

Parashat Behar 5782, 2022:

## *Self or Other?*

Rabbi David Etengoff

Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon Hakohen, father-in-law, Levi ben Yitzhak, sister, Shulamit bat Menachem, sister-in-law, Ruchama Rivka Sondra bat Yechezkel, Chana bat Shmuel, Yehonatan Binyamin ben Mordechai Meir Halevi, Shoshana Elka bat Avraham, Tikvah bat Rivka Perel, Peretz ben Chaim, Chaya Sarah bat Reb Yechezkel Shraga, Shmuel Yosef ben Reuven, Shayndel bat Mordechai Yehudah, the *Kedoshim* of Har Nof, Pittsburgh, and Jersey City, and the *refuah shlaimah* of Mordechai HaLevi ben Miriam Tovah, and the health and safety of our brothers and sisters in Israel and around the world.

The prohibition of charging a fellow indigent Jew interest on a loan is one of the many subjects addressed in our *parasha*:

If your brother becomes destitute and his hand falters beside you, you shall support him [whether] a convert or a resident, so that he can live with you (*v'chai imach*). You shall not take from him interest (*neshech*) or increase, and you shall fear your G-d, and let your brother live with you (*v'chai achicha imach*). You shall not give him your money with interest (*neshech*), nor shall you give your food with increase. (*Sefer Vayikra* 25:35-37, this and all Tanach translations, *The Judaica Press Complete Tanach*)

While the topic of *neshech* is analyzed and expanded upon throughout Rabbinic thought, on the *peshat*-level, our *pasukim* are quite clear: one may not charge interest on a loan to a fellow Jew in order for “your brother [to] live with you” without additional financial stress. An entirely different approach, however, to the words, “*v'chai achicha imach*,” are offered by *Talmud Bavli, Baba Metzia* 62a:

The Gemara asks: And Rabbi Yohanan, what does he do with this verse: “And your brother shall live with you”? The Gemara answers: He requires the verse for that which is taught in a *baraita*: If two people were walking on a desolate path and there was a jug [*kiton*] of water in the possession of one of them, and the situation was such that if both drink from the jug, both will die, as there is not enough water, but if only one of them drinks, he will reach a settled area, there is a dispute as to the *halakha*. Ben Petora taught: It is preferable that both of them drink and die and let neither one of them see the death of the other. This was the accepted opinion until Rabbi Akiva came and taught that the verse states: “And your brother shall live with you,” indicating that your life takes precedence over the life of the other. (*The William Davidson Talmud*, translation, Rabbi Adin Steinsaltz *zatzal*)

This *baraita* discusses a scenario wherein one of two individuals traveling together owns a very limited supply of water. Ben Petora opines that the water must be shared so that one of them does not witness the other's death. As such, he interprets, "in order that your brother should live—*v'chai achicha*," in a literal manner and maintains that the water should be shared at all costs. In stark contrast, Rabbi Akiba stresses the importance of the very end of our verse "with you—*imach*." In his view, while you should do everything in your power to enable your fellow Jew to live, nonetheless, "*chayecha kodmim l'chayeh chaveircha*—your life takes precedence over your fellow Jew's life" when you are the sole owner of the limited resource. It should be noted that the Rif (Rabbeinu Yitzhak Alfasi, 1013-1103), and the Rosh (Rabbi Asher ben Yechiel, 1250-1328), quote this *baraita* verbatim in their respective works, indicating that they concur with Rabbi Akiba's opinion as a matter of actual halachic practice.

As we have seen, our *baraita* focuses upon a case of first party possession of a scarce resource. According to Rabbi Akiba, the owner is entitled to fully exercise his rights of possession and drink the water, even though this will result in the death of his companion. At first glance, this *p'sak din* seems to contradict another highly celebrated position of this mishnaic period sage: "Rabbi Akiva stated: '*V'ahavta l'reicha kamocha, zeh klal gadol baTorah*—And you should love your neighbor as you love yourself, this is the overarching principle of the Torah.'" (*Talmud Yerushalmi, Nedarim 9:4*) The question is clear: How can Rabbi Akiva simultaneously maintain, "*chayecha kodmim l'chayeh chaveircha*," and "*v'ahavta l'reicha kamocha, zeh klal gadol baTorah*?" That is, if you maintain the first position, the second seems impossible to fulfill.

We are fortunate that the universally recognized *gadol* of his generation, Rav Moshe Sofer *zatzal* (Chatam Sofer, 1762-1839) addresses this exact question:

If it is the case that “*chayecha kodmim l’chayeh chaveircha*,” how is it possible to fulfill “*v’ahavta l’reicha kamocho*?” [When Rabbi Akiva stated,] “*chayecha kodmim l’chayeh chaveircha*,” however, this was said regarding matters that pertain to this world (*b’inyanei olam hazeh*), but in regard to those things that refer to Eternal Life (*b’chayeh hanitzchi’yi*), that is Torah study, one is obligated to teach others—even if he will diminish his own Torah study—nonetheless, he is obligated to learn with others. Therefore, Rabbi Akiva said: “*zeh klal gadol baTorah*,” that is, regarding Torah study, it is the overarching principle to love your fellow Jew as you love yourself... (*Torat Moshe*, Parashat Kedoshim, s.v. *v’ahavta l’reicha kamocho*, translation, brackets and underlining my own)

In many ways, this analysis is an intellectual tour de force. The Chatam Sofer interprets the phrase, “*zeh klal gadol baTorah*,” in such a singular fashion that he was able to explain this ruling of Rabbi Akiva’s as referring specifically to Torah study, rather than as a universal Torah principle. In so doing, he deftly removes any seeming contradictions in Rabbi Akiva’s thought and reveals to us that “*chayecha kodmim l’chayeh chaveircha*” pertains to matters of this world, whereas “*v’ahavta l’reicha kamocho zeh klal gadol baTorah*” refers solely to teaching Torah to others.

It is crucial to note that the Chatam Sofer’s unique interpretation of Rabbi Akiva’s axiom does not refer to his view regarding the *mitzvah* of “*v’ahavta l’reicha kamocho*” per se. In this regard, I am convinced he embraced the famous words of the Rambam (Maimonides, 1135-1240):

It is a positive commandment of Rabbinic origin to visit the sick, comfort mourners, to prepare for a funeral, prepare a bride, accompany guests, attend to all the needs of a burial, carry a corpse on one's shoulders, walk before the bier, mourn, dig a grave, and bury the dead, and also to bring joy to a bride and groom and help them in all their needs. These are deeds of kindness that one carries out with his person that have no limit (*gemilut chasadim sh’b’gufo sh’ain lahem shiur*). Although all these mitzvot are of Rabbinic origin, they are included in the Scriptural commandment “v’ahavta l’reicha kamocho. That charge implies that whatever you would like other people to do for you, you should do for your comrade in the Torah and mitzvot. (*Sefer Mishneh Torah, Hilchot Avel 14:1*, translation, Rav Eliyahu Touger)

With Hashem’s help and our fervent desire, may we ever participate in acts of *gemilut chasadim sh’b’gufo sh’ain lahem shiur*, and may we thereby bring *shalom* to our world. *V’chane yihi ratzon.*

Shabbat Shalom

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\*\*\* I have posted 164 of Rabbi Soloveitchik's English language audio *shiurim* (MP3 format) spanning the years 1958-1984. Please click on the highlighted link: [The Rav](#)