

IT IS A CHESSED

by Rabbi Label Lam

And if a person opens a pit, or if a person digs a pit and does not cover it, and a bull or a donkey falls into it, the owner of the pit shall pay; he shall return money to its owner, and the dead body shall be his. (Shemos 22:33-34)

the owner of the pit: [This refers to] the creator of the obstacle [i.e., the pit], although the pit is not his, for he made it in a public domain, Scripture made him its owner, insofar as he is liable for its damages. -[Bava Kama. 29B] -Rashi

At some point the Torah begins to sound like a law book. Anyone who knows even a little about the Written Torah realizes that it is an incomplete law book. There is not one Mitzvah that can be performed without detailed explanations from the Oral Torah as can be discovered in the Talmud. Giant volumes are launched from single lines in this week's portion. Therefore if one listens in on the discussions in Beis Midrash, a study hall, where they are learning, for example Bava Kama, the tractate busy with damages, one would likely hear amidst the din a conversation about this "din"-judgment or that din. You might think you have just found yourself transplanted to a law school.

Is it everyone's business to become a lawyer? What is the special goodness that flows from all that focus on the minutiae of property law and small claims if so few will become true judges and lawyers?

One of my Rebbeim once told us about a mystifying incident his wife had encountered. She was walking along Maple Avenue in Monsey on the side of the street opposite the home of Rabbi Mordechai Schwab ztl., the acclaimed "Tzadik of Monsey". She was struck by the sight of Rabbi Schwab in front of his house with a large pair of pruning shears. There was the elder Rabbi himself cutting branches zealously like any ordinary gardener. She watched in wonderment and amazement. Why was this great Rabbi trimming tree branches by himself? When he noticed that she was watching, he looked up seeking to cure her curiosity he told her, "It's a Chessed! (An act of kindness) It's a Chessed!"

By the time she came home and reported the incident to her husband she was even more mystified. What had he meant? What was the Chessed in cutting tree branches? Was it that the trees need relief, like a haircut? How was it a Chessed to the tree?

Her husband listened and instantly realized what was going on. The tree he was working on was on

his property but its branches were reaching into the public domain. He clearly wanted to avoid the possibility that his tree could cause damage to a passerby with its low hanging limbs. This was his tree. Although it was rooted on his property, he was the owner of what is the equivalent of an open pit in the public domain that needs to be covered.

He was being responsible to others. No one should get poked in the eye, or have their Shabbos hat knocked off and get soiled on account of his tree. That was the Chessed.

Amongst the many practical aspects of learning Bava Kama and all the myriad details about damages is to become a more responsible citizen and to learn the thousands and millions of ways a person should be extra careful not to be the cause of harm to others.

Something as simple as leaning back in a chair is not only hazardous to the one rocking back but it also challenges the structural integrity of even the strongest of chairs. You'd be surprised how many metal legs give way in seemingly structurally sound metal chairs. In school we remove a few from circulation every week.

The Jewish People accepted the Torah on condition of becoming "a Holy Nation" that goes beyond mere civility where it is the thin blue line of policing deters people from wrong doing. No, every individual needs to be aware of his responsibility to people and their property too. Kindliness is not only scheming what we can do to help but thinking ahead about avoiding what might hurt. In that way **it is a Chessed!**

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