

SICHA SUMMARY

Likkutei Sichos, Vol. 27

Behar, Sicha 1

The Rambam:

The laws of acquisition contain many principles and scenarios. The following are two such principles enumerated by Rambam:

“A person cannot transfer ownership over an article that has not yet come into existence.” Therefore, “When a person sells the fruit of a date palm to a colleague, he may retract even after the fruits of the date palm have already come into existence,” since the dates were not in existence at the time the sale was completed. (Hilchos Mechirah 22:1)

There is another way to sell futures, however, if the terms are phrased differently:

“A person can transfer ownership over a property itself with regard to the produce it yields... This is not considered to be transferring ownership of an entity that has not come into existence. For the article itself exists, and the person is transferring ownership over its produce. (Ibid, 23:1)

Another exception applies if the person did not attempt a sale, but rather a donation to the Temple or to the poor. “If a person says: “All the offspring of my animal will be consecrated to the Temple treasury...” although the offspring does not become consecrated - because it does not yet exist - the person making the statement is obligated to keep his word... (Ibid, 22:15)

Thus we have two distinctions: Selling product that does not yet exist is not possible, but selling land or a tree solely for its future produce is possible. And selling something that does not exist might not be viable in non-sacred items, but with sacred items one still has to fulfill the vow, even though legally there is no binding transfer of ownership of the future item.

All legal discussions in the Torah also contain spiritual guidance and meaning. What is the spiritual meaning of these laws of acquisition?

The Explanation:

In spiritual terms, an “acquisition” refers to the work of transferring ownership of one’s self to G-d. Before the “sale” the person remains distinct from G-d, the process of

acquisition is the person acknowledging that G-d is their true owner, and therefore their behavior must align with His will.

But a person can offer their “produce” or their “property itself.” The property is the essential nature of a person’s drives, instincts, and emotions. The produce is the tangible expressions of this property in the real world — a person’s thought, speech, and action.

A person can transfer ownership of their existing produce, that is, they can commit to aligning their present choices with G-d’s will. But the average person cannot offer their future produce to G-d, because they have not changed their essential, internal disposition. They remain prone to temptation, and so they can only commit to each choice as it presents itself.

Only the rare individual, the tzaddik, can utterly transform their “property” itself — their internal, animal drives — into G-dly desires. They can offer their future produce to G-d, since they know that their animal self will no longer threaten them with temptation. But the average person (the benoni of Tanya) who cannot transform their internal selves, only control their external expression, can only sell the produce itself.

There is an exception, however, the benoni “can transfer ownership over a property itself with regard to the produce it yields.” The average person cannot effect a wholesale transformation of their internal selves. But they can, through deep,

consistent meditative prayer, slowly change the contours of their animal self so that it resembles that of the tzaddik, even if, deep down, it remains fundamentally unchanged. They can “transfer the property only in regard to its future produce,” they can offer G-d ownership of their future choices because they have made some progress on changing their essential “property.”

This restriction on transferring futures, however, applies to mundane items. In spiritual terms, this refers to the work of using the material realm for Divine purposes. Since the material realm “belongs” to the animal soul, and the average person cannot truly remake the “property” of the self into a vehicle of the Divine, therefore a person can only transfer ownership of their present produce, their actions, thought, and deed, and not their “futures.”

But sacred items, such as the commitment to performing mitzvot, is the realm of the Divine soul. Even though the acquisition of futures is not possible, a person is still obligated to keep their word if they make a vow about a future good deed. When the Torah obligates a person, it means that G-d supplies the person with the wherewithal and ability to fulfill that obligation. Thus, when it comes to pledging a future mitzvah, even if legally one cannot “acquire” their future selves to G-d, G-d still grants them the ability to fulfill this pledge.
