

# CHABAD LUBAVITCH OF CHAUTAUQUA

23 Vincent Avenue Chautauqua, NY 14722 T: (716) 357 - 3467 W: www.cocweb.org E: rabbi@cocweb.org

## Everyday Ethics – Week 2 – 2021

1. *And Judah took a wife for Er, his firstborn, named Tamar... Then Judah said to his daughter in law Tamar, "Remain as a widow in your father's house until my son Shelah grows up," for he said, "Lest he too die, like his brothers." So Tamar went, and she remained in her father's house... And it was told to Tamar, saying, "Behold, your father in law is going up to Timnah to shear his sheep." So she took off her widow's garb, covered [her head] with a veil and covered her face, and she sat down at the crossroads that were on the way to Timnah, for she saw that Shelah had grown up, but as for her she was not given to him for a wife. When Judah saw her, he thought she was a harlot, because she covered her face. So he turned aside toward her to the road, and he said, "Get ready now, I will come to you," for he did not know that she was his daughter in law, and she said, "What will you give me that you should come to me?" And he said, "I will send a kid from the herd," and she said, "[Only] if you give me a pledge until you send [it]." So he said, "What is the pledge that I should give you?" And she said, "Your signet, your cloak, and the staff that is in your hand." So he gave them to her, and he came to her, and she conceived his likeness. Then she arose and went away, and she took off her veil, and she donned her widow's garb. And Judah sent the kid by the hand of his Adullamite friend to take the pledge from the woman's hand, but he did not find her... Now it came about after nearly three months, that it was told to Judah, saying, "Your daughter in law Tamar has played the harlot, and behold, she is pregnant from harlotry." So Judah said, "Bring her out, and let her be burned." She was taken out, and she sent to her father in law, saying, "From the man to whom these belong I am pregnant," and she said, "Please recognize whose signet ring, cloak, and staff are these?" Then Judah recognized [them], and he said, "She is right, [it is] from me, because I did not give her to my son Shelah." But he no longer continued to be intimate with her. (Genesis 38)*
  
2. *Now the Philistines were gathered together into a troop, and there was a plot of ground full of lentils; and the people (had) fled from the Philistines. But he stationed himself in the midst of the plot and he defended it, and he slew the Philistines; and the L-rd performed a great victory... And David desired, and he said: "Oh if one would only give me water to drink from the well of Bethlehem which is by the gate." And the three mighty men broke through the camp of the Philistines, and they drew water out of the well of Bethlehem, that was by the gate, and they carried it and brought it back to David, but he did not care to drink it and he poured it out before the L-rd. (Samuel II 23:11-12, 16-17)*
  - a. **RASHI:** Who will give me water to drink. Our Rabbis said, he [Dovid] needed to ask a [halachic] question from the Sanhedrin court that sat at the gate of Beis Lechem. The "water" of our verse is referring to Torah. (Devorim Raboh 7:3)
  
3. The verse states: *"And David longed, and said: Oh, that one would give me water to drink of the well of Bethlehem, which is by the gate! And the three mighty men broke through the host of the Philistines, and drew water out of the well of Bethlehem, that was by the gate, [and took it, and brought it to David; but he would not drink it, but poured it out to the L-rd]"* (II Samuel 23:15–16). The Sages understood that David was not simply asking for water, but was using the term as a metaphor referring to Torah, and he was raising a halachic dilemma.]  
 What is the dilemma that David is raising?  
 ...Rav Huna stated: There were stacks of barley belonging to Jews in which the Philistines were hiding, and David wanted to burn down the stacks to kill the Philistines and save his own life. He raised the dilemma: What is the *halakha*? Is it permitted to save oneself by destroying the property of another?  
 They sent the following answer to him: It is prohibited to save oneself by destroying the property of another.  
 But you are king, and a king may breach the fence of an individual in order to form a path for himself, and none may protest his action, i.e., the normal *halakhot* of damage do not apply to you since you are king. (Talmud, Baba Kama 60b)
  - a. **TOSAFOT:** His dilemma was, whether he is liable to pay when he saved himself because of "life endangerment" (Pikuach Nefesh)
  - b. A person can save oneself from mortal danger by destroying the property of another, but he is nevertheless, liable to pay. (Piskei HaTosafot)
  - c. It seems that it is obvious to them that one is allowed to save oneself by destroying the property of another with the intension to reimburse them even though it is without the knowledge of the owner. (RaShBa)
  
4. A corpse that has no one to bury it acquires its place and should be buried there by the person who finds it. (Ibid, 82b)
  
5. There was a certain man with whom a silver cup was deposited. Thieves came upon him in his home and he took the cup and gave it to them. The case came before Rabba, and Rabba exempted him from payment.  
 Abaye said to him: This individual is saving himself with another's property, and he should therefore be liable.  
 Rather, Rav Ashi said, [in explanation of Rabba's ruling]: We look at his financial status: If the bailee is a wealthy man, the thieves came with the intent to steal his property, [and he is therefore liable to pay, as he saved himself from financial loss by

handing over another's property.] And if he is not wealthy, the thieves presumably came with the intent to steal the silver cup, [and he is therefore exempt from liability.]

6. There was a certain man with whom the purse containing funds collected for the redemption of captives was deposited. Thieves came upon him and he took the purse and gave it to them. The case came before Rabba, and Rabba exempted him from payment. Abaye said to him: But this individual is saving himself with another's property, and he should therefore be liable to pay. Rabba said to him: You have no greater redemption of captives than this. [Since the man used the money to avoid being harmed by the thieves, Rabba considered the money to have been used for its intended purpose.]
7. There was a certain man who hastened and brought his donkey onboard a ferry [*lemavra*] before other people boarded the ferry. [The donkey began to move around and] was about to cause the boat to sink. A certain other man came and pushed the donkey of that first man into the river, and it drowned. The case came before Rabba, and Rabba exempted him from payment. Abaye said to him: But this individual is saving himself with another's property, and he should therefore be liable to pay. Rabba said to him: This [owner of the donkey] was [considered] a pursuer from the outset, [as he endangered the other travelers. It is permitted to stop a pursuer by any means necessary, including by destroying his property.]
8. Rabba conforms to his standard line of reasoning, as Rabba says:... And a pursued individual who broke the vessels of the pursuer is also exempt from payment, as the pursuer's property shall not be cherished more than his body, [i.e., his life. Since it is permitted to kill the pursuer in order to save his intended victim, it is permitted to destroy his property for that purpose.] But if he destroyed property belonging to anyone else, he is liable to reimburse them, as it is prohibited for him to save himself with another's property. (ibid, 117b)
9. *If, while breaking in, the thief is discovered, and he is struck and dies, [it is as if] he has no blood.* (Exodus 22:1)
  - a. **RASHI:** he has no blood: [This signifies that] this is not [considered] murder. It is as though he [the thief] was [considered] dead from the start. Here the Torah teaches you [the lesson]: If someone comes to kill you, kill him first. And this one [the thief] has come to kill you, because he knows that no one [can] hold himself back and remain silent when he sees people taking his money. Therefore, he [the thief] has come with the acknowledgement that if the owner of the property were to stand up against him, he [the owner] would kill him [the thief]. - [From Talmud, Sanhedrin 72a]
10. 2: If a person is compelled to show them property belonging to a colleague, he is not liable to reimburse his colleague. Nevertheless, should he physically give over his colleague's property to a lawless person, he is liable to reimburse his colleague even though he was forced to do so. The rationale is that a person who saves himself with money belonging to a colleague is obligated to reimburse him.
11. 3: What is implied? A king decreed that wine, straw or the like should be brought to him... If the king compelled him to go and show him the storehouses of wine or straw, or to show him property belonging to a colleague who is fleeing from the king, and the *moseir* showed him because of the compulsion, he is not liable. If he had not shown these resources to the king, he would have been beaten or killed.
12. 4: If he took his colleague's property and handed it to the lawless individual, he is liable to pay, although the king compelled him to do so.
  - a. **Raavad:** *In the case of the fleeing colleague, he is exempt as nothing stands in the way of "saving a life" and on what basis should he be obligated to die for his colleague's money? Since the pursuer specified his colleague.*
13. 6: When a person was apprehended by gentiles because of a colleague, and his money was taken by them because of that colleague, the colleague is not liable to reimburse him. The only instance that reimbursement is required from a colleague when a person is apprehended on that colleague's behalf is when a person is apprehended because of someone's failure to pay the head tax that is applied to all the inhabitants of a country each year, or because of the gift that every individual is required to give the king when he or his soldiers require hospitality. In these instances, the person who failed to pay is obligated to reimburse the person who made the payment, provided the money was taken from him explicitly on account of his colleague, and this took place in the presence of witnesses.
14. 12: When a person who is being pursued destroys utensils belonging to the *rodef* [pursuer], he is not liable. The rationale is that the *rodef's* property should not be considered dearer than his life. If he breaks utensils belonging to others, he is liable. For a person who saves his own life with property belonging to someone else must make restitution.
15. 15: When a ship is about to sink because it is heavily loaded, and one person stands up and makes it lighter by discarding some of its cargo, he is not liable. For the cargo is considered like a *rodef* who is pursuing them to kill the passengers. On the contrary, by discarding the cargo and saving them, he performed a great mitzvah. (Maimonides, Hilchot Chovel Umazik Chapter 8)
16. All these instances where we obligate the *Moiser*, although he was forced, if [it is a case where] he is forced in body [life threatening], there is nothing that stands in the way of "saving a life", [and it is permitted to save a life by destroying another's property], yet he is still liable to reimburse him. (Meiri)