

Parashat Ki Tetzei 5780

This Shabbat's Parasha, Ki Teitzei, contains 74 commandments (Mitzvot), the most of any Torah portion. I will primarily address one, the obligation to return lost property. If someone loses property, we are obligated to return it to them and to take care of it until we are able to return it to them. We are not allowed to profit from the lost items.

In a traditional Yeshiva (institution for higher learning of Torah both the written Torah i.e. the Bible and what's considered the oral Torah i.e. the Talmud, which is focused on much much more), the first part of the Talmud that a student studies is the second chapter of *Baba Metzia* (*Baba Metzia* literally means the "middle gate"). This chapter deals with returning lost items. To say that it deals with lost items is a huge understatement because it goes into enormous detail about lost items, which includes what to do with items that were lost that you cannot identify the owners because there are no identifying markers. For example, if I left a banana in a public place how could that item be identified?

When I first started graduate school at Hebrew University in Jerusalem in the fall of 1972, I also studied Talmud with a tutor who was a rabbinic student at Mossad HaRav Kook, Rav Kook's yeshiva (Rav Kook was the first Chief Rabbi of "Palestine" in the 1900s). Chapter two of *Baba Metzia* was what we began our studies with. The first day after studying with him as I took the bus from the Yeshiva back to Hebrew University, lo and behold, I encountered a lost object. That's all I can remember about that event.

Back to lost items. In the Talmud a story is related in which a person passing the door of Rabbi Hanina ben Dosa, someone Hanina didn't know, accidentally left some of his hens outside of Hanina's house. Rabbi Hanina told his family they must not eat the eggs. Over time the eggs and the hens grew numerous and there was no longer room to keep them. So Rabbi Hanina sold them and bought goats. Sometime later the man who had accidentally left the hens came back asking about them. Rabbi Hanina asked him if he had some identification that would prove his ownership of them. He did have the proof and Rabbi Hanina gave him all the goats he had acquired.

Here's a similar Talmudic story (from Tractate Ta'anit 25a). Rabbi Pinchas ben Yair had some visitors who came by with some barley grain which they left with him and forgot at his house. Rabbi Pinchas sowed the barley for several years, harvested it and stored it. After seven

years the people returned and Rabbi Pinchas told them: “Take your storehouses filled with grain.”

A person is not permitted to ignore a lost item. We are obligated to return it to the person who lost it, to make it known that we have found something, to care for whatever was lost, to not profit from it ourselves and if, as in the two previous stories something was gained from the lost objects whatever was gained belongs to the person who lost them.

In a way you could see the entire situation regarding returning and taking care of lost property as an extension of “*V’ahavta L’reyakha Kamokha*” loving your neighbor as yourself.

If someone’s animal falls, it’s our obligation to help it get up. Both of these laws about returning lost objects and helping someone else’s animals applies even to the objects and animals of people that are our enemies.

I think the part about doing it for our enemies also is particularly interesting. The Torah doesn’t pretend that we will live in a world in which everyone loves each other. Realistically that probably won’t happen. So what should we do under those circumstances? Commanding us to return the lost objects of our enemies or to care for their animals in need conveys a lot about the relationship between people.

In contrast to the imperative to return something that belonged to another person and in contrast to the prevalent laws in the Middle East at the time of the Torah, if someone found a runaway slave they were obligated to take care of the person and not to return that person to their “owner.” It says in Deuteronomy 23: 16-17: “You shall not turn over to his master a slave who seeks refuge with you from his master. He shall live with you in any place he may choose among the settlements in your midst, wherever he pleases...”As in so many laws throughout the Torah we are told to remember that we were once strangers and slaves in Egypt and therefore we should be kind to the stranger, etc. etc. Some people refer to this regular reference to our history as slaves in Egypt as the “empathetic imperative.” Nachmanides (1194- 1270) explains that this command to remember that we were slaves in Egypt is to ensure that we diligently observe laws of justice and take care of the stranger, widow, and orphan. There are many laws in the Torah that concern themselves with this. (One parenthetical note about Nachmanides, known in our tradition as the Ramban, Rabbi Moshe ben Nakhman, was the most influential rabbi in his generation. He grew up in Spain and in 1267 moved to Jerusalem. He was one of the most influential commentators on the Torah, a great Talmudist and a Kabbalist). Lastly, in referring to

this command to remember things about our past, the Baal Shem Tov (1700 – 1760) said: “exile comes from forgetting and remembering is the secret of redemption.” There is much more to say about this, but it will have to wait for another time.

Shabbat Shalom.