

CHABAD LUBAVITCH OF CHAUTAUQUA

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Everyday Ethics – Intention vs. Consequence – Week 4 - 2020

1. Now Joseph's brothers saw that their father had died, and they said, "Perhaps Joseph will hate us and return to us all the evil that we did to him."
 So they commanded [messengers to go] to Joseph, to say, "Your father commanded [us] before his death, saying,
 'So shall you say to Joseph, "Please, forgive now your brothers' transgression and their sin, for they did evil to you. Now please forgive the transgression of the servants of the G-d of your father." ' " Joseph wept when they spoke to him.
 His brothers also went and fell before him, and they said, "Behold, we are your servants."
 But Joseph said to them, "Don't be afraid, for am I instead of G-d?
 Indeed, you intended evil against me, [but] G-d designed it for good, in order to bring about what is at present to keep a great populace alive.
 So now do not fear. I will sustain you and your small children." And he comforted them and spoke to their hearts. (Genesis, 50:16-21)
 - a. Or HaChaim: This is similar to someone who intends to give his friend poison to drink and gives him wine to drink. He is totally not liable even to heaven.

2. But if her father hinders her on the day he hears it, all her vows and her prohibitions that she has imposed upon herself shall not stand. The L-rd will forgive her because her father hindered her. (Numbers 30:6)
 - a. RASHI: and the L-rd will forgive her: To what case does the verse refer? To a woman who took a nazirite vow, and her husband heard and revoked it for her without her knowledge. She then transgressed her vow by drinking wine and becoming unclean through contact with corpses-such [a woman] requires forgiveness even though it was revoked. And if those which have been revoked require forgiveness, all the more so those which have not been revoked. — [Sifrei Mattoth 17]

3. The Sages taught with regard to a verse in the section discussing vows: “Her husband has nullified them, and the L-rd will forgive her” (Numbers 30:13), that the verse is speaking of a woman whose husband nullified her vow and she did not know that he had done so. It teaches that if she performs the actions prohibited by the vow she requires atonement and forgiveness.

4. And when Rabbi Akiva would reach this verse he would cry, saying: And if one who intended to pick up pork in his hand and eat it, and in fact he picked up the meat of a lamb in his hand and ate it, nevertheless requires atonement and forgiveness, then with regard to one who intends to pick up pork in his hand and in fact picked up pork in his hand, all the more so does he require atonement.

5. On a similar note, you can say and quote the following verse with regard to one who is liable to bring an uncertain guilt-offering, which is brought for a possible transgression: “Though he does not know it yet he is guilty, and shall bear his iniquity” (Leviticus 5:17).
 This verse teaches: And if one who intended to pick up the meat of a lamb in his hand and eat it, which is permitted, and he picked up pork in his hand and ate it, thereby sinning unintentionally, for example, where one took a piece of meat with regard to which it is uncertain whether it is permitted fat and uncertain whether it is forbidden fat, and he ate it, rendering him liable to bring a provisional guilt-offering, the verse states: “And shall bear his iniquity,” indicating that he requires atonement via an offering; then with regard

to one who intends to pick up pork in his hand and in fact picked up pork in his hand, all the more so he requires atonement.

6. Isi ben Yehuda says that this verse: "Though he does not know it yet he is guilty, and shall bear his iniquity" (Leviticus 5:17), should be explained in a slightly different manner: And if in a case similar to one who intended to pick up the meat of a lamb in his hand and he picked up pork in his hand, e.g., where there were two pieces before him, one of forbidden fat and one of permitted fat, and he picked up one and ate it without knowing which of them was forbidden, it states with regard to him: "And shall bear his iniquity," i.e., he is obligated to bring an offering; then with regard to one who intends to pick up pork in his hand and picked up pork in his hand, all the more so is he in need of atonement. (Talmud, Tractate Nazir 23a)
7. If she took a vow and her father or her husband nullified it, but without knowing of the nullification, she willfully violated her vow or oath, she is not liable. Although she had the intent of transgressing, since she committed a permitted act, she is exempt. Concerning this, [*ibid.*:6] states: "G-d will forgive her, although her father prevented her." She is given stripes for rebellious conduct, because she had the intent to transgress. (Maimonides, Laws of Vows 12:18)
8. Do we follow his intention and hold him accountable, and this man, intended prohibition? Or perhaps we follow his actions and exempt him from liability?

Rav Ashi said to Ravina: Isn't this the same as a case subject to a disagreement between Rabba and Rava, and in fact both agree that in this case he is liable?

As it was stated: If one heard that a child was drowning at sea, and he spread a net to raise fish and the result was that he raised only fish, he is liable for transgressing the Shabbat prohibition of trapping. If he intended to raise fish, and he raised both fish and the child, Rava says: He is liable, as his intention was to transgress a prohibition, and Rabba says: He is exempt, as his act saved a life and was therefore permitted on Shabbat. And Rabba deemed him exempt only there, since the one who spread the net heard that a child had fallen in, and therefore we say that his intention in spreading the net was also to save the child. But had he not heard that the child had fallen in, he would not be exempt.

9. And there are those who say that Rav Ashi said to Ravina conclusively: This is subject to the disagreement between Rabba and Rava. As it was stated: If one [did not] hear that a child was drowning at sea, and he spread a net to raise fish and the result was that he raised only fish, he is liable for transgressing the Shabbat prohibition of trapping. If he intended to raise fish, and he raised both fish and the child, Rava says: He is liable, and Rabba says: He is exempt. Rav Ashi adds that Rabba did not exempt him because he heard that a child was drowning. Rather, Rabba says that he is exempt because one follows his actions, whereas Rava says that he is liable because one follows his intention. (Talmud, Tractate Menachot 64a)
10. If he intended to raise up fish and [in fact] lifted up both fish and a child, he is not held liable. Since he lifted up a child together with the fish, he is not held liable even when he did not hear that the child had fallen into the water. (Maimonides, Laws of Shabbat 2:16)
 - a. Or Sameach: He is given "stripes for rebelliousness" (the punishment usually given for the violation of a Rabbinic ordinance), since he intended to perform a forbidden activity. See a parallel ruling, Hilchot Nedarim 12:18.
11. A person who damages property belonging to a colleague is obligated to pay the full extent of the damages. Regardless of whether he did so unintentionally or because of forces beyond his control, it is considered as if he had acted intentionally.

What is implied? If a person fell off a roof and broke utensils, or tripped while he was walking, fell on a utensil and broke it, he is liable to pay the full extent of the damages. This is implied by Leviticus 24:21, which states: "A person who strikes an animal will pay for the damages," without distinguishing between an intentional and unintentional blow. (Maimonides, Hilchot Chovel Umazik 6:1)

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