

פרשה
עונש
עשה
לא תעשה
במנ הזה

גליון לידיעת מצוות השבוע

והערב

ב"ה ובס"ד פרשת בהר-בחוקותי ט"ז-כ"ב אייר (חולין ג'-ט') תשפ"ו לפ"ק

נקבה	זכר	נוהג	רבנן	חפץ חיים	זוהר הרקיע	סמ"ק	החינוך	מאמר השכל	רמב"ן	רא"ם	סמ"ג	רמב"ם		יראים	ר' שלמה גבירול	ר' יצחק ברנולוני	ר' אליהו הזקן	רס"ג	בה"ג	מקור בתנ"ך			המצוה	
												הלכות								פרשה	פרק	פסוק		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel																		24	2	25	Behar	Laws of Shmita
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel		22	84		326	251	211	459	266	Sabbatical and Jubilee Years	220	345	77	221	132	143	118	4	25	Behar	Not to work the land during the seventh year	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel		23	85		327	253	212	460	267	Sabbatical and Jubilee Years	221	345	79	222	131		119	4	25	Behar	Not to work with trees to produce fruit during that 7th year	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel		24	86		328	252	213	461	268	Sabbatical and Jubilee Years	222	346	73	223	133	144	120	5	25	Behar	Not to reap crops that grow wild that 7th year in the normal manner	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel		25	87		329	254	214	462	269	Sabbatical and Jubilee Years	223	346	75	224	65		121	5	25	Behar	Not to gather fruit from trees which grow wild that 7th year in the normal way	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			67				132											6	25	Behar	To eat fruits that grew in the 7th year Shmittah	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel															28		150	7	25	Behar	To take out from house all fruits that grew in the 7th year Shmittah	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			221		330	257	138	242	150	Sabbatical and Jubilee Years	140							8	25	Behar	The Sanhedrin must count seven groups of seven years	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel												221	38	4	38	24	8	25	Behar	To keep the laws of Yovel		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			218		331	259	135	250	152	Sabbatical and Jubilee Years	137					64	63	10	25	Behar	To blow the Shofar on the tenth of Tishrei to free the slaves Yovel)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			217		332	258	134	248	151	Sabbatical and Jubilee Years	136				165			10	25	Behar	The Sanhedrin must sanctify the fiftieth year	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	World								247				166	174	75		64	63	10	25	Behar	To free a Jewish slave in the Yovel year	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			88		333	260	215	463	272	Sabbatical and Jubilee Years	224	347	78	225	107	145	122	11	25	Behar	Not to work the soil during the fiftieth year	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			89		334	261	216	464	273	Sabbatical and Jubilee Years	225	347	74	226	108	146	123	11	25	Behar	Not to reap in the normal manner that which grows wild in the fiftieth year	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			90		335	262	217	465	274	Sabbatical and Jubilee Years	226	347	76	227	109		124	11	25	Behar	Not to pick fruit which grew wild in the normal manner in the fiftieth year	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	World		67			336	476	243	16	82	Sales	245							14	25	Behar	Carry out the laws of Buy and sell according to Torah law	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	World		47	41	284	337	477	243	500	170	Sales	250	127	34	103			125	14	25	Behar	Not to overcharge or underpay for an article	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			220															15	25	Behar	To leave a sold field in the buyers hands the 1st two years	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	World		48	42	123	338	184	244		171	Sales	251	180		104	201	85	126	17	25	Behar	Not to insult or harm anybody with words	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			295		339	562		466	275	Sabbatical and Jubilee Years	227							23	25	Behar	Not to sell the land in Israel indefinitely	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel							218												23	25	Behar	Not to sell land permanently in Eretz Yisroel to a non-Jew
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			219		340	263	136	249	153	Sabbatical and Jubilee Years	138	165				63		24	25	Behar	Carry out the laws of sold family properties	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel																40	25	25	25	Behar	Laws of selling inherited property	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel			167		341	561	137		154	Sabbatical and Jubilee Years	139		172	36	5	39	25	29	25	Behar	Carry out the laws of houses in walled cities	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Eretz Yisroel												173	36	16	39	25	31	25	Behar	Laws of property not in a walled city		

נקבה	זכר	נוהג	רבנן	חפץ חיים	זוהר הרקיע	סמ"ק	החינוך	מאמר השכל	רמב"ן	רא"ם	סמ"ג	רמב"ם		יראים	ר' שלמה גבירול	ר' יצחק ברנוליו	ר' אליהו הזקן	רס"ג	בה"ג	מקור בתנ"ך			המצוה
												הלכות								פסוק	פרק	פרשה	
✓	✓	Eretz Yisroel			296		342	357	219	209	278	Sabbatical and Jubilee Years	228		271			251		34	25	Behar	Not to sell the fields but they shall remain the Levites' before and after the Jubilee year
✓	✓	World															26			35	25	Behar	Laws of converts
✓	✓	World												77		162				35	25	Behar	To help someone who is poor
✓	✓	World			80				193											35	25	Behar	To help converts in time of need
✓	✓	World			81				191											36	25	Behar	To return usuary money
✓	✓	World											155	90	88	102	29	53	36	25	Behar	To give life (food, dirnk, freeing) to your brother (Jew)	
✓	✓	World		54	80	268	343	565	228	482	191	Creditor and Debtor	235	118	52	70	71		44	37	25	Behar	Not to lend with interest (to jews)
✓	✓				203		344	460	251	485	176	Slaves	257	201	178	167			128	39	25	Behar	Not to have a Jewish slave do menial slave labor
✓	✓				251	276	345	459	252	486	175	Slaves	258	200	227	168			129	42	25	Behar	Not to sell Jewish slaves as a slave is sold
✓	✓	World			244		346	458	253	487	174	Slaves	259	199	220	169	80	273	127	43	25	Behar	Not to work a Jewish slave oppressively
✓	✓	World			12	60	347	463	232	311	87	Slaves	235	423	23	77	77		105	46	25	Behar	Canaanite slaves must work forever unless injured in one of their limbs
✓	✓	World												170	51	13	41	26	47	25	Behar	Laws of a Jew sold for slavery to a non-Jew	
✓	✓	World			245		348	461	254	488	177	Slaves	260						53	25	Behar	Not to allow a non-Jew to work a Jewish slave oppressively	
✓	✓	World		161	218	181	349	91	12	274	43	Idolatry and Paganism	12	350	194	159	48	10	130	1	26	Behar	Not to bow down on smooth,decorated, mosaic stone , even to Hashem besides in the Beis Hamikdosh
✓	✓	World			3	180		89			42									1	26	Behar	Not to maintain idols and or a cenotaph in ones possession, even if one didn't make it
✓	✓	World				163								348			211			1	26	Behar	Not to make a false god or semblance
✓	✓	World											410							2	26	Behar	To respect the Shabbos
✓	✓	World			193		350	159	103	215	128	Estimated Values and Vows	114		193	43	39	130	27	2	27	Bechukosai	To assess the value of people as determined by the Torah
✓	✓	World			136		351	56	109	359	345	Substitution of Sacrifices	106	247	122		230	219		10	27	Bechukosai	Not to substitute another beast for one set apart for sacrifice
✓	✓	World			198		352	306	88	129	222	Substitution of Sacrifices	87							10	27	Bechukosai	The new animal, in addition to the substituted one, retains consecration
✓	✓	World			194		353	160	104	216	129	Estimated Values and Vows	115		193	43	39	131	27	11	27	Bechukosai	To assess the value of consecrated animals
✓	✓	World												156	6	90	133	125	13	27	Bechukosai	To add 1/5 more on the value when redeeming sacred belongings	
✓	✓	World			195		354	161	105	217	130	Estimated Values and Vows	116		193	43	39	132	27	14	27	Bechukosai	To assess the value of consecrated houses
✓	✓	World			196		355	162	106	218	131	Estimated Values and Vows	117					134		16	27	Bechukosai	To assess the value of consecrated fields
✓	✓	World																255		20	27	Bechukosai	If the treasurer of Hekdesh sold a consecrated land the land does not go back to owner
✓	✓	World																135		22	27	Bechukosai	Laws of assessment vows when someone consecrates a field that he bought
✓	✓	World			135		356	54	110	360	346	Substitution of Sacrifices	107					231		26	27	Bechukosai	Not to change consecrated animals from one type of offering to another
✓	✓	World			192		357	163	142	140	132	Estimated Values and Vows	145		192	35	38	138	27	28	27	Bechukosai	Carry out the laws of interdicting possessions (cherem)
✓	✓	World			297		358	161	113	141	251	Estimated Values and Vows	110					230		28	27	Bechukosai	Not to sell the cherem
✓	✓	World			298		359	165	114	142	152	Estimated Values and Vows	111							28	27	Bechukosai	Not to redeem the cherem
✓	✓	World												156	7	91	133	126	31	27	Bechukosai	To add 1/5 more on the value when redeeming Maaser Sheini	
✓	✓	World			60		360	602	80	128	112	First Born Animals	78	424	72		157	86	106	32	27	Bechukosai	Separate the tithe from animals
✓	✓	Bais Hamikdosh			138		361	55	112	383	344	First Born Animals	109							33	27	Bechukosai	Not to sell the tithe of animals, only to eat in Jerusalem

זכר	נקבה
31	30
29	29
31	29
27	27
30	30
22	22
36	32
37	33
39	35
8	8
36	32
35	31
37	33
40	37
9	8
0	0
22	21

כל העולם	ארץ ישראל	בית המקדש
11	8	0
18	6	0
12	9	0
10	7	0
16	10	0
12	8	0
19	14	1
20	14	1
21	15	1
7	0	0
19	14	1
19	13	1
20	14	1
21	16	1
5	4	0
0	0	0
17	4	1

שיטות	פרשה	עונש	עשה	לא תעשה	סך הכל
בה"ג	10	0	7	14	31
רס"ג	5	0	12	12	29
ר' אליהו הזקן	10	0	8	13	31
ר' יצחק ברגלוני	8	0	5	14	27
ר' שלמה גבירול	2	0	13	15	30
יראים	0	0	6	16	22
רמב"ם			14	22	36
סמ"ג			14	23	37
רמב"ן			17	22	39
סמ"ק			1	7	8
חינוך			14	22	36
רב' עזרא מגרוניא			14	21	35
מאמר השכל			14	23	37
זוהר הרקיע			17	23	40
חפץ חיים			1	8	9
רבנן			0	0	0
מכות בזמן הזה לפי כל השיטות	0	0	9	13	22

Not to work the land during the seventh year

Working the Fields during the Sabbatical Year
Negative Commandment 220

The 220th prohibition is that we are forbidden from working the land during the seventh year [shemittah].

The source of this prohibition is G-d's statement,¹ "[It is G-d's Sabbath during which] you may not plant your fields."

The punishment for transgressing this prohibition is lashes.

The details of this mitzvah are explained in tractate Shvi'is

FOOTNOTES

1. Ibid. 25:4

Not to work with trees to produce fruit during that 7th year

Working the Orchards during the Sabbatical Year
Negative Commandment 221

The 221st prohibition is that we are forbidden from cultivating trees during the seventh year [shemittah].

The source of this prohibition is G-d's statement,¹ "[It is G-d's Sabbath during which you may not plant your fields] nor prune your vineyards."

The punishment for transgressing this prohibition is also lashes.

The Sifra says: "The prohibitions of planting and pruning were already included.² Why were they singled out? To make a comparison — just as planting and pruning have the special quality of applying both to the land and to trees, so too, the prohibition includes any type of work which applies both to the earth and to trees."³

The details of this mitzvah are also explained in tractate Shvi'is

FOOTNOTES

1. Ibid.
2. In P135. See Yad Halevi, note 2, from Minchas Chinuch 228 and Tosafos, Makos 18a.
3. Yad Halevi (note 3) explains that the Rambam quotes the Sifra in order to prove that N220 and N221 count as separate mitzvos.

In the 9th Introductory Principle, the Rambam shows that land and trees may be mentioned separately in Scripture, and that they are nevertheless counted as a single mitzvah (see N214). However, he also says that when the wording of our Sages indicates, the two are counted separately.

Therefore the Rambam quotes the Sifra (unlike similar statements in the Talmud), because it uses the expression "The prohibitions of planting and pruning were..." If there was only one mitzvah, they could have simply said, "The prohibition of planting was..." and omitted mention of pruning altogether. The mention of both implies that they count as separate mitzvos.

Not to reap crops that grow wild that 7th year in the normal manner

Harvesting Wild Field Crops during the Sabbatical Year
Negative Commandment 222

The 222nd prohibition is that we are forbidden from harvesting in the normal way crops which the ground produces on its own during the seventh year [shemittah]. This means as follows: we are forbidden from working the land and cultivating trees during the shemittah year, as mentioned above. Food that was planted in the sixth year and grows in the seventh year — called safiach — may be eaten during the seventh year.¹ However, it may not be harvested unless one makes a variation in the normal harvesting process.

The source of this prohibition is G-d's statement,² "Do not harvest crops that grow on their own." This does not mean that one may not harvest them at all, as is evident from the verse³ "[What grows while] the land is resting may be eaten by you." The intention of the verse is that one may not harvest in the same way one harvests grain during other years. One may only gather it as if it was ownerless, without preparation or arrangement, as we shall explain.⁴

FOOTNOTES

1. This is as far as the Biblical law is concerned. It is prohibited by Rabbinic law. See Hilchos Shemittah V'yovel, 4: 2.
2. Ibid. 25: 5.
3. Ibid. 25: 6.
4. See N223.

Not to gather fruit from trees which grow wild that 7th year in the normal way

Harvesting Fields during the Sabbatical Year
Negative Commandment 223

The 223rd prohibition is that we are forbidden from gathering in the normal manner fruit which trees produce during shemittah. We must make a change in order to demonstrate that it is considered ownerless [rather than the owner's personal property].

The source of this prohibition is G-d's statement,¹ "Do not gather the grapes on your unpruned vines."

Our Sages² explain: "You may not gather them as gatherers do normally." Based on this principle, they said: "Figs which grew during shemittah may not be cut with the normal fig-knife, only with a regular knife. Grapes may not be crushed in a wine-press, only in a trough.

Not to gather fruit from trees which grow wild that 7th year in the normal way

Olives may not be prepared in a bad or a kutbi, but they may be crushed and placed in a bodeidah.³

The details of this mitzvah and the one which precedes it are explained in tractate Sh'vi'is.

FOOTNOTES

1. Lev. 25: 5.
2. Sifra, Behar 1: 3. Sh'vi'is 8: 6.
3. A bodeidah is a small olive-press, whereas the bad and kutbi are larger and therefore regularly used. Regarding these objects and the others mentioned above, see Bartenura, Sh'vi'is 8: 6.

The Sanhedrin must count seven groups of seven years

Counting Down the Years to the Jubilee
Positive Commandment 140

The 140th mitzvah is that we are commanded to count the years, beginning with the time we ruled over Eretz Yisrael and took possession of it.¹

This mitzvah of counting the shemittah years is to be fulfilled by the beth din, i.e. the Great Sanhedrin. They have the responsibility of counting each of the 50 years, just as each of us is required to count the days of the omer.

The source of this commandment is G-d's statement,² "You shall count seven Sabbatical years."

The Sifra says: "One might think that they count seven consecutive Sabbatical years and then make a jubilee year. Therefore the verse continues, 'seven years, seven times.' If not for these two phrases, we would not know the law."

This means that without both phrases we would not understand how to perform this mitzvah, i.e. to count just the years and to count the appropriate shemittah cycle together with it.

Their³ statement that the law could not be derived without both passages definitely implies that they comprise one mitzvah. If they were two mitzvos — one to count the years and one to count the shemittah cycles — our Sages would not have used the expression "If not for these two phrases, we would not know the law"; because any two mitzvos are derived from two verses — each from its own verse. One can only say, "If not for these two phrases, we would not know the law" regarding one single mitzvah the laws of which can only be fully understood through two phrases.

An example of this is the b'chor (first-born animal). One verse,⁴ "The first-born initiating every womb is Mine" implies that both males and females are included. Another verse,⁵ "[every animal that your cattle shall issue] which is male shall be the L-rd's" implies both first-born animals and those which are born later. Only with both verses do we fully understand the mitzvah — that it applies only to first-born male animals, as explained in the Mechilta.

FOOTNOTES

1. I.e. after the seven years of conquering the land and another seven years of dividing it among the tribes in the days of Joshua. See Hilchos Shemittah V'yovel 10: 2.
2. Lev. 25: 8.
3. The Rambam now explains why these two countings — of the years and of the shemittah cycles — count as one mitzvah instead of two separate mitzvos.
4. Ex. 34: 19.
5. Ibid. 13: 12.

To blow the Shofar on the tenth of Tishrei to free the slaves Yovel

Emancipation of Slaves during the Jubilee Year
Positive Commandment 137

The 137th mitzvah is that we are commanded to blow shofar on the 10th of Tishrei of this [jubilee] year, and to declare throughout the land the emancipation of slaves and that each eved Ivri¹ goes free on this day, the 10th of Tishrei, without payment.

The source of this commandment is G-d's statement,² "On the 10th day, Yom Kippur, of the seventh month, you shall make a proclamation with the ram's horn throughout your land" and³ "You shall declare the emancipation [of slaves] in the land to all its inhabitants."

It is explained⁴ that, "the jubilee is identical to Rosh Hashanah regarding blowing the shofar and the blessings." The laws of blowing the shofar on Rosh Hashanah are explained in tractate Rosh Hashanah.⁵

It is well-known⁶ that this shofar blowing on the jubilee is only to publicize the emancipation, and is part of the proclamation mandated by the verse "You shall declare the emancipation [of slaves] in the land." It is not like the shofar blowing of Rosh Hashanah, which is "a remembrance before G-d," unlike this which is to designate the freeing of slaves, as explained above

FOOTNOTES

1. See P232.
2. Ibid. 25: 9.
3. Ibid. 25: 10.
4. Rosh Hashanah 26b.
5. 26a ff.
6. Apparently the Rambam wishes to demonstrate that these two verses constitute one mitzvah.

The Sanhedrin must sanctify the fiftieth year

Sanctifying the Jubilee Year

The Sanhedrin must sanctify the fiftieth year

Positive Commandment 136

The 136th mitzvah is that we are commanded to sanctify the 50th year, i.e. to refrain from working the land as in the shemittah year.

The source of this commandment is G-d's statement,¹ "You shall sanctify the 50th year." Our Sages² explained that, "As it is with shemittah, so too with the jubilee." This means that just as Scripture equates them in the prohibition, so too they are equated in the positive commandment, as I will explain.³

The jubilee year and the shemittah year are the same in that one must stop working the land and must renounce ownership of all produce. Both of these⁴ are included in the statement, "You shall sanctify the 50th year." Scripture itself explicitly states that this "sanctity" includes renouncing ownership of all produce. This is in the verse,⁵ "The jubilee shall thus be holy to you; you shall eat the crops from the field."

The jubilee year is only in effect in Eretz Yisrael, and only when each tribe is in its proper place, i.e. in its portion in Eretz Yisrael rather than mixed among other tribes.⁶

FOOTNOTES

1. Lev. 25: 10.
2. Sifra, ibid.
3. See N223 and N226.
4. To stop working the land and to renounce ownership.
5. Ibid. 25: 12.
6. In the Messianic Age, Mashiach will identify which tribe each individual belongs to by ruach hakodesh. See Hilchos Melachim 12: 3.

Not to work the soil during the fiftieth year

Planting during the Jubilee Year
Negative Commandment 224

The 224th prohibition is that we are forbidden from working the land during the jubilee year.

The source of this prohibition is G-d's statement,¹ "[The 50th year shall be a jubilee to you in that] you may not plant," as commanded regarding the shemittah year,² "you may not plant your fields."

Just as during the shemittah year one is prohibited from both working the land and the trees, so too during the jubilee. Therefore the general statement "you may not plant" is used, to include both the land and trees.

The punishment for transgressing this prohibition is also lashes.

FOOTNOTES

1. Ibid. 25: 11.
2. Ibid. 25: 4

Not to reap in the normal manner that which grows wild in the fiftieth year

Harvesting Field Crops during the Jubilee Year
Negative Commandment 225

The 225th prohibition is that we are forbidden from harvesting s'fichim [uncultivated crops] which grow during the jubilee year in the same way we harvest in a regular year, as we explained regarding the shemittah year.¹

The source of this prohibition is G-d's statement,² "[The 50th year shall be a jubilee to you in that you may not plant;] you may not harvest crops which grow of their own accord."

FOOTNOTES

1. See N222.
2. Ibid. 25: 11.

Not to pick fruit which grew wild in the normal manner in the fiftieth year

Harvesting Fruit during the Jubilee Year
Negative Commandment 226

The 226th prohibition is that we are also forbidden from gathering fruit of the jubilee year in the same way we gather in a regular year.

The source of this prohibition is G-d's statement,¹ "[The 50th year shall be a jubilee to you in that you may not plant; you may not harvest crops which grow of their own accord;] you may not gather grapes from unpruned vines," similar to what was explained above² regarding the shemittah year. The Sifra says: "The phrases 'you may not harvest...you may not gather' teach us that it is the same during the jubilee year as during the shemittah year." This means that they are identical regarding all these prohibitions.

All the laws of shemittah and yovel are obligatory only in Eretz Yisrael.

FOOTNOTES

1. Ibid.
2. N223

Carry out the laws of Buy and sell according to Torah law

Transactions
Positive Commandment 245

Carry out the laws of Buy and sell according to Torah law

The 245th mitzvah is that we are commanded regarding the laws of buying and selling, i.e. the ways in which purchases and sales between the buyers and the sellers become legally binding.

The Torah taught about one method in G-d's statement¹ (exalted be He), "When you sell something to your neighbor, [or buy something from your neighbor's hand...]" Our Sages said,² "[The word 'hand' teaches that the sale] refers to something which can pass from one hand to another," i.e. meshichah [physically moving the object].

It is explained that in Biblical law, transfer of money is sufficient to complete the transaction, and meshichah is necessary only by Rabbinic decree, as is mesirah [giving the vehicle of control, e.g. the reins of a horse, to the buyer] and hagba'ah [lifting the object].

The Gemara³ explicitly says, "Just as our Sages enacted a requirement of meshichah in order for a sale to be valid, so too they required meshichah in order for a watchman relationship to become valid." It is therefore clear that the requirement of meshichah in buying and selling is of Rabbinic origin, as explained in the relevant place.

However, other methods of acquiring land, etc., i.e. by means of a document or chazakah⁴ are traced⁵ to Biblical verses [and are therefore of Biblical, not Rabbinic, origin].

The details of this mitzvah — i.e. the manners of finalizing a sale in each category — are explained in the 1st chapter of tractate Kiddushin, the 4th and 8th chapters of Bava Metzia, and the 3rd, 4th, 5th, 6th, and 7th chapters of Bava Basra

FOOTNOTES

1. Lev. 25: 14.
2. Bava Metzia 47b.
3. Ibid., 99a.
4. Such as building something on the land.
5. See Kiddushin 26a

Not to overcharge or underpay for an article

Honesty in Commerce

Negative Commandment 250

The 250th prohibition is that we are forbidden from cheating each other in business when buying and selling.

The source of this prohibition is G-d's statement¹ (exalted be He), "When you sell something to your neighbor, or buy something from your neighbor's hand, do not cheat one another."

The Sifra states, "The verse 'Do not cheat one another' refers to cheating someone monetarily."²

The details of this mitzvah are explained in the 4th chapter of tractate Bava Metzia.³

FOOTNOTES

1. Lev. 25: 14.
2. This is known as ona'as mamon, as opposed to ona'as devarim, which is causing someone emotional distress by something you say. See N251.
3. 49b ff

Not to insult or harm anybody with words

Hurtful Words

Negative Commandment 251

The 251st prohibition is that we are forbidden from verbally wronging another person by telling him things that will distress and humiliate him, and make him discouraged.¹ For example, when a person has sinned in his youth, but changed his ways, and someone tells him, "Thank G-d who has taken you away from that path to this good path," or similar indirect references to faults that cause him pain.

The source of this prohibition is G-d's statement² (exalted be He), "V'lo sonu one another and you shall fear your G-d." Our Sages³ said that this refers to verbally causing him pain (ona'as devarim).⁴

In the words of the Sifra, "The verse 'V'lo sonu one another' refers to ona'as devarim. What does this mean? If the person is a baal teshuvah, do not tell him, 'Remember your previous deeds...'; if there was illness...[do not say as Job's friends did, 'has anyone perished who was totally innocent?']; if you see donkey drivers...[who are seeking grain to buy, do not say that they can obtain it by a certain person, who in reality has nothing to sell and the drivers will be disappointed]; do not ask, 'how much does this cost?' [when you don't intend to make a purchase, since it will cause disappointment to the seller]."

Our Sages said,⁵ "Ona'as devarim is more serious than ona'as mamon, since regarding the former, the Torah says, 'and you shall fear your G-d.'"⁶

The details of this mitzvah are explained in the 4th chapter of tractate Bava Metzia.

FOOTNOTES

1. Literally, "make him unable to encourage himself."
2. Lev. 25: 17.
3. Bava Metzia 58b.
4. Causing verbal pain, as opposed to ona'as mamon, which is cheating someone financially. See N250.
5. Bava Metzia 58b.

Not to insult or harm anybody with words

6. From this statement it is obvious that ona'as devarim is a distinct mitzvah, not just a subcategory of ona'as mamon.

Not to sell the land in Israel indefinitely

Selling Land in Israel for Perpetuity
Negative Commandment 227

The 227th prohibition is that we are forbidden from permanently selling land in Eretz Canaan.¹

The source of this mitzvah is G-d's statement,² "And no land shall be sold permanently."

The details of this mitzvah are explained in the end of tractate Erachin.³

FOOTNOTES

1. I.e. Eretz Yisrael. In Hilchos Shemittah V'Yovel 11: 1, the Rambam rules that even if one violates this prohibition and sells the land, the transaction has no legal value and the land remains in the possession of the previous owner. Both the buyer and the seller nevertheless transgress this prohibition.

2. Lev. 25: 23.

3. 29ff.

Carry out the laws of sold family properties

The Return of Hereditary Property during the Jubilee Year
Positive Commandment 138

The 138th mitzvah is that we are commanded in this [Jubilee] Year to return all property which has been purchased to its original owners. It is released from the buyer's possession without payment.

The source of this mitzvah is G-d's statement,¹ "[Since the land is Mine, no land shall be sold permanently. You are foreigners and resident aliens as far as I am concerned,] and therefore, there shall be a time of redemption for all your hereditary lands." It is specifically explained for us that the redemption takes place in this particular year in G-d's statement,² "In this Jubilee Year, every man shall return to his hereditary property."

Scripture goes into the various details of this mitzvah and explains how the seller settles with the buyer if, before the Jubilee Year, he wants to repurchase the land he sold. It is also explained that this mitzvah applies only to land which is outside the wall of the city.³ Courtyards and houses built in villages are treated like fields and gardens since they were not built within walls.⁴ They are the batei hachatzerim referred to in the verse,⁵ "[Batei hachatzerim that do not have walls around them] shall be considered the same as open land; they shall thus be redeemable, and shall be released by the Jubilee."⁶

The details of this mitzvah are explained in tractate Erachin.⁷

It too applies only in Eretz Yisrael and only when the Jubilee Year is in effect.

FOOTNOTES

1. Lev. 25: 24.

2. Ibid., 25: 13.

3. Houses which are built within walled cities are governed by P139.

4. And they are therefore also governed by this mitzvah.

5. Lev. 25: 31.

6. Since they are mentioned in a separate verse, one might think that batei hechatzerim constitute a separate mitzvah. The Rambam explains here that batei hachatzerim are included in this mitzvah, and that they are not counted separately. There are only two categories: houses within a wall and everything else.

7. 29b.

Carry out the laws of houses in walled cities

Redeeming Property in Walled Cities
Positive Commandment 139

The 139th mitzvah is that we are commanded that if one has possessions¹ which are located within the walls of a city and they were sold, one has the right to redeem them only for one year. After the year has passed, the buyer becomes the full owner, and remains so even after the Jubilee Year.

The source of this mitzvah is G-d's statement,² "When a man sells a residential house in a walled city [he shall be able to redeem it until the end of one year after he has sold it]."

This mitzvah is known as "the law of batei arei chomah."

The details of this mitzvah are explained in tractate Erachin.³ It applies only in Eretz Yisrael.

FOOTNOTES

1. This includes houses and their adjacent land. Other fields, even if they are within the city's wall, are included in P138 above. See Rambam, ibid., 12: 11.

2. Lev. 25: 29.

3. 31a.

Not to sell the fields but they shall remain the Levites' before and after the Jubilee year

Switching the Functions of the Levite Cities' Zones

Not to sell the fields but they shall remain the Levites' before and after the Jubilee year

Negative Commandment 228

The 228th prohibition is that we are forbidden from selling the open areas surrounding the Levitical cities.

The source of this mitzvah is G-d's statement,¹ "Do not sell the open areas surrounding their cities."

You are aware that Scripture² grants the Levites cities, open areas and fields. The open areas are 1000 amos wide and an additional 2000 amos beyond that are for fields and vineyards, as explained in tractate Sotah.³ This prohibition forbids the Levites from changing these borders. They may not make the space allotted for a city into an open area; an open area into a city; a field into an open area; an open area into a field. The phrase, "Do not sell" is explained in the Oral Tradition as meaning, "Do not change."

The details of this mitzvah are explained in the end of tractate Erachin.⁴

FOOTNOTES

1. Lev. 25: 34.
2. Num. 35: 2-5.
3. 27b.
4. 33b

Not to lend with interest (to jews)

Lending with Interest

Negative Commandment 235

The 235th prohibition is that we are forbidden from lending money with interest.

The source of this prohibition is G-d's statement¹ (exalted be He), "Your money do not make him pay interest (neshech) for, and do not make him pay interest (marbis) for your food."

These two prohibitive statements come together for added emphasis; that one who lends with interest is doubly guilty. They are not two separate ideas, since neshech is the same as marbis and marbis is the same as neshech.

Our Sages said in tractate Bava Metzia: ² "You will never find neshech without marbis or marbis without neshech. Why did the verse distinguish between them? To cause the transgressor to be doubly guilty." They also said: "By Torah law, neshech and marbis are identical." They also said: "The verse, 'Your money do not make him pay interest (neshech) for, and do not make him pay interest (marbis) for your food,' should be read, 'Your money do not make him pay neshech and marbis for,' and 'do not make him pay neshech and marbis for your food.'"³ Therefore, anyone who lends money or food with interest is doubly guilty, in addition to the other prohibitions which add to the seriousness of the lender's act. The same prohibition is repeated in other words: ⁴ "Do not take neshech or marbis from him." It is explained in tractate Bava Metzia that this prohibition also applies to the lender. However, all these prohibitions are "extra,"⁵ as we explained in the Ninth Introductory Principle, since they all forbid the same act — prohibiting the lender from lending with interest.

The details of this mitzvah are explained in the 5th chapter of tractate Bava Metzia.

FOOTNOTES

1. Lev. 25: 37.
2. 60b.
3. In the first half of the verse, the word for interest (neshech) is written at the end; in the second half of the verse, the word for interest (marbis) is written at the beginning. The Gemara learns that the proximity of the two words enables them to be read together.
4. Lev. 25: 36.
5. I.e. they do not count as separate mitzvos in the count of 613. The Rambam needs to say this because the literal translation of the phrase over al shnei lavin (translated here as "doubly guilty") is, "transgresses two prohibitions," which could be misinterpreted as meaning two prohibitions among the 613.

Not to have a Jewish slave do menial slave labor

Denigrating Treatment of a Jewish Bondsman

Negative Commandment 257

The 257th prohibition is that we are forbidden from giving a Jewish servant degrading and humiliating work, as a Canaanite servant would do.

The source of this prohibition is G-d's statement¹ (exalted be He), "Do not work him like a [Canaanite] servant."

In the words of the Sifra: "You shall not have him carry in a linta² behind you, nor carry your things before you to the bathhouse." A linta is a small mat that one rests on after becoming tired from exercise. A servant customarily picks it up and carries it after his master. We are prohibited from giving any such jobs to a Jewish servant. He may be given only such jobs that an employed worker would agree to do. This is seen from G-d's statement³ "He shall be with you just like an employee or a resident hand."

FOOTNOTES

1. Lev. 25: 39.
2. As explained below, a mat. Servants would carry bath accessories in this mat. See Kapach, 5731, note 1, who explains that the proper name is linta, and the letter beis before it means "in a linta." Mosad Harav Kook, 5718, note 356, claims that it is called a blinta.
3. Ibid., 25: 40.

Not to sell Jewish slaves as a slave is sold

Selling a Jewish Bondsman in a Slavemarket

Negative Commandment 258

Not to sell Jewish slaves as a slave is sold

The 258th prohibition is that we are forbidden from selling a Jewish servant in the manner that non-Jewish servants are customarily sold, i.e. they are stood up in the place singled out for the sale of servants, their sale is publicly announced so that the buyers outbid one another, etc. This is totally forbidden; rather their sale must be done privately and in a refined manner.

The source of this prohibition is G-d's statement¹ (exalted be He), "They shall not be sold as regular servants."

In the words of the Sifra: "The verse 'They shall not be sold as regular servants' prohibits setting up a stand and placing him on the auction stone."

This prohibition undoubtedly includes someone who kidnaps a Jew, since if he sells the kidnapped person, he is selling him in the same way a Canaanite servant is sold — thereby transgressing the prohibition, "They shall not be sold as regular servants." This has already been mentioned above.² The Written Torah declares that the violator is executed.

The details of this mitzvah and the preceding one³ are explained in the first chapter of tractate Kiddushin.⁴

FOOTNOTES

1. Ibid., 25: 42.
2. See N243.
3. N257.
4. 20.

Not to work a Jewish slave oppressively

Ordering a Jewish Bondsman to do Unnecessary Work
Negative Commandment 259

The 259th prohibition is that we are forbidden from giving a Jewish servant unnecessary work. Such work is called avodas perech.

The source of this prohibition is G-d's statement¹ (exalted be He), "Do not rule over him with unnecessary work."

Only when we need a certain job done may we give it to him. In the words of the Sifra: "The verse 'Do not rule over him with unnecessary work' means that you may not tell him to warm up a drink when you don't need it." The same applies to similar cases. Our Sages merely brought an example from one of the easiest and simplest types of work in order to teach you that even it is prohibited unless it is needed.

FOOTNOTES

1. Ibid., 25: 43.

Canaanite slaves must work forever unless injured in one of their limbs

The Gentile Slave
Positive Commandment 235

The 235th mitzvah is that we are commanded regarding the treatment of Canaanite servants: ¹ that we should have them serve us forever, going free only in [a case where the master struck them and caused them to lose] a tooth or [use of] an eye. The same applies to any exposed organ which does not grow back, as explained in the Oral Tradition.²

The source of this commandment are G-d's statement³ (exalted be He), "You shall have them serve you forever" and,⁴ "If a person strikes [his male or female servant in the eye...the tooth...he shall set the servant free...in compensation for his eye...in compensation for his tooth]."

In the words of the Talmudic tractate Gittin⁵: "Anyone who frees his servant transgresses a positive commandment, as it is written, 'You shall have them serve you forever.' " The words of the Written Torah itself show that he must be freed upon loss of a tooth or an eye.

The details of this mitzvah are completely explained in tractates Kiddushin⁶ and Gittin.

FOOTNOTES

1. This term, eved Canaani, is used not only for servants from Canaan, but for any non-Jewish servant who has been circumcised and immersed in a mikvah with the intention of becoming a servant.
2. Kiddushin 25a. These organs are the fingers, toes, ears, the tip of the nose, and the male organ.
3. Lev. 25: 46.
4. Ex. 21: 26
5. 38a.
6. 22b; 24a.

Not to allow a non-Jew to work a Jewish slave oppressively

Allowing a Gentile Master to Order a Jewish Bondsman to do Unnecessary Work
Negative Commandment 260

The 260th prohibition is that we are forbidden from allowing a non-Jew who lives in our land to give unnecessary work to a Jewish servant who has sold himself [to the non-Jew.]

The source of this prohibition is G-d's statement¹ (exalted be He), "You may not [let his master] rule over him with unnecessary work in front of your eyes."

We may not think that since this servant sinned against himself and sold himself to a non-Jew, that we may let him suffer the consequences of his actions. Instead, we must watch over the non-Jew and prevent him from using the Jew for unnecessary work.

Not to allow a non-Jew to work a Jewish slave oppressively

In the words of the Sifra: "The verse 'You may not [let his master] rule over him with unnecessary work in front of your eyes' means that the command² applies only when it is 'in front of your eyes.'" This means that we are not obligated to watch in his house to see whether or not he is giving unnecessary work, but that whenever we see that he is doing so, we must prevent it.

FOOTNOTES

1. Ibid., 25: 53.
2. From this expression we see that it counts as one of the commandments.

Not to bow down on smooth, decorated, mosaic stone, even to Hashem besides in the Beis Ha

Kneeling Stones

Negative Commandment 12

The 12th prohibition is that we are forbidden from making stones which are prepared¹ to bow down upon — even if this bowing down is to G-d, exalted be He. The reason for this prohibition is also² to not resemble that of idolatry, since they would place stones decorated by expert craftsmen³ in front of the idols, and bow down upon them to that idol.

The source of this commandment is G-d's statement (exalted be He),⁴ "Do not place a designed⁵ stone in your land so you can prostrate yourselves on it."

One who transgresses this prohibition is punished by lashes.⁶

In the words of the Sifra,⁷ "The phrase, 'Do not place [a designed stone] in your land,' teaches that only 'in [the rest of] your land' you may not bow down upon stones; but you may bow down upon stones in the Holy Temple."

The details of this mitzvah have been explained in the Talmudic tractate Megillah.⁸

FOOTNOTES

1. Or "designated," "intended" (Kapach, 5731, note 69). Chavel erroneously translates, "figured stones."
2. In addition to the previous N11.
3. Or, "decorated professionally" (Kapach, 5731, note 70).
4. Lev. 26: 1.
5. See Kapach, 5731, note 71. Hilchos Avodah Zarah 6: 9 (Kapach edition, note 16)
6. In Hilchos Avodah Zarah 6: 9-12, the Rambam rules that this applies only if the person prostrates himself to G-d with his arms and legs outstretched. If he does so without extending himself in this way, he transgresses a Rabbinic prohibition. If he bows down to an idol, however, he is executed by stoning regardless of the precise manner in which he bows down.
7. Ibid.
8. 22b

To assess the value of people as determined by the Torah

Donating the Value of a Person

Positive Commandment 114

The 114th mitzvah is that we are commanded regarding the financial evaluation (erachin) of a person, e.g. when a person says, "I promise to give my value," or "I promise to give the value of (a particular person)." Then, if the person is a male, he must give a certain amount, and if female, a certain amount. The amount also varies according to the age [of the person being evaluated] and the financial state of the one making the vow.

The source of this commandment is G-d's statement,¹ "When a person makes a vow regarding the value of a person...."

The details of this mitzvah are explained in tractate Erachin.

FOOTNOTES

1. Lev. 27: 2

Not to substitute another beast for one set apart for sacrifice

Exchanging an Animal Designated for Sacrifice for Another

Negative Commandment 106

The 106th prohibition is that we are forbidden from exchanging an animal that has been designated for a sacrifice [with another animal]. This is called Temurah.

The source of this prohibition is G-d's statement¹ (exalted be He), "One may not exchange it nor offer a substitute for it."

This prohibition is mentioned separately² regarding ma'aser [of cattle].³ The reason [for the apparent repetition] is given in the Sifra: "Ma'aser was already included in the general prohibition. Why did it need to be mentioned separately? In order to compare [the general prohibition] to it: just as ma'aser, for which exchanging is forbidden, is kadshei mizbe'ach,⁴ so too the only animals that are covered by the prohibition, 'One may not exchange it' are only kadshei mizbe'ach [and not kadshei bedek habayis]."⁵

One who transgresses this prohibition is punished by lashes.

The details of this mitzvah are explained in tractate Temurah.

FOOTNOTES

1. Lev. 27: 10.
2. Ibid., 27: 33.

Not to substitute another beast for one set apart for sacrifice

3. See P78.

4. There are two distinct types of sanctity: kadshei mizbe'ach and kadshei bedek habayis. The former are animals dedicated as offerings, whereas the latter become property of the Temple treasury.

5. Perhaps the Rambam's intention is quoting the Sifra is to prove that verses 10 and 33 do not constitute separate commandments. Rather, they both come together to define the single commandment. See N170

The new animal, in addition to the substituted one, retains consecration

The Sanctity of an "Exchanged" Animal
Positive Commandment 87

The 87th mitzvah is that an animal that has been designated as a substitute [for a sanctified animal] itself becomes sanctified.¹

The source of this commandment is G-d's statement,² "[If he replaces one animal with another,] both the original animal and its replacement shall be sanctified."

Our³ Sages said explicitly in tractate Temurah⁴ that G-d's statement⁵ (exalted be He), "no substitutions may be made" is a lav she'nitak l'aseh⁶ (a prohibition with a remedial positive commandment): [after the statement is made that lashes are never given for a lav she'nitak l'aseh, the Gemara asks,] "But what about Temurah, which is a lav she'nitak l'aseh [and the punishment is still lashes]!"

There, the Gemara elaborates on the reason why Temurah is punished by lashes even though it is a lav she'nitak l'aseh: "One positive commandment cannot outweigh two prohibitions." This means that the prohibition of Temurah is said twice: [1] "one may not exchange it," [2] "nor offer a substitute for it."⁷ However, there is only one positive command: "both the original animal and its replacement shall be consecrated."

We have therefore explained what we set out to do [i.e. to prove that this counts as a positive mitzvah.]

The details of this mitzvah — when the substitution is binding and when it is not, what is its status, and how it is sacrificed — are explained in tractate Temurah.

FOOTNOTES

1. As explained in the previous mitzvah (N106) one is forbidden from making such a substitution. However, if one did so, this mitzvah dictates that both animals become sanctified.

2. Lev., 27:10.

3. Evidently the Rambam's intention in quoting the Gemara is to show that this command is referred to as an "aseh." It therefore counts as a positive mitzvah, and is not just a statement of fact, etc. See below.

4. 4b.

5. Lev. 27:33.

6. See N214.

7. Lev. 27:10

To assess the value of consecrated animals

Donating Animals
Positive Commandment 115

The 115th mitzvah is that we are commanded regarding the financial evaluation (erachin) of a non-kosher animal.¹

The source of this commandment is G-d's statement,² "[If it involves a non-kosher animal,] he shall present the animal to the kohen, and the kohen shall set its value."

The details of this mitzvah are explained in a number of passages in T'murah and Me'ilah.

FOOTNOTES

1. Or a blemished animal.

2. Lev. 27:11-12.

To assess the value of consecrated houses

Donating Houses
Positive Commandment 116

The 116th mitzvah is that we are commanded regarding the financial evaluation (erachin) of houses.

The source of this commandment is G-d's statement,¹ "If a person consecrates his house as something sacred to G-d, the kohen shall set its value...."

The details of this mitzvah are explained in tractate Erachin.

FOOTNOTES

1. Lev. 27:14.

To assess the value of consecrated fields

Donating Fields
Positive Commandment 117

The 117th mitzvah is that we are commanded regarding the financial evaluation (erachin) of fields.

To assess the value of consecrated fields

The sources for this commandment are G-d's statements,¹ "If [a person consecrates] a field from his hereditary property..." and "If the field is not his hereditary property but a field he has bought..."

If it is hereditary property, "its value shall be calculated according to the amount of seed [required to sow it]."²

If the field was purchased, "The kohen shall calculate the proportion of its value [on the basis of the number of years remaining until the jubilee year]."

The details of this mitzvah are also explained in tractate Erachin.

Do not think that these four categories of evaluation share something in common which requires them to be counted together as one mitzvah. Each one has its unique regulations, and is therefore counted separately. All they share in common is the title "evaluation" (erach). Therefore, the various categories of erachin cannot be counted as only one mitzvah just as the various types of sacrifices are not counted as only one mitzvah. After careful consideration, this will become clear.

FOOTNOTES

1. Lev. 27: 16, 27: 22.

2. Lev. 27: 16. 50 shekels for each kur (about 3.87 acres; see The Living Torah, Kaplan).

Not to change consecrated animals from one type of offering to another

Switching the Sacrificial Designation of an Animal
Negative Commandment 107

The 107th prohibition is that we are forbidden from changing an animal designated as one category of sacrifice into another category — such as changing a peace-offering into a burnt-offering or a guilt-offering into a sin-offering. To do this or anything like it is a prohibition.

The source of this prohibition is G-d's statement¹ (exalted be He) regarding a firstborn animal, "A person may not sanctify it." The Oral Tradition explains: ² "The verse 'A person may not sanctify it' — as [another type of] a sacrifice."

The Sifra says: "[From this verse] I only know that a firstborn animal may not be changed from one level of sanctity to another. What is the source that this law applies to other sanctified animals? From the phrase 'from the animals — a person may not consecrate it.'"

This statement alludes to the verse,³ "A firstling animal that must be sacrificed as a firstborn offering to G-d from the animals — a person may not sanctify it." [The superfluous phrase "from the animals" makes it] as if the verse says, "any type of animal which is an offering to G-d may not be sanctified with another type of sanctity. Rather, it must be left as is."

The details of this mitzvah are explained in the 5th chapter of tractate Temurah

FOOTNOTES

1. Ibid., 27: 26.

2. Erachin 29a.

3. Lev., ibid

Carry out the laws of interdicting possessions (cherem)

Sanctified Objects ("Cherem")
Positive Commandment 145

The 145th mitzvah is that we are commanded regarding the law of ch'ramim, i.e. when a person declares something he owns to be forbidden by saying, "This is cherem," he must give that object to a kohen, because a statement of cherem which is unspecified¹ goes to the kohanim. If, however, he specified that it is for G-d,² then it goes for the Temple fund (bedek habayis).

The source of this commandment is G-d's statement,³ "Any cherem to G-d which a person declares from among his possessions, whether a human being or an animal [or a hereditary field, cannot be sold or redeemed]."

[The Torah] teaches us that a statement of cherem which is unspecified goes to the kohanim by saying⁴ [Regarding a field that is released by the jubilee year, "It becomes consecrated to G-d,] like a field that has been made cherem, it becomes the property of the kohanim."

The details of this mitzvah are explained in the eighth chapter of Erachin and the beginning of Nedarim.

FOOTNOTES

1. Erachin, Ch. 8, Mishneh 6. There are two opinions brought regarding cheramim in which one did not specify whether they are for the kohanim or for bedek habayis. One opinion is that they go to bedek habayis and the other (brought here by the Rambam) is that they go to the kohanim.

2. E.g. by saying, "This is cherem for G-d."

3. Lev. 27: 28.

4. Ibid. 27: 21

Not to sell the cherem

Selling Sanctified Objects ("Cherem")
Negative Commandment 110

The 110th prohibition is that we are forbidden from selling — even to the Temple treasurer — objects which have been declared to be cherem.

The source of this commandment is G-d's statement,¹ "Any cherem...cannot be sold."

Not to sell the cherem

In the words of the Sifra, " 'It cannot be sold' — [even to] the Temple treasurer."

The cherem referred to is only one which is unspecified.²

FOOTNOTES

1. Ibid. 27: 28.
2. Which goes to the kohanim. See P145, above. That which is dedicated to bedek habayis is already in the hands of the Temple treasurer

Not to redeem the cherem

Redeeming Sanctified Property ("Cherem")
Negative Commandment 111

The 111th prohibition is that we are also forbidden from redeeming land which has been declared to be cherem without specification.

The source of this commandment is G-d's statement,¹ "Any cherem...cannot be sold or redeemed."

In the words of the Sifra, "The verse 'It cannot be redeemed' refers to the owner. What, then, is done with it? [Regarding a field that is released in the jubilee year, the verse² says,] 'Like a field that has been made cherem, it becomes the property of the kohanim.' [Therefore, it may not be redeemed, but remains in the possession of the kohanim.] I might think this applies even if the person said explicitly that it is for G-d — therefore the Torah says,³ ["Any cherem...cannot be sold or redeemed. Any cherem —] it (hu) [is holy of holies to G-d]."⁴

The details of this mitzvah — regarding the field which has been declared cherem — are explained in tractate Erachin.

There it is also explained that a statement of cherem which is unspecified goes to the kohanim; and that a cherem which is designated for the kohen cannot be redeemed, but must be given to them, just like terumah.

FOOTNOTES

1. Ibid. 27: 28.
2. Ibid. 27: 21.
3. Ibid. 27: 28.
4. From the extra word "it," we learn that only "it" (i.e. that which is dedicated to the kohen) cannot be redeemed. This implies that another type of cherem, i.e. one dedicated explicitly to G-d, can be redeemed.

Separate the tithe from animals

The Tithe of the Herd
Positive Commandment 78

And the 78th mitzvah is that we are commanded to separate a tithe from all the kosher animals¹ which are born to us each year.² We must sacrifice their fat and blood, and eat the remain—der in Jerusalem.

The source of this commandment is G-d's statement³ (exalted be He), "All tithes of the herds and flocks that are counted under the rod; every tenth one shall be consecrated to G-d." This is known as the tithe of animals [ma'aser beheimah].

The details of this mitzvah are explained in the last chapter of Bechoros.⁴

It is explained there that this commandment applies even out—side Israel and even when the Temple is no longer standing. This is by Torah law, but by Rabbinic decree our Sages said, "It only applies when the Temple is standing," because, since we have no Temple, someone might come to eat it even though it has no blemish.⁵ When the Temple will be built, it will apply both in Israel and outside Israel.

FOOTNOTES

1. I.e. cattle, sheep and goats.
2. Before Rosh Hashanah, one collects all the animals born that year, and separates one from every ten.
3. Lev. 27: 32.
4. 53a.
5. When the Temple was standing, the unblemished animal could be brought as a sacrifice, with the meat consumed by the owner. Without a Temple, once the animal is consecrated by being, "counted under the rod," nothing may be done with it unless it becomes blemished. In order to avoid it being eaten accidentally, our Sages prohibited it from being consecrated in the first place.

Not to sell the tithe of animals, only to eat in Jerusalem

Selling the Animal Tithe
Negative Commandment 109

And the 109th prohibition is that we are forbidden from selling a tithed animal¹ in any way.²

The source of this commandment is G-d's statement,³ "Do not redeem it."

The Sifra says, "Regarding the tithed animal it is written, 'do not redeem it.' It may not be sold, whether live or slaughtered, whether unblemished or blemished."

The details of this mitzvah as well as the preceding one⁴ are explained in tractate Bechoros⁵ and in the beginning of tractate Ma'aser Sheini.⁶

FOOTNOTES

1. Ma'aser beheimah. See P78.

Not to sell the tithe of animals, only to eat in Jerusalem

2. I.e. it may neither be redeemed nor sold. This is in contrast with the firstborn animal, which may not be redeemed, but may be sold. See N108.
3. Lev. 27: 33.
4. N108.
5. 31b.
6. Chapter 1, Mishneh 2