

פרשה
עונש
עשה
לא תעשה
בזמן הזה

גליון לידיעת מצוות השבוע

והערב

ב"ה ובס"ד פרשת מטות-מסעי כ'-כ"ו תמוז (חולין ס"ו-ע"ב) תשפ"ו לפ"ק

המצוה		מקור בתנ"ך			רס"ג	בה"ג	ר' אליהו הזקן	ר' ברגליוני יצחק	ר' שלמה גבירול	יראים	רמב"ם		סמ"ג	רא"ם	רמב"ן	מאמר השכל	החינוך	סמ"ק	זוהר הרקיע	חפץ חיים	רבנן	נוהג	זכר	נקבה
		פרשה	פרק	פסוק							הלכות													
		Matos	30	3	43	99	200	28	168		Vows	95	124	212		146	406			40		World	☒	☒
		Matos	30	3		239		199	289		Vows	157	242	324	158	145	407	82	314	184		World	☒	☒
		Matos	30	3											97							World	☒	☒
		Matos	30	4		103																World	☒	☒
		Matos	30	7		104																World	☒	☒
		Matos	30	16									125			148	108					World	☒	☒
		Matos	31	7											186							World	☒	☒
		Matos	31	21	44			197														World	☒	☒
		Matos	31	21													206					World	☒	☒
		Matos	31	21													207					World	☒	☒
		Matos	31	54	45		32	63	218														☒	☒
		Masei	33	52													41					World	☒	☒
		Masei	33	53														226				Eretz Yisroel	☒	☒
		Masei	34	2	46																	Eretz Yisroel	☒	☒
		Masei	35	2	46	58		64		183	Sabbatical and Jubilee Years		155	208	178	356	408		169			Eretz Yisroel	☒	☒
		Masei	35	12						292	Murder and Preservation of Life		163	543	248	365	409		15			World	☒	☒
		Masei	35	19											227							World	☒	☒
		Masei	35	25						225	Murder and Preservation of Life		75	207	224	353	410		142			Eretz Yisroel	☒	☒
		Masei	35	30						291	Evidence			542	287		411		18				☒	☒
		Masei	35	31		84		152	132	295	Murder and Preservation of Life		161	547	290	352	412		149				☒	☒
		Masei	35	32				153	133	296	Murder and Preservation of Life		162	548	192	354	413		150				☒	☒
		Masei	35	33		141		179	155													World	☒	☒
		Masei	35	34		142		180	125	249								325				Eretz Yisroel	☒	☒

זכר	נקבה
6	3
6	2
4	2

כל העולם	ארץ ישראל	בית המקדש
1	1	0
4	0	0
2	1	0

שיטות	פרשה	עונש	עשה	לא תעשה	סך הכל
(757- 4517)	5	0	0	2	7
(882- 942) 4642-4702	1	0	3	2	6
(939- 4699)	1	0	1	2	4

זכר	נקבה
9	6
6	4
2	2
8	4
8	4
11	5
5	4
8	4
8	4
8	4
9	5
2	1
0	0
9	5

כל העולם	ארץ ישראל	בית המקדש
3	1	0
3	0	0
1	1	0
3	2	0
4	2	0
5	3	0
5	0	0
3	2	0
3	2	0
4	2	0
2	4	0
2	0	0
0	0	0
9	0	0

שיטות	פרשה	עונש	עשה	לא תעשה	סך הכל
() (1013- 4773)	ר' יצחק ברגליוני	0	3	5	9
() (1040- 4800)	ר' שלמה גבירול	0	0	4	6
4875-4958 (1115-1198)	יראים	0	0	2	2
4894-4964 (1134-1204)	רמב"ם		3	5	8
4960-5020 (1200-1260)	סמ"ג		4	4	8
4954-5030 (1194-1270)	רמב"ן		6	5	11
4954-5030 (1194-1270)	סמ"ק		4	1	5
4975-5053 (1215-1293)	חינוך		3	5	8
5000- (1240-)	רב' עזרא מגרוניא		3	5	8
5000- (1240-)	מאמר השכל		4	4	8
5121-5204 (1361-1444)	זוהר הרקיע		3	6	9
5598-5694 (1838-1933)	חפץ חיים		1	1	2
	רבנן		0	0	0
מצות בזמן הזה לפי כל השיטות		0	0	1	9

Laws of oaths and vows

Fulfilling Verbal Obligations
Positive Commandment 94

The 94th mitzvah is that we are commanded to fulfill every verbal obligation we have taken upon ourselves, whether an oath, a vow, a korban,¹ etc.

The source of this commandment is G-d's statement,² "You shall be careful to carry out whatever you say."

Although our Sages have split up this verse and explained each word separately as referring to something different, the general meaning of everything they say is: it is a positive commandment for a person to fulfill every verbal obligation he has taken upon himself, and a prohibition not to do so. This will be explained in our discussion of the prohibitions.³

The Sifri says, "The verse, 'Whatever you say,' constitutes a positive commandment." You find it obvious that the words, "whatever you say" by themselves have no meaning whatsoever. The intention [of the Sifri] is therefore as I explained above — that the plain meaning of the verse is that a person is obligated to carry out his verbal commitments.

This commandment is stated a second time in G-d's statement,⁴ "A person must fulfill all he has verbally said."

The details of this mitzvah — i.e. how exactly the person must fulfill his obligation, and how he can be released [from his obligation] when in doubt regarding his statement — are explained in a number of passages in Sh'vuos, Nedarim, the end of Menachos, as well as in Kinim.

FOOTNOTES

1. Literally, a sacrifice. When a person says, "a sacrifice that I won't eat something of yours," he means to say that he considers that person's food to be forbidden for him to eat just as a sacrifice is forbidden to him. This constitutes a vow not to eat that person's food.
2. Deut. 23: 24.
3. N157.
4. Num. 30: 3.

Not to break oaths or vows

Reneging on Verbal Obligations
Negative Commandment 157

The 157th prohibition is that we are forbidden from violating any verbal obligation we have made, even if it was not said as an oath.

These obligations are known as nedarim (vows); for example, when a person says, "if a certain event occurs" or "if I do a certain act" then "all fruit will be forbidden to me" or "the fruit of this country [will be forbidden to me]" or a certain food, such as milk, fish, etc. "will be forbidden to me"; or when he says, "deriving pleasure from my wife is forbidden to me"; or any similar verbal obligation, as explained in tractate Nedarim. In all these cases he must carry out his vow, and violating it counts as a prohibition.

The source of this commandment is G-d's statement,¹ "He must not yachel ("break") his word. He must do everything that he stated verbally."

Our Sages explained the phrase, "He must not yachel his word" as meaning, "he must not make his word profane (chullin)," i.e. to obligate himself and then not fulfill his promise.² As tractate Shavuot puts it, "vows comes under the prohibition, 'he must not break (yachel) his word.' "

The Sifra³ says [regarding a case where someone promised to bring a sacrifice and did not do so], "The verse, 'He must not break' teaches us that he violates the prohibition of not breaking one's word and that of not delaying as offering." This means that if a person vowed to bring a sacrifice, and three holidays have passed by and he still did not do so, then he is guilty of transgressing the prohibition of not delaying [the offering]⁴ and of not breaking his word.

The same applies to anything resembling a sacrifice, such as promising a gift to the fund of the Holy Temple,⁵ to charity, to a synagogue, etc.

One who transgresses this prohibition by doing something he has promised not to, is punished by lashes.

The details of this mitzvah are completely explained in tractate Nedarim.

FOOTNOTES

1. Num. 30: 3.
2. The verse can therefore be translated, "He must not break his word."
3. See Kapach 5731, note 84.
4. N155.
5. Bedek haBayis.

To give the Levites cities to inhabit and their surrounding fields

Providing Cities for the Levites
Positive Commandment 183

The 183rd mitzvah is that we are commanded to give cities to the Levites to dwell in since they have no portion in Israel.

The source of this mitzvah is G-d's statement¹ (exalted be He), "Give to the Levites cities in which to live."

These Levitical cities also serve as Cities of Refuge, and therefore provide protection under the proper conditions, as explained in tractate Makkos.²

To give the Levites cities to inhabit and their surrounding fields

FOOTNOTES

1. Num. 35:2.
2. 10a.

Not to kill the murderer before he stands trial

Executing a Criminal before he Stands Trial
Negative Commandment 292

The 292nd prohibition is that we are forbidden from killing someone who has already done¹ something punishable by death before he is brought to High Court. Rather, we must bring him to High Court and present the evidence against him. We must be only witnesses [not judges], and they will determine his guilt.

The source of this prohibition is G-d's statement² (exalted be He), "The murderer shall not die until he stands before the court in judgment."

In the words of the Mechilta,³ "One might think that [the witnesses] may kill the person after he has committed murder or adultery. The Torah therefore says, 'The murderer shall not die until he stands ...' " Even if the Great Sanhedrin saw him commit the murder, they may only be witnesses and testify before another court [rather than themselves act as judges]; and that court will execute him.

The Mechilta also says, "In a case where a court saw a person commit murder, you might think that they may execute him even before he is judged. The Torah therefore says, 'The murderer shall not die until he stands before the court in judgment.' "

FOOTNOTES

1. If he has not yet done the crime, N293 applies.
2. Num. 35:12.
3. See Sifri Zuta. Kapach, 5731, footnote 34.

The court must send the accidental murderer to a city of refuge

Exiling an Inadvertent Murderer to a City of Refuge
Positive Commandment 225

The 225th mitzvah is that we are commanded to exile a person who has killed another unintentionally from his city to one of the refuge cities.

The source of this commandment is G-d's statement¹ (exalted be He), "[The killer] must live there until the death of the kohen gadol."

In the words of the Sifri, "In the phrase '[The killer] must live there,' the word 'there' means he may never leave there. There he shall live, there he shall die, and there he shall be buried."

The details of this mitzvah are explained in tractate Makkos.²

FOOTNOTES

1. Ibid., 35:25.
2. 7a ff

A witness must not serve as a judge in capital crimes

A Witness Acting as Judge
Negative Commandment 291

The 291st prohibition is that a witness is forbidden from saying anything extra regarding the case he is testifying about. Even if he is learned and knowledgeable, he may not act as a witness and a judge and legal authority. He must testify concerning what he saw and then remain silent, and the judges will use his testimony as they see fit. The witness is prohibited from saying anything in addition to his testimony. This law applies only to capital cases.

The source of this prohibition is G-d's statement¹ (exalted be He), "A single eyewitness may not speak against a person where the death penalty is involved." This prohibition is repeated in the verse,² "He shall not be put to death through the testimony of one witness." This means that he shall not be put to death because of the instructions of the witness.

Our Sages said in tractate Sanhedrin,³ "The prohibition, 'A single eyewitness may not speak against a person' applies whether he speaks for acquittal or for conviction," and they give a reason, "Because it will appear that he is a biased witness." The prohibition against speaking out either for or against the defendant applies only in capital cases.⁴

FOOTNOTES

1. Num. 35:30.
2. Deut. 17:6.
3. 33b.
4. In monetary cases, the witness can offer arguments either for or against the defendant, as long as he is not counted as a judge. See Hilchos Eidus 5:8.

Not to accept monetary restitution to atone for the murderer

Accepting a Ransom from an Intentional Murderer
Negative Commandment 295

The 295th prohibition is that we are forbidden from taking ransom money [to spare] someone who has committed murder intentionally. Rather, he must be executed.

Not to accept monetary restitution to atone for the murderer

The source of this prohibition is G-d's statement¹ (exalted be He), "Do not take ransom for the life of a murderer who is under the death penalty."

The details of this mitzvah are explained in tractate Makkos.

FOOTNOTES

1. Num. 35: 31.

Not to accept monetary restitution instead of being sent to a city of refuge

Accepting a Ransom from an Inadvertent Murderer
Negative Commandment 296

The 296th prohibition is that we are forbidden from taking ransom money to spare from exile one who has committed murder unintentionally. Rather, he must be exiled.

The source of this prohibition is G-d's statement¹ (exalted be He), "If one has fled to a refuge city, do not take ransom [to allow him to return and live in the land...]"

The details of this mitzvah are explained in tractate Makkos.

FOOTNOTES

1. Num. 35: 32.