

Insights from the Meshech Chochma

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פְּרָשַׁת רְאֵה תִּשָּׁפ"ו

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לא תִשְׁמַע אֶל דְּבַר הַנָּבִיא הַהוּא אוֹ אֶל חֹלֶם הַחֲלוֹם הַהוּא כִּי מִנְסָה ה' אֱלֹהֵיכֶם אֶתְכֶם... (פרק יג' ד)
Moshe tells the people: *"Do not hearken to the words of that prophet or a dreamer of a dream, for Hashem, your G-d, is testing you..."*

Our pasuk is among those which discuss the fate of a prophet who claims to have been sent by Hashem to advocate any form of idolatry. Even if he was previously established as a true prophet and later used his reputation to claim that Hashem wants the people to worship an idol, he *...shall be put to death*.

Throughout the Talmud חז"ל use a well-known principle, חֲזָקָה i.e., the presumption that the status quo remains unchanged until proven otherwise, to help decide uncertainties. What is the Torah-source for this?

Rav Meir Simcha points to a Tosefta in יג' ב' which may be one: "An (accidental) murderer may not leave עִיר מִקְלָט, his city of refuge, as he must presume that the Kohen Gadol is still alive." Background: The עִיר מִקְלָט provides protection for a murderer from the victim's family, the גֹּאֵל הַדָּם, while the Kohen Gadol is alive. Should he leave the city during this time, he is fair game for retribution by the family. Once the Kohen Gadol passes away, the murderer may leave the city and the גֹּאֵל הַדָּם may no longer take revenge and be exonerated. But even if the murderer leaves the עִיר מִקְלָט while the Kohen Gadol is alive, how can the גֹּאֵל הַדָּם kill him, perhaps in the meantime the Kohen Gadol died? The Tosefta answers that *we rely on the חֲזָקָה* that the Kohen Gadol is still alive until proven otherwise.

Rav Meir Simcha's next focus is on a cryptic exegesis by the Sifrei on אֶל חֹלֶם הַחֲלוֹם הַהוּא וְאֶל חֹשֵׁד לְמַפְרֵעַ. The GRA explains that this refers to a prophet who has been acknowledged as a true one but later prophesizes in Hashem's Name to serve idols, he is declared a false prophet with all its ramifications. This, in fact, is how R' Akiva, quoted earlier in this Sifrei, understands our pasuk and tells us that חֲנִנְיָהּ בֶּן עֲזַרְיָה, a prophet in the time of Yirmiyahu, was just such a "turncoat." What about prophecies the prophet uttered up till he became a false one? לֹא חֹשֵׁד לְמַפְרֵעַ i.e., they remain intact until the time that he was declared a נָבִיא שֶׁקֶר. This then is a clear usage of the חֲזָקָה principle. But even more so-in the case of the עִיר מִקְלָט, there is no reason to believe the Kohen Gadol is *not* alive i.e., there is no רִיעוּתָא in his חֲזָקָה. In the case of the נָבִיא שֶׁקֶר, we know that he is not the same anymore-he turned coats. A clear רִיעוּתָא. Furthermore, לֹא חֹשֵׁד לְמַפְרֵעַ would even apply to earlier prophecies that went against a Torah law e.g., Eliyahu HaNavi bringing ritual sacrifices outside of the Beis HaMikdash on Har Carmel. Our Sifrei's exegesis, as per the GRA, is therefore a much stronger example of the power of a חֲזָקָה-even against רִיעוּתָא's-and so Rav Meir Simcha is very bothered-עיון- as he puts it-as to why it is not considered the source for this principle?

Rav Meir Simcha continues: In חולין י: the Gemara also attempts to find a Torah-source for חֲזָקָה. R' Yochanan proposes that the procedure for confirming a house-wall discoloration as *tzaraas* might be one. When a Kohen is notified that a house-wall has changed color, he must check to see whether it is a true color of *tzaraas* and if it is large enough to be so classified. If it satisfies both criteria, he leaves the house, shuts the door, and closes off the house for a period of seven days. The question must be asked: Even if while he was in the house, he saw an affliction that was the requisite size, he cannot keep it in sight as he is leaving the house. How can he ever know for sure, then, that the affliction did not shrink by the time he shut the door? Evidently, the Kohen relies on חֲזָקָה; he assumes that the affliction did not get any smaller since he last saw it. So that this law, concerning house-*tzaraas*, may be the source for the principle of חֲזָקָה. R' Acha bar Yaakov challenges: "Perhaps the case is where the Kohen walked out of the house backwards and never lost sight of the affliction? When he closes the house, he relies on what he sees and not on the חֲזָקָה?" Abaye and Rava continue with a series of "back and forth" but the Gemara concludes that R' Acha bar Yaakov's challenge is upheld; the house-*tzaraas* laws cannot serve as a source for the חֲזָקָה principle. "Perhaps," says Rav Meir Simcha, "R' Acha bar Yaakov will learn the rule from our Sifrei's exegesis i.e., וְלֹא חֲשׂוֹד לְמַפְרָע."

He continues with several homework assignments. First, to "look at" the opinion of the Turei Even a.k.a. the Sha'agas Aryeh, with regards to a particular case where the סִפֵּק challenges the חֲזָקָה of a person and that this Sifrei may pose a problem for him. Next, to "look at" Tosafos in חולין י: who tells us that the חֲזָקָה of the house-*tzaraas* would work even if there is a רִיעוּתָא i.e., when the Kohen returned to the house, he found that the affliction on the wall shrunk. People that entered the house during the week are still טָמֵא and our Sifrei may be in line with Tosafos. (Both of these are too complicated for me to expound on. They require much more extensive study.) Finally, he concludes his piece by telling us "to look" at a Tosefta in בבבא בתרא which says that "one who is suspected of worshipping idolatry is suspected about every commandment in the Torah, but *not retroactively*; rather, from that point forward, as it says in במדבר טו' כג, where the Torah is discussing idol-worshipping, מִן הַיּוֹם אֲשֶׁר צִוָּה ה' וְהָלָא לְדֹרֹתֵיכֶם / *From the day that Hashem commanded you and forward, through all of your generations.*" Our author tells us no more. Is he saying that perhaps the rule וְלֹא חֲשׂוֹד לְמַפְרָע is *not* based on חֲזָקָה but perhaps is something specific/intrinsic to the rules of עֲבֹדַת זָרָה? And is that why the נִבְיָא נִשְׁקָר is not referenced as the source? Perhaps. It is very rare for Rav Meir Simcha to leave us in such a beautiful cloud of dust but this may be that one instance.

לזכר נשמת אבי מורי ר' ישראל מנחם בן ר' שלום ז"ל
 לזכר נשמת אמי מורתי רחל בת ר' אלחנן אביגדור ע"ה
 לזכר נשמת חמי מורי ר' 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