

Zera Shimshon

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Chapter XVIII: Mishpatim (Ex. 21:1–24:18)

Essay 5. The connection between money and blood

נְשָׂא פָּרַק בְּתָרָא ר' יוֹחָנָן אָמַר כָּל הַגּוֹזֵל מִתְּחִבֵּירוֹ שָׁנָה פְּרוּטָה כְּאִילוֹ נוֹטֵל מִמֶּנּוּ נַפְשׁוֹ שְׁנָאֲמַר "אֶת־נַפְשׁ בְּעַלְיוֹ יִקַּח" ע"כ. צָרִיךְ עֵיוֹן מָנָא לִיה לר' יוֹחָנָן דְּאִפִּילוֹ שָׁנָה פְּרוּטָה לְחֹדֶינָה מִקְרִי "נַפְשׁ בְּעַלְיוֹ", וְדִילְמָא עַד שְׁיִהְיֶה דְבָר רְשׁוּם. וְעוֹד הַפֶּל לְפִי מַה שֶּׁהוּא אָדָם, וְכִי אִם יִגְזוֹל לְעֶשֶׂיר שָׁנָה פְּרוּטָה יִהְיֶה נֹדוֹן כְּאִילוֹ נוֹטֵל נִשְׁמָתוֹ מִמֶּנּוּ, וְר' יוֹחָנָן קָאָמַר סָתָם הַגּוֹזֵל מִתְּחִבֵּירוֹ.

There in Bava Kamma, the final chapter, page 119a, Rabbi Yochanan says: **Anyone who robs another [of an item] worth [even] one peruta [is considered] as though he takes his life from him, as it is stated: ‘So are the ways of every one that is greedy for profit; it takes away the life of the owner thereof’ (Prov. 1:19).” This requires investigation: from where did Rabbi Yochanan learn that the value of one peruta alone teaches the reading “the life of the owner”?** Perhaps it shouldn’t be considered as though he takes his soul from him until he robs something that leaves a mark, i.e., until he causes a more significant loss. Further, everything is in accordance with the particular individual involved, for if he robs from a rich man the value of a peruta, should he be judged as if he has taken his life from him! But Rabbi Yochanan simply said “who robs another.”

וְנִרְאֶה לְתַרְזֵן בְּמֵאֵי דְאִיתָא בְּשִׁבְתָּ שְׁמוֹנָה שְׁרָצִים הָאֲמוּרִים בְּתוֹרָה, הַצֵּדָן וְהַחֹבֵל בְּהֵן חַיִּיב, וְהַטַּעַם מִשּׁוּם נְטִילַת נַשְׁמָה כִּי הַדָּם הוּא הַנֶּפֶשׁ. וְעֵינֵי שֵׁם בְּרֵשׁ"י וְתוֹסְפוֹת, וְכֵן הַדִּין בְּכָל בַּעַל חַי, שְׂאֵם יוֹצִיא מִמֶּנּוּ דָם אוֹ יִהְיֶה נֹצֵרֵר הַדָּם חַיִּיב מִשּׁוּם נְטִילַת נַשְׁמָה. וְהֵלֵא רְבִיעִית דָּם לְבָדוֹ הוּא חַיּוֹת הָאָדָם. וְאִךָ בְּבִהֶמָה דָּם הַנֶּפֶשׁ הוּא דְבָר מוֹעֵט כְּדִאֲמַרְיֵנּוּ בְּהִלְכוֹת שְׁחִיטָה, וְאִפִּילוֹ הֵכִי כָּל דָּם שֶׁבְּבַעַל חַי מִקְרִי נַפְשׁ. וּמִזֶּה לְמַד ר' יוֹחָנָן לְדַמִּים דְּהֵינּוּ הַמַּעוֹת, שֶׁכְּשֵׁם שֶׁבְּדָם אֲמַרְיֵנּוּ שֶׁבְּכָל טִיפָה מִקְרִי נְטִילַת נַשְׁמָה, הֵכִי נְמִי בְּכָל טִיפָה דְּהֵינּוּ בְּכָל שָׁנָה פְּרוּטָה מִקְרִי "נַפְשׁ בְּעַלְיוֹ יִקַּח".

This appears to be solved by what is brought in tractate Shabbat: “[With regard to any of] the eight creeping animals mentioned in the Torah,¹ one who traps them or wounds them [on Sabbath] is liable [for having violated the Sabbath].”² The reason is because the taking of a soul, because the blood is the life. See the Rashi and the Tosafot there, who say that it is a

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¹ Lev. 11:29–30.

² Mishnah Shabbat 14:1; Shabbat 107a.

violation of the Sabbath law against slaughtering, **and the law is the same for all living creatures**, not only the 8 creeping animals, **that if one makes it bleed or makes blood pool** under the skin, **he is liable** [for having violated the Sabbath] **for taking a soul. For doesn't a quarter of a log of blood alone represent the life of a man?**³ **Even for an animal, the blood of the soul**, that is, the initial spurt from the slaughter, **is a small amount**, as it says in the laws of slaughter, **and even so, all blood of a living creature**, even this small amount of the initial spurt of a small animal, **is called "the life."** **From this, Rabbi Yochanan learned about the funds** [דָּמִים] [*damim*], **that is the money, for just as with blood** [דָּם] [*dam*], **they say that every drop is called taking a soul, so too with regard to money, every drop, which is even one peruta, is called "taking away the life of the owner thereof."** I.e., the singular Hebrew word [דָּם] [*dam*] means "blood," while the plural form [דָּמִים] [*damim*] can mean either "blood" or "money." This reflects the concept that in order to earn money, man must exert himself.⁴

וְלָכֵן אָמַר הַפְּתוּב (מִשְׁלֵי כ"ב ב"ב-כ"ג) "אֶל־תִּגְזַל־דָּל פִּי דֹל־הוּא" וְכוּ', וְקִשָּׁה מֵהוּ "אֶל־תִּגְזַל־דָּל" וְכִי לַעֲשִׂיר מוֹתֵר לְגִזּוּל, וְעוֹד מֵהוּ הַטַּעַם פִּי דָל הוּא, וּמֵהוּ "וְאֶל־תִּדְכָא עֲנִי בְשַׁעַר". אֲבָל בְּמַסְכַּת פְּאָה תָּנִן לֹא יִשְׁכּוֹר אָדָם הַפּוֹעֵל עַל מְנַת שְׂיִלְקוּט בְּנוֹ אֶתְרִיו, וּפִירֵשׁ הָרַב עוֹבְדָה מִבְּרִטְנוֹרָא שְׁעַל יָדֵי כֵן הַפּוֹעֵל מְנַפֵּה לוֹ מִן הַשְּׂכִירוֹת וְנִמְצָא פּוֹרַע חוֹבוֹ מִשְׁלַ עֲנִיִּים. וְאָמַר הַפְּתוּב "אֶל־תִּגְזַל־דָּל" אֵל תִּגְזוּל לַעֲנִיִּים אֲחֵרִים, אַף עַל פִּי שְׂגָם בֶּן הַפּוֹעֵל דָּל הוּא, דְּזָה מְקַרִי גְזִילָה שְׂאֵתָה פּוֹרַע חוֹבָד מִשְׁלַ עֲנִיִּים.

Thus, Scripture says, "Do not rob the wretched because he is wretched; do not oppress the poor man at the gate. For the Lord will take up their cause, and despoil those who despoil them of life" (Prov. 22:22–23). **It is difficult to understand what is this, "do not rob the wretched," for regarding a wealthy man, is it permitted to rob? Also, what is the meaning of the apparently redundant words, "because he is wretched"? Also, what is the meaning of, "do not oppress the poor man at the gate"? But in tractate Peah (chapter 5, Mishnah 6), we learn, "One may not hire a worker on the condition that the son [of the worker] should gather the gleanings after him,"** as the gleanings must remain for the poor to gather, **and Rabbi Ovadia of Bartenura⁵ explained that "through this, the worker deducts it from the rent, [and] it is found that he repays his liability from the poor."** I.e., with such an improper work arrangement, the worker would benefit from the gleanings, but the poor would lose out. Thus, **Scripture says, "do not rob the wretched," i.e., don't rob other poor people, even though the son of the worker is himself wretched, for this is called robbery, for you are repaying your liability from the poor.**

³ Shabbat 31b: "A Galilean taught before Rav Chisda, 'The Holy One, Blessed be He, said: I placed a quarter [of a log] of blood in you [when you were formed].'"

⁴ Cicero and Livy were said to have used the term "sweat and blood" in Latin, and John Donne in 1611 wrote an English poem that included the line, "That 'tis in vaine to dew, or mollifie / It with thy Teares, or Sweat, or Blood."

⁵ Rabbi Ovadia of Bartenura (c. 1445–c. 1515), Italian rabbi.

ועוד "אל-תדכא עני בשער" אל תחליש כח איזה עני בשער שלך כשיבואו ללקוט פאה, כמו מי שאינו מניח את העניים ללקוט, או שהוא מניח את אחד ואחד לא "כיה" גריב ריבם". ודייק לומר "בשער", משום דתנן שלש אביעיות ביום, בשחר ובתצות וכו', לא אמרו אלא כדי שלא יפתחו. שהבעל הבית צריך להיות עומד בשער שדהו בשלושה זמנים אלו כדי שיוכלו העניים ליקח פאה, דהא כשלא יהיה בעל הבית עמם אינם רשאים ליכנס. ולכן אמר הכתוב "אל-תדכא עני בשער", שיעמוד שם ממתין אותה ואתה לא תלך, "כיה" גריב ריבם" וכו'.

Also, “do not oppress the poor man at the gate,” do not weaken the power of any poor man at your gate when they come to gather gleanings, “like one who does not let the poor gather, or who allows one but not another,”⁶ “for the L-rd will take up their cause.” It is precise to say “at the gate,” because we learned, “There are three times a day [the poor] make a search [in the field for gleanings]: morning, noon, and sunset. Rabban Gamliel says: these [times] were only set lest they reduce them.”⁷ For the landlord must be standing at the gate of his field at these three times so that the poor can take the gleanings, for if the landlord is not with them, they are not permitted to enter. Therefore, Scripture says, “do not oppress the poor man at the gate,” that he should stand there waiting for you but you won’t come, “for the L-rd will take up their cause, and despoil those who despoil them of life.”⁸

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⁶ Peah, chapter 5, Mishnah 6.

⁷ Peah, chapter 4, Mishnah 5.

⁸ The translator does not know how this essay relates to the parsha.