



## Help, But Don't Enable

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### Parashat Ki Teitzei 5778

Although the phrase **Ki Teitzei** refers to **going out** to war, the overarching theme of this week's *parashah* is how to be a good civilian, neighbor, and householder. We learn about putting up fences to keep our guests safe,<sup>1</sup> we learn about disciplining our children,<sup>2</sup> we learn about treating the human body with respect.<sup>3</sup> There are laws of marriage and divorce,<sup>4</sup> laws of inheritance<sup>5</sup> and charitable agriculture,<sup>6</sup> and laws about treating animals with sensitivity.<sup>7</sup> With all of these laws that are about vigilance and taking responsibility, it is surprising to find two laws in this week's *parashah* wherein the Rabbis construct an exception to the norms of good citizenship and neighborliness. They teach that, in fact, there are certain times when a person can and should evade responsibility, shirking what would otherwise be considered an important obligation. This surprising reversal draws our attention to these laws. Examining these exceptions and understanding why they have been made can teach us critical lessons about the right way and wrong way to be a good neighbor, the wrong and right ways to help.

The first law where the Rabbis provide the option of taking a personal exception is the law of returning lost property, *Hashavat Aveidah*. According to the straightforward reading of the verses, this law is comprehensive in scope, applying to all types of property and incumbent on all types of people:

#### דברים כב:א-ג

לא תראה את שור אחיך או את שיו נדחים והתעלמת מהם השב תשיבם לאחריך: ואם לא קרוב אחיך אליך ולא ידעתו ואספתו אל תוך ביתך והיה עמך עד דרש אחיך אתו והשבתו לו: וכן תעשה לחמרו וכן תעשה לשמלתו וכן תעשה לכל אבדת אחיך אשר תאבד ממנו ומצאתה לא תוכל להתעלם:

<sup>1</sup> Devarim 22:8.

<sup>2</sup> Devarim 21:18-21.

<sup>3</sup> Devarim 21:22-23.

<sup>4</sup> Devarim 24:1-4.

<sup>5</sup> Devarim 21:16.

<sup>6</sup> Devarim 24:19-20.

<sup>7</sup> Devarim 22:6-7, 25:4.



**Devarim 22:1-3**

You shall not watch your brother's ox or sheep straying and you ignore them; you shall take them back to their owner. If your brother does not reside near you or you do not know who [the owner] is, you shall bring it to your own house, and it shall remain with you until your brother seeks it; then you shall return it. You shall do the same with his donkey; you shall do the same with his garment; and you shall do the same with anything else that your brother loses and which you find. You may not ignore it.

The biblical law of returning lost property is all-encompassing and therefore quite demanding. It covers anything that a person could encounter: not just objects that are easy to hold on to, but even animals that require a lot of attention and care. Therefore the text emphasizes that **you may not ignore** the lost property you find, even what is large and unwieldy or otherwise difficult to manage. It is therefore quite surprising that the Midrash Halakhah says there are cases of lost property which you may—and perhaps even *should*—willfully ignore!

**ספרי דברים פסקא רכב**

**והתעלמת מהם** – פעמים שאתה מתעלם ופעמים שאין אתה מתעלם. כיצד? היה כהן והיא בבית הקברות, או שהיה זקן ואינה לפי כבודו, או שהייתה שלו מרובה משל חברו – פטור. לכך נאמר: **והתעלמת** – פעמים שאתה מתעלם ופעמים שאין אתה מתעלם.

**Sifrei Devarim Piska 222**

**And you ignore them.** Sometimes you do ignore them, and sometimes you do not. How [does the law play out]? If he were a priest and [the lost property] is in a graveyard, or if he is an elder and [collecting this property] does not accord with his dignity, or if [the loss he would incur by collecting the lost property] would be greater than what his friend would lose—then he is exempt. That's why it says **you ignore**—sometimes you do ignore, and sometimes you do not.

The concluding verse clearly says **לא תוכל להתעלם, You may not ignore it.** However, in the first verse of the passage, the negation **לא, do not** is separated from **והתעלמת, you ignore** which makes it possible for the Rabbis to read the word **והתעלמת** on its own, that is to say, as “**you may ignore**,” a reversal of the verse's original meaning! This Rabbinic permission to ignore and decide not to return the lost property is fairly broad. It extends not only to cases like the Kohen and the graveyard (as priests are prohibited from deliberately contracting impurity<sup>8</sup>) but even to cases of loss of dignity or financial hardship. Moreover, in each case, the person who has encountered the lost object themselves is the one who decides whether or not the exemption applies, though they are not a court and hardly a disinterested party.

<sup>8</sup> VaYikra 21:1-6.



The second law where the Rabbis provide for personal exemptions follows immediately after the rules regarding lost property:

#### דברים כב:ד

לא תראה את חמור אחיך או שורו נפלים בדרך והתעלמת מהם הקם תקים עמו:

#### Devarim 22:4

You shall not see your neighbor's donkey or ox fallen on the road and you ignore it; you shall lift it up with him.

Here we have a second law regarding encountering a friend's property, this time pitching in to help a person load or unload their fallen animal. You may not ignore the situation and pretend that you are unaware; instead, you must help, even at your own inconvenience. The phrase **וְהִתְעַלְמָתָּ, you ignore**, which was part of the laws of returning lost objects, reappears here in verse 4, again separated from the **לא** which teaches that you may not ignore. And here, the Midrash repeats itself verbatim and provides the identical dispensation, allowing one to pass by without helping the friend!

#### ספרי דברים פסקא רכה

והתעלמת מהם - לפעמים שאתה מתעלם ופעמים שאין אתה מתעלם...

#### Sifrei Devarim Piska 225

**And you ignore them.** Sometimes you do ignore them and sometimes you don't . . .

In order to understand the significance of these exceptions, why the Rabbis make them, and what they come to teach us, we need to read the continuation of the Midrash:

**הקם תקים עמו** - העמידה ונפלה אפילו ה' פעמים חייב, שנאמר: **הקם תקים עמו**. הלך וישב ואמר לו: הואיל ועליך מצווה לפרוק פרוק פטור, שנאמר: **הקם תקים עמו**. יכול אפילו זקן אפילו מוכה שחין? תלמוד לומר: **הקם תקים עמו**.

**You shall lift it up with him.** If he lifted [the load] and it fell again, even five times over, he is still obligated [to lift again], as it says, **You shall lift it up with him.**<sup>9</sup>

If [the owner] sat and said to [the passerby], "Since you have a *mitzvah* to remove the burden,<sup>10</sup> remove it!" [the passerby] is exempt, as it says **You shall lift it up with him**.

Is it possible that even if the [owner was] elderly or infirm [the passerby is exempt if the owner doesn't participate]? That's why the verse says, **You shall lift it up with him**.

<sup>9</sup> The Hebrew is in the emphatic case, **הקם תקים**, which Rabbinic texts often read as the continuous present.

<sup>10</sup> Although the Biblical text only specifies loading the animal, the Midrash Halakhah extends the obligation to helping to unburden the animal as well.



Here, the Midrash distinguishes between two types of owners who solicit the help of passersby. There is one type of owner who is in need. The load is too heavy and they require assistance in lifting it. This is the kind of owner we may not ignore and are obligated to help, no matter how difficult the task. However, there is a second type of owner. This type of owner is not weak; she is lazy. This owner is taking advantage of your sympathy and taking advantage of the fact that you want to do a *mitzvah*. In this case, you are exempt. The Midrash does command you to lift the same load five times, so it is clear that it will not endorse laziness. Laziness is not tolerated for the passerby, *and* laziness is not tolerated for the owner.

The Midrash Halakhah exempts us from returning a lost object if it will cause an even greater loss to us. We are exempt from helping a stranger who is trying to use us and capitalize on our desire to do the right thing, to say yes. In providing these exemptions and outlining the conditions for when to employ them, the Rabbis are teaching us that one is permitted to say no, when to say no, and that whether or not to say no is entirely in our hands and is our decision to make. We are not prohibited from returning an object when doing so is beneath our dignity. We are not told that we may not assist a person who is a freeloader who doesn't respect our time and effort, but we are told that we are certainly entitled to be wary, and encouraged to value our own time and effort.

The Midrash can be distilled into two basic guidelines for when we could say no: (i) When it will cause us more harm than it will contribute benefit to the other person, and (ii) when someone is trying to take advantage of our kindness and exploit us. It is extremely important to recognize that the calculus is not based on whether or not it would be nice to say yes—of course it would be nice to say yes! The calculus is also not based on whether or not you were explicitly asked. Sometimes even when you are asked, your answer can and should be no. And often, even when you are not asked, you are nevertheless obligated. The decision is based upon whether or not saying yes will harm your dignity, harm you physically or financially, and whether or not the request was respectful and reasonable. Refusing to help a frail person carry their groceries can be hard-hearted. But you should not find yourself schlepping the groceries of a person who is more able-bodied than you are just because they asked.

It can be very hard to say no, but it is also extremely important. Its importance is underscored by the fact that the text makes clear that the decision to say no also has to be yours. The Midrash states quite unequivocally that you do not have to allow yourself to be taken advantage of. However, the Rabbis' permission to decline a request can be too small a comfort when we feel guilty about denying a request. Therefore it's important to remain cognizant of the more selfless reasons why saying no can be essential.



According to the Torah, a Jew may not charge interest when lending money to their fellow Jew. Interest payments always seem small when the loan is taken out and can become unbearable in the paying back. However, it is not only prohibited to charge and collect interest; it is also forbidden to pay interest, as the Mishnah teaches:

#### משנה בבא מציעא ה:יב

ואלו עוברין בלא תעשה—המלווה, והלווה, והערב, והעדים, וחכמים אומרין אף הסופר. עוברין על ...  
ו"לפני עיוור לא תיתן מכשול; ויראת מאלוהיך" (ויקרא יט, יד).

#### Mishnah Bava Metzia 5:12

These violate a prohibition [associated with usury]—the one who lends, the one who borrows, the one who guarantees the loan, the ones who witness the loan, and the Sages say even the scribe. They violate . . . [five separate prohibitions including] **Do not place an obstacle before the blind, and you shall fear your God** (VaYikra 19:14).

Not only are we not allowed to take advantage of other people, we are not permitted to allow ourselves to be taken advantage of. Like the witnesses and the guarantors, the person who is willing to pay interest perpetuates an injustice. Predatory practices and unfair demands are predatory, unfair, and illegal even if you are the victim. And when you are the victim, you are not the only victim, since you are facilitating the sin of the usurer. If he had no one to lend to at interest, there would be no market. By being willing to be mistreated yourself, you are also providing someone else with the opportunity to sin. When you don't say no to unreasonable requests, you become an enabler of abusive behavior.

The second reason why it is so important to say no to unreasonable requests is that when people do say no on occasion, it creates a climate where it is safe for people to ask for what they need. If I need a favor from you, and I can trust you to say no if my request is too onerous, then it becomes safe for me to ask you for help. If I know that you are going to say yes to anything I ask for, even if it comes at tremendous harm to you, then I need to be careful about asking. If I can't trust you to look after your own interests, then I have to look after your interests, and I might do so even at significant cost to me. When inappropriate requests are denied, when exploitative demands are ignored, it creates an environment where people use their capacity to give to those who are the most deserving, not the most audacious. And it enables everyone to feel comfortable asking for assistance.

We also need to think carefully about the requests that we make. When we ask someone for help, we need to take into account how difficult it might be for our requests to be accommodated. It is not true that "it doesn't hurt to ask." It doesn't hurt *you* to ask, but you might be asking someone to make an investment of time that they do not have. You might be



asking someone to part with money or energy that would be better spent elsewhere, but because you asked, and only because you asked, it is now being spent on you. Ask when you need help and never because you are unwilling to put in the effort yourself. Notice whom you are asking from, and make sure you know whether or not they are truly able and feel empowered to refuse.

The Talmud in Yoma (87a) teaches that when R. Zeira had an issue with someone, he would walk back and forth in front of them and make himself available, so that they could apologize to and appease him. He was clearly willing to forgive them, so why not just forgive in his heart and move on? R. Zeira understood that if he did that, he would be depriving the person who wronged him of the opportunity to do the right thing. A kind, firm no can be a favor both to the person who makes a request and to the one who denies it.

Wishing you a Shabbat of both yes and no.

