

Parshas Behar

G-d’s Acquisitions

This week’s Torah portion deals with the laws of acquiring an object. This Sicha analyzes Rambam’s formation of these laws and discusses the spiritual significance of them as they relate to the models of service of the tzadik and the beinoni.

In this week’s *parsha* the Torah deals with the laws of acquiring objects. The verse states, “And when you make a sale to your fellow Jew or make a purchase from the hand of your fellow Jew, you shall not wrong one another.” In this verse is embedded the mechanisms of procuring an object.

Of the rules concerning the means of obtaining an article, Rambam (Maimonides) states the following:

Text 1

A person cannot transfer ownership over an article that has not yet come into existence. This applies with regard to a sale, with regard to a present or with regard to the disposition of an oral will.

What is implied? If a person states: "What my field will produce is sold to you," "What this tree will grow is given to you," "Give so and so the offspring that this animal bears," the recipient does not acquire anything.

Rambam, Laws of Sale 22:1

While one may not transfer an item prior to its coming into existence, one may transfer an *existing object* to his fellow for its produce that it is yet to yield (though these goods have not yet been produced). Rambam explains the reason for this:

Text 2

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... Similar rules apply to a person who sells or gives away a tree for its fruit, a sheep for its shearings, an animal or a maid-servant for her offspring, or a servant for his work. In all such instances, the sale or the present is binding.

Rambam, Laws of Sale 23:1-2

Though the above guidelines are the general regulations concerning transferring ownership of an item that does not yet exist, there are various exceptions to these rules, where in those instances, although the object has not yet come into existence, the transferor will still be liable to fulfill his obligation:

Text 3

The laws applying to transactions involving property consecrated to the Temple, the poor, and vows are not the same as those involving ordinary people. If a person says: "All the offspring of my animal will be consecrated to the Temple treasury," "... will be forbidden to me," or "... will be given to charity," although the offspring does not become consecrated—because it does not yet exist—the person making the statement is obligated to keep his word, as it states¹: "He must act according to the statements that he utters."

Rambam, Laws of Sale 22:15

When a person consecrates an object to the Temple that has yet to exist, he is nonetheless obligated to keep his word, although concerning mundane statements his words would not create any obligation.

Deeper significance

Every law in the Torah, in addition to its practical application, has a deeper significance and lesson in one's spiritual life as well. Rambam expresses this concept as follows:

Text 4

Most of the Torah's laws are nothing other than "counsels given from distance" from "He Who is of great counsel" to improve one's character and make one's conduct upright.

Rambam, Temura 4:13

While *mitzvos* indeed have their simple meanings, they contain a deeper message as well, concerning one's service to the Almighty.

So too in regard to the specific laws of acquisition. Within them lies profound meaning relating to one's G-dly service.

In particular, the significance of the following two contrasting rules can be investigated:

- a) The difference between a person saying, "What this tree will grow is given to you," which is not considered a proper transaction, and a person selling "a tree for its fruit," which *would* be regarded as a proper arrangement.
- b) The difference between the laws of transaction "involving ordinary people," where the individual is not obligated to keep his word in an instance that the transaction is not binding, and the laws of "to the Temple and the poor" where an individual *is* required to keep his word, although the transaction itself is not binding.

Making a transaction

To understand these specific laws as they relate to one's service of G-d, the significance of the laws of acquisition in a spiritual sense must first be prefaced.

In general, the concept of serving G-d is expressed in the idea of "acquisition." When an individual serves G-d, he transfers ownership of himself and all that he has to the Almighty, through his service of Him. When all his expressions—whether they be in thought, speech or action—are in accordance with G-d's will, it is recognizable that he and all that belong to him are in reality, under G-d's jurisdiction.

¹ Bamidbar 30:3.

This is articulated in the following statement of the Mishna:

Text 5

I was created to serve my Possessor.

Talmud, Kiddushin 82a

When describing G-d, instead of the Mishna using the word “Creator,” or other term to describe the Almighty, it instead identifies G-d as “my Possessor.” The reason that this expression is used as opposed to any other, is because at the crux of all service of G-d, is the objective to reveal that G-d is the true *owner* over all that exists and that the entire world and all that is in it, is in truth, under G-d’s dominion.

This idea that G-d is ultimately the proprietor of the Jewish people will ultimately be expressed at the time of the coming of *Moshiach*, as the prophet Yeshaya states:

Text 6

And it shall come to pass that on that day, the Lord shall continue to apply His hand a second time to acquire the rest of His people, that will remain from Assyria and from Egypt and from Pathros and from Cush and from Elam and from Sumeria and from Hamath and from the islands of the sea.

Yeshaya 11:11

Two types of transactions

Concerning the way in which an individual becomes acquired by G-d and becomes His possession, there are two different manners which parallel the abovementioned forms of physical acquisition:

The acquisition of the article: This is when the person’s essential identity becomes acquired by G-d, in which his body, soul and all its characteristics—its intellectual and emotional attributes, as well as its thought, speech and action—are “in the possession” of the Almighty and expressive of His dominion.

The acquisition of the produce: This is when the person *himself* does not become an article that is expressive of G-dliness, rather, only his “produce” is communicative of the Almighty. This means to say, that although the *essence* of the individual is not G-dly, the thought, speech and action that “grow” from his heart and mind are expressive of G-dliness.

The difference between whether a person *himself* becomes acquired by G-d or only his “produce” is under G-d’s jurisdiction is the distinction between the manners of service of a *beinoni* (intermediate individual²) vs. the *tzadik* (righteous individual).

The *beinoni* is meticulous in all his thought, speech and action. All of these are “acquired” by G-d and are expressive of His will alone; however, his actual person has not become a possession of the Almighty, as in his heart and mind there still remain a desire to transgress G-d’s will.

The above description of the *beinoni* are described in Chassidic thought as follows:

² See at length the first section of Tanya, which explains the distinction between the two models of serving G-d.

Text 7

The *beinoni* is he in whom evil never attains enough power to capture the "small city," [i.e. the body] so as to clothe itself in the body and make it sin. That is to say, the three "garments" of the animal soul, namely, thought, speech and act, originating in the *kelipah*, do not prevail within him over the divine soul to the extent of clothing themselves in the body — in the brain, in the mouth and in the other 248 parts—thereby causing them to sin and defiling them, G-d forbid...He has never committed, nor ever will commit, any transgression; neither can the name "wicked" be applied to him even temporarily, or even for a moment, throughout his life.

Tanya, Ch. 12

While everything that the *beinoni* does is G-dly and all his "produce" has been acquired by the Almighty—his heart and mind are not free from the possibility of evil thoughts and desires.

It's not that he is *unable* to have evil thoughts since he has transformed his person, it is rather that he *does not allow* the evil at his core to be expressed in his thought, speech or action.

The *tzadik*, on the other hand, is an individual who has eradicated the evil in his heart and mind to the extent that his *only* desire is to do things that are good and holy. Not only does the *tzadik* do goodness, he *is* good.

It is because his very *essence* has been acquired by G-d, that *by extension*, all the "produce" that he generates are G-dly property. He does not need to fight with himself in order not to transgress G-d's will, since there is not any evil in his heart to begin with.

³ Pesachim 88b.

It is because of this that the Torah describes the *tzadik*, the righteous individual, as a "servant of G-d:"

Text 8

And you shall again discern between the righteous and the wicked, between him who serves G-d and him who has not served Him.

Malachi 3:18

The *tzadik* is referred to as a servant of the Almighty, for just as a slave is the property of his master, so too a *tzadik's* very identity is the possession of G-d. Since there is a halachik clause that "whatever a slave owns his master owns³," therefore, by extension, all that a *tzadik* does is automatically "owned" by G-d.

What does not yet exist

According to the above differentiation between the *tzadik* and the *beinoni*, the meaning of "a person cannot transfer ownership over an article that has not yet come into existence" can be understood in regard to one's service of G-d.

A person who is holding on the level of a *beinoni*-one whose "produce" is acquired by G-d, but not his "person"—must know that he only has jurisdiction over the present, and not the future.

While he can control his thought, speech or action that he has at the *current* moment, he cannot "transfer the ownership" of any future action in order that it too, will be in accordance with G-d's will.

If such an individual makes a resolution that all his *future* actions will only be good and in accordance with G-d's will, he does not make any "acquisition" through such a proclamation.

Although he has made a resolution, his words are meaningless, as there is no way to guarantee that indeed his future actions will be fitting with G-d's desire, as he has no control over the experiences that are yet to come.

This point is brought out in the following explanation of the Tanya:

Text 9

The evil in the [heart's] left part of the *beinoni* is in its innate strength, craving after all the pleasures of this world, not having been nullified in its minuteness in relation to the good, nor having been relegated from its position to any degree.

Tanya, Ch. 13

Since a *beinoni*, by definition, is a person whose heart and mind crave evil, he cannot guarantee that in the future all his actions will be good. Rather, he must be in a *constant* state of battle with his evil inclination in order not to allow the lusts of his heart to come to fruition. No matter what resolution he has made concerning his future actions, when he is faced with a challenge, it is entirely possible that he will falter and be overpowered by the evil desires that are still in his heart.

What he *can* do

While the *beinoni* cannot guarantee that all his "produce" will belong to G-d and cannot affect that his actual person can be considered a G-dly entity, there is still a way in which he can guarantee that his future "produce" and actions will be in accordance to G-d's will.

Though he cannot transfer his essential self to become an acquisition of G-d, he can "transfer ownership over a *property* itself with regard to

the produce it yields." He cannot transfer his *entire* self to G-d, but he can transfer his self in relation to his *expression*.

The meaning of this is as follows: Although in a general sense, the way that a *beinoni* serves G-d is through his "produce" and not that he himself becomes a G-dly article, nevertheless, he is not limited to serving G-d *only* through his actions.

By the *beinoni* preventing the evil that is in heart from coming to fruition, he can eventually create an indelible mark on his heart and mind, even concerning the *future*. He can achieve this through affecting his heart and causing his evil inclination to be in a state of slumber.

Text 10

In a *beinoni* it is, by way of example, similar to a sleeping man, who can awaken from his sleep. So is the evil in the *beinoni* dormant, as it were, in the left pan, during the recital of the *Shema* and the Prayer [*Amidah*], when his heart is aglow with the love of G-d, but later it can wake up again.

Tanya, Ch. 13

When a *beinoni* prays, the love and fear that he awakens in his heart induces sleep in his evil inclination. Though "later it can wake up again," there is still a residue that remains in the individual after he has finished praying.

Text 11

However, the impression [of prayer] on the intellect and the hidden [i.e. innate] fear and love of G-d in the right part [of the heart], enable one to prevail and triumph over this evil of passionate craving, depriving it from gaining supremacy and dominion over the "city," [i.e. the body] and from carrying out this desire from the potential into the actual by clothing itself in the bodily organs.

Tanya, Ch. 12

Because the *beinoni* can pray every day and reawaken his love to G-d, which induces sleep in the evil inclination, it can truly be said that to an extent, the *beinoni* does indeed have a degree of authority concerning his evil inclination that is in his heart.

Accordingly, this provides insight into a previous statement of the Tanya concerning the character of the *beinoni*:

Text 12

He has never committed, nor ever will commit, any transgression; neither can the name "wicked" be applied to him even temporarily, or even for a moment, throughout his life.

Tanya, Ch. 12

At first glance, this statement does not seem to be consistent with the character of the *beinoni*, who is always subject to sin, and can at any point, succumb to his evil inclination. Yet, equipped with the above understanding, the statement of Tanya can be appreciated.

Not only is the *beinoni* a person who has not ever sinned, he is a person who *will never* sin. Because

he is able to effectively "put his evil inclination to sleep," in that state that he *presently* is holding, he can be assured that he will never commit any transgression and can be certain that in the future he will be able to have jurisdiction over his evil inclination.

This is the meaning of the expression to "transfer ownership over a property itself with regard to the produce it yields," in regards to a person's service of G-d.

Even a person who cannot transform his *essential* characteristics, can affect himself concerning the manifestation of those attributes. Although he cannot transform his essential character to be G-dly, he can affect his character traits concerning his "produce," and bring those under G-dly jurisdiction.

G-d's agent

Not every individual can become like a *tzadik*, a servant of the Almighty, whose very person is the property of G-d. However, every individual *can* reach the level of the *beinoni*, and become an *agent* of the G-d to fulfill His plan of transforming this lowly world into a G-dly abode.

The Torah describes an agent as being one who is fundamentally connected to the individual who sent him.

Text 13

A man's agent is as himself.

Talmud, Kiddushin 42b

When an individual appoints an agent in order for this fellow to fulfill his wish, he invests an element of himself into his messenger, which causes that the latter be considered as the person himself. Not only are the agent's actions considered as an extension of the one who sent

him, but his *very identity* becomes such that it is as if he were the individual that appointed him. Because he is as the person, that sent him that by extension, his actions are considered to be the act of the one who sent him.

Nevertheless, although the identity of the agent is a veritable extension of the one who appointed him, there is a difference between the manner in which a **servant** is an extension of his master, and the way this is so in regard to an **agent**.

A servant: Such an individual has no personal identity whatsoever, as his very body is the property of his owner.

An agent: Such an individual is only considered to be an extension of the one that appointed him concerning the *matter which he was appointed to fulfill*. In regard to everything else that he is involved with, the agent *does* have his own personal identity.

Although not every Jew can become a *servant* of G-d, whose very identity is the possession of Almighty, he can affect within himself that he become an *agent* of G-d where a portion of his identity is expressive of G-d.

When a person becomes an agent to fulfill G-d's mission, he "transfers ownership" of himself to G-d regarding the "property itself with regard to the produce it yields" and consequently, his general identity becomes G-dly. When he makes this acquisition, by extension, all his actions will be according to G-d's will.

Consecrating oneself

Rambam stated that the law concerning "property consecrated to the Temple, the poor, and vows are not the same as those involving ordinary people." Although when a person transfers an object that has not yet come into existence he is not bound by that statement,

when it comes to consecrated property he must fulfill his word.

The spiritual significance of this is as follows:

There can possibly be an individual who is not only unable to transform his very being—like the *tzadik* does—so that his essential character becomes holy, but he does not even have jurisdiction over his self as it relates to his "produce"—as the *beinoni* does. A person in such a predicament seems to have no ability to ensure that his future actions will be in accordance with G-d's will, and presumably, such an individual is doomed to renew his battle with his evil inclination every time a challenge arises.

The idea of "property consecrated to the Temple, the poor, and vows are not the same as those involving ordinary people" teaches, that though concerning his *personal* preoccupations he cannot ensure the future, concerning his *holy* endeavors he can.

In relation to the positive holy resolutions that he made, he must fulfill his word. So, although he cannot transfer the *object* itself into a *holy* domain, there lies a responsibility on the *individual* to fulfill his words.

The explanation of this is as follows:

There is a difference between one's personal endeavors (even when they are done in the proper manner) and those things that are holy from the onset, such as Torah and *mitzvos*.

Personal endeavors: These are primarily an extension of the nature of one's body and animal soul. Even when the G-dly soul affects in the person that his personal pursuits are performed for a G-dly end, they remain the actions of the *individual*. The following verse expresses this idea:

Text 14

All your deeds should be for the sake of Heaven.

Pirkei Avos 2:12

From the wording of the above statement it can be observed, that even when one's actions are for the sake of Heaven, they are nevertheless called "your deeds," i.e., actions that are expressive of the body and animal soul, not the G-dly soul.

Torah and mitzvos: These are inherently deeds that are G-dly and expressive of the G-dly soul. The manner in which the evil inclination prevents a person from doing a *mitzvah* is by preventing the *G-dly soul* from expressing itself.

This concept is expressed in Rambam regarding the law of a Jewish divorce:

Text 15

When a man whom the law requires to be compelled to divorce his wife does not desire to divorce her, the court should have him beaten until he consents, at which time they should have a *get* (bill of divorce) written. The *get* is acceptable. This applies at all times and in all places... he wants to be part of the Jewish people, and he wants to perform all the *mitzvos* and eschew all the transgressions; it is only his evil inclination that presses him. Therefore, when he is beaten until his [evil] inclination has been weakened, and he consents [to the divorce], he is considered to have performed the divorce willfully.

Rambam, Laws of Divorce 2:20

As Rambam expresses, a Jew inherently desires to do G-d's commandments. He, at times, does

not do so only because his *evil inclination* prevents him from fulfilling these *mitzvos*. When that inhibitor is removed, he reverts to the person that he truly is.

This is the difference between "consecrated property" and "ordinary property" in one's service to G-d:

When a Jew accepts upon himself a resolution concerning his ordinary affairs, he cannot guarantee that they will come to fruition. Since these endeavors are matters relating to his body and animal soul, which are not under his jurisdiction, he cannot be certain that in the future he will act in a positive manner.

However, concerning G-dly endeavors, which are primarily an extension of the nature of his G-dly soul, this is not the case. The resolution that an individual makes concerning G-dly pursuits obligates the individual to fulfill his obligation.

Concerning the *article* itself and "ordinary property" he cannot guarantee its future, as the person has an evil inclination, which can prevent the matter from coming to be and therefore there can be no "acquisition."

However, the soul, which naturally desires to do G-d's wishes, has a personal obligation to fulfill its word concerning matters of Torah and *mitzvos*, "consecrated property."

This responsibility that the Torah places on him to fulfill his words *is itself an assistance and support* for his soul to be able to overcome all obstacles that the body may place upon it. He receives the necessary strength to be able to fulfill his word concerning these matters that pertain to his soul.

May it be G-d's will that through studying the matters concerning acquisitions, we should merit the time when "the Lord shall...acquire the rest of His people" with the coming of *Moshiach*! We will then merit the rebuilding of the Third

Temple, which is as well referred to as “the acquisition of the Almighty⁴.”

(Based on Likutei Sichos 27, Behar 1, reworked by Rabbi Dovid Markel. To see other projects and to partner in our work, see: www.Neirot.com.)

⁴ Pirkei Avos 6:10.