

SICHA SUMMARY

PROJECT LIKKUTEI SICHOS | 5783 - YEAR OF HAKHEL



Likkutei Sichos, Vol. 21

Mishpatim, Sicha 1

The Verse:

If you see your enemy's donkey lying under its burden would you refrain from helping him? You shall surely help along with him. (Shemos 23:5)

The Rashi:

Rashi offers two interpretations. The simple explanation is that the verse is asking and answering a rhetorical question; this reading is reflected in the above translation of the verse.

Then Rashi offers a Midrashic interpretation:

“If you see..., you may refrain.’ [Meaning that] sometimes you may refrain [from helping someone], and sometimes you must help. In what circumstances may one refrain? An elder who [finds it] beneath his dignity [to unload a donkey]... or if the

animal belongs to a gentile and the burden belongs to an Jewish person, you may refrain.

The Questions:

The Mechilta, which is the source of Rashi's second interpretation, offers an additional scenario where one can refrain from helping the animal — if the animal is in a cemetery, a Kohen need not enter the cemetery, thus contracting impurity, to help the animal with its burden. The Mechilta does not, however, mention the scenario of an elder who finds it beneath his dignity to help. That scenario is mentioned by the Talmud in the context of a lost article.

1. Why does Rashi emit the Mechilta's scenario of a Kohen in the cemetery?
2. Why does Rashi include the scenario mentioned by the Talmud in a different context?
3. Why does Rashi need to cite examples of cases where one may refrain from helping the animal? Rashi is not a legal code, it would seemingly be sufficient to

explain the implication of the verse itself — that there are circumstances where one can refrain — without offering illustrations?

The Explanation:

Rashi cites the Midrashic interpretation as an elaboration and explanation of the straightforward explanation. According to the simple reading, the verse asks a rhetorical question, “If you see your enemy's donkey lying under its burden would you refrain from helping him?” and answers, “You shall surely help.”

But why does the verse need to address the reader's reluctance to perform the mitzvah? In the previous verse, a similar scenario is laid out: “If you come upon your enemy's... stray donkey, you shall surely return it to him.” Even though there are exceptions to the rule in that verse as well, still, the verse does not ask rhetorically, “would you refrain from returning it?” but rather simply concludes with the command to return the stray animal. Why, then, does the Torah find it necessary to reassert the command in this verse?

To answer this, Rashi offers two scenarios from the Midrash where a person is exempt from helping the animal with its load. 1) an elderly person who either finds it beneath his dignity, or is too weak to help, 2) an animal belonging to a gentile. This exemption reveals that the reason for the

command is not to relieve the animal from pain or stress — if it was, the identity of the owner would be irrelevant.

Helping the animal with its burden is a physically taxing activity. Therefore, these exemptions provide a lot of room for the potential helper to recuse himself from the mitzvah. By claiming that it is too physically demanding, or beneath his dignity, the person can avoid the mitzvah. This is not the case regarding lost objects or animals, which entails little physical effort.

Therefore, in this scenario, the Torah must stress the mandate to help the animal.

The Deeper Dimension:

The Baal Shem Tov famously interpreted this verse as a metaphor for the imperative to serve G-d with and through the body. “You enemy's donkey” is the body which you cannot abandon, rather, “you shall surely help him.” This, however, applies to a person who is aligned with G-d's will and expectations. When a person errs and falls from the intended path, then they must sometimes “refrain” from helping the “animal.” These scenarios are:

1. “If the animal belongs to a gentile and the burden belongs to an Jewish person.” Through sin, the body is placed in the possession of “non-Jewish” forces, yet the soul remains one with G-d and is still filled with mitzvos, “the

burden" which it carries "belongs to a Jew." In this case, one can fast — "refrain" from the body — to aid in the process of repentance.

2. An elderly person alludes to one who has acquired wisdom, who is enveloped in spiritual pursuits, and therefore has neglected the work of refining the body

itself. This person may also fast so as to weaken his body and the grip of material desires,

All this, however, only applied in previous generations. In our generation, we can accomplish the same objectives through charity and joy.