

CHAPTER 1: MISHNA 1: PART 3

by Rabbi Shaya Karlinsky

Moshe received the Torah from Sinai and transmitted it to Yehoshua; Yehoshua to the Elders; the Elders to the Prophets; and the Prophets transmitted it to the Anshei Knesset HaGedolah (Members of the Great Assembly). They made three statements (taught three things): Be deliberate (patient and restrained) in judgment; establish a large cadre of disciples; and construct a boundary around the Torah.

We concluded last week with: "They said THREE things..." For in essence these three declarations encompass every facet of wisdom, being exhaustive in their scope, and are THE recipe to limit its deterioration.

The Maharal continues to explore the exhaustive nature of the three declarations made by the Anshei Knesset Hagedolah, in their quest to rectify the deterioration of wisdom and Torah within the Jewish people.

The Torah is composed of three types of laws: mishpatim (laws that are logical and which man can figure out for himself) chukim (laws that do not have any rational reason that is accessible to us), and mitzvot (laws that need to be revealed by G-d, but that we can then find reason for). The Anshei Knesset HaGedolah gave instructions that cover the range of Torah laws. "Be deliberate in judgement" refers to the rational laws, of which monetary judgements are the quintessential ones. Having many students improves the quality of the Torah study, facilitating our ability to better understand the reasons for the Mitzvot that we study. Creating fences around the Torah is especially important for the laws about which we lack any understanding. (Yes, the Midrash does tell us that it was the fact that reasons were given for certain laws that led Shlomo Hamelech to violate them with confidence that the reasons didn't apply to him. But the intention of the Maharal here is that the better we understand a law the less likely an added stringency may be to ensure that we faithfully adhere to the letter of the law.)

Many of the teachings of "mussar" come to us in threes, because the number three includes the point, the counterpoint, and the midpoint. (Thesis, antithesis, synthesis, if you will.) The Rabbis want to lead us to perfection by focusing on improving an element at one extreme, then on the opposite extreme, and finally focusing on perfect balance in the middle. (This is reminiscent of the Rambam's "golden mean" in "Shmoneh Prakim", his introduction to Pirkei Avot. The Maharal discusses the

importance of the center, balancing extremes, in many places. We saw it in the Introduction, and it will be expanded on a number of times.)

(I will add some perspective here, which is in anticipation of the coming Mishna. There were three Avot, fathers of the Jewish people: Avraham, Yitzchak and Yakov. Each one had a unique characteristic with which he endowed the Jewish people. Avraham is known to have been unique in the characteristic of "chesed," altruistic and unbounded giving; always giving and doing MORE than is required. Yitzchak had the opposite characteristic, "din" which is strict precision and structure, doing exactly what is required, with no deviation in any direction. Yakov was the balance of these two characteristics, "tiferet," glory, or "emet," the point of truth, which synthesised both chesed and din.)

Teaching us "Be diligent in judgement" relates to "din," the strict way that something is supposed to be. "Din" implies precise implementation, with no deviation or flexibility. (In monetary disputes, there is no room to be strict or lenient, since what is a stringency against one litigant is a leniency for the other. Precision is the only way it can work. If I owe \$100, it can't be right to have me pay \$95 or \$110., but only and exactly \$100.00. Yes, I am aware of the desire to prefer compromise. But that can only be done with the consensus of both parties, where in essence they are both forgoing "din.")

"Make a fence around the Torah" emanates from an opposite perspective, since you have done something that was not required by the Torah at all, BEYOND the call of duty.

(It should be noted that the Maharal is implying here that when we go beyond the letter of the law, this is supposed to emanate from the "chesed" perspective, the desire to give more than is required, rather than from the "din" perspective, which would imply the need to be structure and strict discipline. This last point needs elaboration, and I will look for an opportunity to do so. Or I can post a short article I wrote a number of months ago on the topic of "chumrot," stringencies in halacha, if there are enough requests that I do so. I can send it privately if there are only a couple of people who are interested.)

"Establishing many disciples" is not a logical imperative, as is "din." But it is also not completely voluntary and beyond the call of duty, as is "chesed." Rather, from within a Torah perspective it is required, to ensure proper clarification of the Torah, making it more than just a voluntary protection of the Torah. But it is not an imperative from the perspective of human logic, as is "din." So it lies between a logically compelling act and a purely voluntary one.

This pattern of three is also consistent with the division of the Torah into chukim, mishpatim, and mitzvot. Chukim and mishpatim stand at opposite ends of the spectrum, one with no apparent reason, and one with logically compelling reasons. Mitzvot are in the middle, not logically compelling from a human perspective, but understandable with insightful analysis once they have been revealed.

(An added word about "chesed." Nowadays, a "tzadik" is considered a higher level than a "chasid."

From an authentic torah perspective this is not correct. The root of the word "tzadik" is "tzedek" which implies doing what is right and required. The root of the word "chasid" is "chesed" which implies doing MORE than is required. A person who does all that is required of him is a tzadik. One who does even MORE than that can reach the level of a chasid. There are a few textual verifications of this in biblical sources, and numerous Rabbinic ones.)

The class is taught by Rabbi Shaya Karlinsky, Dean of Darche Noam Institutions, Yeshivat Darche Noam/Shapell's and Midreshet Rachel for Women.
