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Side 1

# Mishnas חיים

WEEKLY MISHNAH on the PARSHAH



## Parshas Ki Seitzei 5771 THE NEGA OF NEGI'US (PLAGUE OF PARTIALITY)

Last week we discussed the overpowering and corrupting influence that *shochad* (bribery) exerts on an individual's ability to think straight. This theme has some interesting applications, as evidenced by the forthcoming discussion.

### TESTIMONY WITH A TWIST

In this week's *parshah*, the Torah mentions the two methods by which a married woman is released from her bond, freeing her to remarry. "And her husband... writes for her a bill of dissolution... or if her husband dies..." One marked difference between these two methods is the requisite number of witnesses associated with the event. While a *get* (bill of divorce) generally requires the participation of two witnesses to effect its usage, a special leniency exists regarding the establishment of death. A woman is permitted to remarry even on the basis of the testimony of a single witness who declares his knowledge of the husband's death (*Rambam, Hilchos Geirushin, 12:15*).

Concerning such a scenario, the Mishnah adds a certain caveat. The actions of the witness can potentially render his testimony as suspect, as the Mishnah states (*Yevamos 2:9*): מת... לא ישא את אשתו.

"(One who testifies that the husband) has died may not proceed to marry the woman (the wife of the subject)."

The Mishnah seems to illustrate a classic example of the corrupting influence of ulterior motives. When an individual supplies testimony concerning the death of a husband, his word is accepted. But where it is revealed that he may in some way profit from his presentation, a pall of doubt is immediately cast over his words.

This idea can help illuminate a perplexing issue that emerges from the following Talmudic account.

### TALK IS CHEEP

The Gemara in Gittin (*45a*) relates the fascinating story of R' Illish and his capture by a band of kidnappers. One of the other captives was a certain individual who purportedly possessed a unique talent: he knew the language of the birds.

One day, when a passing raven emitted its call, R' Illish decided to avail himself of the man's services. "What did the bird say?" he asked.

Illish, run away!

Illish, run away!

The man translated: "He was saying, 'Illish, run away! Illish, run away!'"

R' Illish contemplated this development. Fleeing his captors was a risky proposal: should his efforts fail, he could be executed for his attempted escape. On the other hand, perhaps he was being sent a Divine signal that he would be granted special providence should he attempt a break out? In the end, he decided against it, fearful that the raven was trying to mislead him into peril.

The pair then heard the call of a passing dove. Once again, Illish turned to his fellow captive for a translation.

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The man delivered the same message. “He was saying, ‘Illish, run away! Illish, run away!’”

This time, R’ Illish took the matter more to heart. After all, he thought, Scripture compares the Jewish people to a dove; it seemed worthwhile to pay it heed. And so, R’ Illish ran away, successfully evading his captors. (His companion, however, was not as fortunate, as he was killed trying to escape.)

While many points of this narrative deserve further study and clarification, one noteworthy aspect is found in the remarks of the *Aruch* (a classical medieval volume). The *Aruch* points to this story as evidence that R’ Illish was versed in the language of the birds.

The *Aruch’s* comments seem perplexing, as R’ Akiva Eiger notes (*Gilyon Hashas*). After all, the implication of the Gemara seems to be just the opposite; while R’ Illish’s companion was privy to the birds’ communication, R’ Illish himself seemed to be ignorant of their speech. Otherwise, why would he have to turn to his neighbor for an interpretation?

R’ Chaim Shmuelevitz (*Sichos Mussar, Mattos–Masei, 5731*) proposes a resolution to R’ Akiva Eiger’s question on the *Aruch*. He notes another apparent discrepancy in the story (as alluded to by the *Maharsha*). R’ Illish was skeptical of the raven, unable to vouch for his veracity. Yet, he fully trusted the other captive, who at first was an unknown entity to R’ Illish. How did R’ Illish know that this other man was telling the truth? Perhaps he was fabricating the birds’ message!

It must be, R’ Chaim concludes, that this itself was the *Aruch’s* derivation. It must be that R’ Illish himself was versed in bird-language (which is how he knew he was receiving an accurate report).

So why, then, did he have to ask his companion for a translation? Because R’ Illish was well aware of the fundamental principle discussed above: the corruptive power of *negi’us* (partiality towards one’s own welfare). R’ Illish himself understood the raven and the dove, as the *Aruch* asserts. Yet, in this instance, he did not trust his own interpretation. Since the matter was one that affected him

directly, he was cognizant that his own interests might be coloring his perception. When he heard the news delivered by the winged creatures -- that Heaven had proclaimed

his imminent escape -- he couldn’t be sure he had heard correctly. Maybe he was only hearing what he *wanted* to hear -- a common occurrence when one’s own interests are involved. To ensure that he was not embellishing the truth, he decided to check his own version against that of his companion. When he discovered that

the other man’s account matched his own, he was reassured that he wasn’t delusional, but had heard accurately. Only then was he ready to act.

The more aware we become of the danger of *negi’us* in coloring our view, the more we may avoid mistaken perceptions — and the strife and confusion that often follow in their wake.

*Maybe he was only hearing what he wanted to hear*

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