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A Good Neighbor “*Bar Metzra*”

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1.

THE ANGELIC COMPLAINT: “PLACE YOUR GLORY UPON THE HEAVENS!”

Concerning *Matan Torah*, the Gemara relates:¹

When Moshe ascended On High {to receive the Torah}, the ministering angels inquired, “Master of the Universe! What is a human doing here?” Hashem replied, “Moshe has come to receive the Torah.” The angels protested: “You desire to give this precious, hidden thing, which has been concealed..., to one who is of flesh and blood?! ‘What is a human being that You have him in mind?’”² Place Your glory upon the Heavens!”³

Hashem told Moshe, “Give them an answer, etc.” So Moshe said before Him: “What does the Torah that You are giving me say? *I am Hashem your L-rd who took you out of Egypt.*⁴ Moshe asked the angels: “Did you descend to Egypt? Were you enslaved to Pharaoh? Why, then, should the Torah be yours? What else is written in it?⁵ *Do not have any other gods.* Are you dwelling among nations that serve idols?” (Moshe then asked similar questions about the other Ten Commandments:) “Do you labor... do you engage in commerce... do you have parents... does jealousy exist among you... do you have an evil inclination?”

The Gemara concludes that the angels then immediately conceded that Hashem was indeed justified {to give the Torah to the Jewish people}.

The Rabbis explain⁶ that the legal basis of the angels’ argument that Hashem should place His glory “upon the **Heavens**,” was grounded on the law of *bar metzra*, a neighbor’s right of preemption:

According to Jewish law,⁷ when a person wants to sell his field, the owner of an adjoining field, his neighbor, the *bar metzra*, has the first right of acquisition. This is because it is advantageous for all his fields to be contiguous,⁸

¹ *Shabbos* 88b ff.

² *Tehillim* 8:5.

³ *Tehillim* 8:2.

⁴ *Shemos* 20:2.

⁵ *Ibid.*, verse 3.

⁶ See *Pnei David* and *Rosh David* (authored by Chida) on *parshas Yisro* ; *Sefas Emes* on *parshas Yisro*.

⁷ *Bava Metzia* 108a; *Rambam*, “*Hilchos Shechainim*,” sec. 12, par. 5; *Tur* and *Shulchan Aruch*, “*Choshen Mishpat*,” sec. 175, par. 6.

⁸ *Rashi*, *Bava Metzia*, *ibid.* ; *Rambam*, *ibid.*

and the Torah adjures:⁹ “You shall do that which is proper and good in Hashem’s eyes.”

This was the complaint of the angels: Since up to that time, the Torah was **hidden**¹⁰ On High (in the Heavens), and the angels also reside in the Heavens, they felt that the preemptive rights of a *bar metzra* belonged to them. Accordingly, the angels petitioned, “Place Your glory upon the Heavens!”

[On this basis, we can understand how the angels hoped to acquire the Torah after¹¹ it {had already been committed to the Jewish people, as it} says, “Command the Children of Israel,” “Speak to the Children of Israel,” and so forth. Because the law of *bar metzra* stipulates that even **after** such a field was sold to someone else, the purchaser is evicted from the field, and the field is sold to the neighbor.]¹²

In order to refute the legal basis of the angels’ argument, the commentators present several answers. Among them:

- a) The law of *bar metzra* applies only to real estate — not chattels¹³ — and the Torah isn’t real estate.
- b) The law of *bar metzra* pertains only to property that was sold — not gifted¹⁴ — and the Torah was gifted to the Jewish people.
- c) The Jewish people are “related” {as it were} to Hashem, as it says,¹⁵ “For which great nation has a G-d who is close to it, as is Hashem...?” More so,

⁹ *Devarim* 6:18.

¹⁰ On this basis, we can appreciate why the angels didn’t say more succinctly, “this precious thing that has been hidden.”

¹¹ Cf. *Bereishis Rabbah* ch. 1, sec. 4.

¹² Moreover, the principal rule of *bar metzra* applies to the **purchaser** who must relinquish the field, and not to the seller (Rashi on *Bava Metzia*, 108b, s.v., “*akum*”; see *Maarachi Lev*, loc cit., who says that for this reason, Hashem told Moshe to give them an answer, and He did not answer them Himself. Because the complaint of the angels was to Moshe (the purchaser).

¹³ *Ha’itur*, vol. i, sec. 40, “*Mechiras Karkaos*.”

¹⁴ *Bava Metzia* 108b; *Rambam*, “*Hilchos Shechainim*,” sec. 13, par. 1; *Tur* and *Shulchan Aruch*, “*Choshen Mishpat*,” sec. 175, par. 54.

¹⁵ *Devarim* 4:7.

the Jewish people are “children of the Omnipresent.”¹⁶ And a person’s relatives, and certainly his children,¹⁷ are not bound by the law of *bar metzra*.

- d) Concerning Moshe *Rabbeinu*, it says that he was “a man of G-d.”¹⁸ Commenting on this verse, the Midrash says,¹⁹ “From the middle of his torso and below, he was ‘a man’; from the middle of his torso and above, he was ‘of G-d.’” As such, Moshe was the *bar metzra* of the Torah, which is found in Heaven.
- e) On the verse,²⁰ “And the people stood around Moshe {as he judged litigants} from morning to evening,” our Sages comment²¹ that Moshe would “adjudicate a perfectly truthful judgment.” He thus became “like a partner to the Holy One in the act of Creation.” *Halachah* stipulates²² that if a purchaser is partners with the seller,²³ then the law of *bar metzra* does not apply.²⁴

¹⁶ *Avos* ch. 3, *mishnah* 14; *Devarim* 14:1; *Shemos* 4:22-23.

¹⁷ The answer of Rif, cited in *Shita Mekubetzes* on *Bava Kama*, ad loc; and *Shach*, in “*Choshen Mishpat*,” loc cit., sub-par. 30: “This opinion seems to make sense, and more analysis is called for.”

¹⁸ *Devarim* 33:1; *Tehillim* 90:1.

¹⁹ *Devarim Rabbah* ch. 11, sec. 4; *Midrash Tehillim* (Buber) *Mizmor* 90; see *Sifri*, beg. *parshas Haazinu* (similarly, *Targum Yonasan* and *Targum Yonasan ben Uziel*, ad loc., *Tanchuma*, loc cit., sec. 2.): “Moshe was close to the Heavens.”

²⁰ *Shemos* 18:13.

²¹ *Shabbos* 10a; sources noted there.

²² *Rambam*, loc cit., ch. 12, par. 5; *Rosh* on *Bava Metzia*, ad loc, sec. 31; *Nimukei Yosef*, ad loc; *Tur* and *Shulchan Aruch*, ad loc, sec, 49.

²³ {So the sale is valid even though the purchaser is not the seller’s neighbor, and there is a neighbor who would have liked to purchase this adjoining field.}

²⁴ This answer accords with the opinion (*Zevachim* 116a) stating that Yisro came to the Jewish people in the desert before *Matan Torah*.

2.

QUESTION ON THE LAST TWO OF THE ABOVE ANSWERS

The last two answers, however, are seemingly difficult: Moshe received the Torah at Mt. Sinai²⁵ not only on his own behalf but on behalf of **all**²⁶ the Jewish people!²⁷

Some explain:

- a) **Every** Jew is the Torah's *bar metzra*, since the souls of all Jews were “hewn from beneath the Throne of Glory.”²⁸
- b) When the Torah was given, **all** the Jewish people were already Hashem's partners, because at Marah,²⁹ **before** *Matan Torah*, they had already committed to observing the precepts of Shabbos. And our Sages have taught,³⁰ “Whoever prays on Shabbos eve, and declares, “*Va'yechulu...*”³¹ is considered as if he has become the Holy One's partner in His act of Creation.”

²⁵ *Avos*, ch. 1, *mishnah* 1; But in tractate *Shabbos*, loc cit.: “Torah that You are giving to **me**.”

²⁶ Except for the complex analytics {*pilpula*} which was given only to Moshe, except that he was generous and gave it also to the Jewish people (*Nedarim* 38a).

²⁷ Obviously, one cannot postulate that a human is a *bar metzra* to the Heavens (more than are the angels) because a human is comprised also of supernal elements (*Bereishis Rabbah*, ch. 8, sec. 11; ch. 12, sec. 8), and in 3 or 4 respects, he resembles (merely “resembles”) the ministering angels (*Chagigah* 16a; *Avos D'Rav Nason*, ch. 37, *mishnah* 2; *Bereishis Rabbah*, ch. 8, sec. 11).

²⁸ *Zohar*, vol. 3, 29b; see the sources noted in *Nitzutzei Zohar on Zohar*, vol. 1, 113a.

²⁹ *Sanhedrin* 56b.

³⁰ *Shabbos* 119b.

³¹ {Lit., “completed,” referring to a paragraph in the Shabbos eve liturgy that is borrowed from *Bereishis* 2:1, “Now the heavens and the earth were *completed*....”}

3.

MISSING THE MAIN POINT

All of the above answers, however, share the same problem. Moshe's response to the angels alludes to none of these answers.

In fact, the last three answers seem to emphasize the very **opposite** of the point actually made by Moshe: In all these answers, Moshe underscores how every Jew is **close to Hashem**, connected with the **Heavens**, and a **partner with the Holy One**. In the Talmud, the opposite is stated: The Torah is related with the descent of the Jewish people into Egypt, etc.; it accentuates the **physical** nature of the **recipients**, including their proclivity for jealousy, and gratifying their base appetites, and so on.

4.

PROBLEMS WITH THE FIRST TWO ANSWERS

Likewise, a question can be raised on each of the first two answers (aside from the abovementioned overarching question):

- a) The first answer explained that the law of *bar metzra* does not apply to chattels because the basis for the law is to promote adjoining fields. This rationale is irrelevant to chattels, since they can be bought elsewhere and transported to the purchaser. This reason, though, doesn't fit with Torah, since it cannot be acquired anywhere else.³²
- b) Concerning the second answer {which proposes that the law of *bar metzra* does not pertain to the Torah because the Torah was gifted to the Jewish people and not purchased by them}: The Torah is known by three terms: (a) an "inheritance,"³³ as it says,³⁴ "The Torah which Moshe commanded us

³² Because once the Torah was given down below, "it is **not** in heaven" (*Bava Metzia* 59b).

³³ As this affects *halachah*, see *Sanhedrin* 59a.

³⁴ *Devarim* 33:4.

is an **inheritance...**”; (b) a “purchase,” as our Sages say,³⁵ “The Holy One said to Israel, ‘I have sold to you My Torah...’”; and (c) a “gift,” מתנה, as our Sages say,³⁶ “The Holy One gave Israel three precious gifts... Torah...” And as it says in the prayers, “the time of the **giving**, מתן, of our Torah.” These three terms are descriptive of the three types of relationships that exist between the Torah and the Jewish people, as explained in a number of sources. Since the Torah also relates to the Jewish people as a “purchase,” the law of *bar metzra* should apply to it.

5.

ADDITIONAL ANSWERS & QUESTIONS ON THEM

Another solution is offered that *does* seem compatible with the passage in the Talmud, based on the explanation of the commentators³⁷ that the complaint of the angels concerned the esoteric dimension of Torah: The angels had realized that the basic level of Torah and the behavior it promotes were irrelevant to them. Their claim, though, using the law of *bar metzra*, was aimed at the Torah’s esoteric dimension. But since the Jewish people were given the entire Torah, and the angels were only capable of receiving one part, the applicable *halachah* in this scenario is that “a person who sells *all* his property to someone is not restricted by the law of *bar metzra*.”³⁸

Similarly, there is a law³⁹ that if the neighbor wants the land in order to profit from it, whereas the other interested purchaser wants it to offset financial “distress,” then the law of *bar matzah* does not apply. These conditions are similar to our scenario: The Jewish people needed the Torah to offset “distress,” so to speak, because the Torah gives them their vitality (as it says, “they {the

³⁵ *Shemos Rabbah* ch. 33; and see *Berachos* 5a: “Come and see: Unlike the attribute of the Holy One... a person sells an article, etc.”

³⁶ *Berachos*, *ibid.*

³⁷ *Alshich* on *Tehillim*, Psalm 8; *Chiddushei Aggados* on *Shabbos* 105a; et al.

³⁸ *Bava Metzia* 108b; *Rambam*, *loc cit.*, ch. 12, par. 6; *Tur and Shulchan Aruch*, *loc cit.*, sec. 36.

³⁹ *Bava Basra* 5a, Rashi, s.v. “*arbaah*”; *Baal Hamaor* on *Bava Metzia*, *ibid.*, cited in *Nimukei Yosef* on *Bava Metzia*, *ibid.*; *Rama* on *Shulchan Aruch*, *ibid.*, sec. 49.

Torah teachings} are our life”).⁴⁰ By means of the Torah, a Jew can overcome his evil inclination, as our Rabbis say,⁴¹ “{Hashem declared:} I created the evil inclination, and I created the Torah as seasoning for {taming} it.” The angels, though, wanted the esoteric part of Torah, but they have no evil inclination. So their desire for the Torah was analogous to someone who wants the adjoining property to profit.

These answers, however, are open to the following question: Moshe’s retort to the angels that the basic part of Torah was irrelevant to them was nothing new to the angels. Moshe had asked them: “Did you descend to Egypt? Do you labor... do you engage in commerce... do you have parents... do you have an evil inclination?” — implying that the angels were unsuited to the basic part of Torah and the actions it mandates. The angels had known all this beforehand, and that’s why at the **outset**, they had requested the Torah’s **esoteric** dimension. The answer to **this** point — that “a person who sells all his property to someone is not restricted by the law of *bar metzra*,” or that the Torah is the lifeblood of the Jewish people — is not even hinted at in Moshe’s reply.

[The Jewish people’s need for the Torah to assuage their distress because of their **battle** with the evil inclination does describe the **condition** Moshe had mentioned, “Do you have an evil inclination?” However, the wording of Moshe’s reply, and its broadness — “Do you labor... engage in commerce... have parents?” — implies that Moshe’s answer to the angels (did not have so much to do with the **battle** with the evil inclination, but) was more general. Namely, the basic dimension of Torah, and the actions that it mandates, were incompatible with the angels.]

⁴⁰ *Siddur*, blessing before the evening Shema.

⁴¹ *Kiddushin* 30b.

6.

THE TORAH — BUILDING A HOME FOR HASHEM

The explanation:

Torah's ultimate purpose is to help fulfill the aim of Creation, viz., "Hashem (may He be blessed)⁴² desired to have a home on the nethermost level."⁴³ As known,⁴⁴ the use of the word "home" is nuanced. Just as a home is a place where a person feels totally free to be himself,⁴⁵ so, too, Hashem desired for His Essence to be drawn into the nethermost level {and to be totally manifest}. This is accomplished through the Torah, for regarding the Torah, Hashem says:⁴⁶ "You are getting **Me**."

Accordingly, the angels' complaint of *bar metzra* is entirely negated: For the law⁴⁷ is that if the neighbor wants the land to farm, while the other prospective purchaser wants the property to build a house on it, then the field goes to the other prospective purchaser, inasmuch as "a dwelling is a higher priority {use of land}, and the law of *bar metzra* does not apply." Here, too, since the purpose of Torah is to make a **dwelling** (a "home") for Hashem on the **nethermost** level, the claim of the angels regarding the law of *bar metzra* is negated.

This is why Moshe replied: "Did you descend into Egypt?⁴⁸ Do you labor... do you engage in commerce...?": Moshe, in effect, said that Torah is the province of the Jew as it pertains to making the planet habitable — specifically, when he is this **physical** world (among the nations, where envy exists). (Because the Torah

⁴² {In the original, "Yisbareich."} The Rebbe Rashab (frequently) added this expression when quoting this teaching. For an explanation, see *Likkutei Sichos*, vol. 19, p. 27, et passim.

⁴³ *Tanchuma*, *Naso* 16; et al; *Tanya*, ch. 36.

⁴⁴ *Or Hatorah*, "Balak," p. 997, on top; *Hemshech* 5666, at the beginning (end of p. 3); et al.

⁴⁵ In the Yiddish/Hebrew original, "געפינט זיך דער אדם בכל עצמותו"; lit. "the person finds himself (there) in his entire essence."}

⁴⁶ *Vayikra Rabbah* 30:13; see *Shemos Rabbah* 33:6; *Tanchuma*, *Terumah* 3. See also *Tanya*, ch. 47; et al.

⁴⁷ *Bava Metzia*, loc cit. ; *Rambam*, loc cit. ; *Tur* and *Shulchan Aruch*, loc cit., sec. 175, par. 26.

⁴⁸ {In the Hebrew original, "Mitzrayim."} Related to the word *meizar*, meaning limitation and boundary; the realm of obscurity and concealment (*Torah Or*, 49d; et al) — in general, referring to this world in which the supranatural level of G-dliness is not manifest.

was given for the purpose of making a home for Hashem on the **nethermost** level.)⁴⁹

7.

BY LIFTING THE BASEMENT, THE PENTHOUSE IS ALSO ELEVATED

Although Torah was not given to the celestial beings, this in no way implies that they do not need the Divine Essence that is drawn down thereby. For even within the higher realms, **innately**, without the revelation brought about through the Torah, there is only a **glimmer** of G-dliness. And this glimmer constitutes a “**descent from the luminance** of His countenance.”⁵⁰

Through the spiritual service on the **nethermost** level {by the Jewish people}, Hashem’s Essence is drawn down, making a dwelling place for Him, and also within the higher worlds, as well as, within the **entire seder hishtalshelus**⁵¹ {the whole continuum of the created order}.

As clarified by the known⁵² analogy regarding this process: When raising a building, “a lifting mechanism called a lever” is used. If the lever is inserted on an upper level, just that part of the structure can be raised. Only when the lever is placed beneath the building — at the “nethermost level” — can the entire structure be lifted.

Therefore, the Torah was given specifically in this world, the “lowest level, of which **there is no lower.**”⁵³ This way, the *entire* “edifice” of *seder hishtalshelus* can be elevated.

⁴⁹ See *Midrash Tehillim, mizmor 8*: “It (the Torah) it not fit to endure amongst you (angels)... And where can it endure? On the nethermost level, as it says, “I made the earth, and I created man upon it.” (*Yeshayahu 45:12*)

⁵⁰ See *Tanya*, ch. 36; *Basi LeGani 5711*, ch. 4.

⁵¹ See also *Ner Chanukah 5643*, end of ch. 1.

⁵² See *Torah Or*, 4a.

⁵³ *Tanya*, *ibid.*

This point was also stressed by Moshe when he responded:⁵⁴ “Does jealousy exist among you... do you have an evil inclination?” He emphasized {to the angels} how this world is the “**lowest level**, of which there is no lower in terms of the **concealment** of His light...⁵⁵ to the point that the world is replete with *kelipos*,⁵⁶ etc.”³⁸

8.

THE POWER OF CONCEPTION IS ONLY IN THE LOWER WORLD

Still, something remains unclear: True, in order to build a home on the **nethermost** level, we need the Torah below in the world. This need, however, doesn't counter the claim of the angels based on the **law of *bar metzra***: In the end, they are neighbors and they want to make a dwelling (a home) — at least in the **celestial realm!**

Necessarily, therefore, the idea of a Divine home — which means, eliciting Hashem's Essence — cannot be achieved whatsoever (not even in the celestial realm) by the *avodah* of the angels. Only through the *avodah* of the Jews, in the lower realm, can His Essence be drawn into *seder histalshelus*.

The explanation and reason: The power of Hashem's Essence embedded in Torah is revealed and expressed in the *avodah* of a *neschama* entrenched in the limitations and constraints of this world.⁵⁷ The *neschama* descends into a world that is “filled with *kelipos* and *sitra achra*,⁵⁸ which verily **oppose** Hashem.”⁵⁹ And in this lowly world, the *neschama* does battle with the evil inclination, breaking through all the veils of concealment, and transforming darkness into

⁵⁴ {In other words, by giving Torah here, in this world, G-d intended that His Essence would permeate all levels, from the lowest to the highest.}

⁵⁵ {“Light,” as used in Chassidus, connotes Divine revelation and manifestation. For a comprehensive explanation of this term, see *Mystical Concepts in Chassidism* (by Rabbi Immanuel Schochet) p. 41 ff.}

⁵⁶ {Lit., “shells”; a kabbalistic symbol of the forces concealing G-dliness.}

⁵⁷ See [On the Essence of Chasidus](#) (by Rabbi Menachem M. Schneerson, the Lubavitcher Rebbe), ch. 19, at length, where it is explained that the Torah's essence that is united with His blessed Essence is expressed specifically by the fact that it serves as the (curative) seasoning for the evil inclination. {See above, Sec. 5}

⁵⁸ {Lit., “the other side,” *sitra achra* connotes the side opposing kedushah (holiness), and is similar in meaning to *kelipah*.}

⁵⁹ *Tanya*, *ibid*.

light. This *avodah* of *iskafya* {suppression} and *ishafcha* {reversal of the impure forces} of the *kelipos*, “which verily **oppose** Hashem,” transforming it into something holy, is an *avodah* of *his’chadshus*:⁶⁰ transforming *yesh* {something} (and ego) into *ayin* {nothing}. This power of *his’chadshus* derives from His Essence, as He alone possesses the power and ability to create (to innovate) something out of nothing.⁶¹ And it is He who confers the power to transform *yesh* into *ayin*.⁶²

In his reply to the angels, “Do you have parents?”, Moshe also alludes to advantage inherent in the power of *his’chadshus* {possessed by the Jewish people}:

As known,⁶³ procreation is somewhat similar to *his’chadshus* from *ayim* to *yesh*, and therefore, is a power only within the province of the *Ein Sof*, and not possessed by angels.⁶⁴

This was the point of Moshe’s retort. Namely, this power of *his’chadshus* is possessed by souls down below in this world, where their *avodah* consists of “procreating.” They transform objects of this lower realm (and thereby, the entire *seder histalshelus*) into a home for His Essence and Being.

— From a talk delivered on the second day of Shavuos, 5718 (1958)

⁶⁰ {In Hebrew, *his’chadshus* can mean *renewal*, or the creation or conception of something altogether new.}

⁶¹ *Iggeres Hakodesh*, sec. 20 (p. 130b, on top).

⁶² See *Likkutei Sichos*, vol. 6, p. 23, et passim; vol. 12, pgs. 74-75, and sources noted there.

⁶³ *Hemshech* “*Samach TeSamach*,” 5657, p. 3, et passim; and see *Likkutei Torah*, “*Shir HaShirim*,” 40a.

⁶⁴ *Likkutei Torah*, *ibid.* (39d, et passim); *Biurei HaZohar*, 5d.