



# Likkutei Sichos

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Four for the Ox and Five for the Lamb

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## 1.

### FIVE MINUS FOUR OR FOUR PLUS ONE

In his commentary, on the verse,<sup>1</sup> “If a man steals an ox or a lamb,<sup>2</sup> and slaughters it or sells it, he shall pay five oxen in place of the ox, and four lambs in place of the lamb,” Rashi cites two opinions why the payment for slaughtering or selling an ox is more than for a lamb (“**five**... in place of the **ox**, and **four**... in place of the **lamb**”):<sup>3</sup>

Rabban Yochanan ben Zakkai said: Hashem is concerned about the dignity of people.<sup>4</sup> For an ox, which walks on its own legs, and which the thief was not shamed by having to carry it on his shoulders, he pays five. But for a lamb, which he carries on his shoulder, he pays four, since he was shamed by it. Rabbi Meir said: Come see how great is the power of work. For an ox, which the thief stopped from working, he pays five. But for a lamb which he did not stop from working,<sup>5</sup> he pays only four.<sup>6</sup>

We need to clarify:

- a) Why does Rashi deem it necessary to offer **two** reasons?
- b) As discussed many times, Rashi only attributes a teaching by name when doing so adds clarity to his explanation. In our case, what is gained by Rashi specifying that **Rabban Yochanan ben Zakkai** and **Rabbi Meir** offered these reasons?
- c) Rashi uses the syntax, “*amar* {said} Rabbi Meir,” as opposed to, “**and Rabbi Meir omer** {says}.”<sup>7</sup>

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<sup>1</sup> *Shemos* 21:37.

<sup>2</sup> {“הש” in the Hebrew original, a term that includes both lambs and kid-goats.}

<sup>3</sup> {Rashi’s commentary on *Shemos* 21:37.}

<sup>4</sup> {In the original Hebrew, “*briyos*”; see end of Section 8 for the significance of this word in this context.}

<sup>5</sup> {A sheep does no farm labor.}

<sup>6</sup> *Mechilta*, on our *parshah*; *Bava Kamma* 79b; *Tosefta*, *Bava Kamma*, ch. 7, sec. 3; *Midrash Tanchuma*, *parshas Noach*, sec. 4.

<sup>7</sup> {This nuance is indiscernible in English, but in the original, the word *amar* {said} can come before, or *omer* {says} can come after the name of an author. We have a tradition {See *Sdei Chemed*, *Klalim* (vol. 1, p. 49, and vol.

[Moreover, the **majority**<sup>8</sup> of sources, where these two opinions are cited, use the version, “(*Amar* Rabban Yochanan ben Zakkai ...) Rabbi Meir *omer*...” (this syntax implies a disagreement). Rashi chooses the alternative version<sup>9</sup> wherein both opinions say, “*amar* Rabbi...”]

Obviously, Rashi maintains (in accordance with *pshat*) that these two opinions are not disagreeing. Rather, “one Sage said one statement, and one Sage said another, and they are not arguing.”<sup>10</sup>

This is puzzling: Rabban Yochanan ben Zakkai and Rabbi Meir disagree in the reasons they offer, seeming to suggest that there is a difference between them in the meaning derived from their respective interpretations!

Further, as we examine the reasons, we find that they are not only **different**, but divergent.

According to Rabban Yochanan ben Zakkai’s reasoning, the penalty for slaughtering or selling the animal should have been five times the animal’s value, whether an ox or a lamb. But for a lamb, the value of a single lamb is **deducted** from the penalty, “since he was shamed by it.” In contrast, according to Rabbi Meir, the penalty {for either animal}, in principle, should have been four times its value. However, for an ox, the value of a single ox is **added** to the penalty because “the thief caused {it} to desist from its work.”

Thus, how can we suggest that these two opinions do not disagree (“*amar* Rabban Yochanan ben Zakkai... *amar* Rabbi Meir”)? Clearly, these two opinions differ about the amount of the base fine (without extraneous factors causing an increase or a decrease)?

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7, p. 1475, ff.) and the sources mentioned there} that whenever the word *omer* follows the name of an author, this indicates that the author disagrees with the previous opinion.}

<sup>8</sup> *Mechilta*, *Tosefta*, and *Tanchuma*, *ibid*.

<sup>9</sup> *Bava Kamma* 79b.

<sup>10</sup> {This expression is used in *Chullin* 105a.}

## 2.

### THE BACKWARD ORDER

Another perplexing point is the order in which Rashi presents these two opinions. The sources that mention the opinions of Rabban Yochanan ben Zakkai and Rabbi Meir record Rabbi Meir's opinion before the opinion of Rabban Yochanan ben Zakkai — opposite to the way Rashi presents them in his commentary. Why does Rashi deviate from the order as found in these sources, instead, presenting the reasoning of Rabban Yochanan ben Zakkai first?

Perhaps we could offer the following answer, based on the aforementioned explanation of the two opinions. Namely, Rabban Yochanan ben Zakkai maintains that fundamentally, the fine should be five times the animal's value, while Rabbi Meir maintains that it should be four: Since the Torah **first** says “five oxen,” and then, it says “four lambs,” it would be sensible to conclude that the Torah first presents the base fine (“five oxen...”) and then, regarding a lamb, it reduces the fine from its base value, requiring only four lambs, for a particular reason.

Thus, Rabban Yochanan ben Zakkai's opinion is closer to the straightforward meaning of the verse. Therefore, we understand why Rashi (whose aim is to explain *pshat*)<sup>11</sup> first presents Rabban Yochanan ben Zakkai's reasoning before that of Rabbi Meir.

However, we need to clarify: If this is, in fact, the case, why didn't Rashi completely omit Rabbi Meir's reason, and cite **only** the reason of Rabban Yochanan ben Zakkai?

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<sup>11</sup> {The plain meaning of Scripture. Rashi says in his commentary to *Bereishis* 3:8: “I have come only to explain the plain meaning of the Scripture.” Though there are many levels and depths of interpretation on the Torah, Rashi adopts a straightforward approach.}

### 3.

#### WHOSE PERSPECTIVE

The explanation:

Were we to presume that fundamentally, the fine should be five times, and in the case of a lamb, the reason the thief only pays four times is that “he was shamed by it,” we would need to understand: True, the **thief** is punished in “part” by being “shamed.” However, how can this change the amount of the cash-payment that the **one whose animal was stolen** deserves? How does the **victim** benefit from the **thief** being shamed?

Therefore, Rashi quotes Rabbi Meir who says, “an ox, which the thief stopped from working....” For according to this explanation, the payment to the **victim**, from the outset, was only supposed to be four times (but with respect to the ox, since the **theft entailed a greater loss** — “the thief stopped [it] from working” — the payment is more).

Meaning, Rabban Yochanan ben Zakkai and Rabbi Meir **do not disagree** over the amount of the base fine. Rather, they are speaking from two different perspectives, and it depends which perspective we are addressing: When looking at the **thief's** misconduct (and consequently, how much **he** should pay), the crime deserves a punishment of five times the value {of the animal}, except that in the case of the lamb, we factor in **his** shame; therefore, we reduce (**his** punishment — from) the base fine. However, when looking at the **victim** — the injustice done to **him** — he deserves compensation of four times the value of the animal. But regarding an ox, we factor in the additional loss to the **victim**, “the thief stopped [it] from working,” and therefore, we add to the base fine.

In other words, Rabban Yochanan ben Zakkai discusses the law from the thief's perspective; and Rabbi Meir, from the victim's.

## 4.

### RASHI'S ORDER AND THE VERSE'S EMPHASIS

On this basis, we can explain why Rashi records Rabban Yochanan ben Zakkai's opinion before that of Rabbi Meir, since Rashi follows the order of the compensation process: First the **thief** becomes obligated and pays the fine, and consequently, the victim is afterward indemnified. Therefore, Rashi records Rabban Yochanan ben Zakkai's reasoning first, for he discusses the obligation of payment from the thief's perspective. Subsequently, Rashi records Rabbi Meir's rationale with respect to the victim.

This also clarifies why the Torah emphasizes (by placing it first in the verse, as noted in Section 2) that the base value of the fine is five times: The Torah first and foremost establishes (not how much compensation the victim deserves, but rather) how much the **thief** must pay.

## 5.

### TWO EXPLANATIONS REGARDING A THIEF VS. A ROBBER

As mentioned above, whenever Rashi, in his commentary, attributes by name the teachings that he cites, it is in order to further clarify his explanation.

So in our case: Rabban Yochanan ben Zakkai focuses on the fine from the **thief's** perspective and he rules stringently in this regard (i.e., the base fine is five times), whereas Rabbi Meir focuses on the fine from the perspective of the **victim** and he rules leniently in this regard (i.e., the base fine is four times). These rulings concur with their respective opinions in a different context:

In *Bava Kamma*<sup>12</sup> (and also in *Tanchuma*),<sup>13</sup> these two teachings of Rabban Yochanan ben Zakkai and Rabbi Meir are presented **following** their

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

teachings regarding the difference between a thief {*ganav*} and a robber {*gazlan*}.<sup>14</sup> (A thief pays double the value of what he stole — or four or five times if he slaughtered or sold the animal, whereas a robber only ever pays the principal.)

His students asked Rabban Yochanan ben Zakkai: Why was the Torah stricter with a thief than with a robber? Rabban Yochanan ben Zakkai replied: This one {the robber} equated the honor of the servant to the honor of his Master; and that one {the thief} did not equate the honor of the servant to the honor of his Master.<sup>15</sup> The thief acts as if the *eye* below {i.e., the Divine Eye} does not see, and the *ear* {i.e., the Divine Ear} does not hear, as Scripture says... (and he quotes **three** prooftexts!)

Rabbi Meir said: They offered a parable in the name of Rabban Gamliel. To what is this matter comparable? To two people, living in the same city, who both prepared a feast. One of them invited the people of the city to his feast but not the king's sons. And the other neither invited the people of the city nor the king's sons. Which of them deserves a greater punishment? Obviously, the one who invited the people of the city but not the king's sons.<sup>16</sup>

There are many noteworthy nuances in this passage, as we will appreciate from the explanation below.

The difference between Rabbi Meir's parable and Rabban Yochanan ben Zakkai's explanation is obvious:

Rabban Yochanan ben Zakkai emphasizes that a thief **lacks** the fear of Heaven, since he fears Hashem less than he does people. This expresses itself in the behavior of his crime in which (as Rabban Yochanan ben Zakkai concludes),

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<sup>14</sup> {The Hebrew word for thief, *ganav*, refers to a person who steals covertly, and no one sees him come or go. The Hebrew word for robber, *gazlan*, refers to a person who steals in broad daylight and relies on his strength to subdue the victim.}

<sup>15</sup> {A robber fears neither Hashem nor people, as he is not afraid to rob in public. A thief does not fear Hashem, but he does fear other people, which demonstrates that he is more concerned about humans than about Hashem.}

<sup>16</sup> {Likewise, both a thief and a robber show disdain for Hashem, but the robber does not display more respect for people.}

“the thief acts as if the eye below {i.e., Hashem’s Eye} does not see....” However, Rabbi Meir emphasizes how a thief (who commits his crime stealthily) shows a greater measure of **honor to his victim**<sup>17</sup> than to Hashem. This is analogous to the parable in which the crime consists of the host **inviting** “the people of the city,” while **not inviting** “the king’s sons.”

Here, too, Rabban Yochanan ben Zakkai and Rabbi Meir **do not disagree** (as is evident from the wording, “*amar* Rabbi Meir,” and not, “Rabbi Meir *omer*”). Rather, each Sage addresses a different point in his explanation.

Rabban Yochanan ben Zakkai considers the theft (primarily) from the perspective of the **thief**. The clause, “and that one {the thief} did not equate the honor of the servant to the honor of his Master” (where the “servant” refers to the **victim**) introduces the proof that the **thief** denies Hashem’s oversight<sup>18</sup> (“acts as if the eye below...”). In contrast, Rabbi Meir also factors in the impact on the **victim**. As a result, he concludes that the thief shows honor to the victim (but not to Hashem).

This harmonizes with our analysis, according to which Rabban Yochanan ben Zakkai focuses on the perspective of the thief; and Rabbi Meir, on that of the victim.

## 6.

### CONNECTING BACK TO THE FOUR AND FIVE

This difference between the opinions of Rabban Yochanan ben Zakkai and Rabbi Meir regarding the explanation as to why the Torah was “stricter with a thief than with a robber” also helps us understand (not only why Rabban Yochanan ben Zakkai talks about a thief, and Rabbi Meir, about the victim, but

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<sup>17</sup> {By stealing at night because he is ashamed to brazenly steal in the presence of his victim, a thief tacitly ascribes some measure of *honor* (or dignity) to his victim.}

<sup>18</sup> See *Meiri* and *Chidushei Aggados (Maharsha)* on *Bava Kamma* 79b.



additionally) the reason for the distinction between a thief and a robber in relation to the obligation of the base fine (four or five times).

According to Rabban Yochanan ben Zakkai, the primary offense consists of the thief's lack of belief in Hashem's providence. Meaning, "the thief acts as if the "eye below" does not see..." Thus, automatically, when examined from the perspective of the thief, the gravity of the crime validates the amount of the fine. Thus, the fine is five times the value {of the animal}. In contrast, Rabbi Meir emphasizes that the thief transgresses in that his {clandestinely perpetrated} crime {indirectly} pays honor, etc., to his **victim**. Thus, this fact itself (i.e., the thief's respectful attitude for) the **victim** allows us to rule leniently regarding the payment from the thief to his **victim**, taking this {the total impact of the theft on the victim} into account .

## 7.

BUT MAYBE WE CAN COME UP WITH SOMETHING A LITTLE BETTER

Based on the above-mentioned explanation, by mentioning the names of Rabban Yochanan ben Zakkai and Rabbi Meir, Rashi only seeks to shed more light on why one Sage {Rabban Yochanan ben Zakkai} views the obligation to pay a fine from the thief's perspective (consequently, the base fine is five times {the animal's value}), and the other Sage {Rabbi Meir} views it from the victim's perspective (consequently, the base fine is four times {the animal's value}).

But it would be more satisfying to posit that Rashi mentions these names to further explicate their rationales. Meaning, Rabban Yochanan ben Zakkai maintains that the fine for stealing a lamb is **decreased**, since the thief was "**shamed**" by his theft, and Rabbi Meir maintains that the fine for stealing an ox is **increased** since the thief stops the ox from its work, consistent with their positions elsewhere.

## 8.

### SOME QUESTIONS ON RABBAN YOCHANAN BEN ZAKAI

This will be clarified (first, regarding Rabban Yochanan ben Zakkai) by prefacing with some questions regarding Rabban Yochanan ben Zakkai's rationale:

a) Why does Torah differentiate between the payment for an ox and lamb only if the thief slaughtered or sold the animal? Seemingly, the rationale ("since he was shamed by it") also applies immediately, by the act of stealing.<sup>19</sup> A thief is not embarrassed when he **steals** an ox, but he is embarrassed when he steals a lamb. Thus, this difference between the fine for stealing an ox or a lamb should also apply to a case of plain theft. (But the law is, in fact {if he stole without slaughtering or selling}, "whether a ox... or a lamb... he shall pay **twofold.**")<sup>20</sup>

b) A person is only shamed when he is in the presence of **another** person. Thus, how can we suggest that a thief is **shamed** by **stealing** the lamb, since a thief steals secretly and no one actually sees him carrying the lamb?

c) Why does Rashi preface with the clause, "Hashem was concerned about the dignity of people"? Seemingly, it would have been sufficient for Rashi to have begun directly with, "an ox, which walks on its own legs...."?

d) If Rashi wants to begin with this preface, seemingly, the wording of the *Tanchuma*, "Hashem was concerned even for **a thief**,"<sup>21</sup> would have been preferable (particularly according to *pshat*), since the verse refers to a thief. In contrast, the term that Rashi uses, "*briyos*" {lit., creatures, meaning "people"}, does **not** refer to a lowlife or a sinner, such as a thief, or the like. Rather, this term refers to people who simply lack virtues — "just creatures."<sup>22</sup>

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<sup>19</sup> As inquired by *Shitah Mekubetzes* (*Bava Kamma* 79b) and Rif (Rabbi Yoshiyahu Pinto) on *Ein Yaakov* {*Bava Kamma*} *ibid.*; et al.

<sup>20</sup> *Shemos* 22:3.

<sup>21</sup> {As opposed to "a **person's** dignity," in Rashi's commentary.}

<sup>22</sup> Term used by the *Alter Rebbe* in *Tanya, Likkutei Amarim*, ch. 32; see *Taanis* 20b.

## 9.

### HUMILIATION IN *BEIS DIN*

The explanation:

True, at the time of the theft, the thief is not embarrassed, since he acts surreptitiously (as discussed). However, when the thief is caught and is brought to *beis din*,<sup>23</sup> and everyone discovers that he stole and carried a lamb on his shoulders — at **this point**, he is shamed.

Therefore, the thief is shamed only if he had slaughtered or sold the animal and not if he only had stolen it: Regarding a theft, it makes no difference what the thief steals, only how much it is worth. No inquiry is made whether it was a utensil, a lamb, or an ox, only how much the article is worth. As Rashi remarks later,<sup>24</sup> “**Everything** is included in {the law of} double-payment, whether it is a living being or....” However (as Rashi says) regarding the slaughter and sale of the animal,<sup>25</sup> “the law of four and five times payment **only** applies to an **ox and a lamb**.” When a thief is brought to *beis din*, accused of having slaughtered or sold an animal — in this case, *beis din* must investigate whether he stole a **lamb**; consequently, “he is shamed by it.”

## 10.

### HASHEM HAS CONCERN FOR PEOPLE’S DIGNITY

On this basis, however, the following is not smooth:

Since a thief was not shamed by anyone seeing him carrying a lamb {since he stole in secret}, but rather, by the people who hear of this fact after much time has elapsed when the thief is brought to *beis din*, why does the Torah deduct from the full value of {the base fine for} a lamb for such trivial shame?

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<sup>23</sup> {The Jewish court.}

<sup>24</sup> *Shemos* 22:3 (*Bava Kamma*, first *mishnah* of ch. 7).

<sup>25</sup> *Shemos* 21:37 in Rashi’s second entry on the verse (based on *Bava Kamma*, *ibid.*).

To answer this, Rashi prefaces (with the opening words of Rabban Yochanan ben Zakkai), “**Hashem** was **concerned**<sup>26</sup> about the dignity of people.” Although according to the letter of the law we would possibly not have to deduct such a large part of the fine for such little shame, nonetheless, Hashem has **concern** for people’s dignity. As a result of His compassion, He also reduces the fine for minor embarrassment.

On this basis (according to *pshat*), nothing **compels** the conclusion that “Hashem has concern even **for a thief**,” (as recorded in the version of *Tanchuma*). Therefore, Rashi deviates {from *Tanchuma*’s version}, as discussed: For a thief’s shame is felt only in *beis din*, after the passage of much time since the theft (many events have happened— the thief slaughtered or sold the animal, he got caught, the thief was brought to *beis din*, witnesses were identified, and so on). At this stage, the thief now realizes that he has gained nothing from the theft; moreover, it dawns on him that he will need to pay **four** times the value of the lamb, etc. So unquestionably, by then, he truly **regrets** his thievery. Thus, at this stage, he is already far from being a full-fledged thief. Therefore, in this case, nothing forces the conclusion that “Hashem even has mercy **for a thief**.”

## 11.

RABBAN YOCHANAN BEN ZAKAI GREETED EVERYONE

However, a sharp student may ask: At the end of the day, how is it possible that the dignity of people plays such a large role? For enduring just a slight shame, the entire amount of {penalty imposed for} the theft is reduced?

Rashi addresses this question by prefacing that this explanation was offered by Rabban Yochanan ben Zakkai. The *Gemara* says,<sup>27</sup> “They said about Rabban Yochanan ben Zakkai that no one ever preceded him in extending a greeting, not even a gentile in the marketplace.” We see that in the estimation of

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<sup>26</sup> {In the original Hebrew, “*chas*”; lit., “take pity,” or “have mercy.”}

<sup>27</sup> *Berachos* 17a.

Rabban Yochanan ben Zakkai, people's dignity was of such paramount importance that "no one **ever** preceded him in issuing a greeting"; moreover, not "even a **gentile (and even) in the marketplace.**" Hence, we can understand how much more so {is a person's dignity important} in our context, when the thief has surely already truly regretted (and maybe even repented for) his theft (as explained) — even a modicum of shame plays a huge role.<sup>28</sup>

## 12.

### LET'S ASK QUESTIONS ON RABBI MEIR'S OPINION

We will understand the reason why Rashi notes Rabbi Meir's name when quoting his explanation (relating to the logic, "an ox, which the thief stopped from working...") by prefacing with the reason Rashi also quotes (before the actual rationale) "(Rabbi Meir said:) Come see how great is the power of work." We might ask:

- a) Why is this preface necessary in order to explain the verse?
- b) The *Gemara*<sup>29</sup> also exclaims, "Come see how great (is people's dignity)" regarding Rabban Yochanan ben Zakkai's rationale. Why, then, does Rashi quote the phrase, "come see how great..." only with respect to Rabbi Meir's rationale?
- c) **Most importantly:** What is so remarkable about the novelty of Rabbi Meir's rationale? Why all the fuss, exclaiming, "Come see how great is the power of work"? Obviously, the thief needs to pay for {the loss incurred to the owner by} having released the animal from its work.

Furthermore, we have **previously** learned (in **our parshah**)<sup>30</sup> "only for his sitting idle shall he pay,"<sup>31</sup> and Rashi clarifies, "idleness from his work due to

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<sup>28</sup> Note *Mishlei* 6:30-31: "People do not despise a thief... — it is in order to fill himself up, for he is starving. When caught, he pays sevenfold...."

<sup>29</sup> *Bava Kamma* ibid.

<sup>30</sup> *Shemos* 21:19.

<sup>31</sup> {This relates to restitution for bodily injury that results from a quarrel between people.}

the infirmity.” (And there, Rashi does not use the wording, “Come see how great is the power of work.”)

### 13.

WORK, IN AND OF ITSELF, IS GREAT

The explanation: Presumably, according to *pshat*, the lost earnings from the ox’s work is included in the **principal** of the compensation for the theft. This is similar to the payment that needs to be made when a person injures his fellow — the victim is compensated for his lost work time — “for his sitting idle,” as discussed. The same holds true regarding a person being prevented from working when a thief steals his work tools, or the like. (Rashi does not need to repeat this in the context of theft, because the law derives from the same logic.) Additionally, this applies not only to an ox, when profit accrues from its work, but also to a lamb. The thief must pay for depriving the lamb’s owner of the earnings from the wool that would have been sheared (or the like).

The novelty **here** is as follows: Because the owner of the ox was deprived of the work **experience** — not just **earnings** derived from work, but the actual work performed with the ox — the thief must pay the value of the **entire ox**.

Therefore, Rashi needed to quote Rabbi Meir’s statement, “Come see how great is the power of work.” This explains the **great novelty** of why the thief needs to make additional restitution of the full value of the ox,<sup>32</sup> even though he already compensated the owner’s **entire** loss (including the lost earnings caused by the ox not working). “Come see how great is the power of work”: We are discussing the great importance of **work**. Because work is such a wonderful and worthwhile part of life, and the thief deprived the owner of engaging in it, the thief must make an additional payment of the full value of the ox!

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<sup>32</sup> {I.e., paying 5 times the ox’s value, rather than 4 times.}

## 14.

### RABBI MEIR WORRIES ABOUT MINORITIES

However, a sharp student might ask: Doing work with an ox takes a very short amount of time (both for the owner, and certainly in the lifetime of the ox). A field is plowed twice yearly at most, for a few hours during the day, etc.

Another question: The fine of five times {the animal's value} also applies in a case in which the thief slaughtered the animal (in fact, the verse mentions slaughtering it **before** it mentions selling it). Now, since the thief slaughtered the ox, we can safely assume that the ox was not fit for plowing (or working in general). For had this not been the case the thief would have kept it (or sold it) for work.<sup>33</sup> Thus, the thief did not prevent {the owner from performing} any (or at least, major) work.

To address this problem, Rashi mentions the name of the teaching's author, Rabbi Meir. His opinion here is consistent with his position that "we must be concerned for the minority."<sup>34</sup> Therefore, the Torah concerns itself with the small number of oxen that are slaughtered even though they are fit for (some small measure of) work.

## 15.

### THREE VERSES

The teachings of Rabban Yochanan ben Zakkai and Rabbi Meir (in Section 5) above (regarding why the Torah was "stricter with a thief than with a robber") also have significance according to the inner dimension of Torah.

Regarding the idea that "the thief acts as if the eye below does not see," Rabban Yochanan ben Zakkai quotes three verses:<sup>35</sup> "Woe to those who try to

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<sup>33</sup> The price of an ox fit for plowing is more than one fit only for slaughtering. (See *Bava Kamma* 46a.)

<sup>34</sup> *Yevamos* 61b.

<sup>35</sup> *Yeshaya* 29:15.

hide in depths to conceal counsel from Hashem and their deeds are {done} in darkness”; “And they say, ‘Hashem will not see, nor will the L-rd of Yaakov understand’”;<sup>36</sup> and, “for they have said, ‘Hashem has forsaken the land, and Hashem does not see.’”<sup>37</sup> This begs the questions:

- a) What compelled Rabban Yochanan ben Zakkai to quote these verses? The gravity in behaving “as if the eye...” is **readily self-understood** {and so doesn’t require a prooftext}.
- b) In particular —{why must he quote} **three** verses {to prove this point}?
- c) He changes the order of the verses {from their order in Scripture}, quoting the verse from *Yechezkel* after the verse from *Tehillim*.<sup>38</sup>

The explanation: Rabban Yochanan ben Zakkai discusses a person who believes that there is an “Eye” Above, but acts as if... This raises the question: How could a believing person make such a bizarre mistake and act “as if the eye below {i.e., Hashem’s Eye}... **does not see...**”?

To answer, Rabban Yochanan ben Zakkai quotes three verses that allude to the stages of the thief’s {moral} descent: The first verse, “Woe to those who try to hide in depths to conceal counsel from Hashem and their deeds are {done} **in darkness**” means that although the thief knows that there is an Eye that **sees**, he fools himself: (Since **Hashem** created light in order for us to see [this holds true **universally**].) Thus, the Eye only sees when it is light but not when it is dark.

How could a thief possibly entertain such a foolish notion that the “Eye Above” is subject to the distinction between light and dark? This is a result of a **prior** misconception, alluded to by the second verse, “And they say, ‘Hashem will not see’”: He believes that Hashem does not see down below {in this world}. Hashem is so great, so to speak, that He does not lower Himself, and He possesses no affinity with physical vision. The thief believes that in order to see

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<sup>36</sup> *Tehillim* 94:7.

<sup>37</sup> *Yechezkel* 9:9; see also *Yechezkel* 8:12.

<sup>38</sup> {In *Tanach*, *Yechezkel* (which is in *Nevi'im*) is placed before *Tehillim* (which is in *Kesuvim*)}.



physicality, Hashem would need (be enclothed in) a **physical** eye. But Hashem “is incorporeal”;<sup>39</sup> accordingly, He cannot see what happens in this physical world.

How could the thief make this mistake? After all (as the verse continues),<sup>40</sup> “Shall He who implants the ear not hear? Shall He who forms the eye not see?” Since Hashem created physical eyes, obviously He does not lack the ability to see physicality. To address this, Rabban Yochanan ben Zakkai quotes the third verse, “Hashem has forsaken the land.” The thief believes that the world is too lowly for Hashem, for Him to be found in the world — “High above all nations is Hashem.”<sup>41</sup> Therefore, it makes sense to him that “Hashem has forsaken the land.”

Rabbi Meir also hints at this in his parable, when he compares the thief to a person who “did not invite the **king’s sons**.” This person believes that he has dealings {potentially} with “(he did not invite) the king’s **sons**,” but not with the king himself. He believes that Hashem (due to His greatness) entrusted the responsibility of running the world to intermediaries, etc.<sup>42</sup> (“the King’s **sons**”).

## 16.

### THREE METHODS OF INCITEMENT

These are the methods (one lower than the next) by which the evil inclination may seduce a person to rebel against Hashem. The first is that the evil inclination convinces the person that “Hashem has forsaken the land.” Meaning, Hashem is **beyond** the world, as it says,<sup>43</sup> “Upon the **Heavens** is His glory.” Since Hashem is not found in this physical world, this therefore gives a person license to do anything he wants.

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<sup>39</sup> *Rambam’s Commentary on Mishnah, Sanhedrin*, ch. 10 (Principle 1); *Mishneh Torah*, “*Hilchos Yesodei HaTorah*,” ch. 1, par. 8.

<sup>40</sup> *Tehillim* 94:9.

<sup>41</sup> *Tehillim* 113:4.

<sup>42</sup> See *Mishneh Torah*, “*Hilchos Avodah Zarah*,” ch. 1, par. 1.

<sup>43</sup> *Tehillim*, *ibid*.

The evil inclination does not stop there, for this is not a true “**rebellion**” against Hashem, since the person {still acknowledges Hashem’s existence but} asserts that Hashem is **not found** in the world. The evil inclination persists and whispers to him: “**Hashem will not see.**” Meaning, the person believes that Hashem is, in fact, present in this world (for He created it) but He “will not see.” He does not monitor people’s behavior (for human existence is of no import to Him).

However, this is also not total rebellion, for a person **elevates** Hashem with this thought: He claims that His vision is too sublime to condescend to look physical matters (because of His greatness). The evil inclination persuades him further that Hashem can, in fact, see physical matters, etc., but there is a distinction between “light” and “darkness.” Hashem sees matters of light and holiness because He cares about them. But (so the evil inclination claims) how would it make sense for Hashem to look at “dark” matters, things that are the antithesis of holiness?

Having made this distinction between light and darkness in the spiritual realm, a thief then regresses to the extent that he discriminates between Hashem’s ability to see in physical light and in darkness. That is, the thief thinks that Hashem cannot observe an act done under the cover of darkness.

## 17.

“FEAST” — TURNING THE BAD INTO GOOD

In his parable, Rabbi Meir compares theft to a feast. The explanation:

Rabbi Meir discusses the theft after the thief has already been caught and hauled to *beis din*. At that point, the thief has already surely regretted his crime (as mentioned in Section 10). Therefore, this is an instance of *iskafya*<sup>44</sup> — subjugation of the “the other side,”<sup>45</sup> when the incident then is regarded as

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<sup>44</sup> {Lit., “bending”, the *avodah* {Divine service} of a person subduing his negative impulses.}

<sup>45</sup> {In the Aramaic original, “*sitra achra*”; referring to the unholy, negative forces in creation.}

“delicacies” (“a banquet”) by Hashem, as the *Alter Rebbe* writes in *Tanya*.<sup>46</sup> It further says:<sup>47</sup> “...even the wicked, for the day of evil.”<sup>48</sup> This means, though, that the wicked must repent of his evil; turning his evil, up Above, into day and light.” Moreover, it is specifically **this** kind of “delicacy”<sup>49</sup> that generates “**tremendous** Divine satisfaction.”<sup>50</sup>

With the “banquet” that we are presently arranging for Hashem, through our *avodah* of suppressing negativity,<sup>51</sup> we will merit {to partake in} “the banquet of the leviathan,”<sup>52</sup> in the Future Era — very soon, literally.

— Based on talks delivered on Shabbos *parshas Mishpatim*, 5731 (1971), 5735 (1975)

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<sup>46</sup> *Tanya*, “*Likkutei Amarim*,” ch. 27 (34b).

<sup>47</sup> *Tanya*, *ibid.*

<sup>48</sup> *Mishlei* 16:4. {The beginning of the verse states, “Hashem made everything for His praise....”}

<sup>49</sup> {Divine service.}

<sup>50</sup> *Tanya*, *ibid.*, 34a.

<sup>51</sup> See *Yahel Or* on *Tehillim* 104:26, p. 406.

<sup>52</sup> See *Bava Basra* 74b; *Tanchuma*, *parshas Re’eh*, sec. 6; *Pirkei D’Rabbi Eliezer*, ch. 10; et al.