



# MISHNAS CHAYIM

# משנת חיים

## MISHNAH ON THE PARSHAH

### פרשת קדושים תשס"ח • Parshas Kedoshim 5768

#### A WORD ABOUT TRUTHFULNESS

##### HIN OR HEIN

What's a word worth these days? All too often, people say things like, "Sure, I'll take care of it," or, "I'll call you later," without the slightest intention of actually doing so. The classic credo of "A word is a word!" seems somehow to have lost its prestige. In the eyes of the Torah, however, words are not to be taken lightly, as evidenced by the teachings of *Chazal*.

In this week's *parshah*, the Torah discusses the weights and measures used by a storekeeper when apportioning goods to his customers. The *possuk* (*Vayikra 19:36*) states:

מֵאֲנֵי צֶדֶק אֲבֵי צֶדֶק אֵיפֹת צֶדֶק וְהִין צֶדֶק וְהֵיָה לָכֶם:

"You must use just scales, just weights, a just *eifah* (vessel used to measure a certain volume), and a just *hin* (another volume-measuring vessel, smaller than an *eifah*) when conducting business."

On the surface of it, the entire *possuk* is exhorting the proprietor to refrain from cheating his customers. Lest he think he can skimp a little on his apportionments (thereby saving a few pennies by conserving his inventory), the Torah requires the storekeeper to use only precise measuring instruments.

The Gemara (*Bava Metzia 49a*) wonders why it is necessary for the Torah to include a specific injunction to use a just '*hin*' measurement; after all, it already required a just '*eifah*', which would seemingly include the smaller '*hin*'. In response to this question, the Gemara explains that the verse is actually referring to something else entirely: speech. There is a word in *Lashon Kodesh* which is very similar to the term 'הֵיָה' used here: 'הֵן', which means 'Yes'. According to *Chazal*, the *possuk* is telling us to use a '*hein tzedek*', meaning that one's 'Yeses' should be just and precise. When you tell someone, "Yes, I'll do it," it should

actually mean, "Yes, I'll do it," and not, "Kindly get off my back."

##### BACKING OUT AND MI SHEPARA

The severity of keeping one's word is displayed in the Mishnah in *Bava Metzia*, which discusses the laws of *kinyanim* (acquisitions). The Mishnah states that the buyer must perform *meshichah* (physical dragging) on a purchased item in order for the sale to be finalized. The mere transfer of funds is insufficient to complete the transaction.

Let us say, for example, that Reuven is selling his banana to Shimon. Agreeing to the asking price of twenty-five cents, Shimon hands Reuven the money. The latter's eyes light up at the prospect of this cash infusion. Suddenly, however, Shimon changes his mind. "I wasn't really hungry, anyway," he explains to a deflated Reuven.

Technically speaking, Reuven has no legal recourse. Even though the money was transferred, Shimon had not yet actually handled the banana. The sale had not been completed, and Reuven must return the money to Shimon.

However, Shimon is by no means 'in the clear'. As a result of breaking his commitment, he is subject to the grave curse that *Chazal* placed upon people like him, as recorded in the Mishnah (*ibid. 4:2*):

אָמְרוּ, מִי שֶׁפָּרַע מֵאֲנָשֵׁי דוֹר הַמְּבוּל, הוּא עֲתִיד לְהִפָּרַע מִמֵּי שְׁאִינֹו עוֹמֵד בְּדַבּוּר.

"They proclaimed: 'He Who exacted punishment on the generation of the flood, shall bring retribution upon one who does not keep his word.'"

The question arises: Many wicked people were punished over the course of history. Why are the sinners of the time of the flood specifically singled out as icons of punishment? What connection is there between those people and someone like Shimon who doesn't follow through with a business commitment?

Dedicated in loving memory of Shmuel ben Koppel Dov and Tzivia Orlen ע"ה, by Sylvia Orlen, Brooklyn, New York נפטר י"ט ניסן תשס"ח

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### TOO SMART FOR HIS OWN GOOD

R' Heschel of Krakow (*Chanukas HaTorah*), known for his intricate teachings, explains the connection by analyzing Shimon's thought processes:

Backing out of a deal is a violation of the 'he'in tzedek' directive, which compels a person to keep his word. How could Shimon rationalize such an action? Wasn't he aware of *Chazal's derashah*?

Apparently, Shimon felt that he was a greater 'chochom' than *Chazal* (which is a huge problem in and of itself, but the topic of a different discussion). Let us remind ourselves that *Chazal* arrived at their explanation because of the apparent redundancy of the instruction to use a 'hin tzedek' when measuring. Since 'hin tzedek' appeared to be extra in light of the directive to use a just 'eifah', *Chazal* understood the Torah's injunction to be referring to speech: 'he'in tzedek'.

Shimon, on the other hand, felt that he pre-empted the need for any novel rendering of the *possuk*. Shimon understood the entire verse as referring to measuring, for he perceived a need for a directive concerning a just *hin*, despite the previous mention of a just *eifah*. His reasoning? The *hin* is smaller than the *eifah*. Had the Torah warned only about using a just *eifah*, one could erroneously assume that it is unnecessary to be careful with the smaller *hin* measurement; due to its small size, any imprecision would be inconsequential. Therefore, Shimon concluded in his analysis, the Torah had to specifically warn against cheating even on the *hin* measurement in order to preclude such a misconception.

The upshot of Shimon's 'ingenuous' analysis is that the phrase 'hin tzedek' was *not* extraneous. Hence, it could not be used for the *derashah* of 'he'in tzedek', in which case-- wonder of wonders--you can break your commitments with impunity!

Alas, Shimon should have known that you can't outsmart *Chazal*. Shimon was employing the phrase 'hin tzedek' to prohibit even miniscule financial impropriety. However, the joke is on him, because that lesson can be gleaned from elsewhere: namely, the generation of the flood.

The Torah (*Bereishis 6:13*) states that that generation warranted destruction on account of the sin of stealing. The *Yerushalmi* (4:2) explains that they perpetrated their crimes in a particularly wily manner: They would deliberately pilfer tiny amounts which were too small to warrant prosecution. By repeatedly engaging in this practice, the wicked people would eventually rob their victims of everything. They got away with it, too; that is, until they were obliterated.


Shimon's mistake was that he should have learned his 'lesson' from the generation of the flood. Had he done so, he would have recognized the redundancy of the phrase 'hin tzedek,' and would have reached the same conclusion as *Chazal*: the commandment requires us to speak with a 'he'in tzedek'. How appropriate, therefore, that Shimon's retribution for renegeing on his word should come from 'the One Who punished the generation of the flood'. Had Shimon been paying attention to them, he never would have gotten himself into this mess.

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