

## Insights from the Meshech Chochma

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עם אֲשֶׁר תִּמְצָא אֶת אֱלֹהֶיךָ לֹא יִחְיֶה... (פרק לא' לב)

(Yaakov tells Lavan with regards to his "missing" תִּרְפִּים:) *"With whomever you find your gods, he shall not live..."*

Rashi, based on Midrash, tells us that once Yaakov spoke these words, "It was from that curse that Rachel died on the road." Rabbeinu Bachya adds, "...from here we also learn that a person must be very careful not to cause a righteous person to curse him."

The question arises: Why did Yaakov pronounce such a severe punishment, a death sentence- תִּרְפִּים to the one who is found with the תִּרְפִּים?

Sforno, among others, understands our pasuk as follows: "Yaakov thought that one of his servants must have stolen the תִּרְפִּים to worship them as he had been in the habit of doing before becoming part of Yaakov's household, which would condemn him to death." Rav Pelcovitz elaborates: "The servants in Yaakov's household would not have been permitted to accompany him to Eretz Yisrael unless they had rejected idolatry, thereby qualifying as גֵּרֵי תוֹשָׁב, non-Jews who agree to observe the seven Noachide laws and are *permitted to dwell in our midst*. However, if such a person lapsed back into idolatry, the laws regarding idolaters apply, and he is now punishable by death for the transgression of stealing." So that the punishment is based on Halacha, as Rambam tells us: "A Noachide is liable (and put to death) for violating the prohibition against theft whether he stole from another gentile or from a Jew." Rav Meir Simcha agrees with this approach and as he puts it, ואינו קללה כלל-בן נראה לפי הפשט.

Rav Meir Simcha though is still bothered by the straightforward understanding of Yaakov's words i.e., for לא יִחְיֶה to come about, Lavan had to expose the thief. He therefore leans on Rashi's explanation, along with Rabbeinu Bachya's addendum, that in fact Yaakov was announcing a curse on the robber, even if he/she was not found. Where do we see that a קללה from a צדיק has "teeth" even if the conditions are not fulfilled? בְּדַרְכּוֹ בְּקִדְשׁ, Rav Meir Simcha refers us to a remote תּוֹרָה שֶׁבְּכֶתֶב תּוֹרָה שֶׁבְּעַל פִּה to help clarify our enigmatic תּוֹרָה שֶׁבְּכֶתֶב. Rav Yehuda in מכות יא: discusses the subject of תנאי i.e., a person placed in a ban (generally involving disrespect for the Torah and its Sages, causing people to become lax in their observance of mitzvos and causing the Halacha to fall into disrepute) is ostracized by the community in a variety of ways, and he must conduct himself as if he were in the seven days of mourning. If this ban was imposed conditionally, even if the condition has not been met, it must be treated as if it is in force and must be formally nullified. "From where do we derive this? From Yehuda, as it is written, when he requested from his father to allow the brothers to take Binyamin to Egypt: וְאִם לֹא הֵבִיאֲתִיו אֵלַיךְ... וְחָטְאתִי לָךְ כֹּל הַיָּמִים /If I do not bring him to you...I would

*have sinned to you for all days, i.e., if I fail to bring Binyamin back to you, I will be banned for all times, both in this world and in the next.”* Although Yehuda accepted the ban *only* if he did not return his brother, the ban nevertheless took effect, as the Gemara so poignantly continues: “R’ Shmuel bar Nachmani said in the name of Rabbi Yonasan: ‘What is the meaning of that which is written in Moshe’s blessings to the Jewish people, *וְיָחִי רְאוּבֵן וְאֵל יָמֹת*, *May Reuven live and not die*, and why is it juxtaposed with *וְזֹאת לַיהוּדָה*/this for Judah?’ He answers that the entire forty years that *כָּלֵל יִשְׁרָאֵל* was in the desert, Yehuda’s bones were rattling in his coffin (because the ostracism that he declared upon himself remained in effect), until Moshe entreated Hashem to have mercy upon Yehuda. He said to Him: ‘Master of the Universe, who caused Reuven to confess his sin with Bilhah? It was Yehuda’s confession to his sin with Tamar which led Reuven to confess his own sin.’” Moshe’s point was *וְזֹאת לַיהוּדָה* i.e., is it fitting that Yehuda’s bones should continue to rattle when he was responsible for Reuven’s restoration to the good graces of his father, thereby causing Reuven’s bones to rest in peace? *קוֹל יְהוּדָה ה’ שָׁמַע* *Hear Hashem, the voice of Yehuda* and allow his bones to rest once again. The Gemara tells us that when Moshe completed his plea, Yehuda’s limbs entered their joints.

The Gemara continues: “The Heavenly Court still would not allow him to enter the Heavenly Academy. Moshe continued: *וְאֵל עִמּוֹ תְּבִיאֵנוּ* *And bring him to his people* so that he may join the other righteous people in Heaven. That request was also granted, but Yehuda did not know how to debate about the Law with the Sages in the Heavenly Academy. Moshe continued: *וְיָדָיו לֹא יִרְבּוּ* *May his hands contend for him* i.e., may he be able to engage in the debate of Torah study.’ That request was also granted, but Yehuda did not know how to resolve any difficulty that the other Sages raised against his opinion until Moshe prayed: *וְיַעֲזֵר מִצָּרָיו תְּהִיָּה* *You shall be a help against (Yehuda’s) adversaries* to find the proper counter arguments.” We see from this explanation of Moshe’s prayers that although Yehuda proclaimed his *נידוי* only if he should not bring Binyamin back to his father-and in fact he did bring him back-he was nevertheless under the ban until Moshe prayed that it be nullified. Similar to *נידוי על תנאי*, a *קללת חכם על תנאי* would take effect even if the conditions were not met; so that Rachel’s fate was sealed even though Lavan never found his *תּוֹרְפִים*!

(Rav Meir Simcha concludes his piece by telling us to look at Tosfos on *אפילו* which “softens the blow” of the *נידוי על תנאי*. Tosafos explains that a conditional ban takes effect only in a case such as Yehuda’s, where he could not be certain that he would be able to fulfill his promise (because Yosef might detain Binyamin, or an accident might befall them on the way back). However, if a ban is placed on a person to take effect only if he commits a certain act, it does *not* take effect unless he performs that forbidden act.)

לזכר נשמת אבי מורי ישראל מנחם בן ר' שלום ז"ל  
לזכר נשמת אמי מורתי רחל בת ר' אלחנן אביגדר ע"ה  
לזכר נשמת חמי מורי יעקב נתן בן ר' ישראל שלמה ז"ל  
ולזכר נשמת הרב יהודה בן ר' אברהם שמחה (קופרמן) זצ"ל  
מחבר הגהות על ספר משך חכמה