



Sicha Summary

Chelek 19 | Vaeschanan | Sichas 3

The Law:

“You shall do that which is just and good in G-d’s eyes.” (*Devarim* 6:18) The Talmud identifies this verse as the source for the law known as *bar metzra*, a neighbor’s right of preemption. When one sells a field, the owner of the neighboring field has the first right of acquisition. Thus, if the field has been sold to a distant purchaser, the neighbor can reimburse the purchaser and take possession of the field. This is because it is good to have fields next to each other, so the neighbor stands to gain more from having the neighboring field than does the distant purchaser. (*Bava Metzria* 108a, *Rambam, Hilchos Shechenim* 12:5)

The Mechanism:

Because this law is stated in a scenario where the field has already been sold, it is apparent that the law is directed at the purchaser — he is commanded to relinquish the field in exchange for his purchase price because he “shall do that which is just and good....” But there are two ways to define the mechanism of this law:

- 1) It is a law mandating good conduct, but it does not infringe on the actual acquisition made by the purchaser. It is legally his field, but he is commanded to behave justly and relinquish it to the neighbor.
- 2) The law to “do that which is just” grants the neighbor a certain degree of inherent ownership in the neighboring field. Thus, the purchaser does not just return the field out of an ethical obligation, but rather, because the neighbor had prior possession of the field.

Rashi and Rambam:

Rashi and Rambam seem to disagree on this point.

Rashi: “In this matter you (the would-be purchaser) lose nothing (for you can find other lots to purchase), so you should not trouble the owner of the adjoining property who might otherwise end up with many partial lots.”

Rambam: “This practice stems from the charge, “you shall do what is just and good.” Our Sages said: “Since the sale is fundamentally the same, it is ‘just and good,’ that the property should be acquired by the neighbor, instead of a person living further away.”

Rashi grounds the law entirely in the perspective of the purchaser, indicating that it is an ethical expectation placed on the purchaser (option one above).

Rambam frames the law in general terms, “Our Sages said... it is ‘just and good,’ that the property should be acquired by the neighbor,” implying that the Sages, based on the ethical principle, endowed the neighbor with an inherent property right (option two above).

The Neighbor’s Influence:

The two paradigms for understanding the law of the neighboring field can be generalized and expanded to include the relationship between any neighboring entities — either the proximity affects the neighbor internally (in the case of a field, granting the neighbor a quasi-stake in the field), or the proximity can only exert an external influence (in the case of a field, merely persuading the purchaser to behave justly). We can see this distinction in the three fundamental realms of existence: space, time, and human life.

Space: as elucidated above in the law of the neighboring fields.

Time: The minutes immediately preceding and following Shabbos, the “neighbors” of Shabbos, are considered to be “mundane time that is appended to sacred time,” that is, it is considered in some respect to be part of Shabbos. But the relationship between mundane time and sacred time

can be conceived of in the two paradigms of the neighbor. This distinction can be seen in the conflicting opinions concerning this additional time.

- 1) One opinion maintains that *kiddush* can be made during this additional time, indicating that the holiness of Shabbos infuses the neighboring mundane time.
- 2) Another opinion maintains that *kiddush* cannot be made during this additional time; rather, only the prohibition against work is extended to the neighboring time. This indicates that the proximity of Shabbos does not profoundly affect the mundane time, but it merely influences the Jew's behavior during that time.

Human Life: The tractate of *Sukkah* concludes with a discussion concerning the priestly family descending from Bilga. Due to a sordid incident involving Miriam, daughter of Bilga, who had apostatized and publicly disrespected the Beis Hamikdash, a penalty was imposed on her family. The final Mishnah relates:

“The watch of Bilga... its ring was fixed in place, and its “window” was sealed.” (*Sukkah*, 56a) The Talmud asks why the entire priestly “watch” of Bilga was penalized for Miriam's actions. Abaye answered: “Woe unto the wicked, woe unto his neighbor.” (*ibid.*) Because she displayed wickedness, it must have influenced the rest of the family as well, and that is why the whole “watch” was penalized.

What was the nature of the punishment?

Rashi explains that the ring was used to facilitate slaughter the sacrificial animals. The “window” was a small niche in the wall of the Chamber of Knives, where the priests would store their knives for slaughter.

Rambam maintains that the ring was used for flaying slaughtered animals and the window was a storage area for the priest's sacred garments.

This disagreement again aligns with the two perspectives on the relationship between neighbors, in this case, the influence one person has on another:

Rashi maintains that Miram's negativity could only affect those most similar to her, the women, but could not profoundly change those neighboring members of the family, the men. Thus the penalty affected the knives and ring for slaughtering, because slaughtering is a ritual that can be performed by female priests.

Rambam, however, maintains that Miriam's negativity could influence her extended family deeply, and thus the penalty was more widespread, it affected rituals relevant to the entire watch — flaying animals and sacred garments — not just the female members.

The Conclusion:

The Talmud then concludes on a positive note: “Good for the righteous, good for his neighbor, as it is stated: “Say you of the righteous that it shall be good for him, for they shall eat the fruit of their doings.” (*Yeshayahu* 3:10) [the neighbors of a righteous man who witness and acknowledge the good that befalls him will benefit from their proximity to him.]”

Rashi, interestingly, does not include the verse that serves as a proof-text in his version of the Talmud. He offers another explanation for the assertion that “good for the righteous, good for his neighbor” — because “the measure of good is greater than the measure of punishment.” If the rule of influence is true in the negative, how much more so is it true in the positive.

The reason why Rashi does not rely on the verse to support this assertion is because the verse implies that the neighbors of the righteous are internally transformed through their proximity, they “eat the fruit of their doings” — their doings produce fruit because of the inspiration they received from the righteous.

The Deeper Dimension:

Why, though, does Rashi need to say that “the measurement of good is greater than the measurement of punishment?” Why would it not be enough to say that the good and the negative are equal, so that if influence is a reality in the negative, it is similarly so in the positive?

But evil and punishment are only skin-deep; evil can never truly permeate a Jew; his soul always remains pure and connected to G-d. Therefore, it is obvious that the influence of evil would also only be superficial and not profound. If we would carry this over to the positive, we would say that the righteous have no meaningful effect on those in their proximity. But good is profoundly more contagious than evil. So, to prove the statement, “good for the righteous, good for his neighbor,” Rashi must stress that “the measure of good is **greater** than the measure of punishment,” for even in a superficial, neighborly relationship, the righteous can influence and inspire good for generations.