

ב"ה



לעילוי נשמת דוד בן חיים

IN MEMORY OF DAVID JACOB BEN CHAIM
DAVID JACOB



משנה
For נשמה

MISHNA *For* NESHAMA



סנהדרין א,א

דִּינֵי מְמוֹנוֹת בְּשִׁלְשָׁה. גְּזֵלוֹת וְחִבָּלוֹת בְּשִׁלְשָׁה. נֶזֶק וְחֲצִי נֶזֶק, תְּשֻׁלוּמֵי כֶּפֶל, וְתְשֻׁלוּמֵי אֶרְבָּעָה וְחֲמִשָּׁה בְּשִׁלְשָׁה. הָאוֹנֵס וְהַמִּפְתָּה וְהַמוֹצִיא שֵׁם רַע בְּשִׁלְשָׁה; דְּבָרֵי רַבִּי מֵאִיר; וְחֲכָמִים אוֹמְרִים: מוֹצִיא שֵׁם רַע בְּעֶשְׂרִים וּשְׁלֹשָׁה, מִפְּנֵי שֶׁיֵּשׁ בּוֹ דִּינֵי נִפְשׁוֹ.

Sanhedrin 1:1

Cases concerning monetary law are adjudicated by three judges. Cases concerning theft and personal injury are adjudicated by three judges. Cases concerning damage are adjudicated by three judges as well. Likewise, cases concerning payment for half the damage, payment of double the principal by a thief caught stealing, and cases concerning payment of four or five times the principal are all adjudicated by three judges. Cases concerning one who rapes or one who seduces a virgin girl, and cases concerning a defamer who falsely asserts that his wife was not a virgin when she married him, are adjudicated by three judges; this is the statement of Rabbi Meir. And the Sages say: Cases concerning a defamer are adjudicated by a court of twenty-three judges, which is the type of court authorized to judge capital law cases, because this may become a case of capital law.

Insights

The first Judicial System was established by Moshe Rabbeinu and functioned throughout the forty years that the Jews wandered in the desert. Moshe also appointed court officers to enforce the court's decisions.

When the Jews entered the Land of Israel, a three-tiered system was established. Every village appointed three judges to rule on monetary matters, including those which might involve the imposition of fines as listed in our Mishnah. They also dealt with divorce and conversion. Larger towns and cities had courts of twenty-three judges, known as the small Sanhedrin. This court judged cases dealing with corporal punishment and was authorized to sentence someone to death. The highest court in the land, the Sanhedrin, was comprised of seventy-one judges and was located in Jerusalem. The Sanhedrin had the authority to crown a king, authorize the Israeli army to go to war, and judge crimes an entire tribe or city committed.

A judge needed to possess the following seven attributes: wisdom,

humility, awe of heaven, a loathing for money, a love for truth, love of the people, and a good reputation.

One of the seven Noahide laws given to mankind is the importance of establishing a society with rules and regulations that safeguard the rights and freedom of every human being.

The Lubavitcher Rebbe points out that the Ten Commandments include some of the loftiest obligations, such as belief in G-d and the prohibition of idol worship. Yet, at the same time, it includes laws that mankind would introduce to create a functioning society, such as do not murder and do not steal. The need to incorporate such laws in the Ten Commandments is to impress us that the ultimate reason we should not steal or murder is because it is the will of G-d.



Dalet

is the fourth letter of the aleph-bet and has a numerical value of 'four'. The Talmud tells us that the dalet represents the poor person. In the Holy Temple, there was a room called 'the Silent Chamber'. One would enter this room alone. In the room was a big box. One had a choice: either to put money into the box or to take some out. It was all done discreetly. The rich man couldn't see to whom he was giving charity. The poor person didn't know from whom he was taking it. Giving charity must be done with dignity.



מועד קטן ג,א

וְאֵלֵינוּ מְגַלְחִין בַּמוֹעֵד. הַבָּא מִמְּדִינַת הָיִם, וּמִבֵּית הַשְּׂבִיָּה, וְהַיּוֹצֵא מִבֵּית הָאֲסוּרִין, וְהַמְּנַדֵּה שְׁהִתְיָרוֹ לֹא חֻכָּמִים; וְכֵן מִי שֶׁנִּשְׁאַל לַחֲכָם וְהִתָּה, וְהַנָּזִיר, וְהַמְצַרֵּעַ הָעוֹלָה מִטְּמֵאתוֹ לְטַהֲרָתוֹ.

Moed Katan 3:1

And these may shave and cut their hair on Chol Hamoed (the intermediate days of a Festival): One who arrives from overseas; and one who is released from a house of captivity; and one who comes out of prison; and one who had been ostracized and the Sages released him; and similarly one who requested a Sage to dissolve his vow of not cutting his hair, and was released from it; and the Nazirite; and the leper who needs to shave his entire body in order to leave his state of ritual impurity and regain his ritual purity. Since these people were not able to cut their hair on the eve of the Festival, they are permitted to do so on the intermediate days of the Festival.

Insights

What is Chol Hamoed? The words Chol Hamoed literally means “the weekday of the holiday” and refers to the “intermediate period” of the festivals of Passover and Sukkot.

Work is prohibited during the full-fledged festival days of Pesach and Sukkot, much like Shabbat. On Chol Hamoed, however, we are permitted to do many activities, such as using electricity or driving a car.

The Rambam (12th-century scholar) explains that Chol Hamoed is called a holy gathering and is the time when the Festival sacrifice was brought in the Temple. There are four mitzvos of the Torah that are called a sign of G-d's special relationship with us: Circumcision, Shabbat, Yom Tov (including Chol Hamoed), and Tefillin. Because Chol Hamoed is included in this very special category, we should treat Chol Hamoed with great respect. For example, our attire should be similar to what we wear on Shabbat.

Our Sages tell us that during Chol Hamoed, we should increase our Torah study.

Our Mishnah deals with the laws of Chol Hamoed. The Sages prohibited shaving or taking a haircut during Chol Hamoed. The reason is that they were concerned one would delay the haircut until Chol Hamoed, when they have more time, and enter Yomtov in a disheveled state.

Our Mishna mentions various situations when permission was granted to have a haircut on Chol Hamoed. Since he did not take a haircut before Yomtov because it was forbidden, we can assume that if he were permitted, he would not delay the haircut till Chol Hamoed.



Vav

is the sixth letter of the aleph-bet and has a numerical value of ‘six’. The meaning of vav is ‘and’. The first time it is used is in the opening verse of the Torah. “In the beginning G-d created the heavens and [vav] the earth.” It serves to join heaven and earth, spirit and matter. Likewise, the human being is a fusion of the spirit and matter, the soul and the body. The shape of the vav symbolizes humility. Humility is the key to creating harmony between body and soul.



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שבת כא,א

בְּטֵל אָדָם אֶת בְּנוֹ וְהֶאָבֵן בְּיָדוֹ, וְכִלְכְּלָהּ וְהֶאָבֵן
 בְּתוֹכָהּ. וּמִטְלָטְלִין תְּרוּמָה טְמֵאָה עִם הַטְּהוֹרָה וְעִם
 הַחֲלִין. רַבִּי יְהוּדָה אוֹמֵר: אֶף מֵעֲלִין אֶת הַמְדָּמָע
 בְּאַחַד וּמֵאָה.

Shabbat 21:1

On Shabbos, one may take his son into the house, even though there is a stone, which is muktzeh (cannot be moved), in the child's hand. And it is permissible to take a basket with a stone inside on Shabbat. And one may move ritually impure teruma (food designated for the Cohen), which may not be eaten and is muktzeh (cannot be moved), with ritually pure teruma, as well as with non-sacred produce. Rabbi Yehuda says: One may even lift a measure of teruma that was nullified from a mixture of one hundred measures of non-sacred produce and one measure of teruma.

Insights

There are thirty-nine categories of work prohibited on Shabbat by Torah Law. Many have the misconception that Jewish law prohibits labor on the Shabbat and, therefore, they don't understand why we cannot turn on a light that takes no effort. Or driving a car to the synagogue, which takes less effort than walking.

The mistake lies in the inaccurate translation of one word in the Torah. When the Torah discusses the prohibition of not working on Shabbat, it does not use the word 'avodah' which is translated as work or labor. Instead, it uses the word 'melacha' which means a creative activity that demonstrates man's mastery over nature. By refraining from such actions, we acknowledge that G-d is the ultimate Creator and Master.

The Sages also enacted edicts whose purpose are to preserve the spirit of Shabbat as a day of rest and holiness. One such law is called muktzeh - certain objects must be set aside and not moved on Shabbat.

Some reasons for this law are: Since it is forbidden to work on Shabbat, one might utilize the free time to rearrange the items in their home and carry them from one place to another, in contrast to the spirit of Shabbat as a day of rest.

The Sages restricted the handling of items whose primary function is for an activity forbidden on Shabbat. Writing on the Shabbat is one of the thirty-nine Torah prohibitions. If we were permitted to hold a pen, inadvertently we may come to write with it. To safeguard this law, the Sages decreed that handling a pen is prohibited.



Nun

is the fourteenth letter of the aleph-bet and has a numerical value of 'fifty'. Nun means 'fish' in Aramaic, the language of the Talmud. When we stand by the sea and look down, all we see is water. Yet, we know beneath the surface there are thousands of different species of fish, coral, and vegetation. The fact that we can't see it does not negate its existence. Similarly, there is a spiritual world where the soul of the departed resides. Our inability to see it does not mean that it doesn't exist.

ש

Shin

is the twenty-first letter of the aleph-bet and has a numerical value of 'three hundred'. On the tefillin worn on the head are two shins - one with three vertical lines protruding from the base and one with four. They symbolize our three forefathers and our four mothers. When one loses a parent, mourning is for twelve months. For all other blood relatives, mourning is for thirty days. When we lose a parent, we have lost the golden link in the chain that takes us all the way back to Abraham, Yitzchak, Yaacov, Sarah, Rivkah, Rochel, and Leah. Hence, the mourning is more intense.

שקלים וא

נְשִׁלָּשָׁה נְשִׁלָּשָׁה עֲשָׂר שׁוֹפְרוֹת, שֶׁל נָּה עֲשָׂר נְשִׁלָּחוֹת, נְשִׁלָּשׁ עֲשָׂרָה הַשְּׁתַּחֲוִיּוֹת הָיוּ בַּמִּקְדָּשׁ. שֶׁל בֵּית רֶבֶן גַּמְלִיאֵל וְשֶׁל בֵּית רַבִּי חַנִּינָא סֵגֶן הַכֹּהֲנִים, הָיוּ מִשְׁתַּחֲוִין אַרְבַּע עֲשָׂרָה. וְהִיכֵן הִתְהַיְתָּה יִתְרָה? כִּנְגֵד דִּיר הָעֵצִים, שָׁכֵן מַסֶּרֶת בִּידָם מֵאֲבוֹתֵיהֶם שֶׁשָּׁם הָאָרוֹן נִגְנָז.

Shekalim 6,1

In the Temple there were thirteen chests, thirteen tables and thirteen prostrations. Members of the household of Rabban Gamaliel and of Rabbi Chanina, the chief of the priests, would prostrate fourteen times. And where was the additional prostration? In front of the wood storage yard, for they had a tradition from their ancestors that the Ark was hidden there.

Insights

King Solomon built the First Temple in 827 BCE, and it lasted for 410 years until the Greek Assyrian Empire destroyed it. The Jewish people were sent to exile in Babylonia for 70 years. It was during this period that the miracle of Purim happened. The Jewish people then returned to the Land of Israel, and under the guidance of the Prophets Ezra and Nechemya the Second Temple was built. It was completed in the year 349 BCE and lasted for 420 years. During this period the miracle of Chanukah occurred. It was destroyed by the Roman Empire in the year 69 CE. The third and final Temple will be built by Moshiach speedily in our days.

Three times a year - Pesach, Shavuot, and Sukkot - all males would make a pilgrimage to the Temple. There were ten constant miracles in the Temple. One of them was that even though the altar was outside and exposed to the heavens, the rain never extinguished its fire. Similarly, even though the altar was open to the elements, the winds never disturbed the smoke from rising straight upward

like a pillar.

The Temples were the center of Jewish life. Our prayers focus on beseeching G-d that He should bring the Jewish people home and rebuild the Temple.

There is a fascinating discussion concerning the actual construction of the Third Temple: Either Moshiach and the Jewish people will build it, or as others say, it will descend from heaven. The Lubavitcher Rebbe suggests that the two opinions are not necessarily contradictory. One of the suggestions he offers is that the Temple will initially be built by Moshiach together with the Jewish people. And then, a spiritual covering will descend from heaven and enclose the Temple, thereby ensuring that the structure will be eternal.

ברכות ג:א

מי שמתו מטל לפניו פטור מקריאת שמע, ומן התפלה, ומן התפלין. נושאי המטה וחלופיהן וחלופי חלופיהן, את שלפני המטה, ואת שלאחר המטה: את שלמטה צרך בהן פטורין, ואת שאין למטה צרך בהן חיבין. אלו ואלו פטורין מן התפלה

Berachot 3:1

One whose deceased relative is not yet buried is exempt from reading the Shema and the Amida prayer, and from the mitzvah to wear tefillin, until the deceased has been buried. Concerning the pallbearers and their replacements and the replacements of their replacements, those located before the coffin who have not yet carried the deceased and those located after the coffin: Those who are needed to carry the coffin are exempt from reciting Shema; while those who are not needed to carry the coffin, are obligated to recite Shema. However, both are exempt from reciting the Amida prayer.

Insights

Caring for the dead is referred to as Chesed Shel Emmes – genuine kindness. When our forefather Yaacov was on his death bed, he instructed his son Yoseph to ensure that he would be transported from Egypt and buried in Israel. Yaacov said to Yoseph, “If you fulfill my request, you will have performed an act of kindness and truth.”

It is called genuine kindness because when you do a favor for a living person, in the back of your mind, there is always the thought that perhaps the recipient of my favor will repay me later. However, when doing something for the deceased there is no expectation of ever receiving anything in return.

Why do we observe “kavod ha-met”, respect for the dead?

When a person passes away, the neshama (the soul) still feels a connection to its body and stays near it until the burial. During this time period, the soul is aware of how its body is being treated and derives comfort knowing that its body is being given the ultimate respect.

Another reason is the very core of existence and why G-d created the universe.

G-d wanted a home in the physical world. According to the Chassidic masters, this is why the soul descended from heaven and partnered with its physical body. Only the combined effort of body and soul can reveal G-d's presence in this material world. Therefore, when the soul returns home to its Maker, we must offer the greatest level of respect to the soul's worldly partner.

It is worth mentioning that even after the burial, a part of the soul resides permanently at the gravesite. This explains why we visit our loved ones at the cemetery. We are not just visiting a slab of marble and lifeless remains, but rather, part of the eternal spirit of our beloved departed relative.

מ

Mem

is the thirteenth letter of the aleph-bet and has a numerical value of 'forty'. The word mem stands for mayim, which means water. A human being cannot survive without water.

Torah, the most vital element in our spiritual lives, is referred to as water, as it states: “Water refers to Torah.” Just as a human being cannot survive without water, a Jew cannot survive without Torah. By studying the mishnayot in this booklet, you will receive spiritual sustenance.



ברכות ט,א

הַרוּאָה מְקוֹם שֶׁנַּעֲשׂוּ בוֹ נִסִּים לְיִשְׂרָאֵל, אוֹמֵר
 "בְּרוּךְ שֶׁעָשָׂה נִסִּים לְאַבוֹתֵינוּ בַּמָּקוֹם הַזֶּה". מְקוֹם
 שֶׁנַּעֲקָרָה מִמֶּנּוּ עֲבוֹדַת זָרָה, אוֹמֵר "בְּרוּךְ שֶׁעָקַר
 "עֲבוֹדַת זָרָה מֵאַרְצֵנוּ".

Berachot 9,1

One who sees a place where miracles occurred on Israel's behalf recites: "Blessed... Who performed miracles for our forefathers in this place." When in a place where idolatry was eradicated, one recites: "Blessed... Who eradicated idolatry from our land."

ה

Hay

is the fifth letter of the aleph-bet and has a numerical value of 'five'. The soul has five levels: nefesh, ruach, neshama, and yechidah Rabbi Shneur Zalman of Liadi, the first Chabad Rebbe and the founder of Colel Chabad, writes that the soul is 'truly a part of G-d above'. Therefore, there is no such thing as a distant Jew as our souls are always bound and one with G-d.

Insights

What is the secret of Jewish survival? Throughout our history we have lived through pogroms, the crusades, the inquisition, and the holocaust, and somehow, we have survived. And not only have we survived, but we have also flourished.

There is only one explanation we can offer, and that is Divine intervention. Our existence is truly miraculous.

In truth, our very beginning was miraculous. The first Jew to be born was Yitzchak, the son of Abraham and Sarah. Both were of an age where they could no longer bear children. G-d performed a miracle and they were blessed with the first Jewish child. From that moment on, our survival has been nothing short of miraculous.

A great Rabbi who lived in the middle-ages wrote: Every time I wake up in the morning and see myself in the mirror, I am witnessing a miracle far greater than the splitting of the sea. I see a Jew who has lived through the destruction of Two Temples. I

see a Jew who has been dispersed to the four corners of the globe and has been exiled for over 1500 years. I see a Jew who has lived through the crusades, the inquisition, and the pogroms.

We can add that when we look in the mirror, we see a Jew who lived through the holocaust and lost 6 million family members. And yet, we are still here. Is this then not the greatest miracle of all? People often say that if we saw miracles like the Jews who left Egypt, we would believe.

If you saw freedom for 8 million Jews from the Former Soviet Union, then know you saw the freedom of 3 million Jews from Egypt.

If you saw our soldiers at the Western Wall on June 7, 1967, then know you have seen a shepherd boy slaying the mighty giant Goliath.

And if you saw the whispering embers rebuild the Jewish world, then know you saw the dry bones of Ezekiel come back to life.