

ספר נזיקין

הלכות נזקי ממון (1) מצוה 463

המצוה דין השור

The laws dealing with an ox that damages.

המקור

וְכִי-יִגַח שׁוֹר וְגו' (שמות כ"א : כ"ח)

If an ox will gore

וְכִי-יִגַף שׁוֹר-אִישׁ אֶת-שׁוֹר רֵעֵהוּ (שמות כ"א : ל"ה)

If a man's ox will strike his friend's ox.

ביאור המצוה

It is a מצוה for בית דין to judge the case of an ox that gores or damages; people, animals, or property, in an irregular and uncommon manner.

פרטים באופן קיום המצוה

- ◆ The damages which can be caused by an ox are divided into three general categories: קָרַן and שָׁן and רָגַל. In this מצוה, we will discuss קָרַן.
- ◆ The main category (אָב) of קָרַן is when the animal damages through goring. The subcategories (תולדות) include all forms of damage which are irregular and uncommon for an ox, like biting or kicking etc.. Forms of damages which are natural for an ox to do, come under the categories of שָׁן and רָגַל which will be discussed in the following מצוה.
- ◆ The first three times (on three separate days) an ox causes damage through קָרַן, he is called a תָּם. From the fourth time onwards he is called a מוּעַד. (רמב"ם הלכות נזקי ממון א:ד, ו:א).

סדר לימוד התרי"ג מצות

(מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

- ◆ The owner of the תם is liable for half of the damages it caused (חצי נזק), but not exceeding the value of the damaging ox. For example, a תם whose value was \$100.00 did damage worth \$1000.00, the owner is required to pay only \$100.00. If the ox that caused damage was a מועד, the owner is then liable for the entire damage (נזק שלם), regardless of the value of the damaging ox. (רמב"ם הלכות נזקי ממון א:ז)
- ◆ All the above does not apply if an ox killed a person. These laws are indicated in the chart below:

If the ox killed	And the ox is a	The law is as follows
A Jew	תם	The ox is judged by a בֵּית דִּין of 23 and if found guilty is stoned (סְקִילָה)
A Jew	מועד	Same as a תם. In addition, the owner of the ox is punishable with מִיתַת בְּיָדֵי שְׂמִים. He must redeem himself from this punishment by paying the value of the victim to the heirs.
An עֶבֶד כְּנַעֲנִי	תם	Same as if he killed a Jew.
An עֶבֶד כְּנַעֲנִי	מועד	Same as if the ox was a תם. The owner also needs to pay the master of this slave 30 שְׁקָלִים.

- ◆ All the above laws apply equally to other domestic animals that cause damage or kill. The פְּסוּק mentions the ox because it is most common for an ox to cause these damages. (רמב"ם הלכות נזקי ממון א:א)

במי נוהגת	מתי נוהגת	היכן נוהגת
בֵּית דִּין	At all times when there is a בֵּית דִּין of סְמוּכִים	In every place



(2) מצוה 464

המצוה דין ההבֵּיעַר

The laws of an ox that damages through eating and trampling (שן, רָגַל).

המקור

כִּי יִבְעֵר אִישׁ שְׂדֵה אוֹ-כָרְס וְגו' (שמות כ"ב:ד)

If a man permits an animal to damage a field or vineyard, etc.

ביאור המצוה

If one allows his animal to enter another person's field where it damaged parts of the field either by eating or trampling, it is the responsibility of בֵּית דִּין to decide whether the owner of the ox is required to pay damages and how much he is required to pay.

פרטים באופן קיום המצוה

- ◆ Damage by שן refers to, the animal eating and enjoying fruits and vegetations that are normal for that animal to eat. This is the main category (אב) of שן. In addition, there are subcategories (תולדות) of שן. These include, damage caused by the animal rubbing or scratching itself against a wall, or rolling on fruits for its pleasure. (i.e. to relieve an itch). (רמב"ם הלכות נזקי ממון א:ב, ג:א..)
- ◆ The אב of רָגַל refers to, the animal damaging items that were in its way during its normal course of walking. The תולדות of רָגַל include damage that the animal caused with its body, hair, saddle, pack that it was carrying, or while swishing its tail, in its normal course of walking. (רמב"ם הלכות נזקי ממון א:ב)
- ◆ For the damages caused through שן and רָגַל, the owner of the ox is obligated to compensate the victim fully. (רמב"ם הלכות נזקי ממון א:ב)
- ◆ One is required to pay for the damage caused by שן and רָגַל only if the damage took place on the property of the damaged party (ניזק). (רמב"ם הלכות נזקי ממון א:ז-ט)

במי נוהגת	מתי נוהגת	היכן נוהגת
בית דין	At all times	In all places



(3) מצוה 465

המצוה

דין בור

The laws involving damages caused by a pit.

המקור

וְכִי-יִפְתַּח אִישׁ בּוֹר (שמות כ"א:ל"ג)

If a man shall uncover a pit.

ביאור המצוה

If one dug a pit or uncovered an existing pit in רשות הרבים and caused damage, injury or death, it is the responsibility of בית דין to decide whether the owner of the pit is required to pay damages and how much he is required to pay.

פרטים באופן קיום המצוה

- ◆ If an animal fell into a pit that was at least 10 טפחים deep, and was injured or died, the one who dug or uncovered the pit (בעל הבור) is required to pay the full amount of damages. However, if the pit was less than 10 טפחים deep, the בעל הבור pays only if the animal was injured. If the animal died, he is not liable. (רמב"ם הלכות נזקי ממון י"ב:ה)
- ◆ If a person fell into the pit and was injured, the בעל הבור is liable to pay full damages. However, if he dies the בעל הבור is not liable. (רמב"ם הלכות נזקי ממון י"ג:ט"ה)
- ◆ Likewise, if utensils fell into the pit and broke, the בעל הבור is not liable.
- ◆ The תולדות of בור are all types of hazards that are placed in a רשות הרבים, for example, one's stone, knife or package. The one who placed these hazards is liable for all damages that occur through them as he would be for בור.

(רמב"ם הלכות נזקי ממון י"ג:ב)

במי נוהגת	מתי נוהגת	היכן נוהגת
בית דין	At all times	In all places



(4) מצוה 466

המצוה דין הבצרה

The laws regarding damage caused by fire (אש).

המקור כִּי־תֵצֵא אֵשׁ וּמְצָאָהּ קִצִּים (שמות כ"ב:ה)

If a fire goes forth and finds thorns...

ביאור מצוה

If a person starts a fire which eventually spreads and causes damage, it is the responsibility of בֵּית דִּין to decide whether the one who started the fire is required to pay damages and how much he is required to pay.

פרטים באופן קיום המצוה

- ◆ If one starts a fire in another person's property and the fire spreads causing damage, the one who started the fire is liable for all damages resulting from the fire.
- ◆ However, if one starts the fire in his own property, he must pay for all the damages only if he did not leave ample distance between the fire and the neighbor's property and the fire spread causing damage. If he did leave ample distance and the fire spread nonetheless, he is not liable (רמב"ם הלכות נזקי ממון י"ד:ב)
- ◆ If the fire injured a person, the one who is liable must pay permanent physical damages incurred by the victim (נזק). In addition, he must also pay for:
 - 2) his disability of not being able to work (שְׁבֵת),
 - 3) medical expenses (ריפוי),
 - 4) pain (צער),
 - 5) shame and embarrassment (בְּשֵׁת).
- ◆ The תולדות of אש are: stones, knives or packages which were placed on top of a roof and were blown off the roof due to a regular wind and caused damage while in motion. The one who placed the items on the roof must pay full compensation for the damage incurred. If however the wind which blew the objects off the roof was stronger than expected, the one who placed them is פטור.

במי נוהגת	מתי נוהגת	היכן נוהגת
בית דין	At all times	In all places



Questions on Mitzvos 1-4

1) Which of the four אבות נזיקין requires a בית דין of סמוכים to decide about the damages?

2) Give examples of תולדות of קרן? _____

3) What happens to an ox that kills a Jew? _____

4) Give examples of תולדות of שן? _____

5) Give examples of תולדות of רגל? _____

6) Name the five types of damages that a person may be required to pay? _____

7) Give examples of תולדות of בור? _____

8) A knife which was blown off a roof and caused damage while in motion is a תולדה of which of the אבות נזיקין? _____

9) What precaution must a person take when making a fire in his own property which would guarantee that he would not be responsible for damage done by the fire in his neighbors property? _____

	10) Indicate whether the following statement is (T)rue or (F)alse. If the statement is false, cross out the word or make the proper changes so that the sentence should be true. Write your answer in the box on the left.
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	If an ox was a תם worth 300 dollars did 1000 dollars worth of damage, the owner of the תם must pay 500 dollars.
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סדר לימוד התרי"ג מצות
 (מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

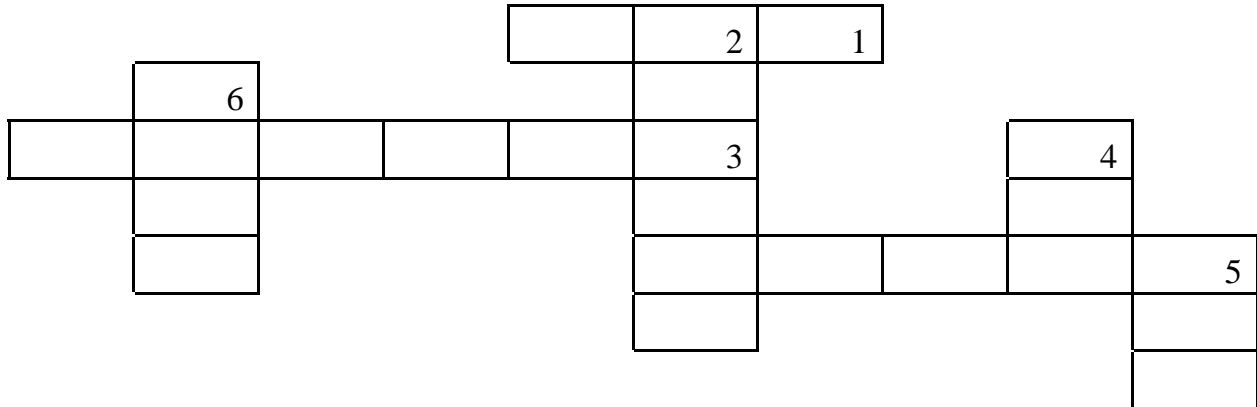
	11) Damage caused by an ox, through eating something which he normally eats, is called
	א) קָרוֹ ב) שֵׁן ג) רֶגֶל

	12) The דִּין שׁוֹר applies if the damaging animal was a
	א) Dog ב) Goat ג) Ox ד) All of the above

Check off the right boxes

	Does not pay anything	Pays half damage (חֲצִי נֹזֵק)	Pays full damage (נֹזֵק שָׁלֵם)
If he started the fire in his friend's property, causing damage			
If he started the fire in his own yard leaving ample distance from his neighbor's property and still caused damage			
If he started the fire in his own yard, not leaving ample distance from his neighbor's property and caused damage.			

ALL ANSWERS ARE IN HEBREW



ACROSS

1. Amount one must pay for the damaged person's inability to work.
3. Damagers which are secondary to אַבּוֹת נְזִיקִין are called....
5. Medical expenses for harm caused.

DOWN

2. The מְצֻחָה of deciding how much damages one must pay is placed upon the
4. A תָּם only pays נֶזֶק _____
5. Damage that an ox causes by trampling is known as
6. An ox that harms four times is called a

הלכות גניבה

(5) מצוה 467

המצוה

שלא לגנוב ממון

Not to steal money

המקור

לא תגנבו (ויקרא י"ט:א)

You shall not steal

ביאור המצוה

It is forbidden to take money or anything else that belongs to another person without permission.

פרטים באופן קיום המצוה

- ◆ A גנב is one who takes from another person secretly without the knowledge of the owner. One who steals confronting the owner with physical strength, without fear of anyone, is called a גזלן. The laws of the גזלן will be discussed in Mizva # 12. (רמב"ם הלכות גניבה א:ג)
- ◆ One is not permitted to steal even if he is doing it as a joke, to irritate the owner, or to teach him a lesson.
- ◆ The תכמים prohibited purchasing stolen goods from the thief because that would encourage him to steal more. (רמב"ם הלכות גניבה ה:א)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לאו שניתן לתשלומין	All people (men and women)	At all times	In every place



(6) מצוה 468

המצוה דין הגנב

The laws of dealing with a גנב

המקור

כִּי יִגְנַב-אִישׁ וְגו' (שמות כ"א:ל"ז)

If a man will steal...

ביאור המצוה

תורה is required to judge cases of theft according to the guidelines set forth in the בֵּית דִּין.

פרטים באופן קיום המצוה

- ◆ A person who was found guilty of גניבה must pay כֶּפֶל - double the value of the item he stole. (רמב"ם הלכות גניבה א:ד)
- ◆ However, if he steals an ox and slaughters or sells it, he must pay the owner five times its value. If he steals a sheep and slaughters it or sells it, he must pay the owner four times its value.
(רמב"ם הלכות גניבה א:ו)
- ◆ If the גנב confesses to the theft in בֵּית דִּין before he is found guilty through the testimony of witnesses, he's required to pay only the value of the item or animal he stole.
(רמב"ם הלכות גניבה א:ה, ג:ח,ט)
- ◆ If the גנב is unable to pay the owner for the theft, he is sold by בֵּית דִּין as an עֶבֶד עֶבְרִי. The money is used to repay the theft.

במי נוהגת	מתי נוהגת	היכן נוהגת
בֵּית דִּין	At all times **** [Payment of כֶּפֶל and four/five times apply only when there is a בֵּית דִּין of סְמוּכִים]	In all places

סדר לימוד התרי"ג מצות
 (מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

A גֵּנֵב THAT STOLE	and admits to the theft, must pay	and is caught with it, must pay	and is caught after selling or slaughtering the ox or lamb
Any movable object	קָרָו (the principal value)	כִּפְּל (double the value)	כִּפְּל
An ox	קָרָו	כִּפְּל	5 times its value
A lamb	קָרָו	כִּפְּל	4 times its value



Questions on Mitzvos 5-6

- 1) Why is it forbidden to purchase stolen goods? _____

- 2) Why doesn't a גַּנֵּב receive מַלְקוֹת? _____
- 3) To whom does the מִצְוָה of הַגְנֵב of דִּין apply? _____
- 4) Under which circumstance would a גַּנֵּב not need to pay the penalties of כֶּפֶל or 4/5 times? _____

- 5) What does בֵּית דִּין do with the money it obtains for the sale of the גַּנֵּב? _____

- 6) Which types of payments does a גַּנֵּב pay only when there is a בֵּית דִּין סְמוּכִים? _____

How much does a גַּנֵּב have to pay? Put a check in the correct box.

	NOTHING	PRINCIPAL	DOUBLE	4 TIMES	5 TIMES
A גַּנֵּב that was caught red-handed					
A גַּנֵּב that turns himself in					
Stealing and selling an ox					
Stealing and slaughtering a lamb					

סדר לימוד התרי"ג מצות

(מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

ט	א	ק	ר	ו	ק	ר
ז	ב	ש	ל	פ	ס	ו
י	נ	ז	ע	כ	ג	מ
ז	ג	ף	ך	ל	ח	ז
ע	ב	ז	ע	ב	ר	י
צ	נ	ה	ב	ש	ס	ק
ר	ק	צ	כ	ת	ת	מ
ה	ט	ו	ר	פ	ט	א
פ	ס	ו	ר	ג	ל	ט

FIND THE WORDS (from the first six מצות)

- 1) A גֶּבֶר can be sold as an (2 words, 7 letters)
- 2) One who steals using physical strength (4 letters)
- 3) Double (3 letters)
- 4) The value of what is actually stolen (3 letters)
- 5) Payment for embarrassment (3 letters)
- 6) tters)One who steals when no one is looking (3 letters)
- 7) Form of damage caused by trampling (3 letters)

(7) מצוה 469

המצוה

לְצֹדֵק הַמֵּאֲזֵנִים עִם הַמְּשֻׁקְלוֹת

To make sure that one's scales and weights are accurate.

המקור

מֵאֲזֵנֵי צֶדֶק אֲבִי-צֶדֶק אֵיפֹת צֶדֶק וְהֵן צֶדֶק יִהְיֶה לָכֶם (ויקרא י"ט:ל"ו)

You shall have accurate scales, accurate weights (stones), accurate dry measures (eifah) and accurate liquid measures (hin).

ביאור המצוה

One must make sure that all his scales, weights, and all other forms of measuring tools are exact and accurate based upon the system of weights, volume and measurements of that location.

פרטים באופן קיום המצוה

- ◆ Weights should be made from stone or glass, not from iron, lead or other materials which can deteriorate and become inaccurate. (רמב"ם הלכות גניבה ח"ד)
- ◆ אֵיפָה is a measurement which is used to measure (dry) solids. הֵן is a measurement which is used to measure liquids.
- ◆ בֵּית דִּין is obligated to appoint inspectors to visit business establishments to verify that all their weighing and measuring tools are accurate. If they find inaccurate weights or measures, they are authorized to fine the owner. (רמב"ם הלכות גניבה ח"כ)

במי נוהגת	מתי נוהגת	היכן נוהגת
All people (men and women)	At all times	In all places



(8) מצוה 470

המצוה

שלא יעשה עול במדות ובמשקלות

Not to commit a perversion in measurements and weights.

המקור

לא תעשו עול במשפט במדה במשקל ובמסורה (ויקרא י"ט:ה)

You shall not commit a perversion in justice, in measures of length, weight or volume.

ביאור המצוה

A person may not use inaccurate measurements or weights when buying or selling.

פרטים באופן קיום המצוה

- ◆ One is not permitted to use inaccurate measurements or weights when buying or selling **even** in dealings with a non-Jew. Doing so would be in violation of this מצוה.
(רמב"ם הלכות גניבה ז:ח)
- ◆ Even though selling with inaccurate weights and measures is considered stealing, nevertheless, one does not pay כפול.
(רמב"ם הלכות גניבה ז:ב)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לא שניתן לתשלומין	All people (men and women)	At all times	In every place



(9) מצוה 471

המצוה

שְׁלֹא יִהְיֶה לְאָדָם אֶבֶן וְאֶבֶן אֵיפָה וְאֵיפָה אֶף עַל פִּי שְׂאִינֹו לֹקַח וְנוֹתֵן בָּהֶם

A person is not permitted to have in his possession inaccurate weights and measures, even though he does not use them to buy or sell.

המקור

לֹא יִהְיֶה לְךָ בְּכִיסְךָ אֶבֶן וְאֶבֶן גְּדוֹלָה וְקֹטְנָה:....אֵיפָה וְאֵיפָה וּגו' (דברים כ"ה:ה"ג, ל"ד)

You shall not have in your pouch a weight and a weight, a large one and a small one....a measure and a measure....

ביאור המצוה

One may not have in his possession inaccurate weights and measures whether the inaccuracy is due to overweight or underweight. The heavier weights would be used when purchasing and the lighter weights would be used when selling.

פרטים באופן קיום המצוה

These inaccurate measuring utensils may not be kept even as containers for garbage

(רמב"ם הלכות גניבה ז'ג)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מְלָקוֹת, because it is a בֹּעֲשָׂה לאו שְׂאִין בֹּעֲשָׂה	All people (men and women)	At all times	In every place



Questions on Mitzvos 7-9

- 1) From which materials should weights be made? _____
- 2) Why shouldn't weights be made from lead? _____
- 3) In which way would דין בית דין punish businesses that used false weights and measures? _____
- 4) What is the halachik difference between the לאו of falsifying weights and measures and the לאו of stealing? _____
- 5) What is 1) a הין 2) איפֿהא? _____
- 6) For what gain would a person want to own two types of inaccurate weights? _____
- 7) Why is there no מלקוּת for possessing inaccurate weights? _____
- 8) Why is there no מלקוּת for using inaccurate weights? _____

	9) Indicate whether the following statement is (T)rue or (F)alse. If the statement is false, cross out the word or make the proper changes so that the sentence should be true. Write your answer in the box on the left.
	One may not use inaccurate measures when selling to a non-Jew.

	10) When an individual cheats another using false weights and measures, he needs to repay
	א) The principal ב) Double ג) Four times as much ד) Five times as much

סדר לימוד התרי"ג מצות

(מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

In Column 'ג' write the letter of the word or concept in Column 'א' that matches with the word or concept in Column 'ב'

ג'	ב'	א'
	Beneficial for buying	א) לאו שאין בו מעשה
	Used for measuring flour	ב) לאו שניתן לתשלומין
	לא יהיה לך בפיסד אבן ואבן	ג) הין
	Beneficial for selling	ד) איפה
	לא תעשו עול במשפט במדה....	ה) אבן גדולה
	Used for measuring oil	ו) אבן קטנה

(10) מצוה 472

המצוה

שלא יסיג גבול

Not to move and alter boundaries.

המקור

לא תסיג גבול רֵעֶךָ (דברים י"ט:י"ד)

You shall not move the boundary of your fellow-Jew.

ביאור המצוה

It is forbidden to move the fence or boundary markers of a fellow Jew, even if the land gained is only the size of a finger. This **לאו** applies only in **ישראל**.

פרטים באופן קיום המצוה

- ◆ In addition to violating this **לאו**, if one takes the land forcefully, he has also violated "לא תגזול". If one takes the land in secret, he has violated "לא תגנוב" (רמב"ם הלכות גניבה ז"א)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לאו שניתן לתשלומין	All people (men and women)	At all times	ארץ ישראל



(11) מצוה 473

המצוה
שלא לגנוב נפשות

Not to kidnap

המקור
לא תגנב (שמות כ"ג)

You shall not kidnap.

ביאור המצוה

It is forbidden to kidnap a fellow Jew.

פרטים באופן קיום המצוה

- ◆ If the kidnaper made use of the kidnapped person and then sold him, he is liable for the death penalty of חֲנֹק. This is true even if the benefit was less than the value of a פְּרוֹטָה (i.e leaning on him). (רמב"ם הלכות גניבה ט"ב)
- ◆ The kidnapper is not liable for the death penalty even if made use of him and then sold him unless the kidnapped person was moved from his own domain to the kidnapper's domain, (רמב"ם הלכות גניבה ט"ג)
- ◆ One who kidnaps and sell a person is לא ימכרו ממכרת עבד and לא תגנוב: לאווין 2 on עוֹבֵר -- they shall not be sold as a slave is sold. (רמב"ם הלכות גניבה ט"א)
- ◆ One who kidnaps his own son or his brother who is a minor, is not liable for the death penalty. Likewise a teacher who kidnapped one of his students who was a minor is not liable for the death penalty. (רמב"ם הלכות גניבה ט"ה)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
חֲנֹק (Death by strangulation) -- Only if he made use of him and then sold him	All people (men and women)	At all times	In all places



Questions on Mitzvos 10-11

- 1) What is the halachik difference between shifting the boundary markers in אָרֶץ יִשְׂרָאֵל and shifting the boundary marker in חוּץ לְאָרֶץ? _____

- 2) Under which circumstances would one who shifts the boundary markers be considered a גִּנֵּב? _____
- 3) Under which circumstances would one who shifts the boundary markers be עוֹבֵר on לא תגזול? _____
- 4) Under which circumstances would a kidnapper be חַיִּיב מִיתָה? _____

	5) It is forbidden to shift boundary markers back
	א) Only if the distance is at least 20 אַמּוֹת ב) Even if the distance is only 10 טַפָּחִים ג) Even if the distance is the size of a finger ד) Even if the distance is only 1 טַפַּח

	6) הַסָּגַת גְּבוּל is a
	א) לֹא שְׁנִיתֶק לַעֲשֵׂה ב) לֹא שְׂאִין בּוֹ מַעֲשֵׂה ג) לֹא שְׁנִיתָן לְאַזְהַרֵת מִיתַת בֵּית דִּין ד) לֹא שְׁנִיתָן לְתַשְׁלוּמִין

	7) Which type of death does a kidnapper get?
	א) הֶרֶג ב) חֶקֶק ג) שְׂרִיפָה ד) סָקִילָה

סדר לימוד התרי"ג מצות

(מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

	8) How many לאוין is one עובר if one kidnaps and sells the person?
	א) 1 ב) 2 ג) 3 ד) 4

הלכות גזילה ואבידה

(12) מצוה 474

המצוה
שלא לגזול

Not to rob

המקור
ולא תגזל (ויקרא י"ט:ג)

And you shall not rob

ביאור המצוה

It is forbidden to forcefully take any object from another individual.

פרטים באופן קיום המצוה

- ◆ Although according to the תורה one is not עובר the לאו of תגזול unless he robs an item whose value is at least a פרוטה, it is nevertheless forbidden to rob even something of lesser value. (רמב"ם הלכות גזילה ואבידה א:א,ב)
- ◆ Under no circumstances is a גזלן obligated to pay כפל (רמב"ם הלכות גזילה ואבידה א:ה)
- ◆ It is also forbidden to rob a non-Jew. (רמב"ם הלכות גזילה ואבידה א:ב)
- ◆ It is forbidden to purchase a robbed object from the גזלן, since this will encourage the גזלן to continue robbing. Likewise, it is forbidden to have benefit or pleasure from robbed items. (see teachers guide) (רמב"ם הלכות גזילה ואבידה ה:א-ג)
- ◆ There are two more types or גזילה:
 - 1) עושק -- (see next מצוה #13).
 - 2) A חמסן is an individual who takes an object from the owner by force, but he pays him for that item. (רמב"ם הלכות עדות י:ד)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לעשה. Even if the robbed object is no longer available it is a לאו שניתן לתשלומין	All people (men and women)	At all times	In all places



475 מצוה (13)

המצוה שלא לעשוק

Not to wrongfully withhold

המקור

לא תעשוק את רֵעֶךָ (ויקרא י"ט:י"ג)

You shall not withhold that which belongs to your fellow Jew.

ביאור המצוה

One may not refuse to return money even if he obtained it in a legal manner. For example, refusing to pay a loan when it is due or refusing to pay a worker for his labor.

פרטים באופן קיום המצוה

- ◆ In addition to being עוֹבֵר on the לאו of לא תעשוק, the individual who withholds the money he owes is also עוֹבֵר on the לאו of לא תגזל. (רמב"ם הלכות שכירות י"א:ב)
- ◆ The individual who refuses to pay is עוֹבֵר on the לאו of לא תעשוק only if he has the money and states seriously that he will not return it or pay the wages. However, if he has every intention of returning the money or paying the wages, but he is trying to stall for time, he would not be עוֹבֵר on the לאו. (רמב"ם הלכות שכירות י"א:ה וראה כסף משנה שם הלכה ב)
- ◆ One who does not pay his workers their wages is עוֹבֵר on 4 מצוות; the two aforementioned לאוין of לא תעשוק and לא תגזל, as well as the לאו of לא תגזל - לא תגזל -- ביום תתן שכרו עשה -- you shall not keep the wages of a worker overnight, and the עשה of עשה -- לא תגזל -- on that day you shall pay [him] his wages. (רמב"ם הלכות שכירות י"א:ב)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a עשה. Even if the עושה is no longer available it is a עשה לתשלומין	All people (men and women)	At all times	In all places

See teacher's guide



476 מצוה (14)

המצוה
שלא לחמוד

Not to covet

המקור
לא תחמד בית רעהך (שמות כ"ד)

You shall not covet the house of your fellow-Jew.

ביאור המצוה

It is forbidden to scheme to acquire that which belongs to a fellow Jew who does not want to part with that object. One is עובר on this לאו only if he employs pressure tactics such as sending to him good friends to influence him to sell and he actually acquires the object.

פרטים באופן קיום המצות

One who violates the לאו of תחמוד is at the same time in violation of the לאו of לא תתאוות (see next מצוה).
(רמב"ם הלכות גזילה ואבידה א"ב)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לאו שאין בו מעשה* (according to the רמב"ם).	All people (men and women)	At all times	In all places

*See teachers addition



(15) מצוה 477

המצוה
שלא להתאוות

Not to desire what belongs to another

המקור
ולא תתאוה בית רעך (דברים ה"ח)

And you shall not desire the house of your fellow-Jew.

ביאור המצוה

One may not desire that which belongs to another Jew. One is עובר on this לא only if he also thinks of methods of obtaining the object.

פרטים באופן קיום המצוה

This לא is different than the previous לא of תחמוד in the following way. The לא of לא one violates as soon as a) one desires the object of his friend b) he also invents methods of obtaining the object, although he is not taking action to obtain it. In order to be עובר the לא of תחמוד one would also have to a) get actively involved in employing these methods to obtain the object and b) pursue it until he actually gets it.

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לא שאין בו מעשה	All people (men and women)	At all times	In all places



Questions on Mitzvos 12-15

- 1) What is the minimum value that one is prohibited to rob? _____
- 2) What is the Halachik difference between robbing an object worth less than a פרוטה and robbing something worth a פרוטה or more? _____

- 3) How much does a גזלן have to pay if witnesses testify about his crime? _____

- 4) Why is it forbidden to purchase stolen items? _____

- 5) What is a חמסן? _____
- 6) In which manner is עושק different than גזילה? _____

- 7) Why does a גזלן not receive מלקות (two possible reasons)? _____

- 8) Under which circumstances would a person withholding payment not be עובר on שלא לעשוך? _____

- 9) Why does one not receive מלקות a)if the עושק is available b)if the עושק is not available? _____

- 10) What is the difference between the שלא לחמוד of לאוים and שלא להתאוות? _____

	11) One who takes an object from another person by force without paying for it is called a
	א) חמסן ב) גזלן ג) גנב ד) עושק

סדר לימוד התרי"ג מצות

(מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

	12) Which of the following did the חֻמְּוֹת prohibit?
	א) גְּזֵלָה ב) עוֹשֶׁק ג) חֻמְּוֹת ד) None of the above

478 מצוה (16)

המצוה

להשיב את הגזילה

To return the robbed item.

המקור

וְהָשִׁיב אֶת־הַגְּזוּלָה אֲשֶׁר גָּזַל (ויקרא ה:כ"ג)

He shall return the robbed item that he had robbed

ביאור המצוה

One must return the item that he robbed to the rightful owner.

פרטים באופן קיום המצוה

- ◆ If the item is no longer available, the robber needs to reimburse the owner the value of the item.
- ◆ If the owner of the robbed object died, the robber must return it to the heirs.
(רמב"ם הלכות גזילה ואבידה ח:א)
- ◆ Although one is forbidden to steal or rob an item that is worth even less than a פְּרוּטָה, nevertheless there is no מְצוּה to return such an object. (רמב"ם הלכות גזילה ואבידה א:ו)

במי נוהגת	מתי נוהגת	היכן נוהגת
All people (men and women)	At all times	In all places



(17) מצוה 479

המצוה
 שלא יתעלם מן האבדה

Not to ignore a lost object.

המקור
 לא תוכל להתעלם (דברים כ"ב:ג)

You may not look away

ביאור המצוה

When one sees a lost object, he may not ignore it as if he didn't see it. Rather, he must pick it up and make every effort to return it to its rightful owner.

פרטים באופן קיום המצוה

- ◆ There are certain individuals or situations where, ignoring of lost items would be permitted:
 - 1) A תלמיד חכם or any other distinguished person for whom it would be below their dignity and honor to carry such an object. Nevertheless, it is praiseworthy for them to return such objects, לפניהם משורת הדין (רמב"ם הלכות גזילה ואבידה י"א:ז)
 - 2) If the lost object is worth less than a פרוטה. (רמב"ם הלכות גזילה ואבידה י"א:ב)
 - 3) If the lost object is in a cemetery and the person who sees the object is a כהן. (רמב"ם הלכות גזילה ואבידה י"א:ח)
 - 4) If the object belongs to a non-Jew. (רמב"ם הלכות גזילה ואבידה י"א:י)
- ◆ If one pretends not to see the lost object he is עובר on the לאו of להתעלם as well as failing to fulfill the מצוה עשה of השב תשיבם (See Mitzva 18).

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
If he looked away from the lost object there is no מלקות, because it is a לאו שאין בו מעשה. Even if he picked it up and kept it instead of returning it there is no מלקות, because it is a לאו שניתק לאו שניתן לעשה לתשלומין	All people (men and women)	At all times	In all places



480 מצוה (18)

המצוה לְהָשִׁיב הָאֲבֵידָה

To return a lost object

המקור

הָשִׁיב תְּשִׁיבֶם לְאָחִיךָ (דברים כ"ב:א)

You shall return it to your brother

הָשִׁיב תְּשִׁיבֶנּוּ לוֹ (שמות כ"ג:ד)

You shall return it to him

ביאור המצוה

A person is required to make every effort to return any lost object that he finds to its rightful owner.

פרטים באופן קיום המצוה

- ◆ This מצוה is referred to as הַשְׁבַּת אֲבֵידָה. (רמב"ם הלכות גזילה ואבידה י"א:א)
- ◆ One who finds a lost object is required to announce and inform others about it. The lost object is returned only upon presentation of proper identifying signs by its rightful owner (רמב"ם הלכות גזילה ואבידה י"ג:גה)
- ◆ The finder may keep any object from which the owner has already been מֵיָאֵשׁ (has given up hope of ever finding it) even if it has סִימָנִים. (רמב"ם הלכות גזילה ואבידה י"ד:א)
- ◆ The finder is required to take care of the lost object ensuring that it does not get lost or deteriorate. (רמב"ם הלכות גזילה ואבידה י"ג:א)
- ◆ If one sees damage happening to another's property, such as flooding, he needs to do whatever he can to save the property. This is include in the הַשְׁבַּת אֲבֵידָה of מְצוּהָ (רמב"ם הלכות גזילה ואבידה י"א:כ)

במי נוהגת	מתי נוהגת	היכן נוהגת
All people (men and women)	At all times	In all places



Questions on Mitzvos 16-18

- 1) The מצוה of תְּעַשֶׂה of אֶת הַגְּזֵילָה is connected with which מצוה? _____
- 2) What are the halachik differences between robbing an item worth less than a פְּרוֹטָה and something worth a פְּרוֹטָה or more? _____
- 3) Under which circumstance would a תַּלְמִיד חֶכֶם not be obligated to fulfill the מצוה of הַשְׁבַּת אֲבִידָה? _____
- 4) Under which circumstance would כַּהֲנִים not be obligated to fulfill the מצוה of הַשְׁבַּת אֲבִידָה? _____

- 5) When is the מצוה of מְעַשֶׂה בּוֹ מַעֲשֵׂה לֹא תוֹכֵל לְהַתְעַלֵּם considered a מצוה? _____

- 6) When is the מצוה of מְעַשֶׂה לֹא תוֹכֵל לְהַתְעַלֵּם considered a מצוה? _____

- 7) Explain the concept of יִאֵשׁ? _____

- 8) How is one able to fulfill the מצוה of הַשְׁבַּת אֲבִידָה with property? _____

	<p>9) Indicate whether the following statement is (T)true or (F)alse. If the statement is false, cross out the word or make the proper changes so that the sentence should be true. Write your answer in the box on the left.</p>
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	<p>Although a פְּהוֹן who sees a lost object lying in a cemetery does not need to return it, nevertheless, he should act beyond the letter of the law and return it.</p>
--	--

	<p>10) If the owner of the robbed object dies, to whom must the object be returned?</p>
--	--

- | | |
|--|--|
| | <p>א) פְּהוֹן
 ב) His heirs
 ג) He can keep it
 ד) None of the above</p> |
|--|--|

סדר לימוד התרי"ג מצות

(מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

	11) Is it possible to violate JUST the לא of להִתְעַלֵּם?
	א) Yes ב) No

הלכות חובל ומזיק

(19) מצוה 481

המצוה

דִּין חוֹבֵל בְּחֵבֶירוֹ אוֹ מְזִיק מִמוֹנוֹ

The laws dealing with one who injures another person or damages his possessions.

המקור

וְכִי יִרְיֹבֻן אַנְשִׁים וְהִכָּה אִישׁ אֶת־רֵעֵהוּ וְגו' (שמות כ"א:י"ח)

If men quarrel and one hits the other, etc.

ביאור המצוה

In a situation where one injures or embarrasses another person, or damages his possessions, בֵּית דִּין is obligated to decide the amount he is required to pay the victim.

פרטים באופן קיום המצוה

- ◆ The injured is entitled to compensation for the following:
 - 1) נֶזֶק - permanent physical injury
 - 2) צָעַר - pain
 - 3) רִיפּוּי - medical expenses
 - 4) שְׂבָת - loss of income due to the injury
 - 5) בְּשָׁת - shame and embarrassment
- ◆ Eventhough the aggressor has paid full compensation, he is not forgiven until he ask for, and receives, the forgiveness from the victim. (רמב"ם הלכות חובל ומזיק ה:ט)
- ◆ It is forbidden to raise one's hand upon a fellow Jew with the intention to hit him. Even though he did not actually hit him, he is called a רָשָׁע. (רמב"ם הלכות חובל ומזיק ה:ב)

במי נוהגת	מתי נוהגת	היכן נוהגת
בֵּית דִּין	<ol style="list-style-type: none">1) For causing damage to another person-- only when there is a בֵּית דִּין of סְמוּכִים2) For causing damage to another person's possessions -- At all times	In all places



Questions on Mitzvah 19

- 1) What is the job of דין regarding the מצוה of מַזִּיק מְמוֹנֵוֹ אוֹ מַזִּיק בְּחֻבְל בְּחֻבְלָיו אוֹ מַזִּיק מְמוֹנֵוֹ? _____

- 2) In addition to paying the victim, what else must the aggressor do in order to receive complete forgiveness? _____

- 3) Which aspect of the מצוה of מַזִּיק מְמוֹנֵוֹ אוֹ מַזִּיק בְּחֻבְלָיו אוֹ מַזִּיק מְמוֹנֵוֹ applies only when there is a סְמוּכִים of דִּין? _____

	4) Indicate whether the following statement is (T)rue or (F)alse. If the statement is false, cross out the word or make the proper changes so that the sentence should be true. Write your answer in the box on the left.
	There are five different payments that an aggressor must always pay his victim.

	5) Indicate whether the following statement is (T)rue or (F)alse. If the statement is false, cross out the word or make the proper changes so that the sentence should be true. Write your answer in the box on the left.
	A person is called a מַזִּיק only if he actually hits another person.

הלכות רוצח ושמירת הנפש

(20) מצוה 482

המצוה
שלא לרצח

Not to murder

המקור
לא תרצח (שמות כ"ג)

You shall not kill

ביאור המצוה

It is forbidden to kill any person.

פרטים באופן קיום המצוה

- ◆ One who intentionally kills another individual, in the presence of witnesses, receives the death penalty of סִיף (sword).
- ◆ If however he did not personally kill the victim, but rather hired others to do the killing or tied the victim and left him in front of a lion who attacked and killed him, בֵּית דִּין does not have the authority to punish him with death. He would nonetheless receive כְּמִיתָה בְּיַד שְׂמַיִם (רמב"ם הלכות רוצח ושמירת נפש ב"ב).
- ◆ The murderer is only punishable by death if בֵּית דִּין determines that the murder weapon was capable of bringing about the death in the part of the body that the victim was struck. (רמב"ם הלכות רוצח ושמירת נפש ג"א-ו).

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
If the murder was committed intentionally (מְזִיד) -- Death through סִיף (sword) If the murder was committed unintentionally (שׁוֹגֵג) -- He needs to go עָרֵי מִקְלָט to	All people (men and women)	At all times *** The punishment is only applicable when the סֵנֶה־דָרִין גְּדוּלָה sat in the לְשֵׁבֶת הַגְּזִית	In all places



(21) מצוה 483

המצוה

שלא ליקח כופר לנפש רוצח אלא יומת

Not to accept ransom as a substitute for killing the murderer.

המקור

ולא תקחו כפר לנפש רצח אשר הוא רשע למות (במדבר ל"ה:ל"א)

You shall not accept ransom for the life of a murderer that is sentenced to die.

ביאור המצוה

It is forbidden for בית דין to accept ransom as a substitute for the death penalty that a murderer must receive.

פרטים באופן קיום המצות

The murderer must be killed even if the גואל הדם consents to the ransom arrangement, since the body of the victim belongs to ה' and only ה' has the right to free the murderer.

(רמב"ם הלכות רוצח ושמירת נפש א:ד)

במי נוהגת	מתי נוהגת	היכן נוהגת
במי נוהגת of 23 or more בית דין	מתי נוהגת When the סנהדרין גדולה sat in the לשכת בית הגזית in the המקדש	היכן נוהגת In all places



484 מצוה (22)

המצוה

להגלות הרוצח בשנגה

To exile to the ערי מקלט one who kills unintentionally

המקור

וְיָשָׁב בָּהּ עַד-מוֹת הַכֹּהֵן הַגָּדוֹל (במדבר ל"ה:כ"ה)

He shall dwell within the city until the death of the גדול כהן.

ביאור המצוה

ערי מקלט has the obligation to send a person who murdered unintentionally to one of the ערי מקלט. He must remain there until the גדול כהן dies.

פרטים באופן קיום המצוה

- ◆ When anyone commits murder, whether he did it בְּמֵזִיד or בְּשׁוּגָג, he must first flee to the ערי מקלט (see מצוה 490). The בית דין from the city where the murder took place sends messengers to the ערי מקלט to transport him to that city to stand trial before בית דין. If בית דין decides that he killed בְּמֵזִיד, then he is killed. If they decide that the murder happened בְּשׁוּגָג, he is returned to the עיר מקלט. (רמב"ם הלכות רוצח ושמירת נפש ה:ז)
- ◆ As long as the רוצח stays in the עיר מקלט, the גואל הדם is not permitted to kill him.
- ◆ If a student is sent into גלות for unintentional murder, his Rebbe is also sent into גלות to be with him. (רמב"ם הלכות רוצח ושמירת נפש ז:א)

במי נוהגת	מתי נוהגת	היכן נוהגת
במיתו של 23 or more	When the סנהדרין גדולה sat in the לשכת הגזית in the בית המקדש	ארץ ישראל



485 מצוה (23)

המצוה

שלא לקח כופר למחייב גלות

Not to accept ransom as a substitute for going into גלות.

המקור

ולא תקחו כפר לנוס אל-עיר מקלטו (במדבר ל"ה:ל"ב)

You shall not accept ransom for one who has fled to his מקלט.

ביאור המצוה

It is forbidden for בית דין to accept ransom, from one sentenced to עיר מקלט, in order to free him from his banishment.

במי נוהגת	מתי נוהגת	היכן נוהגת
במי נוהגת of 23 or more בית דין	מתי נוהגת When the סנהדרין גדולה sat in the לשכת הגזית in the בית המקדש	היכן נוהגת In all places



(24) מצוה 486

המצוה

שְׁלֹא יוּמַת הַרוֹצֵחַ כְּשִׁירָצַח קוֹדֵם עֲמִידָה בְּדִין

A murderer is not to be killed before he receives a trial.

המקור

וְלֹא יָמוּת הַרוֹצֵחַ עַד-עֲמִידוֹ לִפְנֵי הָעֵדָה לְמִשְׁפָּט (במדבר ל"ה:ב)

The murderer shall not die until he stands before the courts for judgement.

ביאור המצוה

Witnesses, bystanders or even a בֵּית דִּין who witness a murder are not permitted to kill the murderer. He must be judged by a בֵּית דִּין.

פרטים באופן קיום המצוה

- ◆ One who kills a murderer before he receives a proper trial is himself considered a murderer and is punishable with death by sword (סָף).

(חינוך וראה מנחת חינוך שמוכיח כן גם מרמב"ם הלכות עדות י"ט:ב)

- ◆ The same applies to one who sees a person committing any of the other 35 עֲבֵירוֹת which are punishable by death. They may not be killed until they are judged by בֵּית דִּין and sentenced to death. (רמב"ם הלכות רוצח ושמירת נפש א:ה).

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
סָף -- Death by the sword	All people (men and women)	At all times *** The punishment is only applicable when the סֵנֶה־דָרִין גְּדוּלָהּ לְשִׁפְתֵי הַגְּזִית	In all places



Questions on Mitzvos 20-24

- 1) What must בית דין determine regarding the murder weapon before deciding that the murderer is guilty? _____

- 2) Under which circumstances does a person have to go to ערי מקלט? _____

- 3) Why is the גואל הדם not permitted to abdicate the death penalty? _____

- 4) If one kills בשוגג how long does he stay in ערי מקלט? _____
- 5) What does a רוצח who killed בשוגג gain by going to ערי מקלט? _____

- 6) When does the שלא לקח כופר למחייב גלות לאו apply? _____

	7) Indicate whether the following statement is (T) rue or (F)alse. If the statement is false, cross out the word or make the proper changes so that the sentence should be true. Write your answer in the box on the left.
--	---

One who kills intentionally is never allowed to flee to ערי מקלט

	8) One who caused someone's death but did not personally murder him is
--	---

- א) Punished through בית דין
- ב) Exempt from punishment
- ג) Punished by ה'
- ד) May be killed by the closest relative

	9) What is the punishment for murder?
--	--

- א) סוף
- ב) חנק
- ג) שריפה
- ד) סקילה

סדר לימוד התרי"ג מצות
(מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

	10) Who was located in the לשכת הגזית?
	א) 3 of בית דין ב) 23 of בית דין ג) 71 of בית דין (סנהדרין גדולה) ד) The כהן גדול
	11) Does the גואל הדם have the authority to forgive the murderer and have him avoid punishment?
	א) Yes ב) No
	12) Who needs to go to ערי מקלט even though he did not do anything wrong?
	א) Father of the murderer ב) Rebbi of the murderer ג) Family of the murderer ד) All of the above
	13) What punishment is given to a person who witnesses a murder and kills that murderer without bringing him to בית דין?
	א) None ב) מיתה בידי שמים ג) מלקות ד) סגף
	14) How many לאוים are there altogether that have punishments of death?
	א) 18 ב) 30 ג) 35 ד) 36

487 מצוה (25)

המצוה

להציל הנרדף בנפשו של רודף

To save the life of one who is being pursued by a killer, by killing the pursuer.

המקור

וְקָצַתָּהּ אֶת־כַּףּהָ (דברים כ"ה:ל"ב)

You shall cut off her hand

ביאור המצוה

If one sees an individual (רודף) attempting to kill a person (נרדף), he has a מצוה to save the נרדף, even if he has to kill the רודף.

פרטים באופן קיום המצוה

- ◆ If he is able to save the נרדף by just injuring the רודף, then he is not permitted to kill him. If he did kill him, he would be considered a murderer and is חייב מיתה בידי שמים .
(רמב"ם הלכות רוצח ושמירת נפש א"י, ל"ג)
- ◆ If one had the opportunity and capability to save the נרדף from the רודף and did not do so he has failed to fulfill this מצוה עשה 2 and has violated 2 לא תעשה -- לא תחוס עינך and לא תעמוד על דם רעהו (מצוות 2 the next).
(רמב"ם הלכות רוצח ושמירת נפש א"י, ל"ו)

במי נוהגת	מתי נוהגת	היכן נוהגת
All people (men and women)	At all times	In all places



(26) מצוה 488

המצוה

שלא לחוס על הרודף

Not to have pity on the pursuer.

המקור

לא תחוס עיניך (דברים כ"ה:י"ב)

Your eye shall not show pity.

ביאור מצוה

It is forbidden to have pity on a רודף, if the only solution of saving the נרדף is by injuring, or even killing the רודף.

פרטים באופן קיום המצוה

It is permitted to injure or kill a רודף only as a preventive measure to protect the the נרדף . If however the רודף had succeeded in killing the נרדף, one may not kill him. Rather, he needs to be brought to בית דין for judgement (as explained in מצוה #486). (רמב"ם הלכות רוצח . ושמירת נפש איו)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לאו שאין בו מעשה	All people (men and women)	At all times	In all places



489 מצוה (27)

המצוה

שלא לעמוד על דם

Not to stand by passively when a Jew is in danger of his life.

המקור

לא תעמוד על דם רעך (ויקרא י"ט:ט"ז)

You shall not stand by passively while your fellow's blood is shed.

ביאור המצוה

When a person has the opportunity to save the life of a fellow-Jew, he is not permitted to stand by idly and not do anything. Rather, he has to personally attempt to save that individual or hire others to save him. One who fails to do this has violated this **לאו**.

פרטים באופן קיום המצוה

- ◆ Some examples for the above:
 - 2) A person that is drowning.
 - 3) Armed robbers or a wild animal attacking a person.
 - 4) Knowing the plans of non-Jews or informers to harm a fellow-Jew.
 - 5) One who is able to testify in favor of another Jew, and fails to do so has also violated this **לאו**. (רמב"ם הלכות רוצח ושמירת נפש א:י"ד)

- ◆ One is **עובר** this **לאו** only when he was able to save the other person and did not do so. However, if he was not able to perform the life saving act, for example, one who sees another person drowning but does not know how to swim, has not violated this **לאו**.

(רמב"ם הלכות רוצח ושמירת נפש א:י"ד)

If the

- ◆ -- Whoever saves one Jewish life it is considered as if he had saved the entire world. (רמב"ם הלכות רוצח ושמירת נפש א:ט"ז)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות , because it is a מעשה ב לאו שאין בו מעשה	All people (men and women)	At all times	In all places



Questions on Mitzvos 25-27

- 1) How is it possible for a person who is trying to fulfill the מצוה of להציל הנרדף to be חייב מיתה בידי שמים? _____
- 2) Who is called a רודף? _____
- 3) Who is called a נרדף? _____
- 4) If the נרדף has already been murdered, is it permissible to kill the רודף? _____
- 5) Under what circumstances would a person be עובר on the עשה of וקצתה את-כפלה, and the לאו of רעהו לא תעמד על-דמו רעהו, and the עשה of וקצתה את-כפלה, at the same time the? _____

- 6) Why is there no מלקות for a person who failed to kill or hurt a רודף? _____

- 7) What do the חז"ל say about saving even one life? _____

- 8) Under which circumstances would a person not be required to fulfill the מצוה of שלא לעמוד על דם? _____

- 9) Explain the לאו of הרודף על דמו. _____

(28) מצוה 490

המצוה

להפריש ערי מקלט ולכוין להם הדרך

To designate cities of refuge and prepare for them roads.

המקור

תכין לך הדרך ושלשת את גבול ארצך (דברים י"ט:ג)

Prepare for you the road and divide the boundary of your land into three parts.

ביאור המצוה

There is an obligation upon the Jewish people, and their leaders in particular, to designate cities of refuge (ערי מקלט) so that one who kills unintentionally can flee there and be safe from the גואל הדם. They are also obligated to prepare wide roads with proper directional signs (with the words מקלט מקלט on them) leading to the ערי מקלט .

פרטים באופן קיום המצוה

- ◆ Originally, when the בני ישראל came into ארץ ישראל there were six ערי מקלט, three were designated by משה רבינו on the eastern side of the ירדן and three were designated by יהושע (ארץ כנען) proper ארץ ישראל. When משיח will come three additional cities will be added in the lands of קניזי, קניזי, and קניזי (רמב"ם הלכות רוצח ושמירת נפש ח"ב:ד).
- ◆ The roads leading to the ערי מקלט had to be flat. If there was a river in the way, a bridge had to be constructed. The roads had to be at least 32 אמות wide. All these requirements were necessary so that the murderer would be able to reach the ערי מקלט more quickly. (רמב"ם הלכות רוצח ושמירת נפש ח"ה)
- ◆ In addition to the six designated cities of ערי מקלט, the forty two cities in which the לויים lived also served as ערי מקלט. (רמב"ם הלכות רוצח ושמירת נפש ח"ט)

במי נוהגת	מתי נוהגת	היכן נוהגת
and the king כלל ישראל	When all the Jews were living in ארץ ישראל and in עבר הירדן (eastern side) and all six ערי מקלט were in place	ארץ ישראל



(29) מצוה 491

המצוה

לְעֹרֹף אֶת הָעֵגְלָה בְּנַחַל

To behead a young cow by a stream.

המקור

כִּי יִמָּצָא חָלָל בְּאֶדְמָה (דברים כ"א:א)

If a slain body will be found on the ground.

ביאור המצוה

If a murdered corpse is found in an open area outside of the city and there are no witnesses to the murder, the elders (בֵּית דִּין) from the city closest to the corpse must bring a young cow to a strongly flowing stream in a valley and kill it by chopping the back of it's neck with an axe.

פרטים באופן קיום במצוה

- ◆ When a slain body is found in an open area outside a city, five members of the סִנְהֶדְרִין in יְרוּשָׁלַיִם are sent to measure and determine which city is the closest to the corpse. The בֵּית דִּין of that city bring a young cow, purchased through communal funds to a strongly flowing stream which is in a valley. Its neck is broken from the back with an axe. The members of בֵּית דִּין and all the elders of the city wash their hands and declare in Hebrew הַזֵּה וְעֵינֵינוּ לֹא רָאוּ -- Our hands have not spilled this blood, nor did our eyes see. Afterwards the כַּהֲנִים are required to say in Hebrew כַּפֵּר לְעַמְּךָ יִשְׂרָאֵל - Forgive your nation, the Jews. ה' will then forgive them.

(רמב"ם הלכות רוצח ושמירת נפש ט"א-ג)

- ◆ The cow that is used must be no older than two years. Furthermore, it should never have been used for any work, even carrying a yoke which was placed upon it for the distance of one טֶפַח (רמב"ם הלכות רוצח ושמירת נפש י"ב, ג).
- ◆ If even one person witnessed the murder, even if that person is generally disqualified from testifying such as an עֶבֶד פְּנֵעִי or a woman, the procedure of עֲגָלָה עֲרוּפָה would not be performed. (רמב"ם הלכות רוצח ושמירת נפש ט"ב)

במי נוהגת	מתי נוהגת	היכן נוהגת
Males and the בֵּית דִּין of the closest city	בֵּית דִּין When there was a הגדול (סִנְהֶדְרִין)	אֶרֶץ יִשְׂרָאֵל and the eastern side of the (עֶבֶר הַיַּרְדֵּן)



(30) מצוה 492

המצוה

שְׁלֵא יַעֲבֹד בְּאוֹתוֹ הַקֶּרְקַע וְלֹא תִזְרַע

The area where the procedure of the עֲגֵלָה עֲרוּפָה took place shall not be worked or sown.

המקור

אֲשֶׁר לֹא יַעֲבֹד בּוֹ וְלֹא יִזְרַע (דברים כ"א:ד)

Which cannot be worked and cannot be sown.

ביאור המצוה

It is forbidden to plow, sow, or cultivate the area of land where the עֲגֵלָה עֲרוּפָה was beheaded.

פרטים באופן קיום המצוה

This לא of וכו' of לא יַעֲבֹד applies at all times. Therefore, if one presently knows the exact location where this procedure took place, it is forbidden to work and sow this piece of land. (רמב"ם הלכות רוצח ושמירת נפש יט, חינוך בביאור דיני המצוה).

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
מִלְקוֹת	All people (men and women)	At all times	אֶרֶץ יִשְׂרָאֵל and the eastern side of the יַרְדֵּן (עֵבֶר הַיַּרְדֵּן)



Questions on Mitzvos 28-30

- 1) What was written on the signs leading to the ערי מקלט? _____
- 2) How wide were the roads to the ערי מקלט? _____
- 3) Who designated the various ערי מקלט? _____
- 4) Describe some of the requirements for the roads leading to the ערי מקלט? _____

- 5) What was the total number of cities that were capable of protecting a murderer who killed בשוגג? _____

- 6) What was done to the עגלה ערופה? _____

- 7) Who decides which city needs to bring the עגלה ערופה? _____
- 8) What are some of the specifications for the calf that is used as the עגלה ערופה? _____

- 9) Who breaks the neck of the calf and with what? _____
- 10) Who says the statement of ... לא שפכו את הדם הזה? _____
- 11) Who says the statement of כפר לעמך ישראל? _____
- 12) Which of these 3 מצוות apply only when there is a סינהדרין? _____
- 13) What punishment is given to one who works the ground where the עגלה ערופה was beheaded? _____

	14) Indicate whether the following statement is (T) rue or (F)alse. If the statement is false, cross out the word or make the proper changes so that the sentence should be true. Write your answer in the box on the left.
	If a man was found dead of an apparent heart attack in a deserted area between two cities, the בית דין of the closest city needs to bring an עגלה ערופה.

סדר לימוד התרי"ג מצות
 (מיוסד על פי ספר המצות להרמב"ם ה"יד" שלו)

	15) The עֲגֵלָה עֲרוּפָה is brought
	א) Only if there are no witnesses ב) Even when there is one witness ג) Even when there are two witnesses

In Column 'ג' write the letter of the word or concept in Column 'א' that matches with the word or concept in Column 'ב'

ג'	ב'	א'
	Eastern side of the יַרְדֵּן	א) לְוִיִּם
	Western side of the יַרְדֵּן	ב) עֲגֵלָה עֲרוּפָה
	עָרֵי מִקְלָט numbers 7, 8, 9	ג) מֹשֶׁה
	Cities served as עָרֵי מִקְלָט	ד) שְׁלֹא יַעֲבֹד בְּאוֹתוֹ הַקָּרְקַע וְלֹא תִזְרַע
	מְלָקוֹת	ה) מְשִׁיחַ
	5 judges of סִנְהֶדְרִין	ו) יְהוֹשֻׁעַ

(31) מצוה 493

המצוה

שלא לשים דמים

Not to place dangerous objects

המקור

ולא תשים דמים בביתך (דברים כ"ב:ח)

So that you will not place blood in your house.

ביאור המצוה

It is forbidden to leave any dangerous objects in one's property whereby others can injure themselves..

פרטים באופן קיום המצוה

- ◆ It is forbidden for a homeowner to leave a flat usable roof without a protective fence. It is also forbidden to leave a pit or well in one's property without a protective cover or enclosure. (רמב"ם הלכות רוצח ושמירת נפש י"א:ג,ד).
- ◆ One who does not take proper protective measures against life threatening dangers that are on his property transgresses this לאו and also fails to fulfill the מצוה עשה of ועשית מעשות עשה (see next Mitzva). (רמב"ם הלכות רוצח ושמירת נפש י"א:ד).

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לאו שאין בו מעשה	All people (men and women)	At all times	In all places



494 מצוה (32)

המצוה לעשות מעקה

To make a fence

המקור ועשית מעקה לגגך (דברים כ"ב:ח)

You shall make a fence for your roof

ביאור המצוה

A homeowner is required to surround a flat usable roof or balcony of his building with a מעקה - protective barrier -. One is also required to encompass any ditches he has dug in his own property in order to prevent accidents from occurring.

פרטים באופן קיום המצוה

- ◆ The מעקה must be at least 10 טפחים high and strong enough that even if one were to lean on it, he would not fall. (רמב"ם הלכות רוצח ושמירת נפש י"א:ג)
- ◆ A house which is not made for living purposes, such as a Shul, בית מדרש, barn or a building which does not have the dimensions of at least four אמות by four אמות does not require a מעקה. (רמב"ם הלכות רוצח ושמירת נפש י"א:א,ב)

במי נוהגת	מתי נוהגת	היכן נוהגת
All people (men and women)	At all times	In all places



(33) מצוה 495

המצוה

שְׁלֵא יִכְשִׁיל תָּמִים בְּדָבָר

Not to cause an unsuspecting person to stumble.

המקור

וּלְפָנֶי עֵוֶר לֹא תִתֵּן מִכְשָׁל (ויקרא י"ט:י"ד)

Before the blind you shall not place a stumbling block.

ביאור המצוה

It is forbidden to offer erroneous advice to an unsuspecting person (who is considered "blind" in respect to this matter), especially if the one giving the advice benefits through the bad advice. It is also forbidden to assist a person in committing a sin.

פרטים באופן קיום המצוה

- ◆ One who assists a non-Jew in transgressing one of the **לֹא**, שְׁבַע מִצְוֹת בְּגֵי נֶחַ, violates the **לֹא** of **לְפָנֶי עֵוֶר** (רמב"ם הלכות רוצח ושמירת נפש י"ב:י"ד, חינוך וראה מנחת חינוך).
- ◆ When one lends money with interest, both the lender and borrower violate the **לֹא** of **לְפָנֶי עֵוֶר** since each one is assisting the other with the **לֹא** of **רֵבִית** (רמב"ם הלכות מלוה ולוה ד:ב).

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מִלְקוּת , because it is a לֹא שְׂאִין בֹּ מַעֲשֵׂה	All people (men and women)	At all times	In all places



Questions on Mitzvos 31-33

- 1) Which type of roof requires a fence? _____

- 2) What are some other things which require protective fences? _____

- 3) Which עֲבִירוֹת is one עוֹבֵר if he does not build a fence around his roof? _____

- 4) What is a מַעֲקָה? _____
- 5) How high must a מַעֲקָה be? _____
- 6) How strong must the מַעֲקָה be? _____

- 7) Which types of roofs would not require a מַעֲקָה? _____

- 8) Who is עוֹבֵר on the לֹא of לִפְנֵי עֵוֶר when involved in an interest paying loan? _____

- 9) Why is מִלְקוֹת not given to one who is עוֹבֵר on the לֹא of לִפְנֵי עֵוֶר? _____

	10) Indicate whether the following statement is (T)rue or (F)alse. If the statement is false, cross out the word or make the proper changes so that the sentence should be true. Write your answer in the box on the left.
	The לֹא of לִפְנֵי עֵוֶר is not limited to a person who is not able to see with his eyes.

(34) מצוה 496

המצוה

לפרוק עם מי שנכשל בדרך

To help unload another person's animal which has wearied under its burden.

המקור

כִּי־תִרְאֶה חֲמוֹר שֶׁנֶּאָדָּר בְּרֵבֶץ תַּחַת מְשָׁאוֹ וְגו' עֲזֹב תַּעֲזֹב עִמּוֹ (שמות כ"ג:ה)

If you will see the donkey of your enemy crouching under its burden, etc. you shall surely help with him.

ביאור המצוה

If one sees an animal collapsing on account of a heavy load which it is carrying, even if it belongs to his enemy, one must assist the owner of the animal in unloading the burden.

This מצוה is called the מצוה of פְּרוּקָה.

פרטים באופן קיום המצוה

- ◆ Although the פְּרוּקָה mentions a donkey, the מצוה also applies to all other animal.
(רמב"ם הלכות רוצח ושמירת נפש י"ג:א)
- ◆ The מצוה is to help the owner, but if the owner does not participate, the passerby is exempt from this מצוה. If the owner is not present, or the owner is elderly or sick, he is required to unload the burden by himself. (רמב"ם הלכות רוצח ושמירת נפש י"ג:ח)
- ◆ One is not permitted to demand payment for helping with the unburdening of the animal. (רמב"ם הלכות רוצח ושמירת נפש י"ג:ז)
- ◆ There are certain people who are exempt from this מצוה:
 1. If the animal which needs unloading is in a cemetery and the passerby is a כֹּהֵן.
 2. A תַּלְמִיד חֶכֶם or any other person for whom it would be below their dignity to unload.
- ◆ One who sees an animal in need of help and does not help, fails to fulfill this מצוה and also violates the לֹא תַעֲשֶׂה (מצוה # 498) לֹא תִרְאֶה אֶת חֲמוֹר אַחִיֶּךָ of לֹא תַעֲשֶׂה (רמב"ם הלכות רוצח ושמירת נפש י"ג:ב)

במי נוהגת	מתי נוהגת	היכן נוהגת
All people (men and women)	At all times	In all places



(35) מצוה 497

המצוה לטעון עמו

To help a fellow Jew load his animal.

המקור הקם תקים עמו (דברים כ"ב:ד)

You shall surely raise them up with him.

ביאור המצוה

After the burden has been removed from the animal (see previous מצוה) one must assist the owner of the animal in reloading the animal. This מצוה is called טעינה.

פרטים באופן קיום המצוה

- ◆ Although טעינה is a מצוה, one is permitted to ask for pay to help load the animal.
(רמב"ם הלכות רוצח ושמירת נפש י"ג:ז)
- ◆ When one is faced with the choice of fulfilling the מצוה of פריקה or טעינה (see previous מצוה), the מצוה of פריקה takes precedence, since פריקה alleviates the צער בעלי חיים.
(רמב"ם הלכות רוצח ושמירת נפש י"ג:ג)
- ◆ There are certain people who are exempt from this מצוה:
 1. If the animal which needs unloading is in a cemetery and the passerby is a פהן.
 2. A תלמיד חכם or any other person for whom it would be below their dignity to unload.

במי נוהגת	מתי נוהגת	היכן נוהגת
All people (men and women)	At all times	In all places



498 מצוה (36)

המצוה

שלא יניחנו נבהל במשאוי וילך לו

Not to leave him panicky with his burden and go away.

המקור

לא תראה את חמור אחיך וגו' (דברים כ"ב:ד)

You shall not see the donkey of your brother etc.

ביאור המצוה

When one notices an animal that has fallen down on account of the load which is upon her, or if the load is on the side near her, one may not just pass by and leave the owner panicky and confused. Rather, one must stop and help the owner unload the burden and reload it.

פרטים באופן קיום המצוה

One who passes by an animal in need of help and does not assist violates this לאו and also fails to fulfill the מצות עשה of עזוב תעזוב (מצוה # 496) or הקם תקים (מצוה # 497) (רמב"ם הלכות רוצח ושמירת נפש י"ג:ב)

העונש	במי נוהגת	מתי נוהגת	היכן נוהגת
There is no מלקות, because it is a לאו שאין בו מעשה	All people (men and women)	At all times	In all places



Questions on Mitzvos 34-36

- 1) Explain the מצוה of פְּרִיקָה? _____
- 2) Explain the מצוה of טְעִינָה? _____
- 3) In which circumstance would one be exempt from helping the owner with the מצוה of פְּרִיקָה? _____

- 4) When must one help with פְּרִיקָה even if the owner is not helping? _____

- 5) Why does פְּרִיקָה take precedence over טְעִינָה? _____

- 6) In which circumstance is a כֹּהֵן exempt from fulfilling the מצוות of פְּרִיקָה and טְעִינָה? _____

- 7) In which circumstance is a תַּלְמִיד חֶכֶם exempt from fulfilling the מצוות of פְּרִיקָה and טְעִינָה? _____

- 8) Which לאו and עֵשָׂה or עֵשָׂה \ is one עוֹבֵר when he ignores helping an animal that is suffering from its burden? _____
- 9) Is it permitted to ask for payment when assisting with פְּרִיקָה? _____
- 10) Is it permitted to ask for payment when assisting with טְעִינָה? _____
- 11) Why is no מַלְקוֹת given for ignoring a suffering animal? _____

	12) The מצוה of פְּרִיקָה and טְעִינָה applies to
	א) Donkeys ב) Mules ג) Oxen ד) All of the above