



Volume 5. Issue 26

## Speaking

With all the learning about the legal implications of speech in the context of *erech*-vows, it is not surprising that the *Mishnah* turns our attention to the devastating power of speech in general. Despite the comments almost appearing reflective on an apparently tangential topic, its wisdom and appropriateness to this *Masechet* is clear.

The third *perek* discusses a number of laws where the *Torah* outlines the fixed redemptive value or components of compensation. Doing so it compares these laws to similar ones where the price is determined by its real value. Consequently the fixed values attributed to these laws, are sometimes more or less, stricter or more lenient, when compared to the real values.

Of the last two listed the first is the fine given to a person guilty of rape or seduction as part of his overall punishment and compensation. The second is the fine given (as part of the overall punishment) to the *motzi shem ra*, a man who falsely accuses his wife of adultery when she was engaged to him, bringing false witnesses in support. In the first case the guilty party has committed a crime by performing an action, while in the latter, the person's crime is his spoken word. It is therefore noteworthy that the fine for the first case is fifty shekel while the second is one-hundred shekel.

*Rashi* explains that the above contrast led the *Mishnah* (3:5) to comment as follows:

We find that someone who speaks [wrongly] is [punished] more than someone who acts [wrongly].

The *Mishnah* then continues:

For we find that the judgement was only sealed for our fathers in the desert [forbidding them from entering *Eretz Yisrael*] due to *lashon ha'rah*, as it states, "They tested me, this (*ze*), ten times and did not listen to my voice."<sup>1</sup>

There are two versions of the above *Mishnah* that differ in how they connect the two above quoted sections. One is the way it is written above, where the *Mishnah* writes "For we find..." (*sh'chen*). The implications being that the punishment due to the incident of the spies further illustrates the point. Another version found in the *Gemara* reads, "And we find" (*v'chen*) which applies that a further point is being made over-and-above the already stated.

The *Sfat Emet* explains that indeed more is learnt from the case of the Spies. We find that one that simply listens to *lashon ha'rah* is also treated very harshly. By the sin of the spies, it was only the spies that actually spoke *lashon ha'rah* (about *Eretz Yisrael*). The rest only accepted what they said. Nevertheless all were punished.

But why is the spoken word treated so harshly. Perhaps we can suggest some contributing factors. In this week's *parasha*, the *Torah* describes the creation of man, "And *Hashem* formed man from the dust of the ground, and He blew into his nostrils; and man became a living being (*nefesh chaya*)" (*Bereishit* 2:7). *Onkelos* translates *nefesh chaya* to mean a "speaking spirit". Consequently *Rashi* explains that Man's intelligence and power of speech are unique and separates him from the beast. It is not just that with this great power comes great responsibility, but also great accountability. It is far more than just a shame when these two capacities, intelligence and speech are not used in tandem. The *Chafetz Chaim* explains further from this *pasuk* that speech itself stems from a person's *nefesh chaya*; it is rooted deeply within a person. Consequently we can understand how severe it is when harm is committed from such a source.

A final understanding can come from *Rabbeinu Yona*. *R' Yishmael* teaches that one who speaks *lashon ha'rah*, his sins increase to be equivalent to the three major sins for which one is to give up their life rather than transgress (*Erchin* 15b). *Rabbeinu Yona* takes this quite literally explaining exactly why *lashon ha'rah* is so severe. Firstly one who speaks *lashon ha'rah* is likely offend repeatedly on a daily basis amassing large amounts of sin. This frequency also makes *teshuva* extremely difficult as such speech become almost innate. *Teshuva* is further complicated as the speaker is rarely aware of the extent of the damage done or the seriousness of his crime. Further difficulties arise as *teshuva* demands that one ask forgiveness from the person they hurt. One will likely loose track of those he affected. Regardless, *lashon ha'rah* spreads out of control very often affecting generations to come preventing any real resolution. Finally, as *Rabbeinu Yona* quotes the *pasuk* from our *Mishnah*, he explains that one who speaks *lashon ha'rah* very often turn his attention to *Hashem* – the consequences of which are grave indeed.

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<sup>1</sup> While one may be tempted to reject this proof claiming that the sin of the twelve-spies might have simply been "the last straw", the *Gemara* as

explained by *Rashi* explains that the superfluous word "*ze*" implies that it was for this sin alone that the judgement was decreed.

**Revision Questions**

ערכין ב'ג' – ה' א':

- What was the range between how many times the *shofar* was blown each day in the *Beit Ha'Mikdash*? Explain. (ב'ג: גי)
- What was the range of how many lyres were played by the *levi'im*? (ב'ג: גי)
- When was the flute played in the *Beit Ha'Mikdash*? (ב'ג: גי)
- How many flutes were there? What were they made of? And who played them? (Include all three opinions.) (ב'ג: גי-ד')
- At least how many sheep (inspected for blemishes) had to be in the specially allocated storeroom and why? (ב'ה: גי)
- In the *Beit Ha'Mikdash* what was the minimum and maximum number of:
  - Trumpets?
  - Harps?
  - Cymbals? (ב'ה: גי)
  - *Levi'im* in the choir? (ב'ג: גי)
- How could the young *levi'im* contribute in the *Beit Ha'Mikdash*? (ב'ג: גי)
- Describe how in there is both an leniency and stringency in the following legal categories:
  - *Erchin* as apposed to *Nedarim*. (ב'א: גי)
  - *Sde Achuza* as apposed to *Sde Mikneh*. (Include both opinions) (ב'ג: גי)
  - *A Shor Mu'ad* that killed an *eved* as apposed to another person. (ב'ג: גי)
  - *Ones U'Mefateh*. (ב'ד: גי)
  - *Motzi Shem Ra'ah*. (ב'ה: גי)
- What example is brought to demonstrate that the punishment for the spoken word is greater than a physical act? (ב'ה: גי)
- How is an *erech-vow* ordinarily calculated both in terms of value and timing? (ב'א: גי)
- What is the case of *heseg-yad* and how is the value determined? (ב'א: גי)
- In what way is the calculation of an *erech-vow* different to one that vowed to bring a *korban* obligated to be brought by another (a *metzarah*)? (ב'ב: גי)
- About which case is there a debate about *heseg yad* for one whose financial status changed in between the time of making an *erech-vow* and fulfilling it? (ב'ב: גי)
- What is the law in the other cases? (ב'ב: גי)
- How does the law in the previous question differ compared to the law of *heseg yad* by *korbanot*? (ב'ג: גי)
- What is the law if someone made an *erech-vow* and the subjects age then changed before it was fulfilled, placing the subject in a different age bracket? (ב'ג: גי)
- What age bracket does an exactly twenty year old fit into: 5-20 or 20-60? (ב'ג: גי)
- What is the objection to the ruling in the previous question and based on what is the ruling confirmed? (ב'ג: גי)
- What is the law if the person vows to volunteer his “weight” to the *Beit Ha'Mikdash*? (ב'ה: גי)
- If a person volunteers to donate the weight of his hand how is it determined? (Provide both opinions. (ב'ה: גי)

**Local Shiurim**

**Sunday -Thursday**  
Between mincha & ma'ariv  
Mizrachi Shul

**Friday & Shabbat**  
10 minutes before mincha  
Mizrachi Shul

**Quick Thought...**

**Just Sing a Little**

The *Tosfot* question the long-winded language of the first *Mishnah* in the fourth *perek* suggesting different ways in which it could have been condensed. They leave this question open.

The *Tifferet Yisrael* answers (based on the *Gemara Beitzah* 24a) that *Mishnayot* should be learnt with a tune, and a unique tune given to each *Mishnah*.

He understands that tunes were given in order to assist in memorising the *Mishnayot*. So important was this tool that the that sometimes *Mishnayot* appear wordy or even lacking. The *Gemara* often corrects the overly brief *Mishnah* by bringing contradicting texts if it was misunderstood in its brief sense. Nonetheless, the *Tifferet Yisrael* maintains that it was done so because of the importance of committing it to memory – for fitting the tune.

(Compare to *Yair Kino, Kinim* 1:3)

**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
26 <sup>th</sup> October כ"ז תשרי	27 <sup>th</sup> October כ"ח תשרי	28 <sup>th</sup> October כ"ט תשרי	29 <sup>th</sup> October ל' תשרי	30 <sup>th</sup> October א' חשוון	31 <sup>st</sup> October ב' חשוון	1 <sup>st</sup> November ג' חשוון
Erchin 5:2-3	Erchin 5:4-5	Erchin 5:6-6:1	Erchin 6:2-3	Erchin 6:4-5	Erchin 7:1-2	Erchin 7:3-4

