



MISHNAS CHAYIM

משנת היום

MISHNAH ON THE PARSHAH

Parshas Korach 5770 פרשת קרח תש"ע

ANYTHING TO AVOID AN ARGUMENT

This week's *parshah* focuses on the strife-filled events of Korach's rebellion. Korach and his multitude pose a challenge to the authority of Moshe Rabbeinu and Aharon his brother. At the conclusion of this saga, Hashem intervenes, and Korach's party goes down in flames (figuratively and literally).

THE DIABOLICAL DUO

Two of Korach's main cohorts were the infamous Dasan and Aviram, who had already compiled an impressive record of unruly behavior. Moshe, however, attempts to engage them, as the *passuk* says (*Bamidbar 16:12*): "And Moshe sent to call Dasan and Aviram, the sons of Eliav." They, however, brazenly rejected his invitation.

Rashi (*ibid.*) comments on the fact that Moshe Rabbeinu took the extraordinary step of going out of his way to specifically contact Dasan and Aviram in an attempt to produce a "peace agreement." Rashi states: **מִכַּאן שָׁאֵין** – "We learn from here that one should not be *machzik* (usually rendered as "grab onto") an argument," (i.e., one should not be quick to involve himself in strife, but should seek peace instead).

There is something about Rashi's teaching here that seems – at first glance – somewhat unusual. "From here we learn that one should not jump into arguments"; true, but isn't that kind of obvious? What *chiddush* (insightful and original thought) does Rashi mean to impart with these words?

The Chasam Sofer offers an illuminating approach to this Rashi, by translating the words in a slightly

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different manner. To fully appreciate his explanation, though, we must first turn, for a few moments, to a totally different subject: the laws governing an ox that gores.

A SHOR THING

The Mishnayos speak of two basic types of offending oxen: a **שׁוֹר תָּם** – the "regular" ox, and a **שׁוֹר מוֹעֵד** – the "habitual offender." When an ox causes property damage, the ox's owner must foot the bill. But the amount he'll have to pay depends on how his ox is categorized.

If the offending ox was still in the **תָּם** stage, the penalty is somewhat limited. Under normal circumstances, an ox doesn't go around goring others; if it does, it is considered to be acting "out of character." As such, the owner can claim that what happened was quite unexpected, and hence – to a certain extent – he was not responsible or negligent. When the ox was a **תָּם**, then, the owner need only cover *half* the expenses.

Once the ox has perpetrated this act a number of times, however, he "graduates" to the next level and has become a **שׁוֹר מוֹעֵד**. As a habitual offender, the owner can no longer claim that he was unaware of his ox's temperament and is held completely liable for the damages it inflicts. Now the owner must pay full price.

How many times must an ox demonstrate such behavior to assume this next stage? The Mishnah in Bava Kamma (2:4) informs us:

אֵיזָה הוּא מוֹעֵד ... כֹּל שֶׁהֵעִידוּ בּוֹ ... שְׁלֹשׁ פְּעָמִים.

"When does an ox become classified as 'habitual'? When testimony (concerning the ox's goring exploits) was presented against the owner regarding three

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different occasions.”

When it comes to establishing a “new” norm for this ox, three, apparently, is the “magic” number. If an ox gores once or twice, it is seen as an anomaly; when it gores three times, however, it is clear that this particular ox has a real penchant for using his horns.

The truth is that this idea is not limited to the area of ill-tempered oxen. Actually, it reflects a fundamental concept utilized in various areas of *halachah*: the concept known as “*chazakah*,” an established pattern or status. Once an event has occurred three times – such as with the ox with the trigger-happy horns – we are able to conclude that a norm has been established. For this particular ox it is by now clear that he is particularly prone to goring; hence, his owner must be extra vigilant and will be held fully responsible for the ox’s destructive behavior.

A CHAZAKAH FOR CHUTZPAH

In fact, the idea of *chazakah* would seem to play a role in the case of Dasan and Aviram’s participation

in Korach’s rebellion. As mentioned, they were troublemakers with a long history of hostility. The Chasam Sofer (*Chasam Sofer Al Hatorah*; cf. *Toras Moshe*) points out that the trouble had begun already in Mitzrayim:

Moshe killed a wicked Egyptian taskmaster who had been savagely attacking a helpless Jewish slave. It was Dasan and Aviram who “tattled” on Moshe for this deed, forcing him to flee.

When Moshe and Aharon originally approached Pharaoh, requesting the release of the Jewish people, they were turned down. Not only did Pharaoh reject their request, but he increased the severity of the Jews’ bondage. When the two leaders left Pharaoh’s presence, they were accosted by some Jews who castigated them for their intervention. In a scathing and disrespectful rebuke, these Jews called for Moshe and Aharon to be judged and punished by Hashem. It was Dasan and Aviram who led this charge.

And now, it was Dasan and Aviram, once again, who were in the forefront of fomenting strife against Moshe Rabbeinu.

Of course, that’s three strikes – a *chazakah*. In other words, by this time, Dasan and Aviram were “habitual” rabble-rousers. Based on the law of *chazakah*, then, there was no real reason to attempt to make peace, as they were “established” quarrelers.

This, explains the Chasam Sofer, was Rashi’s real intent. According to the letter of the law, Moshe had no reason to try to reach out to this rowdy pair. There was already a “*chazakah*” that they were mired in strife, uninterested in and incapable of being pacified.

Nevertheless, Moshe did send for them. This teaches us the extent to which we must go to reach a reconciliation in the face of dispute. For when it comes to argument, as Rashi says – “*Ein machzikim b’machlokes*”: we do not follow the usual guidelines of a “*chazakah*.” Even when dealing with unreasonable and unruly people, it is still worth striving for shalom – no matter what the odds.

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