin (95a), the Gemara brings a case usually referred to as “*teisha chanuyos*” (nine stores). There is a town with ten butcher shops. Nine of them sell kosher meat and one does not. If a person buys meat but then loses track of from where it was bought, the meat

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is forbidden. However, if the meat is found on the street, it may be treated as kosher.

The reason is that there are two rules for resolving doubt (in the absence of evidence) in the Gemara. The first is: *kol deparish meirubah parish* – whatever separates itself [from the group], [can be assumed to be] separated from the majority. When in doubt, follow the majority. The other is: *kol kavu'a kemechtza al mechtza dami* – all [doubts related to] things that are established are as though they are ½ and ½. A doubt is an unknown and we leave it unresolved – with no consideration of majority.

The purchased meat is *kavu'a* (established), so we cannot play the odds. We must wonder whether it is from the tenth, non-kosher store. However, we can assume that the discovered meat came from the majority, and therefore we may treat

it as kosher.

What distinguishes *parish* from *kavu'a* (separated from a mixture)? Tosafos write “*kavu'a* only applies to a thing that is known.” R. Akiva Eiger distinguishes between rules for determining what actually happened and rules that determine how to act when we cannot resolve what happened. What separates *kavu'a*, where majority is ignored, and *parish*, where majority determines the *halachah*, is the distinction between whether one is trying to resolve a doubt that arose in the *halachah* of the object (*kavu'a*) or one needs to determine a definite *halachah* for an object whose circumstance is in doubt (*parish*). *Halachah* only allows us to take the probability into account in the second case (*parish*), where the conclusion is being determined in the absence of a known circumstance.

In our case, that of two opposing testimonies, we are dealing with the first kind of doubt. Whichever witnesses are telling the truth know the state of the situation. In the absence of the mistaken witnesses, we would have been able to pronounce the *halachah* in the true situation.

The Shev Shma'atsa says about case where each side presents witnesses in its support, “Since we have two [*eidim*] and two [*eidim*] in all cases our *safek* is an equal *safek*,

even where we have a majority.”

The reason why *trei kemei'ah*, two witnesses have the same credibility as 100, is that in this kind of doubt *halachah* never permits us to follow majority.

The fact that the *halachah* is different for a case where the underlying reality was known (*kavu'a*) vs. one where it came from a set of unknowns (*parish*) is connected to another underlying principle in the nature of *halachah*.

Here, in the United States, around the 1980s, it became more common to have concern about the bugs on vegetables we eat. Any bug that is large enough to be seen by the naked eye may not be eaten. However, one need not use a magnifying glass or microscope to find tiny insects. My rebbe, R. Dovid Lifshitz, used a similar idea to explain a different problem. The Gemara explains that maggots found inside a piece of meat are kosher. (I presume that the case is where someone ate them accidentally and now wants to know whether he must bring a sacrifice.) The reason given is that they were born from the meat, and idea known

in the history of science as “spontaneous generation.” Therefore, *halachah* treats the maggots identically to the meat.

Spontaneous generation has since been disproven. Maggots come from microscopic eggs. Now that we know that the underlying science is wrong, does this mean that the halachic ruling is also wrong?

Rav Dovid taught that the halachic ruling is still correct. The microscopic eggs and maggot larvae are not within the realm of human experience. The only cause for the

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current presence of maggots that we can see is the meat. In terms of human experience, the meat is the source of the maggots.

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this is why the term used for the facts on the ground is *metzi'us*, that which can be found.

Returning to the case of someone finding meat in a city where most of the butchers are kosher, the meat does have some underlying reality – it either came from one of the kosher shops or from the non-kosher one. However, since that reality is not *kavu'a*, it is not within the realm of human experience, *halachah* is not affected by that and majority holds sway. When the reality is within human experience, we are obligated to play it safe.

The purpose of *halachah* is to ennoble, to bring one closer to G-d (*dveikus*) and closer to self-perfection (*shleimus*). As the Sefer HaChinuch repeatedly invokes to explain the purpose of various *mitzvos*, “The person is made according to his actions.” Since it is the experience that has the existential impact, it is more central to *halachah's* concern than objective reality.

RABBI MICHA BERGER

Bakeish Shalom

The Torah commands the nation, “*Shoftim veshotrim...* Judges and policemen you shall place for yourselves within all your gates.” The Shela^h derives from this societal law a principle of personal improvement. The Sefer Yetzirah writes that man has seven “gates”: two eyes, two ears, two nostrils, and a mouth.

The Torah requires us to establish communal structures for two distinct roles. Shlomo HaMelech begins the book of Mishlei by explaining that its

purpose is for the reader to “know *chochmah* and *mussar*, to understand words of comprehension.” *Chochmah* is the wisdom to know what G-d wants; *mussar* is the knowledge of how to implement that wisdom. The Mei HaShilo'ach explains our verse in similar terms: the *shofet* decides matters of *halachah* while the *shoter* manages its application.

The first step in *mussar* is to realize the gap between where one is and where one could be. This is what Rav Yisrael Salanter calls

“*hargashah*,” the ability to feel what work needs to be done. Only once someone is aware of his flaws – and that they are flaws – can he be motivated to change. Before *mussar* must come *chochmah*.

How do we gain this wisdom? Elul just began; it is “*teshuvah* season.” How do we motivate ourselves to change so that this will not be just another year? How do we make our resolutions of *Rosh Hashanah* and *Yom Kippur* into deep commitments that actually become personal change?

To begin living a life of *mussar*, you must start by developing an awareness of who you really are. Acquire a diary. For the first two weeks, simply record what you did that day. Not what happened to you but the decisions you made and the actions you took. On Friday, remember to take these notes before candle lighting. On *Motza'ei Shabbos*, remember to cover Friday night as well.

After around two weeks, you should be able to see patterns emerging. From those, you can see which *middos* require immediate attention and are not tasks as yet too difficult to succeed at mastering.

Once you know which *middos* you are going to track, the diary can become a more formal *cheshbon hanefesh*, an accounting of the soul.

The book *Cheshbon HaNefesh* was written by Rav Menachem Mendel Lefin (Levin) in 1812. Rav Yisrael Salanter encouraged its republication in 1845. The Association of Students of the Slabodka Yeshiva published the book a third time in 1937, with an introduction from the Rosh Yeshiva, Rabbi Yitzchak Sher. They had asked their rabbinic leadership whether the resources should be invested in publishing *Cheshbon HaNefesh* or Ramchal's *Mesilas Yesharim* and were told to print the former, perhaps because of the centrality that the *Mesilas Yesharim* itself gives to such personal accounting.

"In reality, this is one of the clever devices of the evil inclination – to mount pressure unrelentingly against the hearts of men so as to leave them no leisure to consider and observe the type of life they are leading. For it realizes that if they were to devote even a slight degree of attention to their ways, there is no question but that they would immediately begin to repent of their deeds and that regret would wax in

them until they would leave off sinning altogether." (*Mesilas Yesharim*, translation by R. Shraga Simmons, p. 31)

"To summarize, a man should observe all of his actions and watch over all of his ways so as not to leave himself with a bad habit or a bad trait, let alone a sin or a crime. I see a need for a person to carefully examine his ways and to weigh them daily in the manner of the great merchants who constantly evaluate all of their undertakings so that they do not miscarry. He should set aside definite times and hours for this weighing so that it is not a fortuitous matter, but one that is conducted with the greatest regularity; for it yields rich returns." (Ibid. p. 37)

"What emerges from all this is that a man must constantly – at all times, and particularly during a

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regularly appointed time of solitude – reflect upon the true path (according to the ordinance of the Torah) that a man must walk upon. After engaging in such a reflection he will come to consider whether or not his deed travel along his path. For in doing so it will certainly be easy for him to cleanse himself of all evil and to correct all of his ways. As Scripture states (Proverbs 4:26), 'Consider the path of your feet and all of your paths will be established' and (Lamentations 3:40), 'Let us seek out our ways and examine them, and we will return to G-d.'" (Ibid. p. 43)

Rabbi Lefin offers the well-known format of tracking thirteen *middos* each season, with a focus on

a different one each of the weeks of the season. For each week, one keeps a chart, with a row for each *middah* and a column for each day of the week. Each day, one marks down plusses and minuses for the significant good and poor decision made in each *middah*. There are example charts in the book.

Despite the approbation the book *Cheshbon HaNefesh* received, feel free to adjust this schedule if this format does not quite work for you. The it lays out is not particularly sacred. In fact, it was first proposed in Benjamin Franklin's letters! Perhaps one week is too short of a time for you to focus on a single *middah*; you might find two or three weeks more suitable. Perhaps tracking thirteen *middos* at a time is a bit much, and eight or nine would be more feasible.

For each of those *middos*, find sources that describe the ideal. *Mishlei* and commentaries on it, *Pirkei Avos*, *Chovos HaLevavos*, *Iggeres HaRamban*, *Orchos Tzaddikim*, *Mesilas Yesharim*, *Cheshbon HaNefesh*, and *Michtav Me'Eliyahu* are just a few fertile sources. Find, or if necessary craft, a quote – a motto – for each *middah* you are trying to address. This gives you the means to be aware of and internalize the ideal.

Begin each day with roughly twenty minutes of *hispa'alus*. You may need to work your attention span up to that point. In which case, start with five or ten minutes and slowly increase the time span. *Hispa'alus* is repeating a verse, quote, or other affirmation of the ideal for each *middah* that you are addressing that day with a mournful tune. Perhaps that of trope for a *haftorah* or for *Yom Kippur*. Do not be afraid to get loud; volume and music inflame passion. *Hispa'alus* allows one to get beyond a cold intellectual knowledge of the ideal,

and internalize, personalize, and take possession of the concept.

What is the “*derech Hashem*,” the path of G-d? After all, the phrase “*vehalachta bidrachav* – and you shall walk in His path” is what gives *halachah* its name. The question speaks to nothing less than understanding the calling of the Jew.

One approach is that the “*derech Hashem*” is the path that Hashem made for us. This is the perspective of a servant or worshipper who desires to follow G-d’s will – the *eved*.

A son, however, seeks to emulate his father. To G-d’s child, His path is the manner that Hashem Himself follows (as we perceive His actions).

A third perspective is that of the lover, who speaks of a path to his Beloved.

Three different perspectives on the concept of “*derech Hashem*,” each correct. Our relationship with the Almighty is multifaceted.

“*Yedid nefesh Av harachaman meshoch avdecha el retzonecha* – Soul’s Beloved, merciful Father, draw Your servant toward Your will.” In the span of these two phrases, we liken it to that between lover and beloved, child and father, and servant and master. The underlying unity of the three perspectives is beautifully captured in the way the three themes are woven throughout the poem.

By spending time each morning internalizing the ideal, and time each night measuring our actual standing and progress toward that

ideal, we can reach *chochmah*. We can acquire the motivation to make real change in our lives.

RABBI MICHA BERGER

Sefasai Tiftach

is heartsick with Your love. G-d, please heal her...” Unlike the servant, the beloved’s motivation comes first, and second we ask for Divine help. Just as the first stanza concludes discussing the love of the servant, the second stanza originally ended with the service of the one in love. “Then she [the soul] will become strong, and become healthy, and she will be for you an eternal maidservant.”

The “*Vasik*,” Elder, of the third stanza describes our perception of Hashem as our Father. We ask him to have compassion “*al ben ahuvecha* – on Your beloved son” who is described as anxiously waiting to see “*tiferes uzecha* – the splendor of Your might.” We plead for the messianic era in terms that bring to mind a young child who impatiently anticipates his father’s return from work. Rav Azikri closes the verse with “*Ana, Keili, machmad libi* – Please, my G-d, my heart’s Dear One.”

The complex and nuanced relationship is described in the first three stanzas. However, the key to a relationship is not its static existence but its constant evolution and progression. The fourth stanza asks Hashem, “*Higaleh na* – Please reveal Yourself.” We ask Him to “spread out the tent of Your peace,” to “make the land shine with Your honor.” This increase of revelation will then be mirrored in our reaction, “*nagilah venismecha bach* – we will rejoice and find happiness in You.” “Quickly, show Your love, for the time has come!”

Yedid Nefesh was written by Rav Elazar Azikri,¹ one of the kabbalists of Tzefas, in the 16th century CE. The poem contains four stanzas, each beginning with a letter from the tetragrammaton. Early manuscripts match the Sepharadi version. First is the use of the Biblical Hebrew suffix “*-cha*” instead of the Mishnaic “*-ach*”. Second, the final lines of each verse are slightly different. The original is more consistent in grammatical tense as well as flowing more smoothly thematically. Regardless of which *nusach* one *davens*, or which one sings at the Shabbos table, knowing the original text can help one understand Rav Elazar Azikri’s intent.

After the introductory phrase, the first stanza centers on the love of the servant-worshipper for his Master. “Draw Your servant to Your will, Your servant will run like a hart...” This is a progression. First we ask Hashem to initiate, to draw us to Him. Then we will run to Him. The original reads “*ki ye’erav lo yedidosecha*... – Because Your love is sweeter to Him than the drippings of the honeycomb or any taste.” The servant’s love and passionate pursuit of G-d’s will comes from knowing that He desires that love.

The second stanza is a counterpoint to the first. Here, G-d is “*Hadur, na’eh ziv ha’olam* – Splendorous, pleasant, sweetness of the world,” words one would express to one’s Beloved. “My soul

¹ Author of *Sefer Charedim*