

## Rabbi's Article III

### "Help --Even-- Thy Enemy"

On the verse (-Exodus 23:5), "If you see your enemy's donkey lying under its burden and you refrain from helping him(?) You shall surely help along with him," the *Mechilta* (-[Link](#)) states, "There are times that you refrain and times that you help. How so? (i) The donkey of a Jew and the burden of a gentile -'help shall you help with him.' The donkey of a gentile and the burden of a Jew -'and you refrain to help him.' (ii) If he were a Kohain (-[Link](#)) and it (the animal) were in the cemetery, he does not become unclean for it ('and you refrain to help him)."

Rashi, in his commentary on the verse, first gives the simple meaning of the verse, in which the, "And you refrain from helping him," This is the interrogative, -- Similarly (-Deuteronomy 7:17), 'Will you perhaps say in your heart, 'These nations are more numerous than I? Will you perhaps say so? This is the interrogative--.'" After which Rashi continues with, "Midrashically, our Rabbis interpreted it as follows, "If you see..., you may refrain,' sometimes you may refrain, and sometimes you must help. How so? (i) An elder who (finds it) beneath his dignity (to unload a donkey) -'You may refrain.' Or (ii) if the animal belongs to a gentile and the burden belongs to an Israelite, 'You may refrain.'"

Questions: (i) Why does Rashi exchange the case of the Kohain and the cemetery, which the *Mechilta* brings on this verse, for a teaching of our sages (-Baba Metzia 30a) --an elder/beneath his dignity-- on a different verse ((-Deuteronomy 22:1), "(You shall not see your brother's ox or his sheep wandering) and disregard them, (you shall return them to your brother)"))? (ii) Why does Rashi flip the order of the cases ((1<sup>st</sup>: An elder,) 2<sup>nd</sup>: Animal of a gentile) from the way they are listed in the *Mechiltah* (1<sup>st</sup>: Animal of a gentile)? (iii) Why does Rashi use the words of the *Mechilta*, "and times that you help," when (unlike the *Mechilta*) Rashi brings no such case.

Let us first understand why Rashi brings any case examples at all? Especially when on the verse (-Deuteronomy 22:1), "(You shall not see your brother's ox or his sheep wandering) and disregard them, (you shall return them to your brother)," Rashi simply states, "Our Rabbis, however, explain that there are situations when one is, in fact, permitted to ignore them," without listing any examples?!

--And you can't say that Rashi there relies on what he already explained here, because: (i) Here it is speaking of to unload a donkey, while there it speaks of returning a lost item, and (ii) Rashi's second case of, "burden belongs to an Israelite," doesn't apply there, as one is obligated to return a, "burden belongs to an Israelite."--

Therefore, we must say that Rashi is not explaining the *Halacha* (law) of this verse, but (-Rashi, Genesis 3:8), "only the simple meaning of the verse," and therefore, Rashi's bringing these two cases here is because here (and not so in Deuteronomy) these two cases give us understanding to the verse itself!

Rashi's primary question on this verse is: The reason why the verse is making a point that even though you may want to, "refrain from helping him," and then commands you to nevertheless, "Shall surely help along with him," is simply because the verse states, "your enemy's donkey." However: (i) The previous verse already stated, "(If you come upon) your enemy's bull (or his stray donkey,) you shall surely return it to him," and if the Torah feels a need to point out that one may not refrain from helping an enemy, it should have pointed it out in this verse. (ii) And if the Torah feels no need to point this out, --as the Torah always expects you to fulfill its ordinances even when you don't want to,-- then why point it out in our verse? Therefore, Rashi sees the, "and you refrain from helping him," as a specific law related only to our verse, and therefore, Rashi lists the specific cases, in order to tell us what law the, "and you refrain from helping him," is teaching us.

The Explanation: Rashi is not quoting the, "Midrashically, our Rabbis interpreted it as follows," as a second interpretation, but rather as an explanation and continuation to his first interpretation --which is why Rashi does not suffice with his usual wording of only, "And its Midrash (explanation) is". Meaning, that Rashi is quoting the *Midrash* to answer the aforementioned question, as to why here there is a concern of, "And you refrain from helping him," This is the interrogative." Why would the Torah worry about such a thought here? Hence, Rashi quotes the *Midrash* and its cases to explain why here one would think to be lenient, that it would be okay to, "refrain from helping him."

Being that in this mitzva there is the, "sometimes you may refrain, and sometimes you must help," which tells us that in the mitzva itself there are the parameters of, "sometimes you may refrain, and sometimes you must help," and not always is it a mitzva to help, hence, the mitzva itself leads to one finding excuses of leniency. And in understanding how the, "sometimes you may refrain," creates a paradigm of leniency in the observance of the mitzva, Rashi tells us the two cases of, "sometimes you may refrain," in which: (i) "An elder who (finds it) beneath his dignity (to unload a donkey) -'You may refrain.'" Meaning that for dignity alone the mitzva does not exist! (ii) "Or if the animal belongs to a gentile... 'You may refrain.'" Meaning, that for this mitzva, the pain of the animal is not the issue (or of what difference would it make to whom the animal belongs to?!). Hence, the person is capable of thinking that this mitzva is one to be lenient with. Therefore, here the Torah makes the point of, "And you refrain from helping him?! You shall surely help along with him!"

Now, we understand why: (i) Rashi switches the order of the cases, because, the major cause to be lenient here is because of the fact that even for the dignity of an elder, the mitzva doesn't apply. (ii) Rashi omits the case of the Kohain and the cemetery, because: (a) it is a very rare case (a laden donkey in the cemetery, and the person there who finds it is a Kohain?!), and (b) it is about the strictness of the law of a Kohain, and not about a leniency of our mitzva. (iii) Our case of unloading an animal demands hard work, while the case of returning a walking animal, or even an inanimate object, is a relatively easy job. Hence, man would not be driven to find leniency in that mitzva, as he would in ours. Hence, Rashi is not driven to list the specific cases of leniency there.