

NUMBER SEVEN

by Shlomo Katz

Parshas Mishpatim

Number Seven

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Today's Learning:
Eduyot 5:4-5
O.C. 66:0-67:1
Daf Yomi (Bavli): Nedarim 43
Daf Yomi (Yerushalmi): Chagigah 22

This week's parashah is the first that contains express mention of shemittah, specifically the verses (23:10-11), *"Six years shall you sow your land and gather in its produce. And in the seventh, you shall*

leave it untended and unharvested, and the destitute of your people shall eat, and the wildlife of the field shall eat what is left; so shall you do to your vineyard and your olive grove."

R' Yehuda Aryeh Leib Alter z"l (1847-1905; the Gerrer Rebbe) observes that there is an allusion to the theme of shemittah -- albeit not the law of shemittah -- at the very beginning of the parashah. We read (21:1), *"If you buy a Jewish slave, he shall work for six years; and in the seventh he shall go free, for no charge."* From a legal perspective, the seventh year referred to in this verse is unrelated to shemittah; rather, the slave works for six years after he was sold and then goes free. However, R' Alter teaches, there is a connection between the slave going free in his seventh year of servitude and the land resting every seven years. He explains:

Why does the law of the Jewish slave follow immediately after last week's parashah, which described the giving of the Torah? The answer is that receiving the Torah implanted within every single Jewish person the innate tendency to accept no master other than G-d. While a Jew can become a slave, that condition can exist only temporarily, for deep down, every Jew subjugates himself only to Hashem.

Kabbalists speak of parallelism between the Jewish soul and Eretz Yisrael. The Land also cannot be subjugated permanently to any being except G-d. This is a reason for the mitzvah of shemittah. Parallel to this, a Jewish slave goes free in the seventh year after his subjugation to man begins. (Sefat Emet 5660). [For more about "sevens," please see the Shemittah section below.]

"If a man shall act intentionally against his fellow to kill him with guile -- from My Altar shall you take him to die." (21:14)

Rashi explains: Even if the murderer is a kohen and we find him offering a sacrifice on the altar, we do not wait for him to finish before we execute his punishment.

R' Chaim Yosef David Azulai z"l (1727-1806; Eretz Yisrael and Italy) offers another explanation for this verse in the name of the "German Rabbis." He writes: According to halachah, one does not incur the death penalty for killing a treifah / a person who had a condition which would have killed him soon in any case. (Killing such a person is, of course, forbidden, but it is not a capital offense.) Thus, in theory, every murderer could avoid the death penalty by arguing, "Perhaps the person I killed was a treifah. Because of this doubt, you cannot execute me."

Our verse responds to this argument. An animal which is known to be a treifah may not be brought as a sacrifice. Yet, we do not check whether animals that are brought are or are not treifot (plural of treifah). In fact, some sacrifices must be burnt in their entirety and there isn't even an opportunity to examine them. Halachah permits us to assume that since most animals are not treifot, the animals brought as sacrifices also are not.

"From My Altar shall you take him to die" - from the altar, where we are permitted to bring sacrifices

without examining them, we learn that we assume that most living things are not treifot. Therefore, "You shall take [the murderer] to die." (Nachal Kedumim)

"When you lend money to My people, the poor person with you, do not act toward him as a creditor; do not lay interest upon him" (22:24)

R' Shlomo Algazi z"l (17th century) observes: This verse is teaching that when you lend money or give charity to a poor person, you are not doing only him a favor. "When you lend money to My people, the poor person with you" - you are doing a kindness for yourself as well. (Shaima Shlomo)

Rambam writes: There are eight levels of charity. The highest level is achieved by one who puts the poor person back on his own feet either through a gift, a loan, taking him as a partner, or finding him a job. The other levels, in descending order, are as follows:

- (2)** Giving charity in such a way that the giver and the recipient do not know each other (for example, by putting money in a pushka);
 - (3)** If the giver knows the recipient, but the recipient does not know the giver;
 - (4)** If the recipient knows the giver, but the giver does not know the recipient;
 - (5)** Putting money directly into the pauper's hand without being asked;
 - (6)** Giving a respectable donation after being asked;
 - (7)** Giving less than a respectable donation, but with a smile; and
 - (8)** Giving any amount with a frown. (Hil. Matnot Aniyim 10:7-14)
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"Moshe, Aharon, Nadav and Avihu and seventy of the elders of Yisrael ascended. They saw the G-d of Yisrael . . . Against the great men of Bnei Yisrael, He did not stretch out His hand - they gazed at G-d, and they ate and drank." (24:9-11)

Rashi z"l explains that the elders "looked" at the Shechinah without the proper reverence - indeed, while they ate and drank.

R' Akiva Sofer z"l (rabbi of Pressburg, Czechoslovakia; died 1960 in Yerushalayim) offers another explanation. He writes: Moshe was on the mountain for 40 days and nights, and he ate nothing the entire time. How was this possible? He became so attached to G-d that he was oblivious to any physical needs. Instead, the spiritual sustenance that his soul drew from his closeness to G-d was sufficient to sustain him.

In contrast, the elders achieved great closeness to G-d, yet they did not allow the experience to change them. They remained attached to their physical beings, and that was a sin. (The fact that they

sinned is implied in the words, "Against the great men of Bnei Yisrael, He did not stretch out His hand" - apparently, they were deserving of having His hand outstretched against them.) When a person has an opportunity to attain a higher spiritual level, and he lets the opportunity pass him by, he has sinned. (Da'at Sofer)

R' Ben Zion Rabinowitz shlita (the "Biala Rebbe") offers yet another explanation: Hashem commanded that no one but Moshe ascend to the top of Har Sinai. Most people were not permitted to even touch the mountain. Aharon was allowed to ascend part way, as were Nadav and Avihu and the elders, but each one only to his own level.

The very reason that Hashem established such boundaries was to teach that a person should not try to reach a higher spiritual level than he is prepared to attain at that moment. This is alluded to by Rashi in his comment on the verse (19:6), "You shall be to Me a kingdom of priests and a holy nation; these are the words that you shall speak to Bnei Yisrael." Rashi comments: "These are the words - no more and no less." The "no more" part of this statement means that a Jew should not attempt to attain more spiritually than he is ready for, writes R' Rabinowitz.

The elders did not understand this. "They gazed at G-d, and they ate and drank." Instead of "gazing" with proper reverence, they did so lightly, as if they were eating and drinking. This improper attitude resulted from their not preparing themselves for the experience.

In contrast, when Moshe first gazed at the Shechinah, it says (Shmot 3:6), "Moshe hid his face, for he was afraid to gaze towards G-d." (Mevaser Tov: Sha'arei Avodat Hashem pp. 10 & 60)

Shemittah

R' David ben Shmuel Hakochavi z"l (Spain and France; 13th-14th centuries) writes: The idea of shemittah and yovel, it seems to me, is to strengthen belief in Creation. This is the idea, as well, of the sanctity of the seventh day (Shabbat), the day following the Seven Weeks (Shavuot) and the seventh month (Tishrei, which includes Rosh Hashanah, the Days of Repentance, Yom Kippur and Sukkot).

How so?

Rambam z"l writes that the number seven recurs frequently in nature [see Moreh Nevochim / Guide to the Perplexed III, ch.43 and commentaries there]. He writes further that the Torah elevates nature, which is inherently incapable of elevating itself, as it has no intelligence. R' Hakochavi explains further that when Bnei Yisrael left Egypt, they were plagued by heretical beliefs in the power of nature which prevented them from receiving the Torah immediately. [One of the purposes of the Ten Plagues was to convince both the Egyptians and Bnei Yisrael of G-d's supremacy over the forces of nature.] Until Bnei Yisrael had been cleansed of their prior heretical beliefs for seven weeks and replaced those beliefs with strong faith in G-d as the All Powerful Creator, they could not

receive the Torah.

As for letting the land rest in the seventh year, this directly parallels the observance of Shabbat, which itself testifies to Creation. Just as a believer does not work on one day out of seven, instead trusting in Hashem to sustain him, so he does not work (the land) during one year out of seven. (R' Hakochavi adds parenthetically that this is a purpose of shemittah in addition to the benefit to the land from resting and rejuvenating itself.)

Also, R' Hakochavi writes, the number 49 (7x7) had significance to ancient magicians. To counteract any belief in their powers, we count 49 days and then observe Shavuot, and we count 49 years and then observe yovel. This confirms that all power belongs to G-d. (Sefer Ha'batim - Migdal David: Sefer Mitzvah, No.130)

The editors hope these brief 'snippets' will engender further study and discussion of Torah topics ('lehagdil Torah u'leha'adirah'), and your letters are appreciated. Web archives at **Torah.org** start with 5758 (1997) and may be retrieved from the Hamaayan page.

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