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# מִשְׁפָּטִים 18 Mishpatim

## Overview

The sequence of events covered in *parashat Mishpatim* appears quite confusing. In *parashat Yitro*, the Torah recounted all the preparations for the Giving of the Torah up to halfway through the 4th of Sivan, omitted the events of the rest of the fourth and fifth days and continued with the account of the Giving of the Torah on the sixth day of the month. Then, without even mentioning that God told Moses to ascend Mount Sinai again after the Giving of the Torah to learn the details of the law, the Torah proceeds to articulate these details in the beginning of *parashat Mishpatim*. After giving these laws and recording God's promise to protect and assist the people in their conquest of the Canaanite nations,<sup>1</sup> *parashat Mishpatim* backtracks to the buildup to the Giving of the Torah. It describes the preparations of the fourth day and the fifth day of Sivan (which were mysteriously omitted in *parashat Yitro*), briefly recapitulates the Giving of the Torah, and describes Moses' ascent afterward to learn the details of the law (which also was mysteriously omitted from either the end of *parashat Yitro* or the beginning of *parashat Mishpatim*). This puzzling and ambiguous sequence demands an explanation, for the Torah only deviates from the chronological description of events when there is good reason to do so.

In rearranging the narrative, the Torah accentuates the dual effect of the revelation at Sinai. As we have mentioned,<sup>3</sup> the Torah is God's guide to living, but it is also much more than that. As alluded to in the opening word of the Ten Commandments,<sup>2</sup> God declares that "I have written and bestowed My very soul in the Torah"; He implanted His *essence* within us when He gave us the Torah. Thus, giving the Torah established a double connection between God and the Jewish people: a *contractual agreement* based on commandments, compliance, reward, and punishment, and a *covenantal bond* transcending the parameters of behavior and forging an inviolable, eternal bond between God and His people. The contractual agreement was expressed through God's commandments and our acceptance of them; the covenantal bond was expressed through the rituals and rites surrounding the revelation.

To help us recognize this distinction, the Torah describes these two types of relationship separately. The account of the Giving of the Torah in *parashat Yitro* opens with a

1. Nachmanides understands this narrative with its warning concerning idolatry to be the culmination of the earlier laws. 2. See on Exodus 20:2. 3. Overview to *parashat Bereishit*; above, on 20:2.

## OVERVIEW OF MISHPATIM

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general prelude, on the second day of Sivan, encompassing both of these aspects,<sup>4</sup> and then deals exclusively with the contractual agreement. In discussing the preparations for the revelation, it focuses on the *directives* that God gave the people to ready themselves for it, and its description of the revelation comprises solely the *instructions* God gave the people—the Ten Commandments and the commandments that constitute their direct follow-through.<sup>5</sup> Following the revelation, the Torah continues with the commandments principally governing civil law, in order to demonstrate how God’s law is to permeate and determine even the seemingly logical conventions of a just society. This continuation forms the first and greater part of *parashat Mishpatim*.<sup>6</sup>

From that point on, *parashat Mishpatim* returns to the preparations for the Giving of the Torah, this time focusing on the covenantal bond between God and the Israelites, through which the nation was granted its unique identity as God’s holy people. It describes the people’s preparations to enter into the *covenant*: how they accepted the Torah unconditionally by proclaiming “we will do and we will learn”; how Moses wrote down the “Book of the *Covenant*”; how God had them build an altar, offer sacrifices, and had Moses sprinkle them with “the blood of the *covenant*.” Tellingly, this *parashah* places great emphasis on *ascending* the mountain,<sup>7</sup> for the focus here is the covenant, through which the Jewish people rose spiritually and connected to God. This conspicuous emphasis on ascent also reflects the second element of the bond between God and the people on the cosmic level, the empowerment of the world to draw nearer to God.

The narrative of Moses’ ascent after the revelation is likewise split into two separate accounts. This is because when God summoned Moses to ascend Mount Sinai again after the revelation and remain there for forty days and nights to receive the rest of the Torah, it was in order to present him with *both* of these aspects of the Torah in more concrete form. On the one hand, God taught him the numerous detailed laws of the beginning of *parashat Mishpatim*—the commandments, which constitute the *contractual* side of the relationship. On the other hand, He gave him the two tablets, which serve as enduring testimony to the *covenantal* side of the relationship between God and the Jewish people. (This is seen in the terms the Torah uses to refer to the tablets: “the Tablets of Testimony”<sup>8</sup> and “the tablets of the covenant.”<sup>9</sup>) The first element—the laws in the beginning of *parashat Mishpatim*—follows the first account of the revelation in *parashat Yitro*; the second element—which begins with God summoning Moses to “come up...and I will give you the tablets of stone”<sup>10</sup>—follows the second account, at the very end of *parashat Mishpatim*.

The sequence in this narrative can now be understood: first the Torah describes the contractual aspect of the Giving of the Torah in its entirety—by relating all those parts of the event, from the preparatory instructions, to the Ten Commandments, the commandments of the altar, and the commandments of *parashat Mishpatim*, which God taught Moses on the mountain. After its exhaustive portrayal of this side of the coin, the Torah sets out to convey the covenantal aspect of the Giving of the Torah by describing those details of the event, from start to finish.

Immediately thereafter, the Torah proceeds to the design for the Tabernacle—although its mandate, Rashi notes,<sup>11</sup> came much later—after the sin of the Golden Calf and Yom

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4. See on Exodus 19:5. 5. The verse that introduces these commandments (20:19) reads: “You have seen that I spoke with you from heaven, [therefore] you shall not make [a representation of anything that is] with Me.” 6. I.e., until the end of chapter 23. 7. 24:1, 9, 12, 13, 15, 18. 8. Exodus 31:18; 32:15; 34:29. 9. Deuteronomy 9:9, 11, 15. 10. Exodus 24:12. 11. Exodus 31:18; 33:11.

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Kippur—for the bond of the covenant culminated in the construction of the Tabernacle, by means of which<sup>12</sup> God dwelled in the midst of the Jewish people. Hence, the tablets of the covenant were kept in the innermost sanctum of the Tabernacle.

As for the name *Mishpatim*, this word is one of the Torah's synonyms for "laws," and refers specifically to those laws whose logic we readily understand—laws that any civilized society would conceive of and institute on its own. Indeed, most of the laws given in the beginning of this *parashah* fall into this category. But how does this name apply to the second half of the *parashah* if, as we have just said, it is devoted to the covenantal, supra-rational aspect of our relationship with God?

The Torah's message here is actually quite lofty. The *mishpatim* were taught right after the Giving of the Torah in order to emphasize that "just as the [Ten] earlier [Commandments] are from Sinai, so, too, are these from Sinai."<sup>13</sup> As has been pointed out,<sup>14</sup> the Ten Commandments comprised both sublime principles of faith and *mishpatim* in order to teach us that we must fulfill the *mishpatim* because they are transcendent Divine laws ("from Sinai")—not only because they make sense. The apparently prosaic *mishpatim* are not merely the means to ensure society's survival; they are meant to be ways to connect to God. To abide by them simply because they are sensible is to fail to recognize their infinite value as part of the Divine vision. Thus, our challenge is to fulfill the rational *mishpatim*—and indeed, even those commandments for which the Torah itself gives a reason—with the same unquestioning acceptance and self-abnegation with which we fulfill those commandments whose explanation is entirely elusive.

Precisely because the Torah's rational laws are also part of our supra-rational connection to God, the Torah prohibits<sup>15</sup> Jews to bring legal cases before a non-Jewish court, even cases that non-Jewish courts judge the same way the Torah does. For while their laws are founded exclusively on reason, Jewish law encompasses transcendent reality, as well.<sup>16</sup>

On the other hand, were we to perform God's will *solely* out of unquestioning acceptance, transcendent Divinity would not penetrate into our personalities and would not change us in any intrinsic way. Our religiosity would be imposed from without rather than driven from within. By understanding God's will, we attune our intellect as well as our behavior to Divine truth; Divine truth becomes the interface through which we engage the world. The Torah's ideals become our ideals, affecting every fiber of our being.

Nonetheless, despite our intellect's ability to enable Divine consciousness to permeate us and thereby remake us, it remains limited. Since God is infinite, there will always be aspects of Divinity that are simply beyond the reach of human intellect. It would therefore seem that there is no way that these aspects can be integrated into our normative consciousness.

Herein, however, lies the lesson of how the name of this *parashah*, *Mishpatim*, applies even to its second half. If our solid foundation of transcendent faith permeates even our rational relationship with God (*parashat Yitro*), and, based on that foundation, we then endeavor to comprehend our rational relationship with God to the limits of human intellect (the first half of *parashat Mishpatim*), the Torah promises us that even transcendent Divinity will permeate our being, enabling us to think, feel, and relate to the world as emissaries of Divine consciousness on earth.<sup>17</sup>

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12. Exodus 25:8. 13. *Mechilta; Shemot Rabbah* 30:3. 14. Above, on 20:12. 15. Below, 21:1. 16. *Likutei Sichot*, vol. 8, p. 131, note 50. This is the inner, spiritual reason for this law; the contextual reason is given in 21:1, below. 17. *Likutei Sichot*, vol. 26, pp. 153-159, vol. 16, pp. 242-249.

— ONKELOS —  
 21:1 וְאֵלֶּיךָ דִּינָא דִּי תִסְדֵּר  
 קְדָמִיחוּן: 2 אָרִי תִזְבֹּן עֲבָדָא  
 בֵּר יִשְׂרָאֵל שִׁית שְׁנֵין יִפְלַח  
 וּבִשְׁבִיעָתָא יִפּוֹק לְבַר חוֹרִין מִגֵּן:

21:1 וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשְׂיִם לַפְּנֵיהֶם: 2 כִּי  
 תִקְנֶה עֶבֶד עֲבָרִי יֵשׁ שְׁנַיִם יַעֲבֹד וּבִשְׁבִיעַת יֵצֵא  
 לַחֲפְשֵׁי תָנָם:

— RASHI —

וְאֵיבִינוּ פְּלִילִים<sup>1</sup> — בְּשֵׂאוֹיבִינוּ פְּלִילִים, זֶהוּ עֵדוּת  
 לְעֵלְוֵי יִרְאָתָם: 2 כִּי תִקְנֶה עֶבֶד עֲבָרִי. עֶבֶד שֶׁהוּא עֲבָרִי.  
 אוֹ אֵינוֹ אֶלָּא עֶבֶדוֹ שֶׁל עֲבָרִי, עֶבֶד כְּנַעֲנִי שֶׁלֹּקְחָתוֹ  
 מִיִּשְׂרָאֵל, וְעַלְיוֹ הוּא אוֹמֵר: "שֵׁשׁ שָׁנִים יַעֲבֹד", וּמָה  
 אֲנִי מְקַיֵּם "וְהִתְנַחֲלָתָם אִתָּם"<sup>2</sup> — בְּלִקְחוֹ מִן הַגּוֹי, אֲבָל  
 בְּלִקְחוֹ מִיִּשְׂרָאֵל יֵצֵא בְּשֵׁשׁ? תִּלְמוּד לֹאֹמֵר: "כִּי־יִמְכַר  
 לְךָ אַחִיךָ הָעֲבָרִי"<sup>3</sup>, לֹא אִמְרָתִי אֶלָּא בְּאִחִיךָ: כִּי תִקְנֶה.  
 מִיָּד בֵּית דִּין שֶׁמְכָרוֹהוּ בְּגִבְתוֹ, כְּמוֹ שֶׁנֶּאֱמַר: "אִם־אֵין  
 לוֹ וְנִמְכַר בְּגִבְתוֹ"<sup>4</sup>. אוֹ אֵינוֹ אֶלָּא בְּמוֹכֵר עֲצֻמוֹ מִפְּנֵי  
 דְּחֻקוֹ, אֲבָל מְכָרוֹהוּ בֵּית דִּין לֹא יֵצֵא בְּשֵׁשׁ? כִּשְׁהוּא  
 אוֹמֵר: "וְכִי־יִמּוֹךְ אַחִיךָ עִמָּךְ וְנִמְכַר־לְךָ"<sup>5</sup>, הֲרֵי מוֹכֵר  
 עֲצֻמוֹ מִפְּנֵי דְּחֻקוֹ אֲמוֹר, וּמָה אֲנִי מְקַיֵּם "כִּי תִקְנֶה"?  
 בְּנִמְכַר בְּבֵית דִּין: לַחֲפְשֵׁי. לַחֲרוּת:

1 וְאֵלֶּה הַמִּשְׁפָּטִים. כָּל־מְקוֹם שֶׁנֶּאֱמַר "אֵלֶּה" — פָּסֻל  
 אֶת הָרָאוֹנוֹת. "וְאֵלֶּה" — מוֹסִיף עַל הָרָאוֹנוֹת, מָה  
 הָרָאוֹנוֹת מְסִינִי, אִם אֵלּוּ מְסִינִי. וְלָמָּה נִסְמְכָה פְּרִשְׁת  
 דִּינֵין לְפָרֶשֶׁת מוֹזְבֵּחַ? לֹאֹמֵר לְךָ, שֶׁתִּשְׂיִם סְנֵהֲדָרִין אֶצְלֵךְ  
 הַמְּקוֹדֵשׁ: אֲשֶׁר תִּשְׂיִם לַפְּנֵיהֶם. אֲמַר לוֹ הַקְּדוֹשׁ בְּרוּךְ־  
 הוּא לְמַשָּׁה: לֹא תַעֲלֶה עַל דַּעְתְּךָ לֹאֹמֵר: אֲשַׁנֶּה לְהֵם  
 הַפֶּרֶק וְהִהֲלֵכָה שְׁנַיִם אוֹ שְׁלֹשָׁה פְּעָמִים, עַד שֶׁתִּהְיֶה  
 סְדוּרָה בְּפִיהֶם כְּמִשְׁנֵתָהּ, וְאֵינִי מְטָרִיחַ עֲצֻמִּי לְהִבְיָנָם  
 טַעֲמֵי הַדָּבָר וּפְרוּשׁוֹ. לְכָךְ נֶאֱמַר: "אֲשֶׁר תִּשְׂיִם לַפְּנֵיהֶם"  
 — בְּשִׁלְחוֹן הָעֶרְוָה וּמוֹכֵר לְאֶבֶל לַפְּנֵי הָאָדָם: לַפְּנֵיהֶם.  
 וְלֹא לַפְּנֵי גוֹיִם. וְאֶפְלוּ יַדְעֵת בְּדִין אֶחָד שֶׁהֵם דִּנֵּין אוֹתוֹ  
 כִּדְיֵי יִשְׂרָאֵל, אֵל תְּבִיאֵהוּ בְּעֶרְבָאוֹת שְׁלֵהֶם, שֶׁהִמְכִּיא  
 דִּינֵי יִשְׂרָאֵל לַפְּנֵי גוֹיִם — מַחֲלֵל אֶת הַשֵּׁם וּמִיַּקְרָ שֵׁם  
 עֲבוּדָה וְרָה לְהַחֲשִׁיבָהּ, שֶׁנֶּאֱמַר: "כִּי לֹא כְּצוּרָנוּ צוּרָם,

1. דברים לב, לא. 2. ויקרא כה, מו. 3. דברים טו, יב. 4. שמות כב, ב. 5. ויקרא כה, לט.

— CHASIDIC INSIGHTS —

explain in our comments on the following verse, the laws of slavery allegorically reflect varying degrees of servitude to God. The laws applying to the non-Jewish bondman are not discussed at this time, for, as we will explain presently, every person can attain that level of servitude to God on his own. For the greater, more spiritual levels, however, Moses' assistance is required. Thus, God tells Moses:

*These are the laws you shall set before them....* "Set these guidelines before the Jewish people; make these spiritual levels accessible to them. Moreover, ensure that they actually attain these levels; make them a part of them."<sup>14</sup> As a result of this help from Moses, it becomes possible for every Jew to—

...buy a Jewish bondman: to attain (the degree of spiritual servitude personified by) the Jewish bondman.<sup>15</sup>

**2 If you buy a Jewish bondman:** The case of a Jew who is sold by the court as a bondman in order to repay what he stole is quite rare and it reflects negatively on the Jewish people, focusing on the sinners among them. It is nevertheless chosen to open the Torah's presentation of civil law.

One could argue that such a Jew is not important; after all, he succumbed to the materialistic desires of

his body, rather than following the calling of his soul. Why bother with him? Therefore, the Torah begins by dealing *specifically* with this type of person and immediately informs us that even this sinner must be treated with respect and compassion. Regardless of a Jew's spiritual state, he is still one of God's chosen people.

This compassionate approach to justice, exemplified in the Torah's treatment of the bondman, is the very heart of the Jewish civil law system, whose thrust is the refinement and elevation of the physical and material day-to-day life of a Jew. The case study of a bondman, therefore, is a fitting introduction to the ensuing legal discussions.<sup>16</sup>

**A**nother reason the subject of bondmen was chosen to begin this portion is because of its spiritual significance. We are all expected to serve God with total devotion. There are three levels of devotion to God, corresponding allegorically to the three types of bondmen:

— The Non-Jewish Bondman

Although the sages advise against it on humanitarian grounds, it is theoretically permissible to have a non-Jewish bondman do work that has no apparent

14. Reading the word for "before them" (לפניהם) as implying "into their inward selves" 15. *Sefer HaMa'amarim* 5714, pp. 74-75; *Sefer HaMa'amarim Melukat*, vol. 1, pp. 307-308. 16. *Hitva'aduyot* 5747, vol. 2, pp. 481-482.

## The Jewish Legal System

21:1 While Moses was still on Mount Sinai, God gave him the general outline of all the Torah's commandments.<sup>1</sup> In this context, He repeated the legal code that He gave the people at Marah<sup>2</sup> and that Moses reviewed before the Giving of the Torah.<sup>3</sup> By repeating these laws on Mount Sinai, God endowed them with the same legal force as the rest of the Torah.<sup>4</sup> He also taught Moses the *details* of the commandments in the following section.<sup>5</sup> Inasmuch as the details of these laws are too complex to learn in only forty days, God "gave" Moses a full understanding of them on the last day.<sup>6</sup> God gave the details of the rest of the commandments (with a few exceptions<sup>7</sup>) between Tishrei 10, 2449, when Moses descended Mount Sinai,<sup>8</sup> and Iyar 20, 2449, when the people began their journeys.<sup>9</sup>

God prefaced this section by saying: "In order to adjudicate legal cases, you will have to set up a system of courts. The highest of these courts, the Sanhedrin, must be located adjacent to the Tabernacle, wherein the people will offer their sacrifices, in order to decide cases of ritual law. Furthermore, you must teach the legal code to the people thoroughly and explain the derivations and reasoning behind each law so they understand it well. Tell them that they must bring all their legal cases to their own courts and not to those of other nations—even if these other courts try a particular case according to the same legal principles laid out in the Torah—for this would imply that the Jewish courts are incapable of trying such a case. This causes embarrassment to the Jewish people and enhances the prestige of these non-Jewish courts, whereas My intent is that the Jewish people inspire the other nations to imitate *them*."

**These are some of the laws that you shall set before them:**

### The Hebrew Bondman

2 "Although you are all now wealthy because of the booty you took in Egypt and at the Sea of Reeds, there may nonetheless come a time when things will be different.<sup>10</sup> Thus, if, in the future, a man among you becomes so poor that he steals something, and he cannot pay back its value, the court may sell him for a period of service in order to pay back his debt.<sup>11</sup> (The court may not, however, sell a woman thief.<sup>12</sup>) **If any of you buy such a Hebrew bondman from the court, he shall serve his master for six years, and in the seventh year he shall go free without further obligation to make any payment.** He will also go free in the Jubilee year, even if this occurs prior to the end of the six years from when he was purchased.<sup>13</sup>

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#### ❧ CHASIDIC INSIGHTS ❧

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1-2 **And these are the laws that you shall set before them. If you buy a Jewish bondman:** The Torah defines two categories of bondmen: non-Jewish and Jew-

ish; different laws apply to each category. This verse, which discusses the Jewish bondman, is addressed in the singular—as if directly to Moses. As we will

1. *Likutei Sichot*, vol. 17, p. 276, note 6. 2. Above, 15:25. 3. Below, 24:3. 4. *Sefer HaSichot 5749*, vol. 1, pp. 244-245. 5. Rashi on 31:18, below; *Likutei Sichot*, vol. 17, p. 276, note 6, vol. 26, p. 154, note 9. 6. Rashi on 31:8, below; *Sichot Kodesh 5733*, vol. 2, p. 335. 7. *Likutei Sichot*, vol. 17, p. 280, note 25. 8. Below, 34:28. 9. Numbers 10:11. *Likutei Sichot*, vol. 13, p. 93, note 5, vol. 17, pp. 281-282. 10. *Likutei Sichot*, vol. 16, pp. 251-256. 11. Below, 22:2. 12. *Mishneh Torah, Geneivah* 3:12. 13. Leviticus 25:40.

— ONKELOS —

3 אם בלחודוהי ייעול בלחודוהי יפוק אם בעיל אתתא הוא ותפוק אתתה עמה: 4 אם רבונה יתן לה אתתא ותליד לה בנן או בנן אתתא ובנהא תהי לרבונה והוא יפוק בלחודוהי: 5 ואם מימר יימר עבדא רחימנא ית רבוני ית אתתה וית בני לא אפוק לבר חורין:

3 אִם-בְּנִפּוֹ יבֵא בְּנִפּוֹ יֵצֵא אִם-בְּעַל אִשָּׁה הוּא ויֵצֵאָה אִשְׁתּוֹ עִמוֹ: 4 אִם-אֲדָנָיו יִתֵּן-לּוֹ אִשָּׁה ויִלְדֶה-לּוֹ בָּנִים אוֹ בָנוֹת הָאִשָּׁה ויִלְדֶיהָ תִּהְיֶה לְאֲדֹנֶיהָ וְהוּא יֵצֵא בְּנִפּוֹ: 5 וְאִם-אָמַר יֹאמֵר הָעֶבֶד אֶהְבֵּתִי אֶת-אֲדֹנָי אֶת-אִשְׁתִּי וְאֶת-בְּנֵי לֵא אֵצֵא חֶפְשִׁי:

— RASHI —

במזונות אשתו ובניו: 4 אִם-אֲדָנָיו יִתֵּן-לּוֹ אִשָּׁה. מכאן, שְׁהָרְשׁוֹת בְּיַד רַבּוֹ לְמִסֵּר לוֹ שִׁפְחָה בְּנִעְנִית לְהוֹלִיד מִמֶּנָּה עֲבָדִים. אוֹ אֵינוֹ אֶלָּא יִשְׂרָאֵלִית? תִּלְמוּד לומר: "הָאִשָּׁה ויִלְדֶיהָ תִּהְיֶה לְאֲדֹנֶיהָ", הָא אֵינוֹ מְדַבֵּר אֶלָּא בְּכַנְעֻנִית, שֶׁהִרִי הָעֶבְרִיָּה אֵף הִיא יוֹצֵאָה בְּשֵׁשׁ, וְאֶפְלוֹ לִפְנֵי שֵׁשׁ אִם הִבִּיאָה סִמְנִין יוֹצֵאָה, שְׁנָאָמַר: "אֲחִירָה עֲבָרִי אוֹ הָעֶבְרִיָּה", מִלְּמַד שֶׁאֵף הָעֶבְרִיָּה יוֹצֵאָה בְּשֵׁשׁ: 5 אֶת-אִשְׁתִּי. הַשִּׁפְחָה:

3 אִם-בְּנִפּוֹ יבֵא. שְׁלֵא הָיָה נְשׁוּי אִשָּׁה, כְּתַרְגוּמוֹ: "אִם-בְּלַחֲדוּהִי". וְלִשׁוֹן "בְּנִפּוֹ" — בְּכַנְפּוֹ, שְׁלֵא בָא אֶלְא קְמוֹת שְׁהוּא יְחִידִי בְּתוֹךְ לְבוֹשׁוֹ בְּכַנֵּף בְּגָדוֹ: בְּנִפּוֹ יֵצֵא. מְגִיד, שֶׁאִם לֹא הָיָה נְשׁוּי מִתְחַלָּה, אֵין רַבּוֹ מוֹסֵר לוֹ שִׁפְחָה בְּנִעְנִית לְהוֹלִיד מִמֶּנָּה עֲבָדִים: אִם-בְּעַל אִשָּׁה הוּא. יִשְׂרָאֵלִית: וְיוֹצֵאָה אִשְׁתּוֹ עִמוֹ. וְכִי מִי הִכְנִיסָה שִׁתְּצֵא? אֶלְא מְגִיד הַכְּתוּב, שֶׁהַקּוֹנֵה עֶבֶד עֲבָרִי חֵיב לְדַבֵּר טו, יב.

— CHASIDIC INSIGHTS —

We are still bound by the self-centered limitations of our nature; we are simply using that nature to serve God. Our emotions are involved, but we have not yet sublimated them to God altogether.

In contrast to life at the level of the "non-Jewish bondman," we study the Torah for a noble purpose: to be connected with God. Nonetheless, we strive to be connected to God for our own benefit rather for the sake of God or the Torah. The same is true of how we fulfill the commandments: we fulfill them in order to draw God's infinite light into our soul. We recognize that God is the source of life and that the way to connect to Him is through His commandments; therefore we comply with His will.

#### ☞ *The Jewish Bondwoman*

The highest level of service is that of the Jewish bondwoman. She plays a central and vital role in the master's household: she prepares the food and is thus responsible for the health, enjoyment, and social welfare of the family. Under certain circumstances, the Jewish bondwoman can actually marry into the household.

Spiritually, this is the stage where we are no longer limited by our egocentric nature, for we have risen above it. We no longer focus solely on our own good; we feel part of God and His agenda becomes ours.

At this level, we study the Torah for its own sake. We have become so connected with the Torah that we

have become one with it, so there is no dichotomy between the student and the subject. Similarly, we fulfill the commandments because that is who we are rather than for any benefits that may result.

The Torah begins its legal code with the case of the Jewish bondman because, once the Torah has been given, the opportunity exists for us to orient our emotions toward Godliness. Then, as we mature spiritually, we can advance to the level of the Jewish bondwoman and identify with God totally.<sup>20</sup>

**He shall serve for six years, and in the seventh he shall go free:** Allegorically, the six years allude to the six millennia between the creation of the world and the messianic era. During the first six millennia, we must struggle with the imperfections of the world and work to improve and perfect it. But in the seventh millennium, "he shall go free," for there will no longer be any need for work.<sup>21</sup>

The bondman's release in the seventh year is dependent upon his having worked during the preceding six years. The knowledge that his labor will ultimately bring him to freedom makes it easier for him to work; the promise of liberty inspires him to work with joy and vigor.

At this point in our history, the knowledge that we stand so close to the end of the sixth millennium should imbue our labor with the joyous anticipation of the impending redemption.<sup>22</sup>

20. *Torat Chaim* 2:71b ff; *Or HaTorah, Mishpatim*, pp. 1127 ff; *Derech Chaim, Sha'ar HaTefilah* §66 ff; *Derech Mitzvotecha*, pp. 83b-85a; *Sefer HaMa'amarim* 5714, pp. 67-75; *Sefer HaMa'amarim Melukat*, vol. 1, pp. 308 ff; *Likutei Sichot*, vol. 16, pp. 256-257.  
21. *Torah Or, Mishpatim* 76a. 22. *Hitva'aduyot* 5711, vol. 1, pp. 241-242.



3 It will be explained presently<sup>17</sup> that if his master wishes, he may give this bondman a non-Jewish maidservant in order to father non-Jewish children through her, who will then be the master's legal servants. But this applies only if the bondman is already married to a Jewish woman: **if he comes** to his master **single**, his master may not give him a non-Jewish bondwoman for a wife, and thus, when he leaves his master's service, **he shall leave** still being **single**. On the other hand, **if he has a Jewish wife** when he begins his term of service, his master is obligated to provide not only for the bondman's needs but also for those of his wife and his family as long as he is in his master's service—even though they do not become servants together with him. Of course, when he leaves his service, **his wife shall leave** his master's care **with him**, i.e., the master will no longer have to provide for her.<sup>18</sup>

4 **If the bondman has a Jewish wife and his master gives him a non-Jewish bondwoman for a wife, and she bears him sons or daughters, the woman and her children shall belong to her master, and** when he leaves his master's service, **he shall leave alone**, i.e., without them, and return to his Jewish wife and family.

5 **But if, in such a case, the bondman repeatedly says, 'I am fond of my master, my non-Jewish wife and my non-Jewish children; I do not want to go free,'**

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∞ CHASIDIC INSIGHTS ∞

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purpose. Thus, even though this was probably rarely if ever done, the fact that it is permissible in theory indicates that this level of bondage is one in which the bondman does not *necessarily* feel any personal satisfaction in his work. Such a bondman would understandably prefer to indulge his natural propensity for permissiveness and irresponsibility rather than submit to a life of service to someone else. He works either out of resignation to his stature or due to fear of punishment, but not because he expects any emotional satisfaction.<sup>19</sup>

This type of service is similar to our relationship with God before we have developed any enthusiasm for our Divine mission. Our *a priori* animal nature still has the upper hand and our emotional focus is still on the fulfillment of our material needs and desires. We may perform our religious duties perfectly, but that is merely the result of our reticence to sin. Alternatively, we may indeed succumb to sin, but we struggle against our evil inclination and attempt to mend our ways. In either case, our submission is merely the result of God's will having been imposed upon us, or, worse, no more than our fear of physical or spiritual punishment. Our actions are technically correct, but void of any positive emotional involvement.

At this level, we study Torah coldly and for ulterior motives: for the sake of knowing how to behave (and thus avoid punishment), for the enjoyment provided by the intellectual stimulation, for employment pur-

poses, or even in order to find fault in another's behavior. Similarly, we fulfill God's commandments, but we do them either by rote, to avoid punishment, or for personal aggrandizement.

∞ *The Jewish Bondman*

In contrast, it is forbidden *by law* to force a Jewish bondman into meaningless labor. Therefore, this type of bondman reaps satisfaction through his labor, and consequently harbors positive feeling for it, even toiling enthusiastically.

However, servant work may generally be divided into two types: the ongoing, routine work necessary for the upkeep of the master's household and the more delicate, refined work involved in preparing the household's meals. The Jewish bondman's work is the former; he works around the house, not in the kitchen.

Spiritually, the Jewish bondman personifies the stage in which we find meaning and enjoyment in our Divine mission because we realize that it is in fact the best way of satisfying our animal desires. We have learned that the joys of serving God are incomparably more sublime than the transient joys of material life and that the pain of living an ungodly life is greater than any other pain we may fear. We have channeled all of our faculties in the proper directions.

Although this is a major step in the right direction, we have still not fundamentally transformed ourselves.

17. v. 4. 18. See *Likutei Sichot*, vol. 22, p. 154, note 30. 19. This is also indicated in the formal name for this type of servant: a "Canaanite bondman": the word for "Canaanite" (כְּנַעֲנִי) is related to the words for "resignation" (כְּנִיעָה) and "subjugation" (הַכְנָעָה).

ONKELOS 6 ויקרבנה רבונה לקדם דיניא ויקרבנה לות דשא או דלות מווקתא וירצע רבונה ית אדנה במרצעא ויהי לה עבד פלח לעלם: 7 וארי יזנן גבר ית ברתה לאמהו לא תפוק כמפקנות עבדין: 8 אם בישא בעיני רבונה די יקמה לה ויפרקנה לגבר אחר לית לה רשו לזבנה במשלטה בה:

6 והגישו אדניו אל־האלהים והגישו אל־הדלת או אל־ המזוזה ורצע אדניו את־אזנו במרצע ועבדו לעלם: 7 וכי־ימכר איש את־בתו לאמה לא תצא בצאת העבדים: 8 אם־רעה בעיני אדניה אשר־לא {לו} יעדה והפדה לעם נכרי לא־ימשל למכרה בבגדו־בה:

## RASHI 6

תמכרה!! לא תצא בצאת העבדים. ביציאת עבדים פנענים, שיוצאים בשן ועין. אבל זו לא תצא בשן ועין, אלא עובדת שש, או עד היובל, או עד שתביא סימנין, וכל־הקודם — קודם לחירותה, ונותן לה דמי עינה או דמי שנה. או אינו אלא לא תצא בצאת העבדים בשש וביובל? תלמוד לומר: "כי־ימכר לך אחיך העברי או העבריה"<sup>13</sup> — מקיש עבריה לעברי לכל־יציאותיו, מה עברי יוצא בשש וביובל, אף עבריה יוצאה בשש וביובל. ומהו "לא תצא בצאת העבדים"? לא תצא בראשי אברים בעבדים פנענים. יכול העברי יוצא בראשי אברים? תלמוד לומר: "העברי או העבריה" — מקיש עברי לעבריה, מה־העבריה אינה יוצאה בראשי אברים, אף הוא אינו יוצא בראשי אברים: 8 **אם־רעה בעיני אדניה**. שלא נשאה חן בעיניו לכנסה: **אשר־לא יעדה**. שהיה לו ליעדה ולהכניסה לו לאשה, וכסף קנייתה הוא כסף קדושיה. וכאן רמו לך הכתוב, שמצוה בעיור. ורמו לך, שאינה צריכה קדושין אחרים: **והפדה**. יתן־לה מקום להפדות ולצאת, שאף הוא מסייע בפדיונה. ומה־הוא מקום שנותר לה? שמגרע מפדיונה במספר השנים שעשתה אצלו, כאלו היא שכורה אצלו. ביצד? הרי שקנאה במנה ועשתה אצלו שתי שנים, אומרים לו: יודע היית שעתידה לצאת לסוף שש, נמצא שקנית עבודת כל־שנה ושנה בששית המנה, ועשתה אצלק שתי שנים, הרי שלישית המנה, טל שני שלישיות המנה ותצא מאצלק: **לעם נכרי לא־ימשל למכרה**. אינו רשאי למכרה לאחר, לא האדון ולא האב: **בבגדו־בה**. אם בא לבגד בה, שלא לקיים בה מצות יעוד. וכן אביה, מאחר שבגד בה ומכרה לזה:

6 **אל־האלהים**. לבית דין, צריף שימלך במוכריו שמכרוהו לו: **אל־הדלת או אל־המזוזה**. יכול, שתהא המזוזה פשרה לרצע עליה? תלמוד לומר: "ונתתה באנו ובדלת" — בדלת ולא במזוזה. הא מה־תלמוד לומר: "או אל־המזוזה"? הקיש דלת למזוזה — מה מזוזה מעמד, אף דלת מעמד: **ורצע אדניו את־אזנו**. הימנית. או אינו אלא של שמאל? תלמוד לומר: "און און" לגורה שנה: נאמר כאן "ורצע אדניו את־אזנו", ונאמר במצורע: "תנוף און המטהר הימנית"<sup>9</sup>. מה־להלן הימנית אף כאן הימנית. ומה ראה און להרצע מכל־שאר אברים שבגוף? אמר רבן יוחנן בן־זכאי: און זאת ששמעה על הר סיני "לא תגנב", והלך ונגב — תרצע. ואם מוכר עצמו, און ששמעה על הר סיני "כי־לי בני־ישראל עבדים"<sup>10</sup>, והלך וקנה אדון לעצמו — תרצע. רבי שמעון היה דורש מקרא זה כמין חמר: מה־נשתנו דלת ומזוזה מכל־כלים שבבית? אמר הקדוש ברוך־הוא: דלת ומזוזה שהיו עדים במצרים כשפסחתי על המשקוף ועל שתי המזוזות, ואמרת: "כי לי בני ישראל עבדים" — עבדי הם ולא עבדים לעבדים, והלך זה וקנה אדון לעצמו — ירצע בפניהם: **ועבדו לעלם**. עד היובל. או אינו אלא לעולם כמשמעו? תלמוד לומר: "ואיש אל־משפחתו תשב"<sup>11</sup>, מגיד שחמשים שנה קרוים "עולם". ולא שהיא עובדו כל־חמשים שנה, אלא עובדו עד היובל בין סמוך בין מפלג: 7 **וכי־ימכר איש את־בתו לאמה**. בקטנה הכתוב מדבר. יכול, אפלו הביאה סימנים? אמרת קל וחמר: ומה־מכורה קדם לכן יוצאה בסימנין, כמו שכתוב: "ויצאה חנם אין כסף"<sup>12</sup>, שאנו דורשים אותו לסימני נערות. שאינה מכורה — אינו דין שלא

7. שם, יו. 8. ויקרא יד, יד. 9. שמות כ, יג. 10. ויקרא כה, נה. 11. ויקרא כה, י. 12. פסוק יא. 13. דברים טו, יב.

## CHASIDIC INSIGHTS 6

6 His master shall then pierce his ear with an awl: The person in question is a thief, who not only committed the crime but also subsequently squandered the money, leaving nothing with which to repay the per-

son he robbed. Yet, God does not exempt even such a scoundrel from his obligation to abide by the Torah's laws. He, too, was present at Mount Sinai, and was indelibly affected by hearing God's voice. Precisely be-

**6 then his master shall bring him to the court** that sold him **and they shall take him to the door.** The door must be standing upright, like **the doorpost.** **His master shall then pierce his right ear with an awl, and the bondman shall serve him until the next Jubilee year,** when he will go free whether he wants to or not.<sup>23</sup> He is given the relatively light punishment of having his ear pierced<sup>24</sup> since we give him the benefit of the doubt: he probably stole because of his abject poverty, and it is certainly natural that he should harbor affection for his wife and children, even though they are not Jewish. Nonetheless, his *right* ear is pierced, because the ear on his stronger side signifies proper use of the power of hearing.<sup>25</sup> He heard Me say ‘You shall not steal!’<sup>26</sup> on Mount Sinai, but he nonetheless went and stole, and is not embarrassed about it—as evidenced by the fact that he is in no hurry to be rid of the stigma of having been sold into slavery because of it. The ear is pierced against a door, which in turn must be standing upright like a doorpost, because the door and doorpost were witnesses, so to speak, to how I liberated the people from slavery in Egypt,<sup>27</sup> and this individual nonetheless chooses to prolong his slavery.”<sup>28</sup>

Because the laws of the Hebrew bondman recall the Giving of the Torah, they are the first ones God gave after the Giving of the Torah.<sup>29</sup>

### The Hebrew Bondmaid

**7** “If a man is too poor to marry off his daughter, he may sell her for a period of service to a wealthier family with the intention that she eventually marry a member of this family: ideally, the father, or if that is not appropriate, the son. In such a case, the money paid to the girl’s father will retroactively become her betrothal money. **If a man sells his daughter** in this way **as a bondmaid,** he can only do so if she is still a minor, that is, if she is less than twelve years old and has not yet shown signs of incipient puberty.<sup>30</sup> She shall serve the master either for six years, or until the Jubilee year, or until she shows signs of incipient puberty—whichever comes first. **She shall not leave** his service **as non-Jewish bondmen do,** i.e., in consequence of the master inflicting a blow that causes the loss of a tooth or an eye.<sup>31</sup> If her master causes her such damage, he must pay her full restitution according to law, but she does not go free because of it.

**8** **If she is displeasing in the eyes of her master, who should have designated her as a wife for himself,** and prior to the end of her term of service the opportunity arises for her to be redeemed from the term monetarily, the master **shall assist in her redemption** by allowing her to be redeemed for less money than he paid for her, proportionate to the fraction of the six-year period she actually served. **He is not authorized to sell her to another master, for he betrayed her** by not marrying her. Similarly, her father **is not authorized to sell her to another master, for he** already **betrayed her** once by selling her to someone who did not eventually marry her, and he may not subject her to such an ordeal again.

23. Leviticus 25:10. 24. We see later (32:2-3, below) that it was customary for men in those times to pierce their ears. 25. Cf. Genesis 48:13-19. 26. Leviticus 19:11. 27. Above, 12:7. 28. *Likutei Sichot*, vol. 11, pp. 89-97. 29. *Likutei Sichot*, vol. 16, pp. 255-256. Additional laws regarding the Hebrew bondman are found in Deuteronomy 15:12-18. 30. See *Nidah* 6:11, 45b-46a; *Mishneh Torah*, *Nashim* 2:1-2, 16-20. 31. Below, vv. 26-27.

— ONKELOS —

9 ואם לבריה יקמינה בהלכת  
בנת ישראל יעביד לה: 10 אם  
אחרנתא יסב לה זיננה כסותה  
ועונתה לא ימנע: 11 ואם  
תלת אלין לא יעביד לה ותפוק  
מגן בלא כסף: 12 דימחי אגש  
ויקטלנה אתקטלא יתקטיל:

9 ואם-לבנו ייעדנה במשפט הבנות יעשה-לה:

10 אם-אחרת יקח-לו שארה כסותה וענתה לא יגרע:

11 ואם-שלש-אלה לא יעשה לה ויצאה חנם אין

כסף: 8

12 מכה איש ומת מות יומת:

— RASHI —

אומר שתצא אלא בבגרות? תלמוד לומר: "אין כסף" — לרבות וציאת בגרות. ואם לא נאמרו שניהם, הייתי אומר: "ויצאה חנם" — זו בגרות, לכך נאמרו שניהם, שלא לתן פתחון-פה לבעל הדין לחלוק; 12 מכה איש ומת. כמה כתובים נאמרו בפרשת רוצחין, ומה שבידי לפרש למה באו כלם, אפרש: מכה איש ומת. למה נאמר? לפי שנאמר: "ואיש כי יכה כל-נפש אדם, מות יומת",<sup>37</sup> שומע אני הכאה בלא מיתה. תלמוד לומר: "מכה איש ומת" — אינו חיב אלא בהכאה של מיתה. ואם נאמר: "מכה איש" ולא נאמר "ואיש כי יכה", הייתי אומר: אינו חיב עד שיכה איש. הכה את האשה ואת הקטן, מניין? תלמוד לומר: "כי יכה כל-נפש אדם" — אפלו קטן ואפלו אשה. ועוד, אלו נאמר: "מכה איש", שומע אני אפלו קטן שהכה והרג יהא חיב. תלמוד לומר: "ואיש כי יכה" — ולא קטן שהכה. ועוד, "כי יכה כל-נפש אדם" — אפלו נפלים במשמע. תלמוד לומר: "מכה איש" — אינו חיב עד שיכה בן-קומא, הראוי להיות איש:

9 ואם-לבנו ייעדנה. האדון. מלמד, שאף בנו קם תחתיו ליעדה, אם ירצה אביו. ואינו צריך לקדשה קדושין אחרים, אלא אומר לה: הרי את מעדת לי, בכסף שקבל אביו בדמיון: במשפט הבנות. שאר כסות ועונה: 10 אם-אחרת יקח-לו. עליה: שארה כסותה וענתה לא יגרע. מן האמה שיעד לו כבר: שארה. מוזנות: כסותה. כמשמעו: ענתה. תשמיש: 11 ואם-שלש-אלה לא יעשה לה. אם אחת משלש-אלה לא יעשה לה. ומה-הן השלש? ייעדנה לו, או לבנו, או יגרע מפדיונה ותצא. וזה לא יעדה לא לו ולא לבנו, והיא לא היה בידה לפדות את עצמה: ויצאה חנם. רבה לה יציאה לזו יותר ממה-שרבה לעבדים. ומה-היא היציאה? ללמדך שתצא בסימנין, ותשקה עמו עד שתביא סימנין. ואם הגיעו שש שנים קדם סימנין — כבר למדנו שתצא, שנאמר: "העברי או העבריה, ועבדך שש שנים"<sup>38</sup>. ומהו האמור כאן: "ויצאה חנם"? — שאם קדמו סימנים לשש שנים, תצא בהן. או אינו

14. דברים טו, יב. 15. ויקרא כד, יז.

— CHASIDIC INSIGHTS —

12-13 He who strikes a man so that he dies must be put to death. If, however, he did not lie in wait, but God caused it to happen to him, then I shall provide you a place to which he shall flee: Metaphorically, committing a sin is a form of murder; in both cases the soul is ripped away from its spiritual source of life. In the case of a sin, the "slain" party is the person's own soul.

Inasmuch as the Jewish people are intrinsically connected to God, it is totally "unnatural" for a Jew to sin. The fact that we do sin is as a result of a sudden, fleeting spirit of folly, which convinces us that our connection to God will not suffer as a result of improper behavior. Therefore, God considers the "murder" unintentional, and provides us with a "city of refuge" where we may repent and escape punishment. This "city of refuge" is the study of the Torah and the prayers we recite with a sincere and repentant heart.

One of the court's obligations was to ensure that there were wide and well-paved roads leading to the cities of refuge, with clear signposts along the way.<sup>38</sup> This teaches us that it is not enough to take refuge in our own "city of refuge"; it is our responsibility and privilege to also help others reach their "city of refuge" through our own exemplary behavior and helpful advice. When we help others, God helps us reach our own "city of refuge" as well.

This is alluded to in the wording of this verse. The verse begins in the third person ("to happen to him"), and then switches to the second person ("I shall provide you").<sup>39</sup> When we notice a fault in a friend and see what is "happening to him," we must steer him toward the path to repentance—to the city of refuge. Upon seeing this, God declares, "I shall provide for you"—"I will ensure that you, too, benefit as a result."<sup>40</sup>

[continues...]

37. Likutei Sichot, vol. 17, p. 476. 38. See Mishneh Torah, Rotzeach 8:5. 39. See Sha'ar HaPesukim ad loc. 40. Likutei Sichot, vol. 9, pp. 297-300.

9 If, on the other hand, the master **designates her** as a wife **for his son**, the son may also consider the money paid to the girl's father as her betrothal money. The son, as her husband, **shall accord her the standard rights of girls** who marry: food, clothing, and conjugal rights.

10 **If he marries an additional wife, he may not reduce this one's food, clothing, or conjugal rights.**

11 **If the master takes none of these three** earlier-listed courses of action **for her**—i.e., marrying her himself, marrying her off to his son, or letting her be redeemed—**she shall go out free** at the end of her term, **without** owing him any additional payment.

## Murder and Manslaughter

12 **"An adult who strikes a man, woman, or child so that the latter dies must be put to death.**

### ✧ CHASIDIC INSIGHTS ✧

cause of this fact, he is held accountable for any later disobedience, and therefore, despite the fact that it is normally forbidden to injure or harm another Jew, the court is instructed to pierce this person's ear.<sup>32</sup>

**10 Food, clothing, or conjugal rights:** These are the husband's three basic obligations to his wife.

According to the Midrash,<sup>33</sup> God Himself allegorically fulfills all the precepts that He commanded the Jewish people. The relationship between God and the Jewish people is compared to that between husband and wife.<sup>34</sup> Therefore, God has "obligated" Himself to always provide the Jewish people with all of their needs.<sup>35</sup>

In spiritual terms, our one "need" is Divine consciousness, the awareness that allows us to lead spiritual lives. In this context, food, clothing, and conjugal rights are three different levels of Divine consciousness that God provides us with:

"Food" connotes spiritual consciousness that can be "digested," i.e., grasped. This is the level of Divine consciousness wherein we are conscious of God's presence within reality. This awareness helps us relate to all aspects of life as opportunities to connect to God. Such consciousness is only possible when God "lowers" Himself to be truly within the reach of human comprehension.

"Clothing" does not sustain us, it only protects us. Although, like food, it is also tailored to us, we nonetheless wear it *outside* ourselves. Clothing therefore connotes higher levels of spiritual consciousness that we can conceive of intellectually but can grasp in only the most general terms. When we become aware of the

existence of these spiritual levels, this awareness can indeed "protect" us from the invasion of negativity. Nonetheless, our awareness of these levels is too abstract to enhance the way we relate to the world in any concrete form. Thus it remains beyond, or "outside" of us. At this level, too, God has "lowered" Himself, albeit to a lesser degree than with "food."

The highest of the three levels of consciousness is "conjugal rights," reflecting a true union with the essence of God. This level is one of pure Divine recognition, which is only possible because of God's great love for us.<sup>36</sup>

In this allegorical context, the Torah is the marriage contract between God and Israel. Just as the three above-mentioned obligations are written into the marriage contract between husband and wife, so, too, the Torah reflects these three categories:

"Food"—that which can be fully digested—refers to the revealed aspects of Torah. These aspects can be fully grasped by human intellect and become completely integrated into our being.

"Clothing" refers to the esoteric, hidden parts of Torah. These can be analyzed, and do indeed affect the learner. However, because they are spiritual and abstract in nature, they are never fully assimilated, and remain essentially beyond our grasp.

"Conjugal rights," the third and deepest level, is the most intimate dimension of the Torah, which requires special preparation and refinement in order to be approached. This level of the Torah leads to the pinnacle of connectedness with God.<sup>37</sup>

32. *Sichtot Kodesh* 5739, vol. 2, pp. 601-602. 33. *Shemot Rabbah* 30:9. 34. See, *inter alia*, *Shemot Rabbah* 15:31. 35. *Hitva'aduyot* 5747, vol. 2, p. 298. 36. See *Reshimot* 169, p. 10; *Sefer HaMa'amarim Melukat*, vol. 5, pp. 204-205.

ONKELOS 13  
 13 וְדִי לֹא כִמֵּן לֹה וּמִן קָדָם יִי  
 אַתְמָסֵר לִידָה וְאַשְׁוִי לָף אַתְרָא  
 דִּי יַעֲרוֹק לְתַמְזֵן: 14 וְאַרְי יִרְשַׁע  
 גְּבַר עַל חֲבֵרָה לְמַקְטֵלָה בְּנִכְיִלו  
 מִן מִדְּבָחִי תִדְבְּרָנָה לְמַקְטֵל:  
 15 וְדִמְחִי אַבּוּהִי וְאַמָּה אַתְקֵטְלָא  
 יִתְקֵטְל: 16 וְדִיִּגְנוּב נִפְשָׁא מִבְּנֵי  
 יִשְׂרָאֵל וְיִזְבְּנָה וְיִשְׁתַּכַּח בִּידָה  
 אַתְקֵטְלָא יִתְקֵטְל:

13 וְאֲשֶׁר לֹא צָדָה וְהֶאֱלֹהִים אָנָּה לִידּוֹ וְשִׁמְתִי לְךָ מָקוֹם  
 אֲשֶׁר יָנוּם שָׁמָּה: ם

14 וְכִי־יִזְדּ אִישׁ עַל־רַעְהוּ לְהִרְגּוֹ בְּעֶרְמָה מֵעַם מוֹדְבָחִי  
 תִּקְחֵנּוּ לְמוֹת: ם

15 וּמִכָּה אָבִיו וְאִמּוֹ מוֹת יוּמָת: ם

16 וְגַב אִישׁ וּמָכְרוֹ וּנְמָצָא בִידּוֹ מוֹת יוּמָת: ם

## RASHI

לך מקום. אף במדבר, שינוס שמה. ואי זה מקום  
 קולטו? זה מחנה לויה: 14 וכי יזד. למה נאמר? לפי  
 שנאמר: "מכה איש וגו"<sup>15</sup>, שומע אני אפלו הרג גוי,  
 והרופא שהמית, ושליח בית דין שהמית במלקות  
 ארבעים, והאב המכה את בנו, והרב הרודה את  
 תלמידו, והשוגג. תלמוד לומר: "וכי יזד" — ולא  
 שוגג. "על־רעהו" — ולא על גוי. "להרגו בערמה"  
 — ולא שליח בית דין, והרופא, והרודה בנו ותלמידו,  
 שאף־על־פי שהם מוידין אין מערימין: מעם מודבחי.  
 אם היה בהן ורוצה לעבוד עבודה, תקחנו למוות:  
 15 ומכה אביו ואמו. לפי שלמדנו על החובל בחברו  
 שהוא בתשלומין ולא במיתה, הצריך לומר על החובל  
 באביו שהוא במיתה, ואינו חוב אלא בהכאה שיש  
 בה חבורה: אביו ואמו. או זה או זה: מות יומת. בחנק:  
 16 וגנב איש ומכרו. למה נאמר? לפי שנאמר: "כִּי־  
 ימצא איש גנב נפש מאחיו"<sup>16</sup>, אין לי אלא איש שגנב  
 נפש. אשה או טמטום או אנדרוגינוס שגנבו מנין?  
 תלמוד לומר: "וגנב איש ומכרו". ולפי שנאמר כאן:  
 "וגנב איש" — אין לי אלא גנב איש. גנב אשה מנין?  
 תלמוד לומר: "גנב נפש". לכה הצרכו שניהם, מה־  
 שחסר זה גלה זה: ונמצא בידו. שראוהו עדים שגנבו  
 ומכרו, ונמצא כבר בידו קדם מכירה: מות יומת.  
 בחנק. כל־מיתה האמורה בתורה סתם — חנק היא.  
 והפסיק הענין וכתב: "וגנב איש", בין מכה אביו ואמו  
 למקלל אביו ואמו. ונראה לי, הינו פלגתא דמר סבר  
 מקשינן הכאה לקללה, ומר סבר לא מקשינן:

13 וְאֲשֶׁר לֹא צָדָה. לֹא אָרַב לוֹ וְלֹא נִתְכַּוֵּן. "צָדָה"  
 — לְשׁוֹן אָרַב, וְכֵן הוּא אוֹמֵר: "וְאִתָּה צָדָה אֶת־נַפְשִׁי  
 לְקַחְתָּהּ"<sup>17</sup>. וְלֹא יִתְכַּוֵּן לוֹמֵר "צָדָה" לְשׁוֹן "הַצַּד־צִיד"<sup>17</sup>,  
 שְׂצַדַת חַיּוֹת אֵין נוֹפֵל הֵ"א בְּפוּעַל שְׁלָה. וְשֵׁם דְּבַר  
 בָּהּ — "צִיד", וְזֶה שֵׁם דְּבַר בּוֹ — "צָדִידָה". וְפוּעַל שְׁלוֹ  
 "צוּדָה", וְזֶה פּוּעַל שְׁלוֹ — "צָד". וְאוֹמֵר אָנִי: פְּתוּרוֹנוֹ  
 בְּתַרְגוּמוֹ: "וְדָלָא כִּמֵּן לֹה". וּמִנַּחֵם חֲבָרוֹ בְּחֵלֶק "צָד"  
 צִיד", וְאֵין אָנִי מוֹדָה לוֹ, וְאִם יֵשׁ לְחַבְרוֹ בְּאֶחָת  
 מִמַּחֲלָקוֹת שֶׁל "צָד" נִחְבְּרָנוּ בְּחֵלֶק "עַל־צַד תִּנְשְׂאוּ"<sup>18</sup>,  
 "צָדָה אוֹרָה"<sup>19</sup>, "וּמְלִין לְצַד עֲלָאָה וּמְלָל"<sup>20</sup>, אִף כָּאן:  
 "אֲשֶׁר לֹא צָדָה" — לֹא צָדָד לְמִצּוֹא לוֹ שׁוֹם צַד מִיִּתְהוּ.  
 וְאִף זֶה יֵשׁ לְהַרְהֵר עָלָיו, מִכֹּל מָקוֹם לְשׁוֹן אוֹרָב הוּא:  
 וְהֶאֱלֹהִים אָנָּה לִידּוֹ. זִמּוֹן לִידּוֹ, לְשׁוֹן "לֹא־תִאָּנֶה אֵלֶיךָ  
 רָעָה"<sup>21</sup>, "לֹא־יִאָּנֶה לְצַדִּיק כָּל־אָוֶן"<sup>22</sup>, "מִתְאַנֶּה הוּא  
 לִי"<sup>23</sup> — מוֹדְמֵן לְמִצּוֹא לִי עֲלָה: וְהֶאֱלֹהִים אָנָּה לִידּוֹ.  
 וְלָמָּה תִּצָּא זֹאת מִלְּפָנָיו? הוּא שְׂאֵמֵר דּוֹד: "בְּאֲשֶׁר  
 יֹאמֵר מִשַּׁל הַקְּדָמְנִי, מִרְשָׁעִים יִצָּא רְשָׁע"<sup>24</sup>. וְ"מִשַּׁל  
 הַקְּדָמְנִי" הוּא הַתּוֹרָה, שְׁהִיא מִשַּׁל הַקְּדוֹשׁ בְּרוּךְ־הוּא,  
 שְׁהוּא קְדָמוֹנוֹ שֶׁל עוֹלָם. וְהִיכֵן אִמְרָה תּוֹרָה "מִרְשָׁעִים  
 יִצָּא רְשָׁע" — "וְהֶאֱלֹהִים אָנָּה לִידּוֹ", בְּמָה הַכְּתוּב  
 מְדַבֵּר? — בְּשֵׁנֵי בְּנֵי אָדָם, אֶחָד הָרַג שׁוֹגֵג וְאֶחָד הָרַג  
 מִזִּיד, וְלֹא הָיוּ עַדִּים בְּדָבָר שְׂעִידוֹ, זֶה לֹא נִהְרַג וְזֶה  
 לֹא גָלָה. וְהַקְּדוֹשׁ בְּרוּךְ־הוּא מוֹמְנֵן לְפָנֶיךָ אֶחָד, זֶה  
 שְׁהָרַג בְּמוֹיֵד — יוֹשֵׁב תַּחַת הַסֵּלֶם, וְזֶה שְׁהָרַג שׁוֹגֵג  
 — עוֹלָה בְּסֵלֶם וְנוֹפֵל עַל זֶה שְׁהָרַג בְּמוֹיֵד וְהוֹרְגוֹ,  
 וְעַדִּים מַעֲיָדִים עָלָיו וּמְחַיְבִים אוֹתוֹ לְגִלוֹת. נִמְצָא, זֶה  
 שְׁהָרַג בְּשׁוֹגֵג גוֹלָה, וְזֶה שְׁהָרַג בְּמוֹיֵד נִהְרַג: וְשִׁמְתִי

16. שמואלא כד, יא. 17. בראשית כז, לו. 18. ישעיה סו, יב. 19. שמואלא כ, כ. 20. דניאל ז, כה. 21. תהלים צא, י. 22. משלי יב, כא. 23. מלכים ב, ה, ז.  
 24. שמואלא כד, יג. 25. פסוק יב. 26. דברים כד, ז.

**13 If, however, he did not lie in wait or intend to kill, but God caused it to happen to him, then I shall provide you a place to which he shall flee.** During your trek in the desert, this place of refuge will be the Levite camp;<sup>41</sup> when you enter the Land of Israel, you will designate specific cities to serve as cities of refuge.<sup>42</sup> God causes someone to kill someone else inadvertently in order for justice to be served. For example: a person killed someone intentionally, and another killed someone inadvertently, and there were no witnesses to either crime. Since there were no witnesses, the intentional murderer cannot be executed and the unintentional killer cannot be exiled. God arranges for them to stay at the same inn; the intentional murderer sits under a ladder and the unintentional killer climbs down this same ladder, slips, and falls on the intentional murderer, killing him. Thus, the intentional murderer receives his death penalty, while the unintentional killer is witnessed committing a second unintentional killing and is thus tried and sentenced to exile.

**14** “The law that a murderer must be put to death applies only **if such a person acts intentionally against his fellow Jew to kill him with guile.** But if a Jew kills someone while intending to kill someone else, or kills a non-Jew, or kills someone while administering a court-ordered punishment, or kills someone while trying to heal him, or kills his son or pupil while disciplining him, he is liable to other forms of punishment but does not incur the death penalty. But if someone *is* liable to the death penalty, you must administer it; even if he is a priest and is about to perform some priestly function, **you shall take him from My very altar to die.**

### Honor to Parents

**15** “Someone who strikes his father or mother and thereby inflicts a wound on them **must be put to death** by strangulation. A person who inflicts a wound on anyone else, however, is only liable for damages.<sup>43</sup>

### Kidnapping

**16** “Someone who kidnaps and sells a man or woman **must be put to death** by strangulation, provided that both the kidnapping and sale were witnessed, and thus the victim **was seen in** the kidnapper’s **possession** before the sale .

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#### ∞ CHASIDIC INSIGHTS ∞

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**A**lternatively, this whole verse may be applied to one individual. As mentioned, our Divine soul is naturally incapable of sinning; only when our human/animal soul prevails can it cause us to sin. This phenomenon is referred to in this verse in the third person—“happening to *him*”—since it is not a reflection of our true, Divine self.

Nonetheless, the Divine soul is tarnished by the sin as well. Therefore God tells us, “I shall provide for *you* a place,” I will enable you to rectify this wrongdoing through repentance, and as a result “*he shall flee*”—you will positively affect the animal soul, too.<sup>44</sup>

<sup>41</sup>. Numbers 1:50-53. <sup>42</sup>. Numbers 35:9-34. <sup>43</sup>. Below, v. 24. <sup>44</sup>. *Likutei Sichot*, vol. 9, pp. 301-302.

ONKELOS

17 וְדִי־לוֹט אַבוּהִי וְאִמָּה  
 אֶת־קִטְלָא יִתְקַטְל: 18 וְאִרִי יִצְוֹן  
 גְּבָרִין וְיִמְחִי גֵבֵר יֵת חֲבֵרָה בְּאִבְנָא  
 או בכורמיזא וְלֹא יָמוּת וְיִפְל  
 לְבוֹטְלִין: 19 אִם יָקוּם וְיִתְהַלֵּךְ  
 בְּבָרָא עַל בּוֹרִיָּה וְיִהְיִ זָפָאָה  
 מִחֲזֵי לְחֹד בְּטִלְנָה יִתֵּן וְאָגֵר  
 אֶסְיָא יִשְׁלֵם: 20 וְאִרִי יִמְחִי גֵבֵר  
 יֵת עֲבָדָה או יֵת אִמְתָּה בְּשׁוֹלְטִין  
 וְיָמוּת תַּחַת יְדוֹ וְיֵדָה אֶת־דָּנָא יִתְדָן:  
 21 בְּרָם אִם יוֹמָא או תְּרִין יוֹמִין  
 יִתְקַיֵּם לֹא יִתְדָן אִרִי כִסְפָּה הוּא:

17 וּמִקְלָל אָבִיו וְאִמּוֹ מוֹת יוֹמָת: ם  
 18 וְכִי־יִרְיֶבֶן אֲנָשִׁים וְהִפְהִי אִישׁ אֶת־רַעְיוֹנוֹ בְּאָזְנוֹ או  
 בְּאֶזְרָף וְלֹא יָמוּת וְנִפְל לְמִשְׁכָּב: 19 אִם־יִקְוֶם וְהִתְהַלֵּךְ  
 בַּחוּץ עַל־מִשְׁעַנְתּוֹ וְנָקָה הַמִּכָּה רַק שִׁבְתּוֹ יִתֵּן וְרָפָא  
 יִרְפָּא: ם  
 שְׁנֵי 20 וְכִי־יִכְהֶה אִישׁ אֶת־עַבְדּוֹ או אֶת־אִמָּתוֹ בְּשִׁבְט  
 וְיָמוּת תַּחַת יְדוֹ נָקָם יִנָּקֵם: 21 אִךְ אִם־יֹוֹם או יוֹמִים  
 יַעֲמֹד לֹא יִקָּם כִּי כִסְפוֹ הוּא: ם

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דְּמִי יְדוֹ וְרָגְלוֹ, שְׁנֵאמַר: "יָד תַּחַת יְדֵי, רָגַל תַּחַת רָגְלֵי"<sup>31</sup>.  
**וְרָפָא יִרְפָּא**. בְּתַרְגוּמוֹ, וְשִׁלְמֵם שְׂכָר הָרוּפָא: 20 **וְכִי־יִכְהֶה**  
**אִישׁ אֶת־עַבְדּוֹ או אֶת־אִמָּתוֹ**. בְּעֶבֶד כְּנַעֲנִי הַכְּתוּב  
 מְדַבֵּר. או אִינוּ אֵלָא בְּעֶבְרִי? תַלְמוּד לומר: "כִּי כִסְפוֹ  
 הוּא"<sup>32</sup>, מִה־כִסְפוֹ קִנּוּי לוֹ עוֹלָמִית, אִךְ עֶבֶד הַקְּנּוּי לוֹ  
 עוֹלָמִית. וְהִרִי הֵיךְ בְּכָלל "מִכָּה אִישׁ וְיָמוּת"<sup>33</sup> אֵלָא, בָּא  
 הַכְּתוּב וְהוֹצִיאָו מִן הַכָּלָל, לְהַיּוֹת גְּדוּן בְּדִין "יּוֹם או  
 יוֹמִים", שְׂאֵם לֹא מֵת תַּחַת יְדוֹ וְשָׂהָה מֵעַת לְעַת פְּטוּר:  
**בְּשִׁבְט**. כְּשֵׁישׁ בוֹ כְּדִי לְהִמִּית הַכְּתוּב מְדַבֵּר. או אִינוּ  
 אֵלָא אֶפְלוֹ אִין בוֹ כְּדִי לְהִמִּית? תַלְמוּד לומר בְּיִשְׂרָאֵל:  
 "וְאִם בְּאָזְנוֹ יְד אֲשֶׁר־יָמוּת בָּהּ הִכָּהוּ"<sup>34</sup>, וְהֵלֵא דְבָרִים  
 קָל וְחִמּוּר: וּמִה־יִשְׂרָאֵל חִמּוּר אִין חֲזִיב עֲלֵיו אֵלָא אִם  
 בֵּן הִכָּהוּ בְּדָבָר שֵׁישׁ בוֹ כְּדִי לְהִמִּית, וְעַל אֲבָר שְׂהוּא  
 כְּדִי לְמוֹת בְּהִכָּאָה זוֹ, עֶבֶד הַקָּל — לֹא כָל־שָׂכֵן: **נָקָם**  
**יִנָּקֵם**. מִיִּתֵת סִיף. וְכֵן הוּא אוֹמֵר: "חֲרַב נִקְמַת נָקָם־  
 בְּרִית"<sup>35</sup>: 21 **אִךְ אִם־יֹוֹם או יוֹמִים יַעֲמֹד לֹא יִקָּם**. אִם  
 עַל יוֹם אֶחָד הוּא פְטוּר עַל יוֹמִים לֹא כָל־שָׂכֵן? אֵלָא,  
 יוֹם שְׂהוּא כְּיוֹמִים, וְאִיזְהָדָה זֶה מֵעַת לְעַת: **לֹא יִקָּם כִּי**  
**כִסְפוֹ הוּא**. הָא אַחַר שְׂהִכָּהוּ, אִף־עַל־פִּי שְׂשָׂהָה מֵעַת  
 לְעַת קָדָם שְׂמֵת — חֲזִיב:

17 **וּמִקְלָל אָבִיו וְאִמּוֹ**. לְמָה נֵאמַר? לְפִי שְׂהוּא אוֹמֵר:  
 "אִישׁ אִישׁ אֲשֶׁר יִקְלָל אֶת־אָבִיו"<sup>27</sup>, אִין לִי אֵלָא אִישׁ  
 שְׂקָלָל אֶת אָבִיו. אֲשֶׁה שְׂקָלָלָה אֶת אָבִיָּה מִנִּין? תַלְמוּד  
 לומר: "וּמִקְלָל אָבִיו וְאִמּוֹ" — סֵתֵם, בֵּין אִישׁ וּבֵין  
 אֲשֶׁה. אִם כֵּן, לְמָה נֵאמַר: "אִישׁ אֲשֶׁר יִקְלָל"? לְהוֹצִיא  
 אֶת הַקְּטָן: **מוֹת יוֹמָת**. בְּסִקְלָה. וְכָל־מְקוֹם שְׁנֵאמַר  
 "דְּמִיו בוֹ" — בְּסִקְלָה. וּבִגְזֵן אָב לְכָלֵם: "בְּאָזְנוֹ יִרְגְּמוּ  
 אֹתָם, דְּמִיָּהֵם בִּם"<sup>28</sup>, וּבִמִקְלָל אָבִיו וְאִמּוֹ נֵאמַר: "דְּמִיו  
 בוֹ"<sup>29</sup>: 18 **וְכִי־יִרְיֶבֶן אֲנָשִׁים**. לְמָה נֵאמַר? לְפִי שְׁנֵאמַר:  
 "עֵין תַּחַת עֵין"<sup>30</sup>, לֹא לְמִדְּנוּ אֵלָא דְּמִי אֲבָרִיו. אֲבָל  
 שְׂבַת וְרַפּוּי לֹא לְמִדְּנוּ, לְכָף נֵאמְרָה פְּרָשָׁה זוֹ: **וְנִפְל**  
**לְמִשְׁכָּב**. בְּתַרְגוּמוֹ: "וְיִפְל לְבִטְלִין" — לְחִלִּי שְׂמִבְטָלוֹ  
 מִמְּלֵאכְתּוֹ: 19 **עַל־מִשְׁעַנְתּוֹ**. עַל בְּרִיו וְכֹחוֹ: **וְנָקָה**  
**הַמִּכָּה**. וְכִי תַעֲלֶה עַל דַּעְתְּךָ שִׁיְהַרְגֵךָ זֶה שְׂלֹא הָרַג!  
 אֵלָא לְמִדָּךְ בָּאָן, שְׂחוּבָשִׁים אוֹתוֹ עַד שְׁנִרְאָה אִם  
 יִתְרָפָא זֶה. וְכֵן מִשְׁמַעוֹ: כְּשֵׁקָם זֶה וְהוֹלֵךְ עַל מִשְׁעַנְתּוֹ  
 — אִזּוֹ וְנָקָה הַמִּכָּה. אֲבָל עַד שְׂלֹא יָקוּם זֶה — לֹא נָקָה  
 הַמִּכָּה: **רַק שִׁבְתּוֹ**. בְּטוֹל מִלֵּאכְתּוֹ מִחֲמַת הַחֲלִי — אִם  
 קָטַע יְדוֹ או רָגְלוֹ, רוֹאִין בְּטוֹל מִלֵּאכְתּוֹ מִחֲמַת הַחֲלִי  
 כְּאֵלּוֹ הוּא שׁוֹמֵר קְשׁוּאִין, שְׂהִרִי אִף לְאַחַר הַחֲלִי אִינוּ  
 רֹאִין לְמִלְאכְתּוֹ יְד וְרָגְל, וְהוּא כְּבָר נִתֵּן לוֹ מִחֲמַת נְזִקוֹ

27. ויקרא כ, ט. 28. שם כו. 29. שם, ט. 30. לחלו פסוק כד. 31. לחלו פסוק כד. 32. לחלו פסוק כא. 33. לעיל פסוק יב. 34. במדבר לה, יז. 35. ויקרא כ, כה.

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affect his actual fulfillment of the Torah and its commandments. Such a malady directly attacks the person's flow of spiritual vitality. There are also spiritual illnesses that are not "life-threatening"; they merely indicate that the "patient's" spiritual health is weak.<sup>54</sup> The rules pertaining to a "doctor" — anyone who is capable of lending a hand — are applicable in this case, as well. There are situations where it is merely per-

missible and praiseworthy to offer spiritual assistance to another. But when people are in danger, assistance is mandatory and not just praiseworthy. If someone's fulfillment of God's commandments is in question and we can help, we are absolutely obligated to offer our assistance, not allowing our personal aspirations for perfection to get in the way.<sup>55</sup>

54. The numerical value of the Hebrew word for "patient" (חולה) is forty-nine. This indicates that the classic "patient" is one who has attained forty-nine of the fifty "gates of holiness," and is missing only the ultimate degree of perfection. Such a person is still a patient, for he, too, lacks some aspect of spirituality. 55. *Likutei Sichot*, vol. 2, pp. 529-530.



### Honor to Parents, continued

17 “An adult who curses his father or mother must be put to death by strangulation, even if he curses them after their death. A person is liable to the death penalty for cursing his or her parent only if the parent is righteous.

### Compensation for Injuries

18 “When two men are quarreling and one man strikes the other with a stone or with his fist and he does not die but becomes bedridden,

19 if he then gets up and walks about outside under his own power, the one who struck him shall be acquitted. In the meantime, however, you must arrest the assailant and wait to see if his victim recovers. Still, he must pay for his loss of work and provide for his complete cure. He must pay him for the time he was away from work as if he was working as a guard, and pay his medical bills.

### The Non-Jewish Bondman

- ◆ *Second Reading* 20 “You are permitted to purchase certain non-Jews as bondservants,<sup>45</sup> and the children of non-Jewish bondwomen in your possession also become your bondservants. If a man strikes his non-Jewish bondman or bondwoman in a place on the body susceptible to a lethal blow, and does so with a rod capable of inflicting a lethal blow, and he or she in fact dies under his hand, he or she must be avenged by putting the master to death by the sword.

21 Thus, the master incurs the death penalty for killing his non-Jewish bondman or bondwoman just as he would for killing anyone else.<sup>46</sup> The only difference is the method of execution. However, there is an exception: if the bondman or bondwoman survives for at least one full day—i.e., for twenty-four hours from the time the blow is delivered—before dying, he shall not be avenged, since he is his master’s property. If anyone else other than the master strikes the bondman or bondwoman, however, this leniency does not apply.

#### ✧ CHASIDIC INSIGHTS ✧

19 **Provide for his complete cure:** According to the sages, it is from this verse that we know that God gave doctors permission to heal the sick and injured.<sup>47</sup> Without express permission from God, we might think: “God made him ill. What right have we to attempt to cure him?”<sup>48</sup>

Since God has given doctors permission to heal us, we should seek their help when we are ill, and take care to follow all their instructions.<sup>49</sup> However, we must also remember that God only gave doctors permission to heal. When a doctor gives the patient a pessimistic prognosis, we should neither lose heart nor succumb to his negative attitude, for the doctor is neither empowered nor permitted to discourage us.<sup>50</sup>

As we said, this verse implies that a doctor is permitted to practice, but the sages derived from another verse<sup>51</sup> that there are situations where a doctor is obligated to practice. Just as we are obligated to return someone’s lost object, so are we obligated to “restore” his life to him, i.e., save his life whenever possible. This obligates a doctor to intervene in any life-threatening situation where he is capable of contributing to the patient’s recovery.<sup>52</sup>

Just as there are bodily illnesses, there are also spiritual illnesses.<sup>53</sup> And just as bodily illnesses can affect a person in differing degrees of severity, so can spiritual illnesses. There are situations where the patient is in “mortal danger”—i.e., his apathy has begun to

45. Leviticus 25:44-46 46. Above, v. 12. 47. *Berachot* 60a; *Bava Kama* 85a. 48. *Bava Kama*, loc. cit. 49. *Likutei Sichot*, vol. 36, p. 274. 50. *Tzemach Tzedek*, quoted in *Igrot Kodesh* (of the Rebbe) vol. 15, p. 187; *Likutei Sichot*, vol. 31, pp. 264-267. The Rebbe repeated this idea often, and it appears many times throughout his letters. 51. *Sanhedrin* 73a. 52. See Maimonides, *Commentary on the Mishnah*, *Nedarim* 4:4. 53. *Mishneh Torah*, *Dei’ot* 2:1.

ONKELOS

22 וארי ניצון גברין וימחון אתמא מעדיא ויפקון ולדהא ולא יהא מותא אתגבאה יתגבי כמא די ישיי עלוהי בעלה דאתמא ויתן מן מימר דיניא: 23 ואם מותא יהא ותתן נפשא חלף נפשא: 24 עינא חלף עינא שנא חלף שנא דא חלף דא רגלא חלף רגלא: 25 כואה חלף כואה פדעא חלף פדעא משקופי חלף משקופי: 26 וארי ימחי גבר ית עינא דעבדה או ית עינא דאמתה ויחבלנה לבר חורין יפטרנה חלף עיניה:

22 וכי ניצו אנשים ונגפו אשה הרה ויצאו ילדיה ולא יהיה אסון ענוש יענש באשר ישית עליו בעל האשה ונתן בפללים: 23 ואם אסון יהיה ונתתה נפש תחת נפש: 24 עין תחת עין שן תחת שן יד תחת יד רגל תחת רגל: 25 כויה תחת כויה פצע תחת פצע חבורה תחת חבורה: 26 וכי יכה איש את עינו עבדו או את עינו אמתו ושחתה לחפשי ישלחנו תחת עינו:

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בלעז<sup>42</sup>. הכל לפי מה שהוא, אם ישבו פחת דמים — נותן נזק, ואם נפל למשכב — נותן שבת ורפוי ובשת וצער. ומקרא זה יתר הוא, ובהחובל<sup>43</sup> דרשוהו רבותינו לחוב על הצער אפלו במקום נזק, שאף על פי שנותן לו דמי ידו, אין פוטרין אותו מן הצער לומר הואיל וקנה ידו יש עליו לחתכה בכל-מה שירצה, אלא אומרים יש לו לחתכה בסם, שאינו מצטער כל-כף, וזה חתכה בכרול וצער: חבורה. היא מכה שהדם נצרך בה ואינו יוצא, אלא שמאדים הכשר בנגודו. ולשון חבורה ט"א בלעז<sup>44</sup>, כמו: "ונמר חכרברתיו"<sup>45</sup>, ותרגמו: "משקופי" לשון חבטה, כטור"א בלעז<sup>46</sup>. וכן "שדפות קדים"<sup>47</sup> — "שקיפן קדום" — חבוטות ברוח. וכן "על-המשקוף"<sup>48</sup>, על שם שהדלת נושק עליו: 26 את עין עבדו. כנעני. אבל עברי אינו יוצא בשן ועין, כמו שאמרנו אצל "לא תצא כצאת העבדים"<sup>49</sup>: תחת עינו. וכן בעשרים וארבעה ראשי אגרים: אצבעות הידים והרגלים, ושתי אוננים, והחטם, וראש הגויה שהוא גיד האמה. ולמה נאמר שן ועין? שאם נאמר "עין" ולא נאמר "שן", הייתי אומר: מה עין שנברא עמו, אף כל-שנברא עמו, והרי שן לא נברא עמו. ואם נאמר "שן" ולא נאמר "עין", הייתי אומר: אפלו שן תיבוק שיש לה חליפיו. לכך נאמר "עין":

22 וכי ניצו אנשים. זה עם זה, ונתפון להכות את חברו והכה את האשה: ונגפו. אין נגיפה אלא לשון דחיפה והכאה, כמו: "פן-תגף באבן רגלך"<sup>50</sup>, "ובטרם יתנגפו רגליכם"<sup>51</sup>, "ולאבן נגף"<sup>52</sup>. ולא יהיה אסון באשה: ענוש יענש. לשלם דמי ולדות לבעל. שמין אותה כמה הייתה ראויה להמכר בשוק, להעלות בדמיה בשביל הריונה: ענוש יענש. יגבו ממון ממנו, כמו: "וענשו אתו מאה כסף"<sup>53</sup>. באשר ישית עליו וגו'. כשיתבענו הבעל בבית דין להשית עליו עונש על כף: ונתן. המפה דמי ולדות: בפללים. על פי הדינים: 23 ואם אסון יהיה. באשה: ונתתה נפש תחת נפש. רבותינו חולקים בדבר, יש אומרים: נפש ממש, ויש אומרים: ממון אבל לא נפש ממש, שהמתפון להרג את זה והרג את זה — פטור ממיתה ומשלם לירשיו דמיו, כמו שהיה נמכר בשוק: 24 עין תחת עין. סמא עין חברו — נותן לו דמי עינו, כמה שפחתו דמיו למכר בשוק, וכן כלם. ולא נטילת אבר ממש, כמו שדרשו רבותינו בפרק החובל<sup>54</sup>: 25 כויה תחת כויה. מכות אש. ועד עכשיו דבר בחבלה שיש בה פחת דמים, ועכשו בשאין בה פחת דמים אלא צער, כגון כואה בשפוד על צפרניו, אומדים כמה אדם כואה בזה רוצה לטל להיות מצטער כף: פצע. היא מכה המוציאה דם, שפצע את בשרו, נברדור"א

36. תהלים צא, יב. 37. ירמיה יג, טז. 38. ישעיה ח, יד. 39. דברים כב, יט. 40. סנהדרין עט, א. 41. בבא קמא פד, א. 42. פציעה. 43. בבא קמא פה, ב. 44. פתם. 45. ירמיה יג, כג. 46. מכה. 47. בראשית מא, כג. 48. שמות יב, כג. 49. שמות כא, ז.

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and to use our eyes only for holy purposes, our eyes serve vicariously as God's "eyes." This explains why someone who harms another person has to pay depreciation, pain, incapacitation, medical fees, and embarrassment—more than just

the objective damages he caused. We assume that the victim might have indeed sanctified the limb that was harmed and that the assailant therefore damaged not only the victim's limb, but, so to speak, God's limb as well.<sup>56</sup>

56. Keter Shem Tov 119.

### Compensation for Injuries, continued

22 “When men are fighting with each other and they accidentally collide with a pregnant woman, causing her to miscarry though not causing her a fatal injury, then the guilty party must be fined when the woman’s husband sues him, and he shall pay at the court’s discretion. The court determines how much this woman would have been sold for on the slave market when she was pregnant and how much she would be sold for now that she is not pregnant, and the guilty party must pay the difference to the woman’s husband.

23 If, however, she suffers a fatal injury, you shall exact the monetary compensation of a life for a life. The guilty party must pay the woman’s heirs the price she would have commanded on the slave market when alive. According to another opinion, the party guilty of manslaughter must be put to death.

24 Monetary compensation for an eye must be made for the loss of an eye, of a tooth for a tooth, of a hand for a hand, and of a foot for a foot. In all these cases, the assailant must pay the victim the difference between the price he would command on the slave market before and after incurring the injury.

25 Likewise, monetary compensation for the pain suffered for a burn must be made for a burn, that for a bleeding wound for a wound, and that for a bloodless bruise for a bruise, even though there may be no difference in the price the victim would command on the slave market before and after having incurred such injuries. This compensation is calculated by determining how much money a person of similar social stature would agree to accept in exchange for suffering these injuries.

The obligation to compensate the victim for his pain applies even if loss of a limb was incurred and the assailant must therefore pay for the victim’s depreciation; the assailant may not argue, ‘since I am, so to speak, paying for his limb, it is mine to do with as I please.’ In fact, the assailant must pay whichever of the five forms of compensation—depreciation, pain, incapacitation, medical fees, and embarrassment—are applicable.

### The Non-Jewish Bondman, continued

26 “The law of release after six years, at the Jubilee year, or (for females) upon the onset of puberty, does not apply to non-Jewish bondservants. They serve for life or for the term for which they were bought, unless someone pays for their release or their master frees them. If, however, a person strikes the eye of his non-Jewish bondman or the eye of his non-Jewish bondwoman and destroys it, he shall free him or her as compensation for his or her eye. The same applies if the master strikes and destroys any of the bondservant’s fingers, toes, ears, nose, or (in the case of the bondman) his reproductive organ.

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24 **An eye...for an eye:** When we resolve to use a specific limb or faculty of our mind or body only for holy purposes, we “sanctify” that limb or faculty and make

it a vehicle for Divinity. For example, when we resolve not to look at things we are not supposed to look at

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27 ואם שָׁנָא דְעֵבְדָּהּ אוּ שְׁנָא דְאִמְתָּהּ: פִּיל לְבַר חוֹרִין פִּסְטְרָהּ חֶלֶף שְׁנָה: 28 וְאָרִי יָגַח תּוֹר יֵת גְּבָרָא אוּ יֵת אִתְמָתָא וְיָמִית אִתְרַגְּמָא יִתְרַגְּם תּוֹרָא וְלֹא יִתְאָבִיל יֵת בְּסֵרָה וְיִמְרָה דְתוֹרָא יֵהָא וְכָפָה: 29 וְאִם תּוֹר נִגְחָ הוּא מֵאִתְמָלִי וּמְדֻקְדְּמוּהִי וְאִתְסֵהֵד בְּמֵרָה וְלֹא נִטְרָה וְיִקְטֵל גְּבַר אוּ אִתְמָתָא תּוֹרָא יִתְרַגְּם וְאִם מֵרָה יִתְקַטֵּל: 30 אִם מְמוֹן יִשׁוּן עֲלוּהִי וְיִתֵּן פְּרָקוֹן נִפְשָׁה בְּכָל־דִּי יִשׁוּן עֲלוּהִי: 31 אוּ לְבַר יִשְׂרָאֵל יָגַח תּוֹרָא אוּ לְבַת יִשְׂרָאֵל יָגַח כְּדִינָא הֲדִין יִתְעַבֵּיד לָהּ: 32 אִם לְעֵבְרָא יָגַח תּוֹרָא אוּ לְאִמְתָּתָא כְּסָפָא תְּלַתִּין סְלַעִין יִתֵּן לְרַבּוּנָה וְתוֹרָא יִתְרַגְּם:

27 ואם־ישן עבדו או־ישן אמתו יפיל לחפשי ישלחנו תחת שנו: פ  
28 וכי־יגח שור את־איש או את־אשה ומת סקול יסקל השור ולא יאכל את־בשרו ובעל השור נקי:  
29 ואם שור נגח הוא מתמל שלשם והועד בבועלו ולא ישמרנו והמית איש או אשה השור יסקל וגם־בועלו יומת: 30 אם־כפר יושת עליו ונתן פדין נפשו ככל אשר־יושת עליו: 31 או־בן יגח או־בת יגח כמשפט הזה יעשה לו: 32 אם־עבר יגח השור או אמה כסף | שלשים שקלים יתן לאדניו והשור יסקל: ס

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יומת. בידי שמים. יכול בידי אדם? תלמוד לומר: "מות־יומת המכה רצח הוא"<sup>54</sup> — על רציחתו אתה הורגו, ואי אתה הורגו על רציחת שורו: 30 אם־כפר יושת עליו. "אם" זה אינו תלוי, והרי הוא כמו: "אם־כסף תלוה"<sup>55</sup> — לשון "אשר". זה משפטו — שישיתו עליו בית־דין כפר: ונתן פדין נפשו. דמי נזק. דברי רבי ישמעאל. רבי עקיבא אומר: דמי מויק: 31 או־בן יגח. בן שהוא קטן: או־בת. שהיא קטנה. לפי שנאמר: "והמית איש או אשה"<sup>56</sup>, יכול אינו חיב אלא על הגדולים? תלמוד לומר: "או־בן יגח וגו'" — לחיב על הקטנים כגדולים: 32 אם־עבר...או אמה. כנעניים: שלשים שקלים יתן. גזרת הכתוב הוא. בין שהוא שנה אלה וזו בין שאינו שנה אלא דינר. והשקל משקלו ארבעה והובים, שהם חצי אונקיא למשקל הישר של קולונגי"א:

28 וכי יגח שור. אֶחָד שׁוֹר וְאֶחָד כָּל־בְּהֵמָה וְחִיָּה וְעוֹף, אֲלֵא שְׁדַבֵּר הַכְּתוּב בְּדוּחַ: וְלֹא יֹאכַל אֶת־בְּשָׂרוֹ. מִמְשַׁמַּע שְׁנָאֵמַר: "סְקוּל יִסְקַל הַשׁוֹר" אֵינִי יוֹדֵעַ שֶׁהוּא גְּבֻלָּה, וְגְּבֻלָּה אֶסוּרָה בְּאִכְלָהּ? אֲלֵא, מֵהֵת־תְּלִמוּד לֹאֵמַר: "וְלֹא יֹאכַל אֶת־בְּשָׂרוֹ" — שֶׁאִפְלוּ שִׁחְטוּ לְאַחַר שְׁנֵגְמַר דִּינוֹ, אֶסוּר בְּאִכְלָהּ. בִּהֲנָא מְנִין? תְּלִמוּד לֹאֵמַר: "וְיִבְעַל הַשׁוֹר נָקִי" — בְּאֵדָם הָאוֹמֵר לְחַבְרוֹ: יֵצֵא פְּלוּנִי נָקִי מִנְכֶּסֶי, וְאֵין לוֹ בְּהֵם הַנָּגָה שֶׁל כְּלוּם. זֶהוּ מִדְּרָשׁוֹ.<sup>50</sup> וּפְשׁוּטוֹ כְּמִשְׁמַעוֹ: לְפִי שְׁנָאֵמַר בְּמוֹעֵד: "וְגַם־בְּעֲלֵי יוֹמָת"<sup>51</sup>, הֲצֵרֶף לֹאֵמַר בְּתָם: "וְיִבְעַל הַשׁוֹר נָקִי": 29 מִתְמַל שְׁלִשָׁם. הָרִי שֶׁלֹּשׁ נְגִיחוֹת: וְהוֹעֵד בְּבֻעָלוֹ. לְשׁוֹן הַתְּרָאָה בְּעֵדִים, כְּמוֹ: "הָעֵד הָעֵד בְּנוּ הָאִישׁ"<sup>52</sup>: וְהַמִּית אִישׁ וְגו'. לְפִי שְׁנָאֵמַר: "כִּי־יָגַח"<sup>53</sup>, אֵין לִי אֲלֵא שְׁהַמִּיתוּ בְּנִגְיָחָה. הַמִּיתוּ בְּנִשְׂכָּה, דְּחִיפָה, רְבִיצָה, וּבְעִיטָה — מְנִין? תְּלִמוּד לֹאֵמַר: "וְהַמִּית": וְגַם־בְּעֲלֵי

50. בבא קמא מא, א. 51. להלן פסוק כט. 52. בראשית מג, ג. 53. עי'פ לעיל פסוק כח. 54. במדבר לה, כא. 55. שמות כב, כד. 56. לעיל פסוק כט.

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a part of his nature.

Generally, an exhaustive process is required to rid the animal soul of this acquired nature. The person must struggle greatly with his failings until he overcomes his evil tendencies. He can only be sure that he has succeeded in doing this after he proves capable of withstanding the very same temptations in similar circumstances.

However, there is a more direct way of overcoming these problems: through a "change of ownership." If the person chooses to totally immerse himself in a "new world," in holy matters, his previous bad habits automatically fall to the wayside. By changing his entire self he truly becomes a "different person" and does not have to struggle through the arduous, step-by-step process of change.<sup>60</sup>

60. Likutei Sichot, vol. 36, pp. 106-108.

27 Similarly, **if he knocks out the permanent tooth of his bondman or the permanent<sup>57</sup> tooth of his bondwoman, he shall free him or her as compensation for his or her tooth.** This law does not apply to child-bondservants' primary teeth.

### The Goring Animal

28 **"If any animal—for example, an ox—gores a man or woman and the victim dies, the ox must be stoned and its meat may not be eaten**—even if it had been properly ritually slaughtered instead of stoned. And no other material benefit may be derived from it, either. **But the owner of the ox shall not be punished,** as long as it is only the first, second, or third time this ox had gored someone.

29 **However, if it was an ox that had gored on three previous occasions, and its owner had been warned** in court by those who had witnessed it gore that it had thus proven itself to be a malicious ox and that he must therefore guard it, **but he nonetheless did not guard it, and it then killed a man or a woman by goring or any other means, the ox shall be stoned. Its owner, too, will be put to death** by the heavenly court, but not by the earthly court.

30 Nonetheless, the earthly court does fine him. **When this atonement fine is imposed on him, he shall pay whatever sum is imposed on him** by the court **as ransom for his life.** According to one opinion, he must pay the victim's heirs the victim's value on the slave market; according to another opinion, he must pay them his *own* value on the slave market.

31 This law does not only apply to adult victims: **if the ox gores and kills a boy or a girl, the owner shall be dealt with according to the same law.**

32 **However, if the ox gores a bondman or a bondwoman, its owner shall pay a fixed fine of thirty silver shekels to his or her master**—this being the average worth of a bondservant<sup>58</sup>—**but the ox shall still be stoned.**

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28-29, 35-36 **If an ox gores...if it was an ox that had gored on previous occasions:** Because it is not natural for an animal to willfully cause harm, its owner is not fully liable for the damage it causes. If, however, it has repeated its aggressive behavior three times, the owner must assume it to be harmful and he is from now on culpable for his animal's actions.

There are two ways in which such an animal can revert to its former, natural status. First, if it is presented with the same circumstances that prompted it formerly to attack and yet does not attack, it demonstrates that it has been cured of its wild tendencies. Second, when an animal is sold or gifted, its slate is wiped clean. It loses any previous status of presumed

aggression because the transfer of ownership changes its nature.<sup>59</sup>

The "animal" within each of us is our materialistically-minded animal soul. This animal must be carefully guarded, for if left to its own devices it can cause great harm.

Although this aspect of our personality is drawn towards material pursuits, its nature is benign and not pernicious. It is unnatural for the animal soul to be drawn towards *forbidden* desires, so when this happens, it is considered an unforeseeable event. However, if a person repeatedly succumbs to specific forbidden temptations, he becomes the owner of an aggressive animal, for the improprieties have become

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57. Rashi on v. 26, above. 58. *Sichot Kodesh* 5737, vol. 1, pp 495-496, 502-504. 59. *Mishneh Torah*, *Nizkei Mamon* 6:6, and 6:9; see *Bava Kama* 40b; *Me'iri* on *Bava Kama* 39b; *Likutei Sichot*, vol. 36, pp. 102-106.

ONKELOS

33 וְאָרִי יִפְתַּח גְּבֵר גּוֹב אוֹ אָרִי יִכְרִי גְּבֵר גּוֹב וְלֹא יִכְסֶּנָּה וְיִפְלֵ תַמָּן תּוֹרָא אוֹ חֲמָרָא: 34 מְרָה דְגַבָּא יְשֻׁלָּם כְּסָפָא יְתִיב לְמַרְוּהִי וּמִיתָא יְהִי דִילָהּ: 35 וְאָרִי יִגּוֹף תוֹר דְגַבְר יֵת תּוֹרָא דְחֲבֵרָה וּמִיתָא וּיִזְבְּנֵן יֵת תּוֹרָא חֲזָא וּיִפְלָגוּן יֵת כְּסָפָה וְאָף יֵת דְמִי מִיתָא יִפְלָגוּן: 36 אוֹ אֲתִידַע אָרִי תוֹר נְגַח הוּא מֵאֲתַמְלִי וּמִדְקָדְמוּהִי וְלֹא נִטְרָה מְרָה שְׁלָמָא יְשֻׁלָּם תּוֹרָא חֲלָף תּוֹרָא וּמִיתָא יְהִי דִילָהּ:

33 וְכִי־יִפְתַּח אִישׁ בּוֹר אוֹ כִי־יִכְרֶה אִישׁ בָּר וְלֹא יִכְסֶּנוּ וְנִפְלֵ־שָׁמָּה שׂוֹר אוֹ חֲמוֹר: 34 בְּעַל הַבּוֹר יִשְׁלֹם כְּסָף יָשִׁיב לְבַעֲלָיו וְהֵמֶת יִהְיֶה־לוֹ: 35 וְכִי־יִנָּף שׂוֹר־אִישׁ אֶת־שׂוֹר רֵעֵהוּ וּמָת וּמָכְרוּ אֶת־הַשׂוֹר הַחַי וְחָצוּ אֶת־כְּסָפּוֹ וְגַם אֶת־הֵמֶת יַחְצוּן: 36 אוֹ נוֹדַע כִּי שׂוֹר נִגַּח הוּא מִתְמוֹל שְׁלֹשִׁים וְלֹא יִשְׁמְרֵנוּ בְּעַלָּיו שְׁלֹם יְשֻׁלָּם שׂוֹר תַּחַת הַשׂוֹר וְהֵמֶת יִהְיֶה־לוֹ: 37

## RASHI

שהזיקה המיתה. למדנו, שהתם משלם חצי נזק, שמן השוין אתה למד לשאינן שוין, כי דין התם לשלם חצי נזק, לא פחות ולא יותר. או יכול, אף בשאינן שוין בדמיהן, כשהן חיים אמר הכתוב יחצו את שניהם? אם אמרת כן, פעמים שמזיק משתכר הרבה, כשהנבלה שוה למכר לנכרים הרבה יותר מדמי שור המזיק, ואי אפשר שיאמר הכתוב שיהא המזיק נשכר. או פעמים שהנזק נוטל הרבה יותר מדמי נזק שלם, שחצי דמי שור המזיק שוין יותר מכל דמי שור הנזק, ואם אמרת כן, הרי תם חמור ממועד. על כרחך לא דבר הכתוב אלא בשוין, ולמדך שהתם משלם חצי נזק, ומן השוין תלמד לשאינן שוין, שהמשתלם חצי נזקו שמין לו את הנבלה, ומדה שפחתו דמיו בשביל המיתה נוטל חצי הפחת והולך. ולמה אמר הכתוב כלשון הזה, ולא אמר "ישלם חציו"? ללמד שאין התם משלם אלא מגופו, ואם נגח ומת — אין הנזק נוטל אלא הנבלה, ואם אינה מגעת לחצי נזקו — יפסיד. או שור שוה מנה שנגח שור שוה חמש מאות זוז, אינו נוטל אלא את השור, שלא נתחייב התם לחייב את בעליו לשלם מן העליה: 36 או נודע. או לא היה תם, אלא נודע כי שור נגח הוא היום ומתמול שלשום, הרי שלש נגחות: שלם ישלם שור. נזק שלם: והמת יהיה לו. לנזק. ועליו ישלים המזיק, עד שישתלם נזק כל-נזקו:

33 וכי־יפתח איש בור. שהיה מכסה וגלהו: או כי־יכרה. למה נאמר? אם על הפתיחה חייב על הכריה לא כל־שכן? אלא, להביא כורה אחר כורה, שהוא חייב: ולא יכסנו. הא אם כסהו פטור. ובחופר ברשות הרבים דבר הכתוב: שור או חמור. הוא הדין לכל־בהמה וחייה, שבכל־מקום שנאמר שור וחמור, אנו למדין אותו "שור שור" משבת, שנאמר: "למען ינוח שורך וחמורך"<sup>57</sup>, מדה־להלן כל־בהמה וחייה כשור, שהרי נאמר במקום אחר: "וכל־בהמתך"<sup>58</sup>, אף כאן כל־בהמה וחייה כשור. ולא נאמר שור וחמור, אלא "שור" ולא אדם, "חמור" ולא בלים: 34 בעל הבור. בעל התקלה, אף־על־פי שאין הבור שלו שעשאו ברשות הרבים, עשאו הכתוב בעליו להתחייב עליו בנזקו: כסף ישיב לבעליו. "ישיב" לרבות שוה כסף, ואפלו סבין: והמת יהיה לו. לנזק. שמין את הנבלה ונוטלה בדמים, ומשלם לו המזיק עליה תשלומי נזקו: 35 וכי־ינף. ידחה. בין בקרניו, בין בגופו, בין ברגליו, בין שנשכו בשניו, כלן בכלל נגיפה הם, שאין נגיפה אלא לשון מכה: שור־איש. שור של איש: ומכרו את השור וגו'. בשוים הכתוב מדבר — שור שוה מאתים שהמית שור שוה מאתים, בין שהנבלה שוה הרבה בין שהיא שוה מעט, כשנוטל זה חצי החי וחצי המת וזה חצי החי וחצי המת, נמצא כל־אחד מפסיד חצי נזק

57. שמות כב, יב. 58. דברים ה, יג.

## CHASIDIC INSIGHTS

**it falls:** Among the laws set forth in the Torah, the laws of damages are the most comprehensible. This part of the Torah seems to be based purely on human logic. However, God provides us with several reminders that Torah is the Divine will. This law is one such reminder: Logically, there would seem to be no reason to differentiate between the damages inflicted by the

same pit. Even so, the owner is only liable for certain damages and not for others.

This demonstrates that even the civil aspects of the Torah are not merely a logical system; they are God's will, which is by definition beyond our ability to comprehend completely.<sup>66</sup>

66. *Hitva' aduyot* 5747, vol. 1, pp. 487-488.

### The Pit

33 **“If a person uncovers a pit** that had been properly covered, **or digs** an already existing pit, deepening it, **and does not cover it**, and this pit is located in the public domain, **and an ox, or a donkey**, or any other animal **falls into it**,

34 **the one responsible for the pit must make restitution**. He is not liable, however, for damages suffered by people or utensils the animal may be carrying when it falls. The one responsible for the pit **shall restore the value of the animal to its owner**, deducting the value of the animal’s carcass, since **the carcass remains the owner’s property**.

### The Goring Animal, continued

35 **“If one man’s animal**—for example, his ox—**attacks his fellowman’s ox** by goring, lunging, kicking, or biting it, and the attacking ox has not yet been proven to be malicious,<sup>61</sup> **and the attacked ox dies**, then, if both oxen had the same value when they were both alive, the owners **shall sell the live ox and divide the proceeds, and they shall also divide** the value of **the carcass**. In this way, the owner of the attacking ox compensates the owner of the attacked ox for half his loss.<sup>62</sup> If the oxen had different values when both were alive, the owner of the attacking ox still compensates the owner of the attacked ox for half his loss, but only up to the full value of the attacking ox.<sup>63</sup>

36 **However, if the ox was known to have gored on** at least three **previous occasions** and had thus been proven to be malicious, **yet its owner did not guard it**, and it attacked someone else’s ox and killed it, **he must pay the full value of an ox in compensation for the ox**, i.e., he must compensate the owner of the attacked ox for the full value of his loss, taking into consideration that **the carcass remains its owner’s property**. The owner of the attacking ox pays the owner of the attacked ox the value the ox had when alive minus its value now as a carcass.

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#### ∞ CHASIDIC INSIGHTS ∞

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33 **If a person uncovers a pit, or digs a pit and does not cover it**: There are two types of obstructions included in this category of damages: a pit that is at least ten handbreadths deep and a barrier or other hindrance at least ten handbreadths high.<sup>64</sup>

Every person innately possesses both of these qualities: the ability to receive (a pit) and the ability to give (a protrusion). The depth or height of each is ten handbreadths. The influences that we absorb or impart permeate or express all ten faculties of the soul.

These qualities may be used to great benefit. Without proper supervision, however, they may become destructive. Good or bad, the choices we make are meaningful and all-pervading. If we choose to receive and transmit indiscriminately, we will become a danger to society. But if we choose to accept only positive influences and spread only positivity throughout our surroundings, we become a source of blessing.<sup>65</sup>

34 **He is not liable, however, for damages suffered by people or utensils the animal may be carrying when**

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61. By having attacked three times; see above, v. 29. 62. For example, if both oxen were worth \$200 when alive, and the carcass is worth \$50, the owner of the attacked ox has suffered a loss of \$150 and remains with \$50 of asset. By selling the \$200 live ox and the \$50 carcass and splitting the revenue, both parties are left with \$125, which, for the owner of the attacked ox, is equal to half his loss (\$75) plus the asset he remained with after the incident (\$50). 63. For example, if the attacking ox is worth \$200 and the attacked ox was worth \$500 and its carcass is now worth \$50, the owner of the attacked ox has suffered a loss of \$450. Half the loss would be \$225. Still, the owner of the attacking ox is not liable to pay any more than \$200. 64. *Mishneh Torah, Nizkei Mamon* 13:12, 13:15. 65. *Hitva'aduyot* 5747, vol. 1, pp. 488-489.

— ONKELOS —

37 אַרְי יִגְנֹב גִּבֹר תוֹר אוֹ אִמֹר וְיִכְסֶנָּה אוֹ יִזְבְּנָה חֲמִשָּׁא תוֹרִין יִשְׁלַם חֶלֶף תוֹרָא וְאַרְבַּע עֲנָא חֶלֶף אִמְרָא: 22:1 אִם בְּמַחְתָּרָא יִשְׁתַּכַּח גִּנְבָא וְיִתְמַחֵי וַיְמוֹת לִית לָהּ דָּם: 2 אִם עֵינָא דְסִהְדֵינָא נְפִלַת עֲלוּהֵי דְקָמָא לָהּ שְׁלָמָא יִשְׁלַם אִם לִית לָהּ וְיִזְדָּבֵן בְּגִנְבָתָהּ: 3 אִם אִשְׁתַּכְחָא תִשְׁתַּכַּח בִּידָה גִנְבָתָא מִתוֹר עַד חֲמֹר עַד אִמֹר כֹּד אַנּוּן חֵיין עַל חַד תְּרִין יִשְׁלַם: 4 אַרְי יוֹכִיל גִּבֹר חֶקֶל אוֹ כְּרַם וַיִּשְׁלַח יַת בְּעִירָה וַיִּיכּוֹל בְּחֶקֶל אַחֲרָן שְׁפַר חֶקֶלָה וַיִּשְׁפַר כְּרַמָּה יִשְׁלַם:

37 כִּי יִגְנֹב אִישׁ שׁוֹר אוֹיְשָׁה וּמָבְחָו אוֹ מְכָרוּ חֲמִשָּׁה בְּקָר יִשְׁלַם תַּחַת הַשׁוֹר וְאַרְבַּע־צֵאֵן תַּחַת הַשֶּׁה: 22:1 אִם־בְּמַחְתָּרַת יִמְצָא הַגִּנֵּב וְהִכָּה וּמָת אִין לוֹ דְּמִים: 2 אִם־זָרְחָה הַשֶּׁמֶשׁ עָלָיו דְּמִים לוֹ שְׁלָם יִשְׁלַם אִם־אִין לוֹ וְנִמְכַר בְּגִנְבָתוֹ: 3 אִם־הִמְצָא תִמְצָא בְיָדוֹ הַגִּנֵּב מִשׁוֹר עַד־חֲמֹר עַד־שֶׁה תֵּיִם שְׁנַיִם יִשְׁלַם: 8

שְׁלִישִׁי 4 כִּי יִבְעַר אִישׁ שָׂדֶה אוֹ־כָרֶם וַיִּשְׁלַח אֶת־בְּעִירָה (אֶת־בְּעִירוֹ) וּבְעַר בְּשָׂדֶה אַחַר מֵיטֵב שָׂדֶהוּ וּמֵיטֵב כְּרָמוֹ יִשְׁלַם: 8

— RASHI —

ממון שגנב, ואינו חייב מיתה. ואונקלוס שתרגם: "אם עינא דסיהדינא נפלת עלוהי", לקח לו שטה אחרת, לומר שאם מצאוהו עדים קדם שבא בעל הבית, וכשבא בעל הבית נגדו התרו בו שלא יהרגו — "דמים לו" — חייב עליו אם הרגו, שמאחר שיש רואים לו, אין הגנב הוזה בא על עסקי נפשות, ולא יהרג את בעל הממון: 3 אִם־הִמְצָא תִמְצָא בְיָדוֹ. ברשותו, שלא טבח ולא מכר: מִשׁוֹר עַד־חֲמֹר. כל־דבר בכלל תשלומי כפל, בין שיש בו רוח חיים בין שאין בו רוח חיים, שהרי נאמר במקרא אחר: "על־שה על־שלמה על־כל־אבדה וגו' ישלם שנים לרעהו"<sup>59</sup>: חיים שנים ישלם. ולא ישלם לו מתים, אלא חיים או דמי חיים: 4 כִּי יִבְעַר...אֶת־בְּעִירָהּ. ובער. כלם לשון בהמה, כמו: "אנחנו ובעירנו"<sup>60</sup>: כִּי יִבְעַר. יוליך בהמותיו בשדה וכרם של חברו, ויזיק אותו באחת משתי אלו, או בשלוח בעירה או בבעור. ופרשו רבותינו<sup>61</sup>: "ושלח" — הוא נוקי מדרך כף רגל. "ויבער" — הוא נוקי השן האוכלת ומבערת: בְּשָׂדֶה אַחַר. בשדה של איש אחר: מֵיטֵב שָׂדֶהוּ...יִשְׁלַם. שמין את הנזק, ואם בא לשלם לו כרקע דמי נזקו, ישלם־לו ממיטב שדותיו — אם היה נזקו סלע, יתן־לו שנה סלע מעידית שיש־לו. לפיך הקתוב, שהנזקין שמין להם בעידית:

37 חֲמִשָּׁה בְּקָר וְגו'. אמר רבן יוחנן בן זכאי: חס המקום על כבודן של בריות: שור שהולך ברגליו, ולא נתבזה בו הגנב לנשאו על כתפו — משלם חמשה. שה שנושאו על כתפו — משלם ארבעה, הואיל ונתבזה בו. אמר רבי מאיר: בא וראה כמה גדולה כחה של מלאכה: שור שבטלו ממלאכתו — חמשה. שה שלא בטלו ממלאכתו — ארבעה: תַּחַת הַשׁוֹר...תַּחַת הַשֶּׁה. שגאן הקתוב, לומר שאין מדת תשלומי ארבעה וּחֲמִשָּׁה נוֹחֶגֶת אֵלָא בְּשׁוֹר וְשֶׁה בַּלְבָּד: 1 אִם־בְּמַחְתָּרַת. כשהיה חותר את הבית: אִין לוֹ דְּמִים. אין זו רציחה, הרי הוא כמת מעקרו. כאן למדתך תורה, אם בא להרגך השכם להרגו. וזה להרגך בא, שהרי יודע הוא שאין אדם מעמיד עצמו ורואה שנוטלין ממנו בפניו ושותק, לפיכך על מנת כן בא, שאם יעמד בעל הממון כנגדו — יהרגנו: 2 אִם־זָרְחָה הַשֶּׁמֶשׁ עָלָיו. אין זה אלא כמון משל — אם ברור לך הדבר שיש־לו שלום עמו, כשמש הוזה שהוא שלום בעולם, כך פשוט לך שאינו בא להרג אפלו יעמד בעל הממון כנגדו, כגון אב החותר לגנב ממון הבן, בידוע שרחמי האב על הבן, ואינו בא על עסקי נפשות: דְּמִים לוֹ. כחי הוא חשוב, ורציחה היא אם יהרגנו בעל הבית: שְׁלָם יִשְׁלַם. הגנב,

59. להלן פסוק ח. 60. במדבר כ, ד. 61. בבא קמא ב, ב.

— CHASIDIC INSIGHTS —

1 He takes the risk of mortal combat: Although the way of Torah is that of peace and harmony,<sup>72</sup> there are

times, such as the case described in this verse, when the Torah advocates violence. One might imagine that

72. Proverbs 3:17.



## Theft

37 **“If a man steals an ox or sheep and slaughters or sells it, and is then caught or admits his guilt, he shall repay five oxen in place of the ox and four sheep in place of the sheep.** Normally, a thief is required to pay back only double the value of what he stole;<sup>67</sup> this extra fine applies only to oxen and sheep. The basic fine charged to the thief is five times the value of the stolen animal, but this is reduced in the case of a sheep because the thief has to carry it on his back in order to steal it, and this causes him some embarrassment when his case is tried in court, and we must concern ourselves with human dignity even in the case of a thief. (Inasmuch as he only has to pay this extra fine when he slaughters or sells the sheep, it is only in such a case that the public focuses on the fact that he had to carry it on his back, and so only here is his punishment lessened on this account.) In contrast, the basic restitution given to the victim of the theft is *four* times the value of the stolen animal, but this is increased in the case of an ox because an ox is a working animal, and the damage to the victim is therefore greater. Even though an ox plows the field at most twice a year—and, if the thief sold or slaughtered the ox, this would indicate that it was not particularly suited to plowing—this inflated fine is still imposed, in order to emphasize the value of productive work.<sup>68</sup>

22:1 **“If a thief is caught while breaking in, and he is struck by someone guarding the property that he is attempting to steal and the thief dies, there is no bloodguilt in his case.** For the thief knows full well that people will defend their property, so he takes the risk of mortal combat when he breaks in.

2 **If, however, metaphorically, the sun shone on him, i.e., it is clear that he is uncontentious and will not kill the one guarding the property if opposed, it is an act of murder to kill him.** Similarly, if there are witnesses present who warn the guard not to kill the thief, it is an act of murder to kill him, since the thief will not kill in the presence of witnesses. Nonetheless, the thief **must make full restitution** for what he steals. **If the thief is a man, and he does not have the means to make restitution, he must be sold as a bondman to make restitution for his theft.**<sup>69</sup>

3 **If the stolen article is actually found in his possession, whether it be an ox, a donkey, or a sheep, and it is still alive—he did not slaughter or sell it—he shall repay two live animals, and not four or five (in the case of oxen and sheep), in contrast to the rule stated above<sup>70</sup> and in accordance with the rule stated below.<sup>71</sup>**

## Compensation for Damages

- ◆ **Third Reading 4 “If a man takes his animals into someone else’s field or vineyard, and he lets them trample or graze in this other person’s field or vineyard, then, he must pay for the damages. If he wishes to pay for the damages with land rather than money, he shall make restitution with the best of his field or the best of his vineyard.**

67. Below, 22:3, 8. 68. *Likutei Sichot*, vol. 16, pp. 258-265. 69. See above, 21:2. 70. 21:37. 71. v. 8.

ONKELOS

5 אָרִי יתפּק גור וְיִשְׂכַּח כּוֹבֵין וְיִתְאַבְּלוּן גְּדִישִׁין אוֹ קִמְתָּא אוֹ חֻקְלָא שְׁלָמָא יְשֻׁלָּם דְּאִדְּלִיק יֵת דְּלִיקְתָּא: 6 אָרִי יֵתוּן גְּבֵר לְחֻבְרָה כְּסָף אוֹ מִנִּין לְמִטְרָה וְיִתְגַּבּוּן מִבֵּית גְּבֵרָא אִם יִשְׁתַּכַּח גְּבֵרָא יְשֻׁלָּם עַל חֵד תְּרִין:

5 כִּי־תִצֵּא אִישׁ וּמִצָּאָה קֹצִים וְנֹאכַל גְּדִישׁ אוֹ הַקָּמָה אוֹ הַשְּׂדֵה שְׁלֹם יְשֻׁלָּם הַמִּבְעֵר אֶת־הַבְּעֵרָה: 6 כִּי־יִתֵּן אִישׁ אֶל־רֵעֵהוּ בְּכֶסֶף אוֹ־כֶלִים לְשִׂמּוֹר וְגִבַּב מִבֵּית הָאִישׁ אִם־יִמָּצֵא הַגִּבַּב יְשֻׁלָּם שְׁנַיִם:

RASHI

יִצָּאָה מִעֲצָמָה עַל יְדֵי קוֹצִים שְׁמִצָּאָה, חַיֵּב לְשֻׁלָּם, לְפִי שְׁלֹא שְׁמַר אֶת גְּחֻלְתּוֹ שְׁלֹא תִצָּא וְתִזְקֶי: 6 וְגִבַּב מִבֵּית הָאִישׁ, לְפִי דְבָרָיו: אִם יִמָּצֵא הַגִּבַּב, יְשֻׁלָּם הַגִּבַּב שְׁנַיִם לְבַעְלָיִם:

5 כִּי־תִצֵּא אִישׁ. אֶפְלוּ מִעֲצָמָה: וּמִצָּאָה קֹצִים. קַרְדוֹנִ"שׁ בְּלַעֲזוֹ: 6 וְנֹאכַל גְּדִישׁ. שְׁלֻחָה בְּקוֹצִים עַד שֶׁהִגִּיעָה לְגְּדִישׁ אוֹ לְקָמָה הַמְּחַבֵּרֶת בְּקַרְקַע: אוֹ הַשְּׂדֵה. שְׁלֻחָה אֶת נִירוֹ, וְצָרִיף לְנִיר אוֹתָהּ פַּעַם שְׁנִיָּה: שְׁלֹם יְשֻׁלָּם הַמִּבְעֵר. אֶף־עַל־פִּי שֶׁהִדְלִיק בְּתוֹף שְׁלוֹ וְהָיָא 62. פְּרוֹת שֶׁל צִמַח הַקְּדָא - קוּץ.

CHASIDIC INSIGHTS

The borrower (22:13). A borrower is liable even for occurrences beyond his control, e.g., the death of an animal he borrows.

There is an essential difference between the accountability of the first two types of consignees and that of the borrower. The duty of the first two types of consignee is to watch over the owner's object and return it to him intact. Their responsibility stems from their commitment to guard the object. (The extent to which they are required to watch it depends on whether or not they are paid). Hence, they are not responsible for occurrences beyond their control, since the quality of their care has no effect on whether such occurrences will happen or not.

In contrast, the intention of the borrower is not to guard the object but to use it. Because he has been given the right to use the object without paying for it, it is considered his to the extent that he is responsible for all eventualities.<sup>80</sup> (The exception to this is if it dies or breaks in the course of the work for which it was borrowed.)

The hirer (22:14). Of a hirer, the Torah says: "the loss is covered by its rental price." Which type of "loss" is covered by the rental price? According to the Talmudic sage Rabbi Yehudah, the hirer is compared to an unpaid consignee and is therefore exempt in the case

of theft. Rabbi Yehudah does not consider the hirer's access to the object as payment for watching the object, since he *pays* for that access; his responsibility to guard the object goes unpaid. According to Rabbi Yehudah's colleague, Rabbi Meir (whose view is accepted as law), the hirer is liable for theft but exempt from loss through uncontrollable occurrences. According to Rabbi Meir, the hirer is essentially a borrower: since the object is in his hands for his own benefit, he should be held responsible for all eventualities, just as is the borrower. However, because the hirer pays for use of the object, he is not culpable for cases of uncontrollable occurrences (but remains responsible for theft). The hirer can be seen as a hybrid of borrower and paid consignee: the *nature* of his accountability is like that of the borrower, while his actual responsibilities are identical to those of the paid consignee.<sup>81</sup>

Spiritually, we are all consignees. God has entrusted us with charges: our Divine soul, our fellow Jews, our fellow human beings, and the world at large. On our worst days we are borrowers. We use and enjoy the pleasures of our soul, our fellows, and our world without reciprocating. At times we do better: we are hirers. We recognize that true physical and spiritual pleasures can only be experienced when we give; we give in order to receive. Then there are days when

type of consignee	form of liability			
	negligence	theft	uncontrollable occurrences	damages in the course of work
unpaid consignee	✓			
paid consignee	✓	✓		
borrower	✓	✓	✓	
hirer (R. Yehudah)	✓			
hirer (R. Meir)	✓	✓		

80. See *Kiddushin* 47b. 81. *Likutei Sichot*, vol. 31, pp. 112-114.

**5 “If a fire breaks out—even accidentally—and spreads through thorns, so that it consumes stacked or standing grain or a newly-plowed field, hardening it so the owner has to plow it again, the one who kindled the fire must make restitution.** Even though he started the fire on his own property, he did not take sufficient measures to prevent it from spreading onto someone else’s property, and is therefore liable for damages.

### The Unpaid Consignee

**6 “If a man gives his fellowman money or objects for unpaid safekeeping, and the latter (the consignee) asserts that although he was not negligent in their care they were nonetheless stolen from his house, then, if the thief is found he must make double restitution** to the consigner.

#### ⌘ CHASIDIC INSIGHTS ⌘

violence must be avoided at all cost, that if God wants a person to live to a ripe old age, no midnight intruder will interfere with His plan. This verse tells us otherwise: we must take the life of one who threatens our own. The Torah demands that we employ natural measures to ensure our safety, that we create the means for the fulfillment of the verse: “Behold the Guardian of Israel neither sleeps nor slumbers.”<sup>73</sup> Such an attitude prevents bloodshed on both sides: knowing that his foe will respond strongly to provocation, the enemy will not attack in the first place.<sup>74</sup>

**5 If a fire breaks out and spreads:** Even if someone lights a fire in his *own* domain and the fire somehow spreads to someone else’s property, the first individual is liable for the damage. In the Talmud, lighting a fire is compared to drawing the bow of an arrow: regardless of where the arrow lands, the perpetrator is liable for its damage.<sup>75</sup> In other words, the act of igniting a fire, like drawing a bow, “includes” in it any future consequence, since once the arrow is out of the archer’s hands it cannot be retrieved.<sup>76</sup>

Generally, this logic holds true only in the human sphere. It can never be said of God that something is out of His hands; He can always reverse the fires and arrows that threaten to harm us. However, when God promises to do something good, that event *must* come to pass. A prophet’s prediction of good things must come true.<sup>77</sup> In this sense, God is similar to man: once the promise of goodness is “out of His hands” it cannot be rescinded.

Knowing that God’s promise for good “includes” the ultimate outcome gives us the inspiration to endure the darkness of these last days of exile. The future redemption, in its highest form, already exists; it is only concealed. When we recognize that the confusion and obstacles we encounter are mere illusions that obscure the truth, God will remove them, and we will be able to perceive the light of redemption.<sup>78</sup>

**If a fire breaks out and spreads through thorns, so that it consumes stacked or standing grain or a field:** The evil inclination is proficient in his craft, at first enticing his victim to take small, innocuous steps, but ultimately luring him into the gravest of sins. Initially, he even allows his victim to continue serving God faithfully, if only without focus. Indeed, when the fire of lust breaks out, it appears harmless and unsuspecting, merely scorching the thorns. But all too soon it becomes tragically uncontrollable and consumes the entire stock.<sup>79</sup>

**6-14 The four consignees:** In this section, the Torah describes four types of consignees:

⌘ *The unpaid consignee (22:6-7).* An unpaid consignee is not held accountable for theft of the object entrusted to his care. He is, however, accountable for damage or theft caused by his negligence.

⌘ *The paid consignee (22:9-12).* A paid consignee is held accountable for theft. However, he is not held responsible for occurrences beyond his control. For example, if an animal in his care dies or is carried off in a raid, he is not held responsible.

73. Psalms 121:4. 74. *Sichot Kodesh* 5734, vol. 1, pp. 146-147. 75. *Bava Kama* 22a. According to Reish Lakish, the Torah considers the fire to be the person’s property, and he is therefore liable for any damage it causes just as he is liable for the damage caused by his animal or pit. 76. *Nimukei Yosef ad loc.* Hence, lighting the Sabbath candles right before the onset of the Sabbath is not considered a desecration of the Sabbath even though the candle will remain lit throughout the Sabbath. This is because the Torah views the entire duration of the flame as being encapsulated in the moment of its ignition. Similarly, one who released an arrow and then died would certainly be liable for any damage caused by the arrow, even though he was not alive at the time of damage (*Nimukei Yosef, loc. cit.*). 77. *Mishneh Torah, Yesodei HaTorah* 10:4. However, a prophet of doom whose prophecy does not come to pass is not considered a false prophet, since the catastrophe he prophesied may have been averted through repentance (*ibid.*). 78. *Likutei Sichot*, vol. 1, pp. 125-127. 79. *Igrot Kodesh*, vol. 22, pp. 200-201.

— ONKELOS —  
 7 אם לא ישתכח גנבא ויתקרב  
 מרה דביתא לקדם דיניא אם  
 לא אושט ידה במא דמטר לה  
 חברה: 8 על כל-פתגם דחוב על  
 תור על חמר על אמר על כסו על  
 כל-אבידתא די ימר ארי הוא דין  
 לקדם דיניא ייעול דין תרוהון די  
 יחבון דיניא ישלם על חד תרין  
 לחברה:

7 אִם-לֹא יִמְצֵא הַגָּנֵב וְנִקְרַב בְּעַל-הַבַּיִת אֶל-  
 הָאֱלֹהִים אִם-לֹא שָׁלַח יָדוֹ בְּמִלְאֶכֶת רַעְיוֹ: 8 עַל-  
 כָּל-דְּבַר-פְּשַׁע עַל-שׂוֹר עַל-חֲמוֹר עַל-שֶׁה עַל-שִׁלְמָה  
 עַל-כָּל-אֲבִידָה אֲשֶׁר יֹאמֵר כִּי-הוּא זֶה עַד הָאֱלֹהִים  
 יָבֹא דְבַר-שְׁנֵיהֶם אֲשֶׁר יִרְשִׁיעַן אֱלֹהִים יִשְׁלֹם שְׁנַיִם  
 לְרַעְיוֹ: 8

## RASHI

באו עדים שהוא בידו. נאמר כאן "שליחות יד" ונאמר  
 למטה "שליחות יד" — "שבעת ה' תהיה בין שניהם  
 אם לא שלח ידו", מה-להלן שבועה אף כאן שבועה:  
 אשר יאמר כִּי-הוּא זֶה. לפי פשוטו: אשר יאמר העד,  
 כִּי-הוּא זֶה שגשבעת עליו הרי הוא אצלך. עד הדין  
 יבא דבר שניהם, ויחקרו את העדות, ואם פשרים הם  
 ירשיעוהו לשומר זה — ישלם שנים. ואם ירשיעו את  
 העדים שנמצאו זוממין — ישלמו הם שנים לשומר.  
 ורבותינו זכרונם לברכה דרשו: "כִּי-הוּא זֶה" — ללמד  
 שאין מחיבין אותו שבועה, אלא אם כן הודה במקצת,  
 לומר: כך וכך אני חייב לך, והמותר נגנב ממני.

7 אִם לֹא יִמְצֵא הַגָּנֵב. ובא השומר הזה שהוא בעל  
 הבית: ונקרב. אל הדין, לדון עם זה, ולשבע לו שלא  
 שלח ידו בשל: 8 על-כל-דבר-פשע. שימצא שקרן  
 בשבועתו, שיעידו עדים שהוא עצמו גנבו, וירשיעוהו  
 אלהים על פי העדים: ישלם שנים לרעהו. למדך  
 הכתוב, שהטוען בפקדון לומר נגנב הימנו, ונמצא  
 שהוא עצמו גנבו, משלם תשלומי כפל. ואימתי? בזמן  
 שגשבע ואחר כך באו עדים. שכן דרשו רבותינו:  
 "וְנִקְרַב בְּעַל-הַבַּיִת אֶל-הָאֱלֹהִים" — קריבה זו שבועה  
 היא. אתה אומר לשבועה, או אינו אלא לדין? שפיון  
 שבא לדין וכפר לומר נגנב, מיד יתחייב בכפל, אם

63. בא קמא סג, ב. 64. לעיל פסוק ז. 65. להלן פסוק י. 66. בא קמא קז, א.

## CHASIDIC INSIGHTS

is not God. When we begin to confuse "it" with "this," when we begin to ascribe intrinsic existence and value to anything other than God, we have been dishonest with our soul. How can we rectify this error?

*The party whom the judges find guilty shall make double restitution to his fellowman.* Paying double means also harnessing the powers of the animal soul—the brute force of the ox, the donkey's ability to carry heavy loads for the long trek, the sheep's compliant nature—towards the service of the Creator.<sup>86</sup>

**This is it:** The sages derive the law of "partial admission" from the phrase "this is it," which can be translated as "only this"—meaning that the defendant admits that he owes "only this" but not all that he is being sued for. If A claims that B owes him 100 dollars, and B says he owes only 50, B is required to swear in court that he does not owe the other 50. In the case described here, the consignee claims that a portion of the goods entrusted to him was stolen. The Torah then says that he must appear in court and swear that he is telling the truth. The reason he has to swear is that since he did not already voluntarily return or pay what he admits he owes, he has become slightly suspect.

Spiritually, there are a few ways in which we sometimes claim "partial admission." When we have been remiss in fulfilling our Divine mission, the prosecuting angel can claim that we are wholly at fault and that we deserve either to be punished or to be allowed to slide into further transgression, compounding our guilt.

We admit to the accusation, but only partially. In self-defense, we first say that our indiscretions did not involve our entire being. The deepest place in our hearts never rebelled against God; only the outer manifestations of our consciousness veered from the path. Secondly, we were never entirely remiss, since, as the Talmud attests, "even the most wicked of Israel are filled with commandments like a pomegranate [is filled with seeds]."<sup>87</sup> Therefore, we do not deserve full punishment; we are willing to repent, but only for what we actually did.

In order for the heavenly court to accept our counterclaim, the Torah requires us to take an oath. But in fact, we took this oath long ago, for God administers an oath to every Divine soul, as it is about to enter the body at birth, to be righteous. That oath acts as a

86. *Likutei Sichot*, vol. 1, pp. 155-158. 87. *Eiruvim* 19a.

7 But if the thief is not found, and the consigner accuses the consignee of stealing the goods himself, and the consignee admits that he took a portion of the goods but not all of them,<sup>82</sup> then, **the owner of the house**—the consignee—**shall approach the judges** to swear that he did not lay a hand on his fellowman's property any more than he admits. By taking this oath, the consignee exempts himself from having to pay anything further to the consigner.

8 If the consigner afterwards brings witnesses who testify that the consignee has stolen more than he has admitted, then, **in every such case of possible dishonesty, whether it involves an ox, a donkey, a sheep, a garment, or anything allegedly lost or stolen, and witnesses testify, "This is it—the disputed goods are in the possession of the consignee," the claims of both parties**—the witnesses (testifying on behalf of the consigner) and the consignee—**shall come before the judges. The party whom the judges find guilty shall make double restitution to his fellowman:** If the judges accept the testimony of the witnesses, they pronounce the consignee a thief and he must pay double the value of the goods to the consigner. If the judges determine that the testimony of the witnesses is false, the witnesses must pay double the value of the goods to the consignee. The rule that the guilty party must make double restitution applies only when the consignee first swore that he did not steal the consigner's goods; if, however, the consigner first brings witnesses who testify that the consignee is a thief and the judges accept their testimony, the consignee does not need to swear and only has to pay the consigner the actual value of his goods.

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✧ CHASIDIC INSIGHTS ✧

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we make the leap and leave the world of hirer and borrower, the world of the self, and advance to the level of the paid consignee. It is no longer about us, about the pleasures we will enjoy as our reward; we are caretakers, not seeking to use God's gifts for our purposes but to assist Him in His purposes. Perhaps, as *paid* consignees, we are not beyond looking forward to the reward, but at least that is not our focus.

On our best days—and ultimately all our days will be such—we are *unpaid* consignees. We are oblivious to physical and spiritual rewards; we are the person who, in Maimonides' words,<sup>83</sup> "serves God out of love...not because of anything in the world...not to inherit the good, but rather one who does the truth because it is the truth..."<sup>84</sup>

8 **In every case of dishonesty:** Spiritually, God has entrusted each of us with a charge: the Divine soul.<sup>85</sup> It is our responsibility to ensure that the soul remain protected and unsullied, that it return to heaven better off than it was before its descent into the body. At times, however, we are unfaithful to the soul's Owner and abuse His charge. The causes for our delinquency are spelled out in this verse:

*Whether it involves an ox, a donkey, a sheep:* these are the various challenges that our animal soul poses to our Divine soul. The self-centeredness of the goring ox that tramples upon everything in its path, the frigidity of the donkey, and the follower mentality of the sheep—all these conspire to confuse the Divine soul until it is convinced that—

*"This is it":* In an absolute sense, the demonstrative pronoun "this" can rightfully refer only to something that is exactly what it appears to be. However, everything other than God is *not* what it appears to be. Things appear to exist on their own, but really owe their existence to God. Since only God's reality is intrinsic, we can only rightly say, "this" of God—just as the Israelites did when, after walking through the sea, they said, "This is my God!"

On a more profound level, the word "this" really only applies to something that exists at all times and in all places, so whenever we want and wherever we are we can point to it and say "this." Again, only God satisfies this criterion. Everything else is an "it," the third person, somebody or something that is not intrinsically here. Thus, the word "it" applies to everything that

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<sup>82</sup> Rashi on v. 8, below. <sup>83</sup> *Mishneh Torah, Teshuvah* 10:2. <sup>84</sup> *Likutei Sichot*, vol. 31, pp. 115-118, based on *Shnei Luchot Habrit, Pesachim*, 155a (*Matzah Ashirah*). <sup>85</sup> See *Shabbat* 152b.

— ONKELOS —

9 אָרִי יִתֵּן גֹּבֵר לְחִבְרָה חֲמֹר אוֹתוֹ וְכָל־  
 תּוֹר אוֹ אֲמֹר וְכָל־בְּעִירָא לְמִשְׁר  
 וַיְמִית אוֹ אֲתֵבֵר אוֹ אֲשֶׁתְּבִי לִית  
 דְּחִזִּי: 10 מוֹמְתָא דִּי תְּהִי בִּין  
 תְּרִוּהוֹן אִם לֹא אוֹשִׁיט יְדָהּ בְּמֵא  
 דְּמִסְר לֵה חִבְרָה וְיִקְבֵּל מֵרָה  
 מִנְּה מוֹמְתָא וְלֹא יִשְׁלָם: 11 וְאִם  
 אֲתִגְנָבָא יִתְּגַבֵּב מֵעַמּוּה יִשְׁלָם  
 לְמִרְוּהִי: 12 אִם אֲתִבְרָא יִתְּבֵר  
 יְיָ סִדְדִין דְּתִבְרִי לֹא יִשְׁלָם:  
 13 וְאָרִי יִשְׁאֵל גֹּבֵר מִן חִבְרָה  
 וְיִתְּבֵר אוֹ יְמִית מֵרָה לִית עַמּוּה  
 שְׁלָמָא יִשְׁלָם:

9 כִּי־יִתֵּן אִישׁ אֶל־רֵעֵהוּ חֲמֹר אוֹ־שׂוֹר אוֹ־שֶׁה וְכָל־  
 בְּהֵמָה לְשֹׁמֵר וּמֵית אוֹ־נִשְׁבֵּר אוֹ־נִשְׁבָּה אֵין רֵאָה:  
 10 שִׁבְעַת יְהוָה תְּהִיָּה בֵּין שְׁנֵיהֶם אִם־לֹא שָׁלַח יָדוֹ  
 בְּמִלְאֶכֶת רֵעֵהוּ וְלָקַח בְּעַלְיוֹ וְלֹא יִשְׁלָם: 11 וְאִם־גָּנַב  
 יִגְנַב מֵעַמּוֹ יִשְׁלָם לְבְעָלָיו: 12 אִם־טָרַף יִטָּרַף יִבְאֵהוּ עַד  
 הַטָּרְפָה לֹא יִשְׁלָם: פ  
 13 וְכִי־יִשְׁאֵל אִישׁ מֵעַם רֵעֵהוּ וְנִשְׁבֵּר אוֹ־מֵית בְּעַלְיוֹ  
 אִין־עַמּוֹ שְׁלָם יִשְׁלָם:

— RASHI —

9 כִּי־יִתֵּן אִישׁ אֶל־רֵעֵהוּ חֲמֹר אוֹ־שׂוֹר. פְּרָשָׁה רֵאשׁוֹנָה  
 נֶאמְרָה בְּשׁוֹמֵר חֲנָם, לְפִיכָּךְ פָּטַר בּוֹ אֶת הַגִּנְבָּה, כְּמוֹ  
 שְׁכָתוֹב: "וְגָנַב מִבֵּית הָאִישׁ...אִם־לֹא יִמְצָא הַגִּנְבֵּי  
 וְנִקְרַב בְּעַל־הַבַּיִת"<sup>67</sup> לְשִׁבּוּעָה, לְמַדָּת שְׁפוֹטֵר עֲצָמוֹ  
 בְּשִׁבּוּעָה זוֹ. וּפְרָשָׁה זוֹ אֲמוּרָה בְּשׁוֹמֵר שָׂכָר לְפִיכָּךְ  
 אֵינוֹ פָּטוּר אִם גָּנַב, כְּמוֹ שְׁכָתוֹב: "וְאִם־גָּנַב יִגְנַב  
 מֵעַמּוֹ יִשְׁלָם"<sup>68</sup>. אָבָל עַל הָאֲנָס, כְּמוֹ: מֵת מֵעַצְמוֹ, אוֹ  
 נִשְׁבֵּר, אוֹ נִשְׁבָּה בְּחֻזְקָה עַל יְדֵי לְסֻטִים, וְאֵין רוּאָה  
 שְׁיַעֲרֵיד בְּדָבָר: 10 שִׁבְעַת ה' תְּהִיָּה. יִשְׁבַּע שָׂכָן הוּא  
 כְּדָבְרָיו, וְהוּא לֹא שָׁלַח בְּהַ יָד לְהַשְׁתַּמֵּשׁ בָּהּ לְעַצְמוֹ.  
 שְׂאֵם שָׁלַח בְּהַ יָד וְאֶחָר כִּף נֶאֱנָסָה — חֵיב בְּאֲנָסִים:

12 אִם־טָרַף יִטָּרַף. עַל יְדֵי חִיָּה רֵעֵהוּ: וְיִבְאֵהוּ עַד. וְיִבְאֵי  
 עֲדִים שְׁנִטְרָפָה בְּאֲנָס וּפְטוּר: הַטָּרְפָה לֹא יִשְׁלָם. אֵינוֹ  
 אוֹמֵר "טָרְפָה לֹא יִשְׁלָם", אֶלָּא "הַטָּרְפָה" — יֵשׁ טָרְפָה  
 שְׁהוּא מִשְׁלָם וְיֵשׁ טָרְפָה שְׂאֵינוֹ מִשְׁלָם: טָרַפְתָּ הַתּוֹל  
 וְשׁוּעַל וְנִמְיָה — מִשְׁלָם. טָרַפְתָּ זָבַב אָרִי וְדָב וְנִחַשׁ  
 — אֵינוֹ מִשְׁלָם. וּמִי לְחֻשְׁךָ לְדוֹן כֵּן? שְׁהָרִי כְּתִיב: "וּמֵת  
 אוֹ־נִשְׁבֵּר אוֹ־נִשְׁבָּה"<sup>69</sup> — מֵה־מִּיתָה שְׂאֵין יְכוֹל לְהַצִּיל,  
 אִף שָׂכָר וְשִׁבְיָה שְׂאֵין יְכוֹל לְהַצִּיל: 13 וְכִי יִשְׁאֵל. בָּא  
 לְלַמְּדֵךְ עַל הַשּׁוֹאֵל שְׁחֵיב בְּאֲנָסִין: בְּעַלְיוֹ אִין־עַמּוֹ. אִם  
 בְּעַלְיוֹ שָׁל שׂוֹר אֵינוֹ עִם הַשּׁוֹאֵל בְּמִלְאֶכְתּוֹ:

67. לעיל פסוקים רז. 68. להלן פסוק יא. 69. לעיל פסוק ט.

— CHASIDIC INSIGHTS —

the prosecuting angel—taking detailed stock of our performance in order to know exactly how much repentance is required of us—would have been a waste of precious time that could have better been used to progress in our Divine mission. The loss of opportunities and momentum could never have been fully recovered. True, the Torah prescribes certain times for stocktaking, such as before going to sleep at night, or during the month of Elul. But who has time for more than this if we are consummately busy fulfilling our Divine purpose?<sup>90</sup>

If this, indeed, is our claim, and the heavenly court sees that we are living our lives accordingly, we are acquitted without having to "take the oath." We are clearly in no danger of further backsliding and we will repair any damage due to our negligence.<sup>91</sup>

We are often "partial admitters" in a more subtle sense, as well. God "lends" us sustenance, talents,

and capability. In certain aspects of our lives we admit that we need God, that without Him we are lost. Nevertheless, for the most part we imagine that we are self-sufficient, that we have acquired all we possess on our own. Thus, after we discharge our basic religious duties and give God what we owe Him, we feel as though the rest of our time and other resources are now ours to use as we please.

Of course, the truth is just the opposite; we have acquired whatever we possess only by virtue of the gifts God has given us. Therefore, we owe God everything and there are no autonomous areas in our lives.

However, taking an "oath" allows us to lay claim to partial ownership of our lives. The more we invoke the birth-oath to be righteous and draw upon our inner reservoir of Divine power and consciousness, the more resources God places at our disposal. Confident that we will use His bounty for the proper purposes, He willingly entrusts us with more.<sup>92</sup>

90. See below, on 23:26. 91. *Likutei Sichot*, vol. 16, pp. 269-274; *Sichot Kodesh* 5716, pp. 83-84. 92. *Likutei Sichot*, vol. 1, pp. 41-43.

### The Paid Consignee

9 **“If a man gives his fellowman a donkey, an ox, a sheep, or any other animal for paid safekeeping, and it dies naturally, or is fatally maimed by a wild beast, or carried off by robbers, and there are no eyewitnesses,**

10 **then an oath to God shall take place between the two of them:** the consignee shall swear **that he did not lay a hand on his fellowman’s property** to use it. For if he used it, he is no longer considered a ‘paid consignee’ but a ‘hirer’ and as such is responsible in these cases.<sup>88</sup> But if he swears that he did not use it, **the owner shall accept the oath, and the consignee need not pay the consigner anything.**

11 **If, however, it was in fact stolen from him, he shall make restitution to its owner.** Unlike the unpaid consignee, the paid consignee is responsible for theft.

12 **If in fact it was killed by a wild beast, and this was witnessed, then the consignee need not swear to that effect; he shall produce witnesses, and then he need not make restitution for the mauled animal.** But in any case, the consignee is exempt from responsibility only when the consigner’s animal was attacked by an animal he could not contend with, such as a wolf, a bear, or a snake. But if it was attacked by an animal he could have deflected, such as a cat, a fox, or a marten, he is held responsible.

### The Borrower and the Hirer

13 **“If a man borrows something from his fellowman and it breaks or dies, and its owner was not also employed by the borrower to work with him, the borrower must make restitution.** Unlike the paid consignee, the borrower is responsible for accidental loss.

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#### סג CHASIDIC INSIGHTS סג

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reservoir of spiritual strength the soul can draw upon precisely in such situations of “partial guilt.”<sup>89</sup>

Normally, God provides our “good inclination” with just enough spiritual energy to enable us to resist the machinations of our “evil inclination.” The scales are equally balanced, and we are therefore always free to choose between good and evil. Ideally, clear thinking would make us opt to choose good every time. But the evil inclination is cunning and sometimes catches us with our defenses down, convincing us that no harm will be done if we are a little lax. When we succumb, we need extra strength to admit our guilt, get back on track, and keep from sliding further. We are able to counter the accusations of the prosecuting angel by virtue of this oath; this extra power at our disposal enables us to confidently assure the heavenly court that we will repent of our wrongdoing and keep ourselves from backsliding.

But this is a serious commitment, and if we misuse the extra powers God has given us, we could eventually

incriminate ourselves even more seriously. Therefore, it is best to avoid “taking the oath” whenever possible, just as the Torah enjoins us to avoid taking oaths in actual civil cases because of the seriousness of invoking God’s Name.

In civil cases, when the defendant states that he did not pay back the part of the claim he admits due to extenuating circumstances, he is exempt from taking the oath and is acquitted after he pays what he admits he owes. For example, he can claim that he could not liquidate his assets to pay his debt since the market was such that he would have suffered a loss on these assets.

Spiritually, we can make a similar claim of extenuating circumstances. Our spiritual “assets” are the time, talents, and other resources God grants us to fulfill our Divine mission. The more we are consumed with our mission, the more we want to capitalize on these assets and use them to their fullest. If we indeed succeed in doing so, we can claim that settling accounts with

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88. As is stated below, v. 13. 89. In Hebrew, the word for “oath” (שבוע) is similar to the word for “satisfy” or “fill” (שובע).

ONKELOS

14 אם מרה עמה לא ישלם  
 אם אגירא הוא עאל באגרה:  
 15 וארי ישדל גבר בתולתא די  
 לא מארסא וישבוב עמה קמא  
 יקימנה לה לאנתו: 16 אם מצבא  
 לא יצבי אבוהא למתנה לה  
 כספא יתקל כמודרי בתולתא:  
 17 חרשא לא תחי: 18 כל-  
 דישוב עם בעירא אתקטלא  
 יתקטיל: 19 דדבח לטעות  
 עממא יתקטיל אלהין לשמא די  
 בלחודוהי: 20 וגירא לא תונן  
 ולא תעיקון לה ארי דירין תויתון  
 בארעא דמצרים: 21 כל-ארמלא  
 ויתם לא תענון:

14 אִם-בְּעָלָיו עִמּוֹ לֹא יִשְׁלַם אִם-שָׂכִיר הוּא בֹא  
 בְּשָׂכְרוֹ: ם

15 וְכִי-יִפְתָּה אִישׁ בְּתוּלָה אֲשֶׁר לֹא-אֶרְשָׁה וְשָׁכַב  
 עִמָּה מִהַר יִמְהַרְנָה לוֹ לְאִשָּׁה: 16 אִם-מֵאֵן יֵמָאן אָבִיהָ  
 לְתַתָּה לוֹ בְּסֵף יִשְׁקַל כְּמִהַר הַבְּתוּלָת: ם

17 מְכַשְׁפָּה לֹא תַחִיה: 18 כָּל-שֹׂכֵב עִם-בְּהֵמָה מוֹת  
 יוֹמָת: ם

19 זִבְחָ לְאֱלֹהִים יִחָרֵם בְּלִתי לִיהוּה לְבִדּוֹ: 20 וְגַר לֹא-  
 תוֹנֶה וְלֹא תִלְחָצְנֵנוּ כִּי-גֵרִים הֵייתֶם בְּאֶרֶץ מִצְרַיִם:  
 21 כָּל-אֶלְמָנָה וַיְתוּם לֹא תַעֲנוּן:

RASHI

ו"לרגלים" — צריך לפרש לאיזה. ואם אינו מפרש,  
 כל-מלכים במשמע, וכן "לא להים" — כל-אלהים,  
 במשמע אפלו קדש. אבל כשהיא נקודה פתח, כמו:  
 "למלך" "למדבר" "לעיר", נודע באיזה מלך מדבר,  
 וכן "לעיר", נודע באיזה עיר — מדבר. וכן "לא להים"  
 — לאותם שהזרתם עליהם במקום אחר. כיוצא בו:  
 "איך-במוך באלהים", לפי שלא פרוש, הצריך לנקד  
 פתח: יחרם. וימת. ולמה נאמר "יחרם" והלא כבר  
 נאמר בו מיתה במקום אחר: "והוצאת את-האיש  
 ההוא או את-האשה ההיא וגו'?" אלא, לפי שלא  
 פרוש על איזו עבודה קיב מיתה, שלא תאמר כל-  
 עבודות במיתה, בא ופרש לך כאן: "זבח לאלהים"  
 — לומר לך, מה-זביחה עבודה הנעשית בפנים  
 לשמים, אף אני מרבה המקטיר והמנסף, שהן עבודות  
 בפנים, וחזבים עליהם לכל-עבודה זרה, בין שדרכה  
 לעבודה ככה בין שאין דרכה לעבודה ככה. אבל שאר  
 עבודות, כגון: המכבד, והמרבץ, והמגפף, והמנשק —  
 אינו במיתה אלא באזרה: 20 וגר לא-תונן. אונאת  
 דברים, קונטרליי"ר בלעז<sup>75</sup>, כמו: "והאכלתי את-מוניך  
 את-בשרם"<sup>76</sup>: ולא תלחצנו. בגזלת ממון: כפי-גרים  
 הייתם. אם הזניתו, אף הוא יכול להזנותך ולומר לך:  
 אף אתה מגרים באת, מום שבה אל תאמר לחברך.  
 כל-לשון "גר" — אדם שלא נולד באותה מדינה, אלא  
 בא ממדינה אחרת לגור שם: 21 כל-אלמנה ויתום לא  
 תענון. הוא הדין לכל-אדם, אלא שדבר הכתוב בזה,  
 לפי שהם תשושי כח ודבר מצוי לענוותם:

14 אִם-בְּעָלָיו עִמּוֹ. בין שהוא באותה מלאכה בין  
 שהוא במלאכה אחרת. היה עמו בשעת שאלה, אינו  
 צריך להיות עמו בשעת שבירה ומיתה: אִם-שָׂכִיר  
 הוּא. אם השור אינו שאול אלא שכור — "בא בשכרו"  
 ליד השוכר הנה ולא בשאלה. ואין כל-הנאה שלו,  
 שהרי על ידי שכרו נשתמש, ואין לו משפט שואל  
 להתחייב באגסין. ולא פרוש מה-דינו, אם בשומר חנם  
 או בשומר שכר. לפיכך נחלקו בו חכמי ישראל: שוכר  
 כיצד משלם? רבי מאיר אומר: בשומר חנם. רבי יוחנן  
 אומר: בשומר שכר: 15 וְכִי-יִפְתָּה. מדבר על לבה  
 עד ששומעת לו. וכן תרגומו: "וארי-ישדל" — שדול  
 בלשון ארמי, כפתוי בלשון עברי: מחר ימהרנה. יפסק  
 לה מחר כמשפט איש לאשתו, שפותב לה כתבה  
 וישאנה: 16 כְּמִהַר הַבְּתוּלָת. שהוא קצוב חמשים כסף  
 אצל התופס את הבתולה ושוכב עמה באגס, שנאמר:  
 "ונתן האיש השכב עמה לאבי הנערה חמשים כסף"<sup>77</sup>:  
 17 מְכַשְׁפָּה לֹא תַחִיה. אלא תומת בבית-דין. ואחד  
 זכרים ואחד נקבות, אלא שדבר הכתוב בהנה,  
 שהנשים מצויות מכשפות: 18 כָּל-שֹׂכֵב עִם-בְּהֵמָה מוֹת  
 יוֹמָת. בסקילה. רובע כנרבעת, שכתוב בהן: "דמייהם  
 כם"<sup>78</sup>: 19 לְאֱלֹהִים. לעבודה זרה. אלו היה נקוד  
 "לא להים", היה צריך לפרש ולכתב "אחרים", עכשו  
 שאמר "לא להים", אין צריך לפרש "אחרים", שכל-  
 למי"ד ובי"ת וה"א המשמשות בראש התבה, אם נקוד  
 בחסף<sup>79</sup>, כגון: "למלך" "למדבר" "לעיר", צריך לפרש  
 לאיזה מלך, לאיזה מדבר, לאיזה עיר. וכן "למלכים"

70. דברים כב, ט. 71. ויקרא כ, טו. 72. בשבא. 73. תהלים פ, ח. 74. דברים יז, ה. 75. לקנטור. 76. ישעיה מט, כו.



14 **If, however, its owner was employed by the borrower to work with him, the borrower need not make restitution.** In fact, the owner need not be employed in the same kind of work that the borrowed object or animal was borrowed for, and he need not have been employed at the moment the accident occurred. As long as the owner was in the borrower's employ when he borrowed the object from him, the borrower is not responsible for accidental loss.

"If, in contrast, **the article was hired, it has come into the hirer's service in exchange for its rental price,** and he is therefore not a borrower, and is not held responsible for accidental loss as the borrower is. However, there are two opinions regarding what the hirer *is* responsible for: according to one opinion, he is responsible only for negligence, as is the unpaid consignee; according to another opinion, he is responsible also for theft, as is the paid consignee.

### The Seducer

15 **"If a man seduces a virgin who is not betrothed and engages in carnal relations with her, he shall marry her with a marriage contract.**

16 **If her father utterly refuses to give her to him in marriage, he shall weigh out money according to the customary monetary settlement of virgins, i.e., fifty shekels.**<sup>93</sup>

### Sorcery

17 **"You shall not allow a sorcerer or sorceress to live.** He or she must be tried by the court and executed.

### Bestiality

18 **"Whoever engages in carnal relations with an animal must be tried by the court and put to death** by stoning.

### Idolatry

19 **"Whoever sacrifices, offers incense, pours a libation, or prostrates himself<sup>94</sup> to idols shall be tried by the court and put to death** by stoning. Such forms of service are permitted **only to God alone.** Serving an idol in other ways, such as sweeping the floor in front of it, kissing it, etc., is punishable by death only if this is the way that particular idol is normally worshipped; otherwise, performing such acts is a non-capital offense and is punishable only by lashes.

### Exploitation

20 **"You shall not taunt a foreigner who has converted to Judaism nor oppress him** by robbing him of money, **for you yourselves were foreigners in the land of Egypt,** so he can easily taunt you back. Although it is forbidden to rob anyone, it is especially sinful to rob a convert.

21 **You shall not cause pain to anyone, but particularly not to any person with limited means to defend themselves against you, such as a widow or orphan.**

93. Deuteronomy 22:29. 94. Rashi on Deuteronomy 12:30.

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 22 אם ענָה תעני יתה ארי אם מקבל קבל קדמי קבלא אקבל קבילתה: 23 ויתקף רגזי ואקטל יתכון בחרבא ויהוון נשיכון ארמלון ובניכון יתמין: 24 אם כספא תוויף בעמי לעניא די עמך לא תהי לה כרשיא לא תשוון עלוהי חבוליא: 25 אם משכונא תשב כסותא דחברך עד מיעל שמשא תתיבנה לה:

22 אִם־עֲנָה תֵעֲנֶה אֶתֹּו כִּי אִם־צָעַק יִצְעַק אֵלַי שְׁמַע אֲשַׁמַּע צַעְקוֹ: 23 וְחָרָה אַפִּי וְהִרְגַּתִּי אֶתְכֶם בְּחָרֶב וְהָיוּ נְשִׁיכֶם אֲלֻמְנוֹת וּבְנֵיכֶם יִתְמִים: פ  
 24 אִם־כֶּסֶף | תִּלְוֶה אֶת־עַמִּי אֶת־הָעֲנִי עִמָּךְ לֹא־תִהְיֶה לוֹ כְּנִשָּׂא לֹא־תִשְׁמֹון עָלָיו נִשְׂךְ: 25 אִם־חֶבֶל תַּחְבֹּל שְׁלֵמַת רַעְךָ עַד־בֹּא הַשֶּׁמֶשׁ תִּשְׁיָבְנוּ לוֹ:

— RASHI —

מנהג בויון בהלואה, שהוא עמי: אֶת־הָעֲנִי עִמָּךְ. הוי מסתכל בעצמך כאלו אתה העני: לֹא־תִהְיֶה לוֹ כְּנִשָּׂא. לא תתבענו בחוקה, אם אתה יודע שאין לו. אל תהי דומה עליו כאלו הלוייתו, אלא כאלו לא הלוייתו, כלומר, לא תכלימהו: נִשְׂךְ. רבית, שהוא כנשיכת נחש, שנושף חבורה קטנה ברגליו ואינו מרגיש, ופתאום הוא מכבץ ונופח עד קדקדו. כך רבית, אינו מרגיש ואינו נכר, עד שהרבית עולה ומחסרו ממון הרבה: 25 אִם־חֶבֶל תַּחְבֹּל. כל־לשון חבלה אינו משכון בשעת הלואה, אלא שממשכנין את הלואה כשמיגיע הזמן ואינו פורע. "חבל תחבל" — כפל לך בחבלה עד כמה פעמים, אמר הקדוש ברוך־הוא: כמה אתה חייב לי? והרי נפשו עולה אצלי בל־אמש ואמש, ונותנת דין וחשבון ומתחייבת לפני, ואני מחזירה לך, אף אתה — טל והשב, טל והשב: עַד־בֹּא הַשֶּׁמֶשׁ תִּשְׁיָבְנוּ לוֹ. כל־היום תשיבנו לו עד בא השמש, וכבוא השמש — תחזור ותשלנו עד שיבא בקר של מחר. ובכסות יום הכתוב מדבר, שאין צריך לה בליה:

22 אִם־עֲנָה תֵעֲנֶה אֶתֹּו. הרי זה מקרא קצר. גום ולא פֶרַשׁ עָנָשׁוּ, כמו: "לכן בל־הרג קין" — גום ולא פֶרַשׁ עָנָשׁוּ. אף כאן: "אם־ענָה תענָה אתו" — לשון גום, כלומר: סופך לטל את שלך. למה? "כי אם־צָעַק יִצְעַק אֵלַי וגו'": 23 וְהָיוּ נְשִׁיכֶם אֲלֻמְנוֹת. ממשמע שנאמר: "והרגתי אתכם", איני יודע שנשיכם אלמנות ובניכם יתומים? אלא הרי זו קללה אחרת, שיהיו הנשים צרות כאלמנות חיות, שלא יהיו עדים למיתת בעליהן, ותהינה אסורות להנשא. והבנים יהיו יתומים, שלא ינחום בית דין לירד לנכסי אביהם, לפי שאין יודעים אם מתו אם נשבו: 24 אִם־כֶּסֶף תִּלְוֶה אֶת־עַמִּי. רבי ישמעאל אומר: כל־"אם" ו"אם" שבתורה רשות, חוץ משלשה. וזה אחד מהן: אֶת־עַמִּי. עמי וגוי — עמי קודם. עני ועשיר — עני קודם. ענייה ועניי עירך — ענייה קודמין. עניי עירך ועניי עיר אחרת — עניי עירך קודמין. וזה משמעו: אם־כֶּסֶף תִּלְוֶה, אֶת־עַמִּי תִלְוֶהוּ וְלֹא לְגוֹי. ולא יזוה מעמי? אֶת־הָעֲנִי. ולא יזוה עני? לאותו שעמך. דבר אחר: "אֶת־הָעֲנִי" — שלא תנהג בו

77. בראשית ד, טו.

— CHASIDIC INSIGHTS —

to the world.<sup>98</sup> We may thus read this verse as applying to God Himself, as follows:

*When You lend money to My people:* Besides lending us our soul and its powers, we can "induce" God to lend us additional "money" by lending to a fellow in need. God rewards us for this good deed by providing us with additional resources to use in our Divine mission.

*You shall not act towards him like a creditor:* We repay our loan to God by living our lives in a way that gratifies Him and by eventually returning our soul to Him unmarred. But, being human, we are at times negligent in repaying God's loan. Nonetheless, here again, we can "induce" Him not to press us. When we overlook what others owe us, God overlooks what we owe Him.<sup>99</sup>

*Nor may You charge him interest:* There is a loophole to

the law against taking interest, known as "the transaction permit" (*heter iska*). Basically, the lender becomes a partner in the venture of the borrower and is thereby allowed to gain from the loan. Evidently, God lends us sustenance and potential by means of this "transaction permit," since He recoups more than His original investment. God benefits from our fulfillment of the Torah and its commandments, which we perform with the powers He lends us.<sup>100</sup>

**25 If you take your fellowman's garment as a pledge:**

It is a commandment to lend money even if the borrower owns possessions that he can theoretically sell. The Torah does not allow us to argue, "Why should I lend him money? Let him sell his possessions." The commandment to lend money, unlike the commandment to give charity, is intended to benefit not only the poor but also the rich.

[continues...]

98. *HaYom Yom*, 18 Nisan. 99. *Igrot Kodesh*, vol. 8, p. 30. 100. *Sichot Kodesh* 5713, p. 191.

**22 If you do cause them pain**, you will certainly be held accountable! **For if a widow or orphan will urgently cry out to Me, I will certainly heed their cry and punish you measure for measure:**<sup>95</sup>

**23 I will display indignation and kill you by the sword**, and there will be no witnesses to your death, **so that your wives will have to remain widows**, unable to remarry, **and your children will remain destitute orphans**, since they will be unable to inherit your wealth.

**24** “When a fellow Jew asks you for a loan and you are able to lend to him, you must do so. Therefore, **when you lend money**, if you have to choose between lending to a Jew or to a non-Jew, you should lend first to your fellow Jew, for he is a member of **My chosen people**. Furthermore, if you have to choose between lending to a rich man or a poor man, you should lend first **to the poor man**; if you have to choose between a poor relative and another poor person, you should lend first to your poor relative; if you have to choose between lending to a local poor man or a distant poor man, you should lend first to the poor man **in your locality**. In any case, if the borrower cannot pay you back at the appointed time, **you shall not act towards him like a creditor**, demanding payment, but rather act towards him as if he does not owe you money. Treat him respectfully, for he is still one of My people; put yourself in his place. Furthermore, **you may not charge him interest**.

**25 If**, when he does not pay at the appointed time, **you repeatedly take your fellowman’s day-garment as a pledge, you shall return it to him every morning until sunset**,

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✧ CHASIDIC INSIGHTS ✧

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**24 When you lend:** The sages have repeatedly pointed out the immense reward for providing a loan to a fellow in need. Rabbi Shneur Zalman of Liadi said that when we give an interest-free loan to a fellow Jew wholeheartedly and without ulterior motives, or when we lovingly do a favor to a fellow Jew, fulfilling the Torah’s command to “love your fellow as yourself,” the gates of the heavenly chambers open before us.<sup>96</sup>

**A**s he was growing up, Rabbi Menachem Mendel of Lubavitch had many questions, which he would pose to his grandfather, Rabbi Shneur Zalman of Liadi. Even after the latter passed away and Rabbi Menachem Mendel himself became the Rebbe, he continued to receive guidance from his grandfather in the form of weekly mystical visions. One particular week, Rabbi Shneur Zalman did not appear to him. The questions accumulated and Rabbi Menachem Mendel was distraught.

One morning, as Rabbi Menachem Mendel was on his way to the synagogue for the morning prayers, he was approached by a simple and honest Jew named Reb Mordechai Elya, who asked him for a loan. Rabbi Menachem Mendel promised to provide the money as soon as he finished the morning prayers, and continued on to the synagogue. Once there, he realized he had erred in not providing the loan im-

mediately. He turned around, went home, took with him a small sum of money, and went to the market in search of Reb Mordechai Elya. The market was filled with villagers, their wagons and wares, but the great Rebbe persisted in his search until he found Reb Mordechai Elya and handed him the money. He then returned to the synagogue. As he donned his prayer shawl, he was greeted by the radiant face of his grandfather hovering before him.

**O**n another occasion, Rabbi Menachem Mendel noticed something extraordinary about his chasid, Reb Yisroel, a storekeeper in Polotzk. “What have you been up to?” he asked. Reb Yisroel explained, “The last time I was here, you said that our forefather Abraham, because of his abundant acts of kindness, had taken over the job of God’s attribute of supernal kindness. I was so taken with these words that, although I am in no need of money, I went to my fellow shopkeeper, Nachman, and took out a loan. I wanted to grant him the privilege of doing an act of kindness. Now, all the shopkeepers are taking out loans from each other.” The Rebbe later told his son that he saw a pillar of light of God’s attribute of supernal kindness upon the face of the shopkeeper from Polotzk.<sup>97</sup>

**T**he greatest lender of all is God Himself: He lends each of us our soul and its accompanying powers, with which to fulfill the mission of bringing holiness

95. *Likutei Sichot*, vol. 6, p. 137, note 38, quoting Chizkuni. 96. *Igrot Kodesh*, vol. 24, p. 74. 97. *Igrot Kodesh*, vol. 7, p. 165.

ONKELOS 26 ארי היא כסותה בלחודה היא תותבה למשפחה במא ישבוב ויהי ארי יקבל קדמי ואקביל קבילתה ארי חננא אגא: 27 דינא לא תקיל ורפא בעמך לא תלט: 28 בפוך ודמך לא תאחר בוברא דברך תפרש קדמי: 29 פן תעבד לתוך לענך שבעא יומין יהי עם אמה ביומא תמינא תפרשנה קדמי: 30 ואנשין קדישין תהון קדמי ובשר תליש מן חיוא חיא לא תיכלון לכלבא תרמון יתה:

26 כי הוא כסותה {כסותו} לבדיה הוא שמלתו לערו במה ישכב והיה כייצעק אלי ושמעתי כייחנן אני: 27 רביעי 27 אלהים לא תקלל ונשיא בעמך לא תאר: 28 מלאאתך ודמעך לא תאחר בכור בניה תתן לי: 29 פן תעשה לשוך לצאנך שבעת ימים יהיה עם-אמו ביום השמיני תתנו-לי: 30 ואנשי-קדש תהיון לי ובשר בשדה טרפה לא תאכלו לכלב תשלכון אתו: 28

## RASHI

משמיני ולהלן, אף שמיני האמור כאן — להכשיר משמיני ולהלן. וכן משמעו: וביום השמיני אתה רשאי לתנו-לי: 30 ואנשי-קדש תהיון לי. אם אתם קדושים ופרושים משקוצי נבלות וטרפות — הרי אתם שלי, ואם לאו — אינכם שלי: ובשר בשדה טרפה. אף בבית כן, אלא שדבר הכתוב בהנה, מקום שדרך בהמות לטרף. וכן "כי בשדה מצאה"<sup>81</sup>. וכן "אשר לא יהיה טהור מקרה-לילה"<sup>82</sup> — הוא הדין למקרה יום, אלא שדבר הכתוב בהנה. ואונקלוס תרגם: "ובשר דתליש מן חיוא חיא" — בשר שנתלש על ידי טרפת ואב או ארי, מן חיה כשרה או מבהמה כשרה, בחייה: לכלב תשלכון אתו. אף הגוי ככלב. או אינו אלא כלב כמשמעו. תלמוד לומר בנבילה: "או מכר לנכרי"<sup>83</sup>, קל ודמור לטריפה שמתרת בכל-הנאות. אם כן, מה-תלמוד לומר "לכלב"? ללמדך שהכלב נכבד ממנו. ולמדך הכתוב שאין הקדוש ברוך-הוא מקפח שכר כל-בריה, שנאמר: "ולכל בני ישראל לא יחרץ-כלב לשונו"<sup>84</sup>. אמר הקדוש ברוך-הוא: תנו לו שכרו:

26 כי הוא כסותה. זו טלית: שמלתו. זה חלוק: במה ישכב. לרבות את המצע: 27 אלהים לא תקלל. הרי זו אזהרה לברכת השם, ואזהרה לקללת דין: 28 מלאאתך. חובה המוטלת עליך, בשתמלא תבואתך להתבשל. והם בכורים: ודמעך. התרומה. ואיני יודע מהו לשון "דמע": לא תאחר. לא תשנה סדר הפרשתו, לאחר את המקדש ולהקדים את המאחר — שלא יקדים תרומה לבכורים, ומעשר לתרומה: בכור בניה תתן לי. לפדותו בחמש סלעים מן הכהן. והלא כבר צוה עליו במקום אחר:<sup>85</sup> אלא, כדי לסמוך לו: "פן תעשה לשוך" — מה-בכור אדם לאחר שלשים יום פודהו, שנאמר: "ופדויו מן-הודש תפדה"<sup>86</sup>, אף בכור בהמה דקה מטפל בו שלשים יום, ואחר כך נותנו לכהן: 29 שבעת ימים יהיה עם-אמו. זו אזהרה לכהן, שאם בא למהר את קרבנו, לא ימהר קדם שמנה, לפי שהוא מחסר זמן: ביום השמיני תתנו-לי. יכול, היא חובה לבו ביום? נאמר כאן "שמיני" ונאמר להלן: "ומיום השמיני והלאה ירצה"<sup>87</sup>. מה-שמיני האמור להלן — להכשיר

78. במדבר יח, טו. 79. במדבר יח, טו. 80. ויקרא כב, כז. 81. דברים כב, כז. 82. דברים כג, יא. 83. דברים יד, כא. 84. שמות יא, ז.

## CHASIDIC INSIGHTS

"in the field" allude to the law that any meat that is deemed to have left its proper place (its "home," and is instead "in the field") may not be eaten. This includes the limb of an animal fetus that was extended out of the womb before its mother was slaughtered, as well as flesh from a sacrifice that was taken outside of the boundaries within which the Torah requires it to be eaten.<sup>111</sup>

Allegorically, this law refers to exile. In exile, we are like fish out of water—we are "in the field," outside

our proper home. This "field" is dangerous, fraught with threatening "beasts"—the many spiritual pitfalls that can ensnare us if we are not properly cautious.

Moreover, the very fact that we are in exile, away from God's loving embrace, renders us "torn by the beasts of the field." No matter how great our spiritual attainments may be during exile, we can never be truly whole, vital, or free until after the messianic redemption.<sup>112</sup>

111. Makot 18a; Chulin 68b. 112. Likutei Sichot, vol. 32, pp. 42-43.

26 **for this alone is his outer cloak, or the inner garment for his skin.** If you take his couch as a pledge, you must also return it to him every morning, for if you do not, **with what shall he lie down** to rest during the day? If you do not return these items, then **when he cries out to Me, I will listen, for I am compassionate.**

### Respect for Authority

- ◆ *Fourth Reading 27* **“You shall not curse God or a judge, nor may you curse a leader of your people, i.e., the king or anyone else with executive authority granted him either by the Torah or the ruling government.”**<sup>101</sup>

### Donations Due to the Tribe of Levi

28 “I will later command you to give the priests and Levites certain specific portions of your agricultural produce. Do not give these dues out of order; for example, **you shall not delay your tax of newly-ripened first fruits (*bikurim*)**<sup>102</sup> by giving the priests their portion of your oil, wine, and grain (*terumah*)<sup>103</sup> first, **nor shall you delay your *terumah* by giving the Levites your tithes (*ma’aser*)**<sup>104</sup> first. As I have told you,<sup>105</sup> **you shall present to Me the firstborn of your sons** and redeem them by giving five shekels to a priest. Just as your firstborn sons are to be redeemed only after they are 30 days old,<sup>106</sup>

29 **you shall do likewise with your ox and your flocks:** give your firstborn oxen to the priest only after they are 50 days old<sup>107</sup> and your firstborn sheep and goats only after they are 30 days old. If you are a priest and you take a firstborn animal from a lay Israelite *before* the specified time, and you wish to offer it as a sacrifice, **it shall remain with its mother for seven days, and only on the eighth day or later you shall give it to Me.**

### Forbidden Meat

30 **“You shall be holy people unto Me: you shall therefore not eat flesh torn off living animals by beasts in the field or anywhere else. Similarly, you shall not eat the flesh of animals that were not ritually slaughtered, nor of animals that were fatally wounded, even if they were ritually slaughtered before they actually died. If you do not refrain from eating the meat of such animals, I will not consider you holy unto Me. Although you may derive any other benefit you wish from such meat,**<sup>108</sup> **you shall preferably cast it to the dogs, because they obeyed My command not to whet their tongues against you when you left Egypt,**<sup>109</sup> **and this will be their reward.**

#### — ❧ CHASIDIC INSIGHTS ❧ —

At times, we may be reluctant to lend money to someone who is not poor. If so, we should consider the possibility that in a previous lifetime, the present roles may have been reversed: we may have been the beneficiary of a loan or some other kind deed from the

person presently requesting a loan from us; this is our opportunity to repay his good deed.<sup>110</sup>

**30 You shall not eat flesh torn by beasts in the field:** The sages state that the seemingly extraneous words

101. *Mishneh Torah, Sanhedrin* 26:1. 102. Numbers 18:13. 103. Numbers 18:12. 104. Numbers 18:21. 105. Above, 13:13. 106. Numbers 18:16. 107. *Bechorot* 4:1. 108. Deuteronomy 14:21. 109. Above, 11:7. 110. *Sichot Kodesh* 5713, p. 191.

— ONKELOS —

23:1 לא תקבל שמע שקר לא תשוי ידך עם תיבא למהני לה סהיד שקר: 2 לא תהי בטר סגיאי לאבאשא ולא תתמנע מלאלפא מזה דבעינך על דינא בטר סגיאי אשלים דינא: 3 ועל מספינא לא תרחם בדיניה: 4 ארי תערע תורא דסנאף או חמרה דטעי אהבא תתיבנה לה:

23:1 לא תשא שמע שוא אל־תנשת ידך עם־רשע להית עד חמס: 2 לא־תהיה אחרי־רבים לרעת ולא תענה על־זב לנשת אחרי רבים להפת: 3 ודל לא תהדר בריבו: 4 כי תפגע שור איבה או חמרו תעה השב תשיבנו לו: 4

— RASHI —

רבים שאמה נוטה אחריהם, ואימתי? בזמן שהן שנים המכריעין במחויבין יותר מן המזכין. וממשמע שגאמר: "לא־תהיה אחרי־רבים לרעת" שומע אני: אכל היה עמהם לטובה. מכאן אמרו: דיני נפשות מטין על־פי אחד לזכות, ועל פי שנים לחובה. ואונקלוס תרגם: "לא תתמנע מלאלפא מזה דבעינך על דינא", ולשון העברי לפי התרגום כך הוא נדרש: "לא־תענה על־זב לנשת" — אם ישאלוך דבר למשפט, לא תענה לנשת לצד אחד ולסלק עצמך מן הריב. אלא הוי דן אותו לאמתו. ואני אומר לישבו על אפניו בפשוטו, וכך פתרונו: "לא־תהיה אחרי־רבים לרעת" — אם ראית רשעים מטין משפט, לא תאמר: הואיל ורבים הם, הנני נוטה אחריהם. "ולא־תענה על־זב לנשת וגו'", ואם ישאלך הנדון על אותו המשפט, אל תענונו על הריב דבר הנוטה אחרי אותו רבים, להטות את המשפט מאמתו, אלא אמר את המשפט באשר הוא, וקולך יהא תלוי בצואר הרבים: 3 לא תהדר. לא תחלוק לו כבוד לזכותו בדין ולומר: דל הוא, אוקנו ואכבדנו:

1 לא תשא שמע שוא. בתרגומו: "לא תקבל שמע דשקר", אוקרה למקבל לשון הרע, ולדין שלא ישמע דברי בעל־דין עד שיבוא בעל־דין חברו: אל־תנשת ידך עם־רשע. הטוען את חברו תביעת שקר, שהבטיחהו להיות לו עד חמס: 2 לא־תהיה אחרי־רבים לרעת. יש במקרא זה מדרשי חכמי ישראל, אבל אין לשון המקרא מישב בהן על אפניו. מכאן דרשו<sup>85</sup> שאין מטין לחובה בהכרעת דין אחד. וסוף המקרא דרשו: "אחרי רבים להטת" — שאם יש שנים מחויבין יותר על המזכין, הטת הדין על פיהם לחובה. ובדיני נפשות הכתוב מדבר. ואמצע המקרא דרשו<sup>86</sup>: "ולא־תענה על־זב" — על רב, שאין חולקין על מפלא שבבית־דין, לפיכך מתחילין בדיני נפשות מן הצד — לקטנים שבהן שואלין תחלה שיאמרו את דעתם. ולפי דברי רבותינו, כך פתרון המקרא: "לא־תהיה אחרי־רבים לרעת" — לחיוב מיתה בשביל דין אחד, שירבו מחויבין על המזכין. "ולא־תענה על־זב, לנשת" מדבריו. ולפי שהוא חסר יו"ד, דרשו בו כן. "אחרי רבים להטת", ויש

85. סנהדרין ב, א. 86. סנהדרין לו, א.

— CHASIDIC INSIGHTS —

precedes polarity, implying a peace imposed upon the two parties. In contrast, *Aleichem shalom* connotes a peace that emerges from the differences.

This dynamic is demonstrated in the law of majority rule. There are three ways of conceptualizing what happens when the opinion of the majority overrides that of the minority:

- although the minority opinion has legal significance, we nevertheless rule according to the majority since they outweigh the minority;
- the minority opinion is nullified by the majority and is ignored;
- the minority unites with the majority, and it is as if the minority also ruled as the majority.

Inasmuch as the court must speak as one voice, we

conceive of majority rule in the third way. Practically, however, there are two ways the minority can unite with the majority:

- the minority remains unconvinced, but nonetheless defers to the opinion of the majority, knowing that this is what the Torah requires;
- the minority, seeing that they are the minority and being aware that the majority's opinion will become Torah law, reconsiders and delves into the matter until they become convinced of the majority opinion.

The second scenario is the ideal. The Torah's endorsement of the majority opinion induces the minority to join the majority. This is a true expression of peace,<sup>115</sup> where dissimilar factions with diverse perspectives reach a unanimous decision.<sup>116</sup>

115. See on 19:1, above. 116. *Likutei Sichot*, vol. 25, pp. 165-166, vol. 21, p. 112; Rabbi Yosef Rozen of Rogachov, *Kelalei HaTorah VeHaMitzvot*, s.v. *Rov uMiyut*.

## Truth in Justice

23:1 **“You shall not accept a false report** from someone wishing to slander someone else. If you are a judge, you should not listen to one party’s arguments until the other party is also present. **You shall not join forces with a wicked person**—i.e., someone planning to make a false claim against someone else—by even promising **to be a corrupt witness** on his behalf.<sup>113</sup>

2 If you are involved in any dispute, and you see that most people are mistaken about the truth, **you shall not follow the majority to do evil**, and, **in response to the defendant’s question regarding your stance in this case, you may not stray from the truth and follow the incorrect majority view**, thereby **perverting** justice. Rather, you shall state the truth as you see it and not be afraid if your opinion does not accord with that of the majority; let them bear the responsibility for their views. Do not even try to avoid conflict by declining to voice your opinion.

“Also, in capital cases tried in a court: **you shall not follow a simple majority**—in which there is only one more judge in favor of conviction than there are judges in favor of acquittal—**to do evil**, i.e., to convict the defendant. However, you may follow such a majority to do *good*, i.e., to acquit the defendant. If, however, there are *two* more judges in favor of conviction than there are in favor of acquittal, **you shall follow such a majority** and convict the defendant. Furthermore, if you are a lesser judge, **you shall not speak against** the opinion of **the chief judge, inclining** against his opinion. Therefore, the lesser judges must voice their opinions before the chief judge voices his.

3 **“You shall not show deference to a poor man in his lawsuit** in order to give him the respect he usually does not get. Rather, you must judge the case according to the truth.

## Behavior toward Enemies

4 **“If you come across your enemy’s ox or donkey going astray, you shall return it to him, repeatedly** if necessary.

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### ❧ CHASIDIC INSIGHTS ❧

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1 **You shall not accept a false report. You shall not join forces with a wicked person to be a corrupt witness:** The Ba’al Shem Tov connected the two halves of this verse as follows:

Every soul is granted its particular, individual strength as it is dispatched to this world. Of course, we all have our shortcomings, too, but our particular, individual strength—the arena in which we truly shine—normally compensates for them.

However, if two witnesses testify that we have betrayed our mission, this unique asset is taken away from us. Therefore, the Torah warns us: “Do not listen to slander. If you do, your incrimination of your fellow will join forces with that of your evil inclina-

tion, and you will thus rob your fellow of his special Divine strength.”<sup>114</sup>

2 **You shall follow a majority:** Peace, or unanimity, implies the existence of initially conflicting opinions that are subsequently reconciled. This idea is expressed in the traditional Jewish greeting, “*Shalom aleichem* (peace unto you).” Even though the word *aleichem* (“unto you”) is in the plural, we use this same expression even when greeting an individual. For when two people meet there is polarity, the possibility of conflict, since every person thinks and feels differently. In this context, *Shalom aleichem* means “let peace infuse our plurality.”

The traditional response, “*Aleichem shalom*,” goes one step further: In the expression *Shalom aleichem*, peace

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113. The prohibition against actually bearing false witness is given above, in 20:13. 114. *Sefer HaSichot* 5701, p. 65.

ONKELOS

5 אַרִי תַחֲוֵי חֲמורָא דְסַנְאָף רַבִּיעַ תַּחֲוֵי טוֹעֵנָה וְתַתְּמַנַּע מִלְּמַשְׁבַּק לַהּ מִשְׁבַּק תִּשְׁבַּק מַה דְּבִלְבָף עֲלוּהִי וְתַפְרַק עִמָּה: 6 לֹא תִצְלִי דִין מִסְפִּינָף בְּדִינָה: 7 מִפְתַּנְגְּמָא זָכָאֵי מִן דִּינָא לֹא תִקְטֹל אַרִי לֹא אֲזַכִּי חִיבָא: 8 וְשׁוֹחֲדָא לֹא תִקְבֹּל אַרִי שׁוֹחֲדָא מְעוֹר עֵינֵי חֲבִימִין וּמְקַלְקֵל פְּתַגְמִין תְּרִיצִין: 9 וּלְגִינְרָא לֹא תַעֲיָקוּן וְאַתְּוֹן יִדְעֵתוּן יֵת בְּפִשָּׂא דְגִינְרָא אַרִי דִרִין הֲוִיתוּן בְּאַרְעָא דְמִצְרַיִם:

5 כִּי־תִרְאֶה חֲמֹר שֶׁנֶּאֱפָף רַבִּין תַּחַת מִשְׁאוֹ וְחִדְלָתָּ מֵעֹזֵב לוֹ עֹזֵב תֵּעֹזֵב עִמּוֹ: 6 חֲמִישִׁי 6 לֹא תִטֶּה מִשְׁפֵּט אֲבִינְךָ בְּרִיבּוֹ: 7 מִדְּבַר־שֶׁקֶר תִּרְחַק וְנָקִי וְצַדִּיק אֶל־תִּהְיֶה בִּי לֹא־אֲצַדִּיק רָשָׁע: 8 וְשׁוֹחֵד לֹא תִקַּח בִּי הַשְׁחָד יַעֲוֹר פְּקוּחִים וְיִסְלַף דְּבַר־י צַדִּיקִים: 9 וְגַר לֹא תִלְחֹץ וְאַתֶּם יִדְעֵתֶם אֶת־נַפְשׁ הַגֵּר כִּי־גֵרִים הֵייתֶם בְּאַרְץ מִצְרַיִם:

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נִצְטַדֵּק בְּבֵית־דִּין, מְכַלְמָקוֹם נָקִי הוּא מִדִּין מִיְתָה, שְׁהָרִי יֵשׁ לָךְ לְזַבּוֹתוֹ. וּמִנּוּן לְיוֹצֵא מִבֵּית דִּין זָכָאֵי וְאָמַר אָחֵד: יֵשׁ לִי לְלַמֵּד עֲלֵיךְ חוֹבָה, שְׂאִין מִחֲזִירִין אוֹתוֹ לְבֵית־דִּין? תִּלְמוּד לֹמַר: "וְצַדִּיק אֶל־תִּהְיֶה", וְזֶה צַדִּיק הוּא שֶׁנִּצְטַדֵּק בְּבֵית־דִּין: **כִּי לֹא־אֲצַדִּיק רָשָׁע.** אֵין עֲלֶיךָ לְהַחֲזִירוֹ, כִּי אֲנִי לֹא אֲצַדִּיקְךָ בְּדִינִי, אִם יֵצֵא מִיָּדְךָ זָכָאֵי — יֵשׁ לִי שְׁלוּחִים הֲרַבָּה לְהַמִּיתוֹ בְּמִיְתָה שֶׁנִּתְחַיֵּב בָּהּ: 8 **וְשׁוֹחֵד לֹא תִקַּח.** אֲפִלּוֹ לְשִׁפְטֵי אֲמַת, וְכֹל־שֶׁכֶן כְּדִי לְהַטּוֹת אֶת הַדִּין, שְׁהָרִי כְּדִי לְהַטּוֹת אֶת הַדִּין נֶאֱמַר כָּכָה: "לֹא תִטֶּה מִשְׁפֵּט"<sup>91</sup>: **יַעֲוֹר פְּקוּחִים.** אֲפִלּוֹ חֶכֶם בַּתּוֹרָה וְנוֹטֵל שׁוֹחֵד — סוֹף שֶׁתִּטְרַף דַּעְתּוֹ עֲלָיו, וְיִשְׁתַּכַּח תִּלְמוּדוֹ, וְיִכְבֶּה מְאוֹר עֵינָיו: **וְיִסְלַף.** כִּתְרַגְמוֹ: "וּמְקַלְקֵל": **דְּבַר־י צַדִּיקִים.** דְּבָרִים הַמְצַדִּיקִים, מִשְׁפֵּטֵי אֲמַת. וְכֵן תִּרְגְּמוּ: "פְּתַגְמִין תְּרִיצִין" — יִשְׂרָאֵל: 9 **וְגַר לֹא תִלְחֹץ.** בְּהֲרַבָּה מְקוֹמוֹת הַזְּהִירָה תּוֹרָה עַל הַגֵּר, מִפְּנֵי שֶׁטּוֹרוֹ רָע: **אֶת־נַפְשׁ הַגֵּר.** כְּמָה קֶשֶׁה לוֹ כְּשֶׁלּוֹחֲצִים אוֹתוֹ:

5 **כִּי־תִרְאֶה חֲמֹר שֶׁנֶּאֱפָף וְגו'.** הָרִי "כִּי" מִשְׁמַשׁ בְּלִשׁוֹן "דִּלְמָא", שֶׁהוּא מְאַרְבַּע לְשׁוֹנוֹת שֶׁל שְׁמוֹשֵׁי "כִּי". וְכֵה פְתָרוֹנוֹ: שְׁמָא תִרְאֶה חֲמֹרוֹ רֹבֵץ תַּחַת מִשְׁאוֹ: **וְחִדְלָתָּ מֵעֹזֵב לוֹ.** בְּתַמִּיּה: **עֹזֵב תֵּעֹזֵב עִמּוֹ.** עֲזִיבָה זֶה לְשׁוֹן עֲנָה, וְכֵן "עֲצוֹר וְעֹזֵב"<sup>92</sup>, וְכֵן "וַיַּעֲזְבוּ יְרוּשָׁלַיִם עַד הַחֹמָה"<sup>93</sup> — מִלְּאוּהָ עֶפֶר, לְעוֹר וּלְסִיעַ אֶת חוֹק הַחֹמָה. בְּיוֹצֵא בוֹ: "כִּי תֹאמַר בְּלִבְבְּךָ רַבִּים הַגּוֹיִם הָאֵלֶּה מִמֶּנִּי וְגו'"<sup>94</sup> — שְׁמָא תֹאמַר כֵּן, בְּתַמִּיּה — "לֹא תִירָא מֵהֶם"<sup>95</sup>. וּמִדְרָשׁוֹ, כִּף דְרָשׁוּ רַבּוֹתֵינוּ<sup>96</sup>: "כִּי־תִרְאֶה...וְחִדְלָתָּ" — פְּעַמִּים שְׂאֵתָה חֵדֵל וּפְעַמִּים שְׂאֵתָה עוֹרֵר, הָא כִּיצַד? זָקֵן וְאֵינוֹ לְפִי כְבוֹדוֹ — וְחִדְלָתָּ. אוּ בְהַמַּת גּוֹי וּמִשְׁאוֹ שֶׁל יִשְׂרָאֵל — וְחִדְלָתָּ: **עֹזֵב תֵּעֹזֵב עִמּוֹ.** לְפָרֵק הַמִּשְׁאֵל "מִלְּמַשְׁקֵל לָהּ" — מִלְּטֹל מִשְׁאוֹי מִמֶּנּוּ: 6 **אֲבִינְךָ.** לְשׁוֹן אוֹבָה, שֶׁהוּא מִדְּלִדֵל וְתֹאב לְכֹל־טוֹבָה: 7 **וְנָקִי וְצַדִּיק אֶל־תִּהְיֶה.** מִנּוּן לְיוֹצֵא מִבֵּית־דִּין חִיב, וְאָמַר אָחֵד: יֵשׁ לִי לְלַמֵּד עֲלֵיךְ זָכּוֹת, שְׂמַחֲזִירִין אוֹתוֹ? תִּלְמוּד לֹמַר: "וְנָקִי אֶל־תִּהְיֶה", וְאֶף־עַל־פִּי שְׂאֵינוֹ צַדִּיק שֶׁלֹּא

87. דברים לב, לו. 88. נחמיה ג, ת. 89. דברים ז, יז. 90. שם יח. 91. מכילתא פרק כ.

CHASIDIC INSIGHTS

This is not the way of the Torah.

*Rather you must help him:* You must strengthen the body both physically and spiritually, and ensure that it, too, participates in Divine service.

The body considers the Torah and its commandments to be a burden. Despite the fact that they are clearly *its load*, i.e., intended for the body's own spiritual and physical benefit, it nevertheless rebels. Since, for most of us, the body's voice is louder than the soul's, we tend to view the Torah as an oppressive burden. All this means, however, is that we have not yet integrated the Torah into our lives. When we realize that the Torah and its commandments are truly the very source of life itself, we can be successful and comfortable with our task.<sup>123</sup>

The Ba'al Shem Tov was not the first to teach that the Torah stresses the importance of taking care of one's health.<sup>124</sup> However, people had gradually come to believe that bodily health is a worthy pursuit only as long as we never misuse the body's urges for sinful purposes. If we sin, people felt, it is proper to "break" the body's power over us by subjecting it to voluntary suffering, as a form of penance. The Ba'al Shem Tov's innovation was that even if the body has sinned, both body and soul are better off if they are utilized in spiritual harmony for holy purposes, rather than being paired against one another. By using the body for holy purposes, it becomes possible to break its influence over us just as effectively as by subjecting it to suffering—if not more so.<sup>125</sup>

123. *Hitva'aduyot* 5710, pp. 111-112. 124. See *Mishneh Torah, Dei'ot* 4:1. 125. *Likutei Sichot*, vol. 2, pp. 530-532.



5 **“When you see the donkey** belonging to a fellow Jew<sup>117</sup> whom **you hate**, and this donkey is **crouching under its load**, you must disregard your hatred and help the person unload his donkey. (This is not a case of minimizing an animal’s pain,<sup>118</sup> for carrying too heavy a load does not cause the donkey excessive pain; he will simply crouch and try to relieve himself of the load.) You are permitted not to help the person if doing so is beneath your dignity or you are not strong enough—for example, if you are an elder. In all other cases, however, **would you refrain from helping it** just because you are sometimes allowed not to?! **Rather, you must help the person** you hate unload his donkey.<sup>119</sup>

### Truth in Justice, continued

- ◆ *Fifth Reading* 6 **“You shall not pervert justice for your destitute countryman in his lawsuit.**

7 **You shall distance yourself from any falsehood. You shall not execute a possibly innocent person:** If, in a capital case, someone was convicted in court and then a witness to his innocence appears, you must retry him. On the other hand, you shall not execute an **acquitted person:** if he was acquitted in court and then a witness to his guilt appears, you must *not* retry him. Do not be zealous for justice in such a case, **for I will not exonerate the wicked.** If he is indeed guilty, I have many ways to make sure he gets the punishment he deserves.

8 **You shall not accept a bribe**, even from the party who is in the right, **for bribery blinds the clear-sighted and distorts** the way he applies the Torah’s **words of righteousness.** Someone who accepts bribery will eventually become confused, forget all the Torah he has learned, and lose his eyesight.

### Exploitation, continued

9 **“You shall not oppress a foreigner** who has converted to Judaism; **you know the feelings of a foreigner, for you yourselves were foreigners in the land of Egypt.** Although I have already said this,<sup>120</sup> I repeat it for emphasis. You must be very careful not to oppress converts, because they may be prone to abandon Judaism if they are mistreated.

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#### סג CHASIDIC INSIGHTS סג

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5 **When you see the donkey of someone you hate crouching under its load, would you refrain from helping it?! Rather, you must help the person:** The Ba’al Shem Tov interpreted this verse allegorically as follows:<sup>121</sup>

*When you see:* When you closely examine and observe—

*The donkey:* i.e., your material body,<sup>122</sup> you will see that it is—

*Someone you hate:* i.e., your enemy. You will also see that it is—

*Crouching under its load:* i.e., shifting uncomfortably and complaining beneath the burden of the Torah and the commandments that God has placed upon it.

*Would you refrain from helping it?! Do you think that you should refrain from helping your body acclimate itself to its task? Do you intend to break its opposition by weakening it through fasts and punishments? No!*

117. See v. 12, below. 118. See Leviticus 19:18. 119. *Likutei Sichot*, vol. 21, pp. 125-130. 120. Above, 22:20. 121. *HaYom Yom*, 28 Shevat. 122. The word for “donkey” (חמור) is related to the word for “matter” (חומר).

— ONKELOS —

10 וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת־אֲרֶצְךָ וְאַסַּפְתָּ אֶת־תְּבוּאָתָהּ: 11 וְהִשְׁבִּיעַת תִּשְׁמַטְנָה וְנִטְשָׁתָה וְאָכְלוּ אֲבִינֵי עַמּוֹךְ וְיִיתְרָם תֹּאכַל חֵיט הַשָּׂדֶה בְּיַד־תַּעֲשֵׂה לְכַרְמְךָ לְיִיתְךָ: 12 שֵׁשֶׁת יָמִים תַּעֲשֶׂה מַעֲשֵׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבַּת לְמַעַן יָנוּחַ שׁוֹרְךָ וְחֲמֹרְךָ וַיִּנְפֹּשׂ בְּיַד־אֲמֹתֶךָ וְהִגֵּר: 13 וּבְכָל אֲשֶׁר־אָמַרְתִּי אֵלֵיכֶם תִּשְׁמְרוּ וְשֵׁם אֱלֹהִים אֲחֵרִים לֹא תִזְכְּרוּ לֹא יִשְׁמַע עַל־פִּיךָ:

10 וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת־אֲרֶצְךָ וְאַסַּפְתָּ אֶת־תְּבוּאָתָהּ: 11 וְהִשְׁבִּיעַת תִּשְׁמַטְנָה וְנִטְשָׁתָה וְאָכְלוּ אֲבִינֵי עַמּוֹךְ וְיִיתְרָם תֹּאכַל חֵיט הַשָּׂדֶה בְּיַד־תַּעֲשֵׂה לְכַרְמְךָ לְיִיתְךָ: 12 שֵׁשֶׁת יָמִים תַּעֲשֶׂה מַעֲשֵׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבַּת לְמַעַן יָנוּחַ שׁוֹרְךָ וְחֲמֹרְךָ וַיִּנְפֹּשׂ בְּיַד־אֲמֹתֶךָ וְהִגֵּר: 13 וּבְכָל אֲשֶׁר־אָמַרְתִּי אֵלֵיכֶם תִּשְׁמְרוּ וְשֵׁם אֱלֹהִים אֲחֵרִים לֹא תִזְכְּרוּ לֹא יִשְׁמַע עַל־פִּיךָ:

— RASHI —

תן-לו נוח, להתיר שיהא תולש ואוכל עשבים מן הקרקע. או אינו אלא וחבשנו בתוך הבית? אמר: אין זה נוח אלא צער: בן־אמתך. בעבד ערל הכתוב מדבר: והגר. גר תושב: 13 ובכל אשר־אמרתי אליכם תשמרו. לעשות כל־מצות עשה באוהרה, שכל־שמירה שבתורה אזהרה היא במקום לאו: לא תזכירו. שלא יאמר לו: שמר לי בצד עבודה זרה פלונית! או, תעמד עמי ביום עבודה זרה פלונית! דבר אחר: ובכל אשר־אמרתי אליכם תשמרו, ושם אלהים אחרים לא תזכירו — ללמדך, ששקולה עבודה זרה כנגד כל־המצות בלן, והנזהר בה בשומר את בלן: לא ישמע. מן הגוי: על פיך. שלא תעשה שתפות עם גוי, וישבע לך בעבודה זרה שלו, נמצאת שאתה גורם שיוזכר על ידך:

10 וְאַסַּפְתָּ אֶת תְּבוּאָתָהּ. לשון הכנסה לבית, כמו: "ואספתו אל־תוף ביתך"<sup>93</sup>: 11 תִּשְׁמַטְנָה. מעבודה: וְנִטְשָׁתָה. מאכילה. אחר זמן הבעור. דבר אחר: "תשמטנה" — מעבודה גמורה, כגון: חרישה וזריעה. "ונטשתה" — מלזבל ומלקשקש: וְיִיתְרָם תֹּאכַל חֵיט הַשָּׂדֶה. להקיש מאכל אביון למאכל חיה — מה־חיה אכלת בלא מעשר, אף אביונים אוכלים בלא מעשר. מכאן אמרו: אין מעשר בשביעית: בן־תעשה לְכַרְמְךָ. ותחלת המקרא מדבר בשדה הלקן, כמו שאמור למעלה הימנו: "תזרע את־אֲרֶצְךָ"<sup>94</sup>: 12 וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבַּת. אף בשנה השביעית לא תעקר שבת בראשית ממקומה, שלא תאמר: הואיל וכל־השנה קרויה שבת, לא תנהג בה שבת בראשית: לְמַעַן יָנוּחַ שׁוֹרְךָ וְחֲמֹרְךָ.

<sup>92</sup> לעיל פסוק ו. <sup>93</sup> דברים כב, ב. <sup>94</sup> פסוק י.

## Idolatry, continued

**"You shall not mention the names of others' gods; for example, you must not say to someone, 'wait for me next to this or that idol' or 'on the holiday of this or that idol.' Nor shall your mouth cause the names of others' gods to be heard from an idolater: do not engage an idolater in business, for then he will be apt to swear in his idol's name. Serving idols is tantamount to transgressing every command in the Torah and refraining from serving them is tantamount to observing every command in the Torah.**

### A CLOSER LOOK

[13] To make all 'active' commandments prohibitions as well: This point is significant because it allows active commandments to override prohibitions.<sup>135</sup> For example, the Torah both forbids us to wear garments made out of a mixture of wool and linen and, at the same time, commands the High Priest to wear such a garment. Once the active commandment to wear the garment also becomes

a prohibition (not to *not* wear it), this specific prohibition can override the prohibition against wearing such garments in general.<sup>136</sup>

Nonetheless, this does not mean that a person who neglects to perform an active commandment becomes liable for punishment with lashes, as in the case of someone who transgresses a prohibition.<sup>137</sup>

## The Sabbatical Year

10 “For six years you may sow your land and gather in its crops,

11 **but during the seventh year you must leave your field untended** by not working it **and withdraw from it** by not taking care of it. Furthermore, as soon as a particular type of produce has been eaten up by undomesticated animals in the field, you must remove whatever of that type of produce you have stored away for your own animals and place it in the field so it becomes available for all animals equally.<sup>126</sup> In the Sabbatical year, all of you, even **the needy among your people, may eat** its produce the same way that **the beasts of the field eat whatever is left**—without obligation to give a tithe (*ma’aser*)<sup>127</sup> to the Levites. **You shall do the same with your vineyard and your olive grove.**

12 Even though the whole year is a ‘Sabbatical year’<sup>128</sup> and is a reminder that I created the world,<sup>129</sup> you must still observe the weekly Sabbath, for the Sabbatical year involves resting only from agricultural work, and its effect is therefore only felt during working hours, and only by farmers, gardeners, and the like.<sup>130</sup> **Six days you may do your work, but on the seventh day you shall cease, so that your ox and your donkey may rest** by grazing unfettered in the field. Do not cage them in, for this is painful to them and it is forbidden to cause animals unnecessary pain. In addition, two types of people whose legal status is between that of non-Jews and Jews must rest on the Sabbath: **your non-Jewish, uncircumcised bondwoman’s son and the resident alien.** (Normally, all your non-Jewish bondmen must be circumcised.<sup>131</sup> However, if you buy an adult non-Jewish bondman, and he hesitates to undergo circumcision, you may wait up to a year for him to consent. If, after this time, he still refuses, you must sell him back to the non-Jew.<sup>132</sup> During this interim period, he is not yet termed ‘your bondman,’ but only ‘your bondwoman’s son,’ whether or not he is actually the son of your bondwoman.) However, these two types of people are only required to rest enough to **be refreshed** on the Sabbath: according to one opinion, uncircumcised non-Jewish bondmen must observe all the prohibitions against work on the Sabbath that a full Jew must observe on a festival, while resident aliens<sup>133</sup> must observe only those prohibitions that a full Jew must observe on the intermediate days of festivals. According to another opinion, it is exactly the opposite: resident aliens must observe all the prohibitions against work that a full Jew must observe on a festival, and uncircumcised non-Jewish bondmen must observe only those prohibitions that a full Jew must observe on the intermediate days of festivals.<sup>134</sup>

## Active Commandments and Prohibitions

13 “**You shall be vigilant in everything I have instructed you.** I say this in order to make all ‘active’ commandments into prohibitions as well: when I tell you to do something, I am at the same time telling you *not to refrain* from doing it or doing it otherwise.

126. Leviticus 25:7. 127. Numbers 18:21. 128. Leviticus 25:2. 129. Above, 20:11. 130. *Likutei Sichot*, vol. 12, p. 112. 131. Above, 12:44. 132. *Mishneh Torah, Milah* 1:6. 133. Above, 12:45. 134. *Mechilta, Mishpatim* 20. 135. *Yevamot* 3b. 136. Chizkuni. 137. Rashi on Deuteronomy 13:1..

— ONKELOS —

14 תלת זמנין תחגון קדמי בשתא: 15 ית חגא דפטריןא תטר שבקא יומין תיכול פטריןא כמא די פקידתך לזמן ירחא דאביבא ארי בה נפקתא ממצרין ולא יתחיון קדמי ריקנין: 16 וחגא דחגא דבכורי עובדיך די תורע בחקלא וחגא דכנשא במפקא דשתא במכנשא ית עובדיך מן חקלא: 17 תלת זמנין בשתא יתחיון כל דבכורך קדם רבון עלמא יי: 18 לא תבוס על חמיע דם פסחי ולא יביתון בר מן מדבחה תרבי נכסת חגא עד צפרא:

14 שְׁלֹשׁ רִגְלִים תִּחַג לִי בַשָּׁנָה: 15 אֶת־חַג הַמַּצּוֹת תִּשְׁמֹר שְׁבַע־יָמִים תֹּאכַל מַצּוֹת בְּאִשֶׁר צִוִּיתְךָ לְמוֹעֵד חֹדֶשׁ הָאָבִיב כִּי־בָּו יֵצְאֶת מִמִּצְרַיִם וְלֹא־יִרְאוּ פָנַי רִיקָם: 16 וְחַג הַקִּצִּיר בְּבוֹרֵי מְעֵשֶׂיךָ אֲשֶׁר תִּזְרַע בַּשָּׂדֶה וְחַג הָאָסֶף בְּצֵאת הַשָּׁנָה בְּאִסְפְּךָ אֶת־מְעֵשֶׂיךָ מִן־הַשָּׂדֶה: 17 שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה יִרְאֶה כָּל־זְכוּרְךָ אֶל־פְּנֵי הָאֵדָן | יְהוָה: 18 לֹא־תִזְבַּח עַל־חַמִּין דָּם־זְבָחִי וְלֹא־יָלִין חֶלְב־חַגִּי עַד־בִּקְרָ:

— RASHI —

מפני הגשמים: 17 שלש פעמים וגו'. לפי שהענין מדבר בשביעית, הוצרך לומר שלא יסתרו רגלים ממקומן: כל־זכורך. הזכרים שבה: 18 לא־תזבח על־חמין וגו'. לא תשחט את הפסח ביי"ד בניסן, עד שתבער החמין: ולא־ילין חלב־חגי וגו'. חוץ למזבח: עד־בקר. יכול אף על המערכה יפסל בלינה? תלמוד לומר: "על מזבחה על־המזבח כל־הלילה": ולא־ילין. אין לינה אלא בעמוד השחר, שנאמר: "עד־בקר". אבל כל־הלילה יכול להעלותו מן הרצפה למזבח:

14 רגלים. פעמים, וכן "כי הכיתני זה שלש רגלים": 15 חודש האביב. שהתבואה מתמלאת בו באביב. "אביב" לשון אב — בכור וראשון לבשל פרות: ולא־ יראו פני ריקם. כשתבאו לראות פני ברגלים, הביאו לי עולות: 16 וְחַג הַקִּצִּיר. הוא חג שבועות: בְּבוֹרֵי מְעֵשֶׂיךָ. שהוא זמן הבאת בכורים, ששתי הלחם הבאין בעצרת היו מתירין החדש למנחות, ולהביא בכורים למקדש, שנאמר: "וביום הבכורים וגו'": וְחַג הָאָסֶף. הוא חג הסכות: בְּאִסְפְּךָ אֶת־מְעֵשֶׂיךָ. שכל־ימות החמה התבואה מתבשלת בשדות, ובחג אוספים אותה אל הבית,

95. במדבר כב, כח. 96. במדבר כח, כו.

— CHASIDIC INSIGHTS —

God wishes to stress the greatness of the Jewish people. The Torah therefore focuses on the matzos. The Jews had no choice but to bake matzah since they left Egypt in such haste that there wasn't enough time for their dough to rise. Every mention of matzos, therefore, highlights the strong faith of the Jewish people at that time and their unconditional willingness to follow God wherever He directed them.

The Jews, on the other hand, relate to the holiday as an opportunity to praise God and thank Him. Their name for the holiday is Passover (*Pesach*), a constant reminder of God's great miracles, in particular when He skipped over (*pasach*) the Jewish houses and brought His plagues only upon the Egyptians.<sup>144</sup>

**16 The Festival of the Ingathering:** As mentioned,<sup>145</sup> the agricultural motif of the festivals is reflected allegorically in the life of the soul. The theme of Sukot is "ingathering" — taking diverse and separated entities and uniting them. As individuals, no matter how different we may be from one another, when we sit in

the same *sukah*,<sup>146</sup> we fulfill this commandment equally and together. Similarly, the commandment of holding the four plants<sup>147</sup> on this holiday signifies the unity between the different types of people these plants represent.

Our goal is to implement this unity, and ensure that all of God's "produce" — every one of His children — are included; for only when His children are together in unity is the Father happy.<sup>148</sup>

Furthermore, during the preceding High Holy Days, we typically make many resolutions. Everyone is involved in prayer and repentance and resolves to turn over a new leaf and begin anew. On Sukot, the seeds of all these resolutions that we "sowed" must be "gathered in." All of the different feelings and emotions — the majesty of Rosh Hashanah, the awe of Yom Kippur, etc. — must be drawn together and implemented in a practical way. Since on Sukot the inner feelings of the soul become revealed and attain their true fulfillment, Sukot is the most joyful of the holidays.<sup>149</sup>

144. *Kedushat Levi, Bo; Sichot Kodesh 5737*, vol. 1, p. 629; *Sichot Kodesh 5741*, vol. 4, pp. 236-237. 145. Above, on v. 14. 146. Leviticus 23:43-44. 147. *Ibid.* 23:40. 148. *Sefer HaMa'amarim Melukat*, vol. 1, pp. 441, 444-446. 149. *Sefer HaMa'amarim 5747*, pp. 162-163.

## The Sabbatical Year, continued

14 “Just as the Sabbatical year does not render the weekly Sabbath superfluous, neither does it nullify the festivals, even though they are associated with the agricultural cycle and you will not be working the earth in the Sabbatical year.<sup>138</sup> Thus, even during the Sabbatical year, **you shall celebrate a pilgrim festival for Me three times a year** by congregating in Jerusalem, offering specified sacrifices, observing specified rites, and partially refraining from work:

15 **You shall observe** Passover, **the Festival of Matzos**. **For seven days you shall eat matzos as I have commanded you, at the appointed time in Nisan, the month of the beginning of the grain-ripening, for in that season you left Egypt.** When you congregate at the Temple for the pilgrim festivals, **you shall not appear before Me empty-handed.** You must bring an animal and sacrifice it as an ascent-offering.

16 You shall also observe Shavuot, **the Festival of the Harvest**, by offering two loaves of wheat bread.<sup>139</sup> This is **the first produce of your labors that you sow in the field** that may be offered in the Temple. Only from this point on may you use the new crop for grain-offerings and bring your first-fruit offerings. You shall also observe Sukot, **the Festival of the Ingathering** of your produce **at the end of the year, when you gather in your produce from the field**, where it has been drying all summer, to the barns, to protect it from the coming rains.

17 **Three times a year all your menfolk shall appear before Me, God, the Master of the World—even during the Sabbatical year.**

18 **You shall not sacrifice My** Passover **blood-sacrifice in the presence of leavened bread**, i.e., before you have removed all the leavened bread from your possession. **The fat portions of My festival offering** that must be burned on the altar must at least have begun to be burned during the night following the day the sacrifice was offered. These portions **may not be left off the altar overnight until morning**, for if they are, they invalidate the entire sacrifice.

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### ✧ CHASIDIC INSIGHTS ✧

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14 **A pilgrim festival:** The pilgrim festivals mark the three significant milestones in the agricultural cycle: *Pesach* occurs when the produce begins to ripen, *Shavuot* when the wheat is harvested, and *Sukkot* at the end of the season, when all of the produce is gathered in from the fields.<sup>140</sup>

Allegorically, the Jewish people are God’s “produce.”<sup>141</sup> Just as one sows grain in the hope of reaping a much greater return, God “plants” souls in the physical world in order for them to accomplish much more than they can in their native spiritual abode.

When we plant a seed,<sup>142</sup> it does not begin to grow immediately. Growth can begin only once the outer, pro-

tective coating of the seed rots. Once the original seed *per se* no longer exists, the new growth is not restricted by the limitations of the original form of the seed.

The same is true of human growth: ego is its greatest hindrance. Only when we overcome and negate the ego can the soul reach its full potential.<sup>143</sup>

15 **The Festival of Matzos:** In the Torah, this festival is usually referred to as “the Festival of Matzos.” In common usage, however, we almost always call it “Passover.” According to the Chasidic sage Rabbi Levi Yitzchak of Berditchev, the two names reflect two differing perspectives on the holiday.

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138. Rashi on v. 17, below. 139. Leviticus 23:17. 140. See *Rabbeinu Bachaye*, Exodus 13:4. 141. See Jeremiah 2:3; Hosea 2:25. 142. See above, on 20:21-22. 143. *Likutei Sichot*, vol. 36, pp. 82-85. See also, in greater depth, *Sefer HaMa’amarim Melukat*, vol. 5, pp. 169-176.

— ONKELOS —

19 ריש בבורי ארעף תיתי לבית מקדשא דיני אלהיך לא תיכלון בשר בחלב: 20 הא אגא שלח מלאכא קדמך למטרך בארעה ולא עלותך לאתרא די אתקניתי: 21 אסתמר מן קדמוהי וקבל למימרה לא חסרב לקבלה ארי לא ישבק לחוביכון ארי בשמי מימרה: 22 ארי אם קבלא תקביל למימרה ותעביד בלידי אמליל ואסגי ית סנאף ואעיק לדמעיקון לך: 23 ארי יהי מלאכי קדמך ויעילוך לאמוךאי וחתאי ופרזאי וכנענאי חזאי ויבוסאי ואשיצנון:

19 ראשית בבורי אדמתך תביא בית יהונה אלהיך לא-תבשל גדי בחלב אמו: פ שישי 20 הנה אנכי שלח מלאך לפניך לשמרך בדרך ולהביאך אל-המקום אשר הכנתי: 21 השמר מפניו ושמע בקלו אל-תמר בו כי לא ישא לפשעכם כי שמי בקרבו: 22 כי אם-שמוע תשמע בקלו ועשית כל אשר אדבר ואיבתי את-אניכי וצרת את-צרותי: 23 כי ילך מלאכי לפניך והביאך אל-האמרי והחתי והפרזי והכנעני החי והיבסי והחיתיו:

— RASHI —

שעתידין לחטא, ושכינה אומרת להם: "כי לא אעלה בקרבך"<sup>102</sup>: אשר הכנתי. אשר ומנתי לתת לכם. והו פשוטו. ומדרשו<sup>103</sup>: "אל-המקום אשר הכנתי" — כבר מקומי נכר בנגדו. וזה אחד מן המקראות שאומרים, שבית-המקדש של מעלה מכון בנגד בית-המקדש של מטה: 21 אל-תמר בו. לשון המראה, כמו: "אשר-מרה את-פיה"<sup>104</sup>: כי לא ישא לפשעכם. אינו מלמד בכה, שהוא מן הכת שאין חוטאין. ועוד, שהוא שליח, ואינו עושה אלא שליחותו: כי שמי בקרבו. מחבר לראש המקרא: השמר מפניו, כי שמי משתף בו. ורבותינו אמרו<sup>105</sup>: זה מטטרון, ששמו בשם רבו — "מטטרון" בגמטריא "שדי": 22 וצרת. בתרגומו: "ואעיק":

19 ראשית בבורי אדמתך. אף השביעית חקבת בבכורים, לכך נאמר אף כאן: "בבורי אדמתך". ביצד? אדם נכנס לתוך שדהו וראה תאנה שבכרה — בדרך עליה גמי לסימן, ומקדישה. ואין בכורים אלא משבעת המינין האמורין במקרא: "ארץ חטה ושערה וגו"<sup>106</sup>: לא-תבשל גדי. אף עגל וכבש בכלל גדי, שאין גדי אלא לשון ולד רף, ממה שאתה מוצא בכמה מקומות בתורה שכתוב "גדי" והצרך לפרש אחריו "עזים", כגון: "אנכי אשלח גדי-עזים"<sup>107</sup>, "את-גדי העזים"<sup>108</sup>, "שני גדיי עזים"<sup>109</sup>. ללמדך, שכל-מקום שנאמר "גדי" סתם, אף עגל וכבש במשמע, ובשלשה מקומות נכתב בתורה, אחד לאסור אכילה, ואחד לאסור הנאה, ואחד לאסור בשול: 20 הנה אנכי שלח מלאך. כאן נתבשרו

97. ויקרא ו, ב. 98. דברים ח, ח. 99. בראשית לח, יז. 100. שם, כ. 101. בראשית כז, ט. 102. שמות לג, ג. 103. תנחומא משפטים סימן יח. 104. יהושע א, יח. 105. סנהדרין לח, ב.

— CHASIDIC INSIGHTS —

19 You shall not eat a young animal cooked in its mother's milk: The mixture of milk and meat is the only substance that the Torah forbids to be cooked. But the Torah not only forbids eating meat cooked in milk; it also forbids cooking the mixture in the first place—since this may lead to eating it—and deriving any oth-

er benefit (besides eating) from the cooked mixture. This demonstrates how extremely the Torah forbids cruelty towards animals. The precautions the Torah takes to prevent causing pain to an animal teach us how much care we must take to ensure that no pain is caused to a fellow human being.<sup>158</sup>

— A CLOSER LOOK —

[23] The Amorites, the Hittites...: Only six of the seven nations are mentioned here. In this passage, God is informing the people that they would eventually sin and thus forfeit the privilege of being led by God's presence directly, having to be led instead

by an emissary. Nonetheless, God assures them that this emissary will succeed in driving out the resident nations of Canaan. Since the Girgashites fled on their own,<sup>159</sup> there is therefore no need to mention them in this context.<sup>160</sup>

158. Likutei Sichot, vol. 6, p. 151. 159. Rashi on 33:2. 160. Likutei Sichot, vol. 21, p. 226, note 24.

19 “Even though you must rest from working the earth during the Sabbatical year, **you shall still bring the first-ripened fruits** and produce **of your land to the House of God, your God**, as you do every year. This obligation applies only to the seven types of produce by which the Land of Israel is distinguished: wheat, barley, grapes, figs, pomegranates, olives, and dates.<sup>150</sup>

### Mixing Milk and Meat

“**You shall not eat**<sup>151</sup> **a young animal** of the goats, sheep, or cows that has been **cooked in either its mother’s milk** or in the milk of any other any animal you are permitted to eat. This is an act of cruelty, and it is forbidden to be cruel.”<sup>152</sup>

### The Conquest of the Land of Israel

- ◆ *Sixth Reading* 20 “You are presently free from sin and therefore My presence can abide with you and accompany you wherever you go. If, in the future, however, you will sin, My presence will not be able to dwell with you openly. When that happens, **I am going to send the angel Metatron**<sup>153</sup> **before you to protect you on the way, and to bring you to the Land of Israel, the place that I have designated**<sup>154</sup> for you to occupy and settle in order to fulfill your mission of raising the world’s Divine consciousness, **and**, in particular, **to the special, central place that I have long ago prepared** for revealing Myself—by situating the site of the heavenly Temple directly above the site where you will build the earthly Temple.<sup>155</sup> This means that the Land of Israel in general and the future site of the Temple in particular are the locales most receptive to the spiritual consciousness of the higher worlds.

21 Even though I will send you this angel because your spiritual level will have fallen, you should still **be watchful in his presence—heed his voice and do not rebel against him, for he will not overlook your iniquity**. He, being an angel, does not understand disobedience to My will, and even if he were able to understand, he is not authorized to pardon you, so he will punish you.<sup>156</sup> Regardless of this, however, you should heed his voice **since My Name is with him**; whatever he does, he does in My Name. This is indicated by the fact that the numerical value of his name (מטטרון, 314) is the same as that of My Name *Shakai* (שדי).

22 **For if you will diligently obey him and thus do all that I say, I will be an enemy to your enemies and persecute your persecutors.**

23 **For My angel will go before you and bring you to the land of the Amorites, the Hittites, the Perizites, the Canaanites, the Hivites and the Jebusites, and I will annihilate them.** The Girgashites, in contrast, will flee of their own accord,<sup>157</sup> so I will not have to annihilate them.

150. As seen in Deuteronomy 8:8. 151. *Likutei Sichot*, vol. 6, p. 148. 152. Above, v. 12. *Likutei Sichot*, vol. 6, p. 150. See also 34:26, below, and Deuteronomy 14:21, where it is further forbidden to cook a mixture of milk and meat or derive benefit from such a mixture. 153. It is customary not to pronounce names of angels that are not also used as names for people. Therefore, when reading this name aloud, it is customary to abbreviate it, saying “Metat.” 154. *Likutei Sichot*, vol. 21, p. 135. 155. See Genesis 28:17; Above, 15:17. *Likutei Sichot*, vol. 21, pp. 133-136. 156. *Maskil LeDavid*. 157. Rashi on 33:2, below.

— ONKELOS —

24 לא תסגוד לטעותהון ולא תפליחנן ולא תעביד בעובדיהון ארי פגרא תפגרונו ותברא תתבר קמתהון: 25 ותפליחון קדם יי אלהכון ויברך ית מיכלך וית משתיך ואעדי מרעין בישין מביניך: 26 לא תהי מתכלא ועקרא בארעך ית מגין יומיך אשלים: 27 ית אימתי אשלה קדמך ואשגש ית כל-עמא די אתי לאגוזא קרב בהון ואמטר ית כל-בעלי דבבך קדמך מחורי קדל: 28 ואשלה ית ערעיתא קדמך ותתורף ית חזאי ית כנענאי וית חתאי מן קדמך:

24 לֹא־תִשְׁתַּחֲוֶה לְאֱלֹהֵיהֶם וְלֹא תַעֲבֹדֵם וְלֹא תַעֲשֶׂה כַּמַּעֲשִׂייהֶם כִּי הָרַס תְּהָרִסֵם וְשִׁבְרַתְּשִׁבְרַתְּ מִצַּבְתֵּיהֶם: 25 וְעַבְדֵתֶם אֶת יְהוָה אֱלֹהֵיכֶם וַיְבָרֶךְ אֶת־לְחֻמְךָ וְאֶת־מִימֶיךָ וְהִסְרֵתִי מִחֲלָה מִקִּרְבְּךָ: 26 שְׂבִיעִי לֹא תִהְיֶה מִשְׁכַּלָּה וְעַקְרָה בְּאַרְצְךָ אֶת־מִסְפַּר יְמֶיךָ אֲמַלֵּא: 27 אֶת־אִימְתֵי אֲשֶׁלַח לְפָנֶיךָ וְהַמְתִּי אֶת־כָּל־הָעָם אֲשֶׁר תָּבֵא בָהֶם וְנָתַתִּי אֶת־כָּל־אֲיִבֶיךָ אֵלֶיךָ עֶרְף: 28 וְשִׁלַּחְתִּי אֶת־הַצְרָעָה לְפָנֶיךָ וְגִרְשָׁה אֶת־הַחוּי אֶת־הַכְּנַעֲנִי וְאֶת־הַחִתִּי מִלְּפָנֶיךָ:

— RASHI —

נקודה מלאפז"ם<sup>106</sup>. אלא "והמתה את העם הזה"<sup>111</sup>, והתי"ו מדגשת לפי שתבא במקום שתי תוי"ן — האחת נשרשת, לפי שאין מיתה בלא תי"ו. והאחרת משמשת, כמו "אמרת" "חטאת" "עשית". וכן "ונתתי", התי"ו מדגשת, שהיא באה במקום שתיים, לפי שהיה צריך שלש תוי"ן — שתיים ליסוד, כמו: "ביום תת ה"<sup>108</sup>, "מתת אלהים היא"<sup>109</sup>. והשלישית לשמוש: ערף. שינוסו מלפניך, ויהפכו לך ערפם: 28 הצרעה. מן שרץ העוף. והיתה מכה אותם בעיניהם, ומטילה בהם ארס, והם מתים. והצרעה לא עברה את הירדן. והחתי והכנעני, הם ארץ סיחון ועוג, לפיכך מכל-שבע אמות לא מנה כאן אלא אלו. וחיי, אף-על-פי שהוא מעבר הירדן והלאה, שנו רבותינו במסכת סוטה<sup>110</sup>: על שפת הירדן עמדה, וזרקה בהם מרה:

24 הרס תהרסם. לאותם אלהות: מצבתייהם. אבנים שהם מציבין להשתחוות להם: 26 לא תהיה משכלה. אם תעשה רצוני: משכלה. מפלת נפלים, או קוברת את בניך. קרויה "משכלה": 27 והמתי. כמו: "והממתי". ותרגמו: "ואשגש". וכן כל-תבה שפועל שלה בכפל אות אחרונה, כשתהפוך לדבר בלשון "פעלת", יש מקומות שנוטל אות הכפולה ומדגיש את האות ונוקדו במלאפז"ם<sup>106</sup>, כגון: "והמת" — מגורת: "והמם גלגל עגלתו"<sup>107</sup>. "וסבותי"<sup>108</sup> — מגורת: "וסבב בית-אל"<sup>109</sup>. "דלותי"<sup>110</sup> — מגורת: "דללו וחרבו"<sup>111</sup>. "על-כפיים קתתי"<sup>112</sup> — מגורת: "הקקי-לב"<sup>113</sup>. "את-מי רצותי"<sup>114</sup> — מגורת: "רצץ עוב דלים"<sup>115</sup>. והמתרגם "והמת" — "ואקטל", טועה הוא, שאלו מגורת מיתה היה, אין ה"א שלה בפת"ח, ולא מ"ם שלה מדגשת, ולא

106. חולם. 107. ישעיה כח, כח. 108. קהלת ב, כ. 109. שמואל א, טו. 110. תהלים קמב, ז. 111. ישעיה יט, ו. 112. ישעיה מט, טו. 113. שופטים ה, טו. 114. שמואל א, יב, ג. 115. איוב כ, יט. 116. חולם. 117. במדבר יד, טו. 118. יהושע י, יב. 119. קהלת ג, יג. 120. לו, א.

— CHASIDIC INSIGHTS —

aspects of our Divine calling that we find appealing—and soon, less and less becomes appealing.

The antidote to all this is, as the verse continues, "I will fill the number of your days." We should recall that our days on earth are numbered; we have been given a specific amount of time and specific talents and opportunities with which to fulfill our purpose in life. If we use these gifts for purposes other than fulfilling our unique mission—even good purposes—we thereby betray our Divine charge. When, because of this realization, we are driven to fulfill our purpose on earth, we become so involved in spreading light that we have no time to pause and wonder where we stand on the ladder of spiritual attainments. We become oblivious to our own spiritual status. And then,

God indeed "fills the number of our days"—He takes those days in which we did not fulfill our purpose and makes them pure and complete.

The self-orientation that leads to spiritual stillbirth is alluded to in the word for "your land," which can be read, "your desire."<sup>167</sup> In this context, the verse reads, "There will be no miscarriage or barrenness caused by focusing on your own will if you contemplate the number of your days and allow Me to fill them."

*The Talmud*<sup>168</sup> tells the story of the great Rabbi Yochanan Ben Zakai, who in his final moments cried and said, "I do not know which way they will take me." He was worried that he might not be deserving of Heaven. Throughout his life, he did not allow himself the luxury of assessing his accomplishments, for he focused his every moment on the

167. The word for "land" (ארץ) is related to the word for "will" (רצון). 168. Berachot 28b.



**24 You shall not prostrate yourselves to their gods nor serve them, nor shall you follow their practices; rather, you must shatter their idols and demolish the pillars they have set up to worship as idols.**<sup>161</sup>

**25 Rather, you shall serve Me, God, your God, and in reward for not serving idols, I will bless your bread and your water, and I will also remove illness from your midst.**

- ◆ *Seventh Reading* **26** “In reward for doing all that I say,<sup>162</sup> I will not only drive out the inhabitants of the Land of Israel, allowing you to settle it; in addition, I will grant it a unique quality: **no woman in your land will miscarry**, or outlive her children, **or be barren**. Outside the land, these blessings will accrue only to the individual who fulfills My will, not to the whole populace. Similarly, if you fulfill My will anywhere in the world, **I will grant you the full count of your days**; you will not die prematurely.<sup>163</sup>

**27 I will send forth a dread of Me before you, and I will throw confusion among all the people into whose midst you are coming, and I will make all your enemies flee from you.**

**28 I will send hornets ahead of you** that will wound the enemy’s eyes and inject deadly poison into them. These hornets inhabit the east bank of the Jordan river and will not cross it westward, so **they will** only be able to **drive out before you the Hivites**, who live close to the west bank of the river, by miraculously firing their poison at them, and **the Canaanites and the Hittites**, who live on the east bank of the river.

— ❧ CHASIDIC INSIGHTS ❧ —

**25 You shall serve God, your God:** Surely God does not need or benefit from our service the way an earthly master needs the service of his servants.

Rather, God is telling us here to spiritually refine ourselves until the Name *Havayah*, which signifies God as He transcends the limitations of nature, takes the place of the Name *Elokim*, which signifies God as He is manifest in the laws of nature. In other words: until the supernatural becomes natural for us, our second nature. We natural view and interpret everything in the context of God’s reality and His all-encompassing providence.<sup>164</sup>

**I will remove illness from your midst:** At Marah, God promised the Jews, “I will bring none of the sicknesses that I brought on Egypt upon you,”<sup>165</sup> meaning that no one would get sick in the first place. Why, then, does He promise them here that He will heal them whenever they do get sick?

These two verses refer to two types of sickness: those that appear to be natural and those that are so unnatural that they are obviously acts of God. Regarding unnatural sicknesses, where His involvement is evident, God says, “I will bring none of these upon you.” Regarding natural sicknesses, which we expect to occur

when we do not take care of ourselves as well as we should, God says, “I will remove these from you.”

There are also two types of spiritual sicknesses: Succumbing to a lust for something the Torah prohibits affects the soul adversely, hampering its ability to function in full spiritual health. This is a “natural” result of wrongdoing, which we more or less expect to ensue from forbidden indulgence. But repeatedly overindulging lusts for things the Torah permits also impairs the healthy functioning of the soul. This is an “unnatural” effect, which we do not necessarily expect, since, after all, these indulgences are permitted.

Nonetheless, if we are sufficiently dedicated and devoted to God, He will cure us of the ill effects of both types of temporary lapses.<sup>166</sup>

**26 No woman in your land will miscarry or be barren:** The spiritual parallel of miscarriage and infertility is when the Divine consciousness of our mind does not affect our heart, when it either fails to give birth to love and awe or these are only very short-lived. This stillbirth of emotions is caused by approaching our Divine mission with selfish motives. First we focus on our satisfaction in knowing that *we* are serving God. This leads to selectivity: we begin to focus only on the

<sup>161</sup>. *Likutei Sichot*, vol. 9, p. 95, note 9. <sup>162</sup>. Above, v. 22. <sup>163</sup>. *Likutei Sichot*, vol. 31, pp. 128-130. <sup>164</sup>. *Torah Or* 78d-79a. <sup>165</sup>. Above, 15:26. <sup>166</sup>. *Or HaTorah, Shemot*, p. 1218.

— ONKELOS —

29 לא אתריכנון מן קדמך בְּשָׂמָה  
 קדא דלמא תהא ארעא צדיא  
 ותסגי עלך חיות בְּרָא: 30 זעיר  
 זעיר אתריכנון מן קדמך עד די  
 תסגי ותחסין ית ארעא: 31 ואשוי  
 ית תחומך מימא דסוף ועד ימא  
 דפלשתאי וממדברא עד פרת  
 ארי אמסר בידיכו ית יתבי ארעא  
 ויתריכנון מן קדמך: 32 לא תגזר  
 להון ולטענתהון קלים: 33 לא  
 יתבון בארעך דלמא יחבון יתך  
 קדמי ארי תפלח ית טענתהון ארי  
 יהון לך לתקלא: 24:1 ולמשה  
 אמר סק לקדם יי את ואהרן נדב  
 ואביהוא ושבעין מסבי ישראל  
 ותסגדין מרחיק: 2 ויתקרב משה  
 בלחודוהי לקדם יי ואנן לא  
 יתקרבון ועמא לא יסקון עמה:

29 לֹא אֲנִירִכְנוּן מִן קִדְמֶךָ בְּשָׂמָה  
 שְׂמֵמָה וְרִבְּה עֲלֶיךָ תֵּית הַשְּׂדֵה: 30 מְעַט מְעַט אֲנִירִשְׁנוּ  
 מִפְּנֶיךָ עַד אֲשֶׁר תִּפְרָה וְנַחֲלִית אֶת־הָאָרֶץ: 31 וְיִשְׁתִּי  
 אֶת־גְּבֻלְךָ מִיַּם־סוּף וְעַד־יָם פְּלִשְׁתִּים וּמִמְדְּבָר עַד־  
 הַנְּהָר כִּי | אַתָּן בְּיַדְכֶם אֶת יִשְׁבֵי הָאָרֶץ וְגִרְשָׁתֶמוּ  
 מִפְּנֶיךָ: 32 לֹא־תִכְרַת לָהֶם וְלֹא־לֵהֵימָם בְּרִית:  
 33 לֹא יֵשְׁבוּ בְּאֶרְצְךָ פְּנִי־יַחַטִּיאוּ אֹתְךָ לִי כִי תַעֲבֹד  
 אֶת־אֱלֹהֵיהֶם כִּי־יִהְיֶה לְךָ לְמוֹקֵשׁ: פ  
 24:1 וְאֶל־מֹשֶׁה אָמַר עֲלֶה אֶל־יְהוָה אֹתְךָ וְאַהֲרֹן נָדָב  
 וְאַבְיָהוּא וְשִׁבְעִים מִזְּקֵנֵי יִשְׂרָאֵל וְהִשְׁתַּחֲוִיתֶם מְרַחֵק:  
 2 וְנִגַּשׁ מֹשֶׁה לְבַדּוֹ אֶל־יְהוָה וְהֵם לֹא יִגָּשׁוּ וְהָעָם לֹא  
 יַעֲלוּ עִמּוֹ:

— RASHI —

בכמה מקומות, וְהוּ לְשׁוֹן "אי" שהוא אחד מארבע  
 לשונות שֶׁה"כ"י" משמש. וגם מצינו בהרבה מקומות  
 "אם" משמש בלשון "אֲשֶׁר", כמו: "וְאִם־תִּקְרִיב מִנְחַת  
 בְּכוֹרִים"<sup>172</sup>, שהיא חובה: 1 וְאֵל מֹשֶׁה אָמַר. פְּרָשָׁה זוֹ  
 נאמרה קדם עֲשֶׂרֶת הַדְּבָרוֹת, וְכַד בְּסִינַי נֶאֱמַרָה לוֹ  
 "עֲלֶה": 2 וְנִגַּשׁ מֹשֶׁה לְבַדּוֹ. אֵל הָעָרְפֶּל:

29 שְׂמֵמָה. ריקנית מבני אדם, לפי שאתם מעט, ואין  
 בכם כדי למלאות אותה: וְרִבְּה עֲלֶיךָ. ותרבה עליך:  
 30 עַד אֲשֶׁר תִּפְרָה. תרבה, לשון "פרי", כמו: "פרו  
 ורבו"<sup>171</sup>: 31 וְיִשְׁתִּי. לשון השתה, והתי"ו מְדַגֶּשֶׁת מִפְּנֵי  
 שְׂבָאָה תחת שתים, שאין "שיתה" בלא תי"ו, והאחת  
 לשמש: עַד־הַנְּהָר. פרת: וְגִרְשָׁתֶמוּ. ותגרשם: 33 כִּי  
 תַעֲבֹד וְגו'. הרי אלו "כ"י" משמשין במקום "אֲשֶׁר", וכן

121. בראשית א, כב. 122. ויקרא ב, יד.

INNER DIMENSIONS

[1] **Go up to God:** The Name of God used in this ascent is the Name *Havayah*, whereas in Moses' previous ascent,<sup>177</sup> before the Torah was given, the Name *Elokim* was used. This is because until the Torah was given, the "highest" any creature could ascend in the spiritual realms was to the world of *Beriah*. Although *Beriah* is a sublime, spiritual realm, it is still characterized by self-awareness, in contrast to the highest world, *Atzilut*, which is characterized by total absorption in Divine consciousness and the attendant loss of self-awareness. Inasmuch as

relative to each other, *Atzilut* and the lower worlds (*Beriah*, *Yetzirah*, and *Asiyah*) are distinguished by the dominance of Divine consciousness and self-awareness respectively, *Atzilut* is rooted in the Name *Havayah*, God's "proper name" and the three lower worlds are rooted in the Name *Elokim*, which signifies the contraction of God's presence and its investiture in nature. Once the Torah was given, it became possible to ascend to the consciousness of *Atzilut*.<sup>178</sup>

169. Above, 3:8. 170. *Hitva'aduyot* 5745, vol. 2, pp. 1258-1259, 1267-1269. 171. See on 19:6, above. 172. Above, 20:18. 173. *Likutei Sichot*, vol. 16, pp. 271-273. 174. *Hitva'aduyot* 5743, vol. 2, pp. 938-939. 175. Compare above, on 7:28. 176. *Sefer HaMa'amarim* 5745, p. 133; *Sefer HaMa'amarim* 5746, pp. 59-60. *Igrot Kodesh*, vol. 11, p. 82, 116. 177. 19:3, above. 178. *Sefer HaMa'amarim* 5635, vol. 1, pp. 70 ff; *Or HaTorah, Yitro*, pp. 796 ff.

**29 I will not drive out** the inhabitants of the Land of Israel **in a single year, lest the land become desolate and the wild animals outnumber you**, for at this point, there are not enough of you to populate the whole land.

**30 Rather, little by little will I drive them out before you, until you increase and are able to occupy the whole land.**

**31 Even though I postponed My original promise to Abraham of the territories of the Amonites, Moabites, and Edomites,<sup>169</sup> I am now reinstating this promise. Thus, when you enter the land, I will set your borders from the Sea of Reeds to the Philistine [i.e., Mediterranean] Sea, and from the desert to the Euphrates River,<sup>170</sup> for I will deliver the inhabitants of the land into your hands, and you will drive them out from before you.**

**32 You shall not make a covenant with them nor with their gods.**

**33 They shall not dwell in your land lest they cause you to sin against Me, for you might serve their gods, and that would prove to be a snare to you."**

### The Giving of the Torah, continued

**24:1** Having now finished its account of the rational, contractual side of the relationship between God and the people forged at the Giving of the Torah, the Torah now backtracks to fill in the details of the narrative pertinent to the essential, covenantal side of this relationship.<sup>171</sup> On the 4<sup>th</sup> of Sivan, God **had said to Moses, "On the 6<sup>th</sup> of Sivan, when I will give the Torah, go partway up Mount Sinai to God—you and Aaron, Nadav, and Avihu, and seventy of the elders of Israel—and prostrate yourselves from afar.**

**2** After this, **Moses alone shall then draw near to God** by entering the cloud surrounding the top of the mountain.<sup>172</sup> **The others may not draw near, nor may the people go up to the top of the mountain with him."**

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#### CHASIDIC INSIGHTS

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*service of God. The pondering of his inner self he left for his final moments on his deathbed.<sup>173</sup>*

**29 I will not drive them out in a single year, lest the land become desolate and the wild animals outnumber you:** The Canaanite nations posed a great danger to the Israelites; so great, in fact, that the Jews were commanded not to allow even one of them to remain alive. Yet God prolonged their survival at least for the amount of time it would take until the Jews could properly settle the land. Although God could have provided protection against the wild animals through miraculous means, he chose to allow these nations to live. For as long as a human being serves any purpose to society at all, slight though it may be, his survival is ensured despite all of the strong arguments that can be brought against him. It was only when they were no longer productive in any way that God took into account the dangers that they posed and allowed the Jews to be victorious against them.<sup>174</sup>

**30 Little by little will I drive them out before you:** This "strategy" is a lesson for us in our spiritual battles, as well. In our fight to banish our spiritual enemies from within, patience is indeed the greatest virtue. Trying to tackle all our obstacles at once will almost certainly end in failure; the methodical and gradual line of attack has much greater hope for success. We must begin with the easier steps, banishing first the most obvious forms of evil, and only then moving on to more subtle struggles.

Similarly, we should first attempt to avoid whatever is bad before striving for perfection in doing all that is good.<sup>175</sup> First, we must subdue our animal soul; only after this should we begin boosting our Godly soul to the spiritual pinnacles it aspires to. Such is the method of attack in all battles of the spirit: through advancing little by little, we can indeed "conquer the land."<sup>176</sup>

— ONKELOS —

3 וְיָבֵא מֹשֶׁה וַיִּסְפֹּר לָעַם אֶת כָּל־דְּבָרֵי יְהוָה וְאֵת כָּל־  
הַמִּשְׁפָּטִים וַיַּעַן כָּל־הָעָם קוֹל אֶחָד וַיֹּאמְרוּ כָּל־הַדְּבָרִים  
אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה: 4 וַיִּכְתֹּב מֹשֶׁה אֶת כָּל־דְּבָרֵי  
יְהוָה וַיִּשְׁכֶּם בְּבֹקֶר וַיִּבֶן מִזְבֵּחַ תְּחִת־הָהָר וּשְׁתֵּי עֲשָׂרֵה  
מִצְבֵּה לְשֵׁנַיִם עֵשֶׂר שִׁבְטֵי יִשְׂרָאֵל: 5 וַיִּשְׁלַח אֶת־נְעָרָי  
בְּנֵי יִשְׂרָאֵל וַיַּעֲלוּ עֹלֹת וַיִּזְבְּחוּ זִבְחִים שְׁלָמִים לַיהוָה  
פָּרִים: 6 וַיִּקַּח מֹשֶׁה חֲצֵי הַדָּם וַיִּשֶׂם בְּאַגָּנֹת וְחֲצֵי הַדָּם  
זָרַק עַל־הַמִּזְבֵּחַ:

3 וְיָבֵא מֹשֶׁה וַיִּסְפֹּר לָעַם אֶת כָּל־דְּבָרֵי יְהוָה וְאֵת כָּל־  
הַמִּשְׁפָּטִים וַיַּעַן כָּל־הָעָם קוֹל אֶחָד וַיֹּאמְרוּ כָּל־הַדְּבָרִים  
אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה: 4 וַיִּכְתֹּב מֹשֶׁה אֶת כָּל־דְּבָרֵי  
יְהוָה וַיִּשְׁכֶּם בְּבֹקֶר וַיִּבֶן מִזְבֵּחַ תְּחִת־הָהָר וּשְׁתֵּי עֲשָׂרֵה  
מִצְבֵּה לְשֵׁנַיִם עֵשֶׂר שִׁבְטֵי יִשְׂרָאֵל: 5 וַיִּשְׁלַח אֶת־נְעָרָי  
בְּנֵי יִשְׂרָאֵל וַיַּעֲלוּ עֹלֹת וַיִּזְבְּחוּ זִבְחִים שְׁלָמִים לַיהוָה  
פָּרִים: 6 וַיִּקַּח מֹשֶׁה חֲצֵי הַדָּם וַיִּשֶׂם בְּאַגָּנֹת וְחֲצֵי הַדָּם  
זָרַק עַל־הַמִּזְבֵּחַ:

— RASHI —

מֹשֶׁה חֲצֵי הַדָּם. מי חֲלָקוֹ? מִלֵּאָה בָּא וְחָלְקוֹ: בְּאַגָּנֹת.  
שְׁתֵּי אַגָּנוֹת — אֶחָד לְחֲצֵי דָם עוֹלָה, וְאֶחָד לְחֲצֵי דָם  
שְׁלָמִים, לְהוֹזִיחַ אוֹתָם עַל הָעָם. וּמִכָּאן לְמִדּוֹ רַבּוּתֵינוּ<sup>122</sup>  
שֶׁנִּכְנָסוּ אַבּוֹתֵינוּ לְבְרִית בְּמִילָה, וּטְבִילָה, וְהוֹזִיחַ דָּמֵם,  
שֶׁאִין הוֹזִיחַ בְּלֹא טְבִילָה:

3 וְיָבֵא מֹשֶׁה וַיִּסְפֹּר לָעַם. בו ביום: אֵת כָּל־דְּבָרֵי ה'.  
מִצְוֹת פְּרִיָּשָׁה וְהַגְּבָלָה: וְאֵת כָּל־הַמִּשְׁפָּטִים. שְׁבַע מִצְוֹת  
שֶׁנִּצְטָווּ בְּנֵי נֹחַ, וְשִׁבְתָּ, וְכַבּוּד אָב וְאִם, וּפְרָה אֲדָמָה,  
וְדִינִין שֶׁנִּתְּנּוּ לָהֶם בְּמִרְה: 4 וַיִּכְתֹּב מֹשֶׁה. מִ"בְּרֵאשִׁית"  
יַעַד מִתַּן תּוֹרָה, וְכִתֵּב מִצְוֹת שֶׁנִּצְטָווּ בְּמִרְה: וַיִּשְׁכֶּם  
בְּבֹקֶר. בְּחֻמְשָׁה בְּסִיּוֹן: 5 אֶת־נְעָרָי. הַבְּכוֹרוֹת: 6 וַיִּקַּח

122. כריתות ט, א.

each type of sacrifice on the people; this would be equivalent to passing between the two types of blood. In order to emphasize the covenantal significance of this sprinkling, God sent an angel to divide the two types of blood in half.<sup>190</sup> Moses then **took half the blood and put it into two large bowls**, one containing half the blood of the ascent-offerings and one containing half the blood of the peace-offerings. **The other half of the blood he threw against the altar** directly from the basins in which the firstborn collected it when they slaughtered the animals.<sup>191</sup> Completing the sacrificial rites with the blood in the basins officially made the other blood (that remained in the two large bowls) into ascent-offering blood and peace-offering blood, as well.

— CHASIDIC INSIGHTS —

4 **And built an Altar:** On all the preceding days, Moses ascended Mt. Sinai to confer with God. On this day, the final day before the giving of the Torah,<sup>192</sup> he instead built an Altar and conducted sacrificial offerings.

He was told to do this because the final preparation for the Giving of the Torah had to be something that expressed the purpose of giving the Torah, which is to infuse the physical realm with transcendent holiness. The sacrificial ritual demonstrates this aim most vis-

ibly, since when fire descends from heaven and consumes the offering, it is clear that the physical object is being transformed into spirituality, and even the stones of the altar have become the instruments of a spiritual process.

This is also why Moses did not ascend the mountain on this day: the purpose of giving the Torah is to draw Divine consciousness down to earth, not to leave the earth and ascend into abstract realms of communion with God, essential though this might be as a prior stage in the preparation process.<sup>193</sup>

190. See *Likutei Sichot*, vol. 21, p. 141, and note 18 there; *Sichot Kodesh* 5734, vol. 1, pp. 384-385. 191. *Likutei Sichot*, vol. 36, pp. 117-119. 192. *Mechilta*; *Shabbat* 88a. 193. *Likutei Sichot*, vol. 28, pp. 20-21.

3 The first stage in establishing the covenantal relationship was that the people commit themselves to perform God's commandments. Thus, on that same day, the 4<sup>th</sup> of Sivan, **Moses came and told the people all of God's words** regarding fencing off the mountain and married couples keeping separate,<sup>179</sup> **and** he reviewed **all the laws** God had given the people so far: the seven basic commandments given to all humanity<sup>180</sup> and the commandments He gave them at Marah.<sup>181</sup> **The entire people responded with one voice and said, "All the words that God has spoken we will do."** They thus committed themselves to perform all of God's commandments.<sup>182</sup>

4 The second stage in establishing the covenant was that the people commit themselves to study the Torah. Therefore, **Moses then wrote down all the words of God** on a scroll: he wrote down the text of the Torah from the story of Creation up to and including the events of the previous day<sup>183</sup> as formal Torah-passages, and he wrote down the sections containing the commandments God gave at Marah as expositions of the content of these commandments.<sup>184</sup> Thus, by accepting the covenant as embodied in this scroll, the people would be committing themselves both to studying the Torah (as exemplified by the formal Torah-passages in it) and to fulfilling the commandments (as exemplified by the parts of it that were just expositions of the legal material that had not yet been formally given in their final form).<sup>185</sup> Now, the usual way a covenant is made is by cutting an animal in half and having the two parties to the covenant pass between the two halves. This procedure signifies that both parties are part of one, inseparable whole.<sup>186</sup> Here, this procedure was simulated by a sacrificial rite, as will be presently seen. **In the morning** of the following day, the 5<sup>th</sup> of Sivan, **Moses rose early and built an altar at the foot of the mountain, and twelve monuments for the twelve tribes of Israel.**

5 He had the people ritually immerse themselves<sup>187</sup> in preparation for being sprinkled with sacrificial blood. **He then dispatched the firstborn young men of the Israelites and they offered up ascent-offerings, and sacrificed bulls as peace-offerings to God** on this altar. An "ascent-offering" is one in which all the meat is burned (and thus *ascends* to heaven) on the altar.<sup>188</sup> A "peace-offering" is one in which part of the meat is burned on the altar, part is given to the owners to eat, and part is given to the priests (here: the firstborn) to eat. (It thus unites God, the priests, and the laymen in one rite and thereby promotes "peace" between all three.)<sup>189</sup> Since the meat of the ascent-offerings all ascended to heaven, they represented God; since the meat of the peace-offerings was partially eaten, they represented the people. As the firstborn slaughtered the animals, they collected the animals' blood in basins.

6 In order to express the fact that this covenant bound God and the people as two halves of a whole, God planned to have Moses sprinkle half of the blood of

179. Above, 19:12, 15. 180. Genesis 9:3-7. 181. Above, 15:25. 182. *Likutei Sichot*, vol. 21, pp. 142-143. 183. I.e., from Genesis 1:1 to Exodus 18:12 (with the exception of Genesis 32:33, 36:31-43, Exodus 16:33-36) plus Exodus 19:1-16 (*Likutei Sichot*, vol. 21, p. 141, note 22; vol. 12, p. 25, note 29). 184. *Likutei Sichot*, vol. 21, p. 142. 185. *Likutei Sichot*, vol. 21, pp. 142-143. 186. See Genesis 15:7-21. 187. Rashi on v. 6. 188. Genesis 8:20. 189. Leviticus 3:1-17, 7:28-36.

— ONKELOS —

7 וְנָסִיב סִפְרָא דְקִימָא וְקָרָא  
קָדָם עֲמָא וְאָמְרוּ כְּלִי מְלִיל יִי  
נְעִבִיד וְנִקְבִיל: 8 וְנָסִיב מִשָּׁה יִת  
דְמָא וְזָרַק עַל מַדְבְּחָא לְכַפָּרָא  
עַל עֲמָא וְאָמַר הָא דְמָא דְקִימָא  
דִי גִזַר יִי עֲמִכּוֹן עַל כָּל־פְּתֻגְמֵי  
הָאֵלִין: 9 וְסָלִיק מִשָּׁה וְאֶהְרֹן נָדַב  
וְאֲבִיהוֹא וְשִׁבְעִין מִסְבֵּי יִשְׂרָאֵל:

7 וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם וַיֹּאמְרוּ כָּל  
בְּאֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע: 8 וַיִּקַּח מִשָּׁה אֶת־הַדָּם  
וַיִּזְרַק עַל־הָעָם וַיֹּאמֶר הִנֵּה דַם־הַבְּרִית אֲשֶׁר כָּרַת יְהוָה  
עִמָּכֶם עַל־כָּל־הַדְּבָרִים הָאֵלֶּה: 9 וַיַּעַל מִשָּׁה וְאֶהְרֹן נָדַב  
וְאֲבִיהוֹא וְשִׁבְעִים מִזִּקְנֵי יִשְׂרָאֵל:

— RASHI —

7 סֵפֶר הַבְּרִית. מִ"בְּרֵאשִׁית" וְעַד מֵתֵן תּוֹרָה, וּמִצֻּוֹת  
שֶׁנֶּצְטוּ בְּמִרְה: 8 וַיִּזְרַק. עֲנֵן הַזָּאֵה. וְתַרְגּוּמוֹ: "וְזָרַק  
עַל־מַדְבְּחָא לְכַפָּרָא עַל־עֲמָא":

— CHASIDIC INSIGHTS —

**7 We will learn:** These words read literally, "and we will listen," and imply the endeavor to comprehend that which "we will do." The sages<sup>204</sup> highlight the virtue of preceding comprehension with faithful acceptance, submission, and loyalty. This was the prerequisite for the giving of the Torah and remains the prerequisite for every aspect of Torah observance and study.

Thus, integrity is intrinsic to Judaism. In other fields of wisdom, theory can be detached from practice. (For example, it is told that when Aristotle was once caught in an immoral act, he excused himself by saying: "Right now, I'm not Aristotle!"<sup>205</sup> Similarly, there are doctors who forbid and condemn bad health habits they themselves indulge in.) Not so in Judaism: implementation is an integral ingredient of and even prerequisite to wisdom. Nowadays just as when the Torah was first given, only through supra-rational submission to the Torah's teachings can we access our supra-rational connection with God.

Yet the Jew's commitment did not stop there. They vowed not only to "do" but to "listen," to strive to comprehend as well. If our connection does not involve our mind or heart we have made it an experience of the soul alone. If, however, we are able to perceive what we believe<sup>206</sup> and love what we accept; to recognize the ceaseless dependence of all creation on its Creator, to discern and cherish His providence, and to treasure the significance and purpose of His directions—our commitment will have embraced our entire psyche, from our most sublime contemplations to our most passionate attractions.

Still, first and foremost, the underlying premise is that the path of Judaism must be paved with submission and loyalty. This, however, which poses an enigma: If the Jewish people witnessed firsthand the many miracles God performed for them, beheld His unveiled

presence, and were inspired to exuberantly burst into song at the Sea of Reeds, how can we say that they put loyalty before comprehension in declaring, "we will do and we will hear"? Clearly, they comprehended God's existence and providence very well.

The answer is that the Torah's vision of selfless loyalty doesn't imply naiveté or suggest simplicity. The Torah urges us to perceive, understand, appreciate, and adore God's will, and then still fulfill it out of selfless loyalty. The ultimate devotee is one who has already seen and understood, been excited and inspired, but whose commitment to God is not qualified by these experiences and still serves Him with utterly selfless devotion.

So, although their comprehension preceded their declaration of loyalty, they sincerely proclaimed, "we will do and we will hear," expressing their unconditional acceptance of the Torah, irrespective of their comprehension and motivation. This profound conviction has no roots in reason, for reason will never require it nor agree to it. Rather, it expresses the intrinsic connection of the soul with God.<sup>207</sup>

**8 Moses took the blood:** In fact, sprinkling the blood on the people achieved a fuller union between the two parties to the covenant than having them both pass between halves of an animal would have. After passing through two halves of an animal, these two halves remain halves; but when the blood was sprinkled on the people, both types of blood mingled and became one entity.

This fact expresses the superiority of this covenant over and beyond the Covenant between the Parts that God made with Abraham. Before the giving of the Torah, the most a created being could do was become God's "chariot," a vehicle for Him to reveal Himself and promulgate Divine consciousness throughout

204. *Shabbat* 88a; commentaries *ad loc.* 205. *Sichot Kodesh* 5731, vol. 1, p. 344; see *Mei'irat Einaim, Vayishlach* (ed. Erlanger, 77a). 206. See on 14:31, above. 207. *Likutei Sichot*, vol. 23, p. 92 ff; *Sichot Kodesh* 5739, vol. 3, pp. 295-297; *Igrot Kodesh*, vol. 7, p. 28; *Hitva'aduyot* 5748, vol. 3 pp. 234-235; *Sichot Kodesh* 5741, vol. 4, pp. 31-32.

7 Moses then **took** the scroll he wrote the previous day, and which now became known as **the Book of the Covenant, and read it aloud to the people.** He read the scroll as he had written it: first the history of the world from Creation until the events of the previous day, which he had written as formal Torah-passages, and then the laws that God had already given, which he had written as simple expositions of the content of these laws. The section exemplifying Torah-study thus preceded the section exemplifying upholding God's commandments. Nonetheless, after Moses finished, the people **responded, "We will do and we will learn everything that God has spoken."** By saying "we will do" before "we will learn" they not only committed themselves to studying the Torah in addition to performing God's commandments; at the same time, they gave precedence to upholding the commandments over studying the Torah, implying that they were prepared to fulfill God's will unconditionally—even before they knew what it is.<sup>194</sup> When the Ministering Angels heard this, they descended from heaven and placed two ethereal crowns, woven out of the splendor of God's presence,<sup>195</sup> on the head of each Jew: one for saying "we will do" and one for saying "we will learn."<sup>196</sup>

8 The people having thus bound themselves to God, Moses could complete the rite that sealed the covenant. **Moses took the blood** that he had put in the two large bowls, **and sprinkled it on the people,** thus effectively having them pass between the two types of blood. (According to another opinion, Moses sprinkled the blood from these two bowls on the altar, to atone for the people. Accordingly, rather than "passing between" ascent-offering blood and peace-offering blood, the people "passed between" blood that was thrown on the altar as part of the sacrificial rite [i.e., for God], and blood that was thrown on the altar to effect atonement [i.e., for the people].)<sup>197</sup> Moses then **said, "This is the blood of the covenant that God has made with you regarding all these words."** Thus, all three requirements necessary in establishing the covenantal relationship were satisfied: circumcision (since all the males had been circumcised in Egypt<sup>198</sup>), unconditional acceptance of God's will, and the covenantal procedure of passing between halves (effected by sprinkling half the blood and the immersion that preceded it).<sup>199</sup> God and the people were now bound by a covenant to the greatest extent possible before the actual Giving of the Torah. This covenant included the descendants of the people who stood at Mount Sinai, as well.<sup>200</sup> This set the stage for the change in reality that would occur the next day, when God would give the Torah formally.<sup>201</sup>

9 On the following day, the 6<sup>th</sup> of Sivan, whichever women still needed to ritually immerse themselves did so.<sup>202</sup> **Moses went partway up the mountain, as did Aaron, Nadav, and Avihu, and seventy of Israel's elders,** to prostrate themselves from afar, as God had told them to.<sup>203</sup>

194. *Likutei Sichot*, vol. 21, p. 143, note 29. 195. Rashi on *Shabbat* 88a, s.v. *Sheni Ketarim*. 196. *Shabbat* 88a; Rashi on 33:4, below. 197. *Likutei Sichot*, vol. 36, p. 121. 198. Above, 12:3. 199. Rashi on v. 6, above. 200. Deuteronomy 5:3. 201. *Likutei Sichot*, vol. 21, p. 145. 202. See above, 19:11; Rashi on 19:15. 203. Above, v. 1.

— ONKELOS —

10 וְחָזוּ יְתֵי יְקָרָא אֱלֹהָא דְיִשְׂרָאֵל וְתַחַת פּוֹרְסֵי יְקָרָה כְּעוֹבֵד אֲבָן טְבָא וּבְמַחְזֵי שְׁמֵיָא לְבָרִירוֹ: 11 וּלְרַבְרָבֵי בְנֵי יִשְׂרָאֵל לֹא הָיָה נִקְאָ וְחָזוּ יְתֵי יְקָרָא דִּי וְהָיוּ חֲדָן בְּקַרְבְּנֵיהוֹן דְּאִתְקַבְּלוּ בְרַעְנָא בְּאֵלוּ אֲכַלִּין וְשִׁתְּוּ: 12 וְאָמַר יְיָ לְמֹשֶׁה סַק לְקַדְמֵי לְטוֹרָא וְהָיוּ תַמָּן וְאִתְּנָה לָךְ יֵת לִיחֵי אֲבָנָא וְאוֹרֵיתָא וּפְקִידָתָא דִּי כְּתִבִית לְאֵלֹפִיחוֹן: 13 וְקָם מֹשֶׁה וַיְהוֹשֻׁעַ מְשׁוֹמְשָׁנָה וְסָלִיק מִשָּׁה לְטוֹרָא דְאִתְגַּלִּי עֲלוֹהֵי יְקָרָא דִּי: 14 וַיִּסְבְּאֵי אָמַר אוֹרִיכוּ לְנָא הֵבָא עַד דִּי נָתַב לְתַבְכוּן וְהָא אֶהְרֵן וְחֹוֹר עִמְכוּן מֵאֵן דְּאִית לֵה דִינָא יְתִקְרַב לְקַדְמֵיהוֹן:

10 ויראו את אלהי ישראל ותחת רגליו כמעשה לבנת הספיר וכעצם השמים לטהר: 11 ואל-אצילי בני ישראל לא שלח ידו ויחזו את האלהים ויאכלו וישתו: 12

12 ויאמר יהוה אל-משה עלה אלי ההרה והיה-שם ואתנה לך את-לחת האבן והתורה והמצוה אשר כתבתי להורותם: 13 ויקם משה ויהושע משרתו ויעל משה אל-הר האלהים: 14 ואל-הזקנים אמר שבו-לנו בזה עד אשר-נשוב אליכם והנה אהרן וחור עמכם מי-בעל דברים יגש אלהים:

— RASHI —

תורה: עלה אלי ההרה והיה-שם. ארבעים יום: את-לחת האבן והתורה והמצוה אשר כתבתי להורותם. כל-שש מאות ושלוש עשרה מצות בכלל עשרת הדברות הן. ורבנו סעדיה פרש באוהרות שיסד, לכל-דבור ודבור מצות התלויות בו: 13 ויקם משה ויהושע משרתו. לא ידעתי מה-טיבו של יהושע כאן? ואומר אני, שהיה התלמיד מלנה לרב עד מקום הגבלת תחומי ההר, שאינו רשאי לילך משם והלאה, ומשם — ויעל משה לבדו אל הר האלהים, ויהושע נטה שם אהלו ונתעכב שם כל-ארבעים יום, שכן מצינו בשיירד משה: "וישמע יהושע את-קול העם ברה"ט",<sup>125</sup> למדנו שלא היה יהושע עמם: 14 ואל-הזקנים אמר. בצאתו מן המחנה: שבו-לנו בזה. והתעכבו כאן עם שאר העם במחנה, להיות נכונים לשפט לכל-איש ריבו: חור. בנה של מרים היה, ואביו כלב בן יפנה, שנאמר: "ויקח-לו כלב את-אפרת, ותלך לו את-חור"<sup>130</sup>. אפרת — זו מרים, כדאיתא בסוטה<sup>131</sup>: מי-בעל דברים. מי שיש לו דין:

10 ויראו את אלהי ישראל. נסתכלו והציצו ונתחזבו מיתה, אלא שלא שלח רצה הקדוש ברוך-הוא לערבב שמחת התורה, והמתין לנדב ואביהוא עד יום חגגת המשכן. ולזקנים עד "ויהי העם כמתאננים וגו' ותבער-בם אש ה' ותאכל בקצה המחנה"<sup>124</sup> — בקצינים שבמחנה: כמעשה לבנת הספיר. היא היתה לפניו בשעת השעבוד, לזכר צרתן של ישראל, שהיו משעבדים כמעשה לבנים: וכעצם השמים לטהר. משנגאלו, היה אור וחדוה לפניו: וכעצם. בתרגומו, לשון מראה: לטהר. לשון ברור וצלול: 11 ואל-אצילי. הם נדב ואביהוא והזקנים: לא שלח ידו. מכלל שהיו ראויים להשתלח בהם יד: ויחזו את-האלהים. היו מסתכלין בו בלב גס — מתוך אכילה ושתיה. כף מדרש תנחומא<sup>125</sup>. ואונקלוס לא תרגם כן. "אצילי" — לשון גדולים, כמו: "ומאציליה קראתיך"<sup>126</sup>, "ויאצל מן-הרוח"<sup>127</sup>, "ישש אמות אצילה"<sup>128</sup>: 12 ויאמר ה' אל-משה. לאחר מתן

124. במדבר יא, א. 125. בהעלותן סימן טו. 126. ישעיה מא, ט.

127. במדבר יא, כה. 128. יחזקאל מא, ת. 129. שמות לב, יז. 130. דברי הימים א, יט. 131. יא, ב.

— CHASIDIC INSIGHTS —

effected through blood: this unity with God became "part of our blood," the essential, defining element of Jewish identity.<sup>218</sup>

10-11 They had a vision of the God of Israel. Beneath His feet... God did not raise His hand against the nobles of the Israelites...they gazed upon the Divine: Literally, these last words read: "they gazed upon Elokim."

Allegorically, this means that God did not let them behold "His hand," i.e., His Divine power in full revelation; He only allowed them to see His power as revealed in creation via the contracting process of the Name *Elokim*. Thus, instead of His "hand," they only saw what happens "beneath His feet," so to speak.

Moses, in contrast, experienced the Name *Havayah* at the Giving of the Torah, as is written:<sup>219</sup> "Moses alone shall then draw near to God."<sup>220</sup>

218. *Likutei Sichot*, vol. 36, pp. 121-122. 219. Above, v. 2. 220. *Torah Or* 78a.



10 But after Moses entered the cloud surrounding the top of the mountain, Nadav, Avihu, and the elders attempted to follow him with their sight—which they did not have permission to do—and **they thus had a vision of the God of Israel.** They saw, figuratively, that **beneath God’s feet there was the likeness of a brick of sapphire,** which had been in front of Him during the people’s slavery as brick makers, signifying His awareness of their suffering, while around Him was **an appearance like the clearness of the cloudless heavens,** for when the people were redeemed from slavery God rejoiced.

11 **Yet God did not raise His hand against the nobles of the Israelites** to punish them, even though they were liable to the death penalty because **they gazed upon the Divine** vision selfishly, as if they were doing so while **they ate and drank.** God did not put them to death immediately because He did not want to upset the joyous mood surrounding the Giving of the Torah. Instead, He waited until they committed another sin—in the case of Nadav and Avihu, over nine months later,<sup>208</sup> and in the case of the elders, over a year later<sup>209</sup>—and punished them for both sins at the same time.

### The First Forty Days

12 Following the Giving of the Torah, on the 7<sup>th</sup> of Sivan,<sup>210</sup> **God said to Moses, “Come up to Me, on the mountain, and remain there** for forty days and nights. **I will give you the tablets of stone,** on which are engraved the Ten Commandments, which allude to **the entire Torah and all its commandments,<sup>211</sup> which I have written down** for the people’s instruction.” These tablets were known as “the Tablets of the Testimony”<sup>212</sup> and “the Tablets of the Covenant,”<sup>213</sup> for they served as testimony of the covenant that had now been made between God and the people.<sup>214</sup>

13 **Moses then arose, with Joshua, his attendant. Moses ascended the Mountain of God.** Joshua accompanied Moses as far as he was permitted, i.e., up to the fence surrounding the mountain.<sup>215</sup> He pitched his tent there and stayed there for the entire forty days, awaiting Moses’ return.

14 Before he left the camp, Moses **said to the elders, “We will return on the fortieth day from now, before noon.<sup>216</sup> Until then, wait for us here,** with the rest of the people, and settle any disputes they might have, **until we return to you. Aaron and his nephew Hur—Caleb and Miriam’s son<sup>217</sup>—are here with you; whoever has a lawsuit should approach** you, and if you cannot decide, they should approach **them.”**

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#### ⌘ CHASIDIC INSIGHTS ⌘

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the world. The patriarchs indeed achieved this sublime height of spirituality. But even though a chariot is entirely at the disposal of its rider, it still remains a separate entity from him.

Once the Torah was given, however, it became possible to unite with God completely, becoming virtually part of Him. This was alluded to by the fact that the covenant preceding the Giving of the Torah was

208. See Leviticus 10:1-2. 209. See Numbers 11:1; Rashi on Numbers 11:16. 210. Rashi on 32:1. 211. Above, 20:1. 212. Below, 25:16, 21, 31:18, 32:15, etc. 213. Below, 34:28; Deuteronomy 9:9, 11, 15. 214. *Likutei Sichot*, vol. 26, pp. 155-156. 215. Above, 19:12, 15. 216. Rashi on 32:1. 217. Above, 17:10.

— ONKELOS —

15 וסליק משה לטורא וקרא עננא ית טורא: 16 וטורא וקרא די על טורא דסיני וקפדי עננא שתא יומין וקרא למשה ביומא שביעאה מגו עננא: 17 וחזו וקרא די בחזו אשתא אכלא בריש טורא לעיני בני ישראל: 18 ועאל משה בגו עננא וסליק לטורא והוה משה בטורא ארבעין ימין וארבעין לילון:

◆ מפטיר 15 ויעל משה אל־ההר ויכס הענן את־ההר: 16 וישכן כבוד־יהוה על־הר סיני ויכסהו הענן וישת ימים ויקרא אל־משה ביום השביעי מתוך הענן: 17 ומראה כבוד יהוה כאש אכלת בראש ההר לעיני בני ישראל: 18 ויבא משה בתוך הענן ויעל אל־ההר ויהי משה בחר ארבעים יום וארבעים לילה:

ק"ח פסוקים. עויא"ל סימן. חנניי סימן.

— RASHI —

עשרת הדברות, והם היו בתחלת ארבעים יום שעלה משה לקבל לוחות. ולמדך, שקל־הנבנס למחנה שכונה, טעון פרישה ששה ימים: 18 בתוך הענן. ענן זה כמין עשן הוא, ועשה לו הקדוש ברוך־הוא למשה שקבל בתוכו:

חסלת פרשת משפטים

16 ויכסהו הענן. רבותינו חולקים<sup>232</sup> בדבר, יש מהם אומרים: אלו ששה ימים שמראש חדש עד עצרת, יום מתן תורה: ויכסהו הענן. להר: ויקרא אל־משה ביום השביעי. לומר עשרת הדברות. ומשה וכל־בני ישראל עומדים, אלא שחלק הכתוב כבוד למשה. ויש אומרים: "ויכסהו הענן" — למשה, ששת ימים לאהר

132. יומא ד א-ב.

— CHASIDIC INSIGHTS —

sanctify them and purify them, and make them, too, into God's home. We must not suffice in descending into the aspects of reality that remind us of the animal or vegetable kingdom (in that they evince some life); even aspects of reality that seem devoid of Divine life must be taught to know God.

Nonetheless, "God made a path for Moses in this cloud so his face and clothing would not become soiled by passing through it." There is indeed danger of being soiled by contending with the gross materialism of reality. But so long as we remain true to the Moses within us and the Moses of our generation, God will protect us and enable us to emerge unscathed from the encounter. For in fact, material reality has no independent existence; its true Divinity is just con-

cealed from us in order to allow us free choice. Once we choose to focus on God's purpose in creating the material world, the façade falls away and we segue into the next *parashah*, in which all reality becomes a sanctuary, a holy place wherein God says<sup>231</sup> "I will dwell in their midst."<sup>232</sup>

**Moses was on the mountain for forty days and forty nights:** In the spiritual realm to which Moses ascended while he was on the mountain, time is compressed such that a day there is equal to a year in our world. In essence, then, Moses was with God for the equivalent of forty years. According to the sages, forty years is the time it takes for a student to fully absorb his master's teachings.<sup>233</sup> This, then, is why Moses had to remain on the mountain for forty days.<sup>234</sup>

231. Below, 25:8. 232. *Likutei Sichot*, vol. 16, pp. 282-283. 233. *Avodah Zarah* 5b. 234. *Or HaTorah, Devarim*, p. 18.

◆ **Maftir 15** Moses ascended partway up the mountain, and the cloud covered the mountain.

**16** The glory of God rested on Mount Sinai, which the cloud covered for six days, and on the seventh day He called to Moses from the midst of the cloud. These were the first seven days of the forty-day period of Moses' stay on the mountain.

**17** In the eyes of the Israelites, the appearance of the glory of God during these forty days was like a consuming fire on the mountaintop. This fire, consuming the rocks and dirt on the mountain, produced a cloud of smoke in addition to the regular cloud of water vapor that already covered the mountain.

**18** Since smoke clouds are sooty, God made a path for Moses in this cloud so his face and clothing would not become soiled by passing through it.<sup>221</sup> Moses entered the smoke cloud through this path and ascended to the top of the mountain. Moses was on the mountain for forty days and forty nights. As mentioned above,<sup>222</sup> during these 40 days, God taught Moses the general outline of all the Torah's commandments and the details of the laws found at the end of *parashat Yitro*<sup>223</sup> and the beginning of *parashat Mishpatim*,<sup>224</sup> enabling him to miraculously absorb all this in this short period of time.<sup>225</sup> God also inscribed the Ten Commandments on two stone tablets for Moses to bring to the people upon his descent from the mountain.<sup>226</sup> During the 40 days, God sustained Moses miraculously;<sup>227</sup> he neither ate nor drank physical food or drink.<sup>228</sup>

The *Haftarah* for *parashat Mishpatim* may be found on p. 317.

The *Haftarah* for the Twenty-ninth of the Month may be found on p. 333.

The *Maftir* and *Haftarah* for *Rosh Chodesh* may be found on p. 336.

The *Maftir* and *Haftarah* for *Shabbat Shekalim* may be found on p. 343.



— CHASIDIC INSIGHTS —

**17** The glory of God was like a consuming fire at the mountaintop: At the Giving of the Torah, "the whole of Mount Sinai was in smoke because God had descended upon it in fire."<sup>229</sup> During the forty days, however, the mountain was only covered with a much calmer *cloud* of smoke.

Smoke is the product of matter disintegrating through fire: the coarser the material, the thicker the smoke produced. Before the Giving of the Torah, the world was still spiritually "coarse," so when God revealed Himself, the world's coarse resistance to His "fire" produced overflowing smoke. After the Giving of the Torah, however, the fire at the mountaintop was fac-

ing a finer and less resistant world, producing a finer form of "smoke"—a cloud.<sup>230</sup>

**18** Moses entered the cloud: In order to receive the Torah from God, Moses had to traverse the cloud of smoke, which was produced by the action of the Divine fire on the dirt and rocks atop the mountain. Inasmuch as the purpose of the Torah is to refine and elevate the world—even its lowest elements, such as inanimate dirt and rocks—Moses had to enter the cloud produced by the effect of Divinity on inanimate matter.

The lesson for us here is that we must be willing to enter even the lowest aspects of reality in order to

221. *Likutei Sichot*, vol. 16, pp. 275-278. 222. 21:1. 223. Above, 20:19-23. 224. Above, 21:1-23:33. 225. Rashi on 31:18, below; *Likutei Sichot*, vol. 17, p. 276, note 6, vol. 26, p. 154, note 9. 226. Above, v. 12. 227. *Likutei Sichot*, vol. 36, pp. 172-179. 228. Deuteronomy 9:9. 229. Above, 19:18. 230. *Likutei Sichot*, vol. 16, pp. 280-281.

