

# MESHECH CHOCHMAH

## Parshas Kedoshim

### – False Oaths and Chillul Hashem: From Plural to Singular –

וְלֹא תִשָּׁבְעוּ בִשְׁמִי לְשָׁקֵר וְחִלַּלְתָּ אֶת שֵׁם אֱלֹהֶיךָ

*You shall not swear falsely by My Name, thereby desecrating the Name of your God (19:12)*

The connection between the two concepts mentioned in our pasuk is quite clear, a false oath in made in Hashem's Name is a desecration of that Name. It is interesting to note, however, that while the pasuk opens by referring to the false oath in the plural form (אֵל תִּשָּׁבְעוּ) it then proceeds to refer to the desecration of Hashem's Name in the singular form (וְחִלַּלְתָּ). The Meshech Chochmah provides three explanations for this shift.

#### FIRST APPROACH: PAST AND FUTURE OATHS

A false oath that a person makes regarding an event can take one of two forms:

- ▶ An oath regarding the past – for example, if he swears that he ate something while in fact he did not.
- ▶ An oath regarding the future – for example, if he swears that he will eat something and then does not do so.<sup>1</sup>

Of these two possibilities, it is only the first oath which is false at the time that he swears, for in the second case, at the time he swear that he will eat it is entirely possible that it is his intention to do so. Indeed, Rashi<sup>2</sup> states that, for this reason, only one who has taken the first type of false oath is thereby disqualified from acting as a witness in a *beis din*.

Therefore, the pasuk phrases the prohibition against taking a false oath in the plural, reflecting the fact that there are two types of false oath. However, with regards to the desecration of Hashem's Name, the pasuk then shifts to the singular, since only one of those two types of oaths entails that desecration.

<sup>1</sup> See Ramban, Hilchos Shevuos 1:3.

<sup>2</sup> Shevuos 46b s.v. *shevuas*.

### **SECOND APPROACH: OATHS IN MONETARY DISPUTES – ARE TWO BETTER THAN ONE?**

The Gemara<sup>3</sup> records the view of Ben Nanas that in the event that a monetary dispute needs to be settled by means of an oath, only one side should be chosen to take the oath; for if both sides swear, then we are certainly witness to someone taking a false oath.

It is possible to see an allusion to this opinion in our pasuk, which phrases the prohibition against taking a false oath in the plural, i.e. where two people are called upon to take opposing oaths. In this case, between them they will have taken a false oath, which will certainly lead to one of them desecrating Hashem's Name.

### **THIRD APPROACH: CHILLUL HASHEM DEPENDS ON THE PERSON**

While prohibitions apply equally to all people, the consequences of violating those prohibitions will depend on the person; for the more prestigious the personality, the greater will be the chillul Hashem resulting from his misdeeds.<sup>4</sup> Therefore, the prohibition against taking a false oath is stated in the plural – as the same prohibition is directed towards everyone; while the result of desecrating Hashem's Name is phrased in the singular, indicating that this is something whose measure can vary depending on the person involved.

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## **Lifnei Iver**

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וְלִפְנֵי עֵוֶר לֹא תִתֵּן מִכְשֵׁל

*Do not place a stumbling block in front of a blind man (19:14)*

### **LITERAL, CONCEPTUAL OR BOTH?**

Although a literal reading of this pasuk would seem to imply that the Torah is forbidding placing an actual stumbling block in the path of one who cannot see, Chazal explain the "stumbling block" in more conceptual terms:

- ▶ Offering someone advice that is harmful for them<sup>5</sup>
- ▶ Giving someone the wherewithal to commit an aveirah, such as *ever min hachai* to a gentile, or a cup of wine to a *nazir*.<sup>6</sup>

Indeed, Rashi<sup>7</sup> states that it was specifically the Cutim, who reject the Oral Law, who insist on translating the pasuk literally. Therefore, the halachah states that whereas if a Cuti slaughters an animal for his own consumption, one may parake of the meat, since the

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3 Ibid. 45a.

4 See Yoma 86a.

5 Toras Kohanim to our pasuk (cited by Rashi).

6 Pesachim ??

7 Chulin 3a s.v. *va'afilu*.

Cuti is punctilious in the laws of *shechitah*, nevertheless, one may not partake of meat from an animal that the Cuti slaughtered for someone else, since Cutim do not subscribe to the interpretation of our pasuk whereby the Torah prohibits causing another person to sin.

The Meshech Chochmah states that, in truth, the literal meaning is also *part of* the prohibition. The objectionable position of the Cutim is in that they insist on explaining the pasuk *only* in terms of its literal meaning, rejecting the additional interpretations of Chazal.

This understanding is borne out by the Gemara's discussion<sup>8</sup> regarding a pit in the public thoroughfare that is "co-owned," which is mentioned in the Mishnah. How does one pit come to be the joint responsibility of two people? Surely it should be the sole responsibility of the one who digs it! The Gemara suggests that perhaps the case is one where two people appoint a shaliach (agent) to dig the pit for them. However, the Gemara rejects this suggestion, for in such a case we invoke the idea that "there is no concept of appointing an agent to violate an aveirah" (אין שליח לדבר עבירה), in which case the responsibility would lie with the agent who dug the pit, not with the partners who contracted him to do so!

The Gemara has clearly stated that digging a pit in the public thoroughfare constitutes an aveira. However, it did not specify which aveirah this entails. The answer, says Meshech Chochmah, is in our pasuk which forbids placing a stumbling block in front of a blind man. Since a person walking in the public thoroughfare is unaware that there is a pit there, he is effectively "blind" with respect to that pit.<sup>9</sup>

Since this prohibition has numerous and varied applications, it is in the category of *lav shebichlalos* – a "general" prohibition, the violation of which does not carry the penalty of malkus, as outlined by the Rambam in his Sefer Hamitzvos.<sup>10</sup>

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8 Bava Kama 51a.

9 With this interpretation, the Meshech Chochmah takes issue with the Mishneh Lemelech (hilchos rotzeach 2:2), who holds that the prohibition against digging a pit in the public thoroughfare is derabbanan (rabbinic) only. Based on this analysis, the Mishneh Lemelech derives from the Gemara's objection that the principle that "there is no concept of agency when appointing one to violate an aveirah" applies also to aveiros that are derabbanan.

As Rav Copperman points out in his commentary, the interpretation of our pasuk as including a prohibition against causing physical damage can be found in the commentary Yad Ramah (Rabbeinu Meir Abulafia) to Bava Basra 26a. It is worthwhile noting that there is a certain element of chiddush in this interpretation, since the pasuk states that one may not placing a stumbling block "in front of a blind man," while the prohibition against digging a pit in the public thoroughfare exists even if there is no-one currently traversing there.

10 Shores 9.