

דף יומי • חלין • דף צ"ד

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

We start off on our daf continuing the shakla v'tarya regarding sending a thigh of meat to a non-Jew. The Gemara is trying to understand the exact case of our Mishnah, analyzing whether we are talking about a place where they announce when a tereifa is sold or not, and how we avoid any michshol of a Jew eating the gid hanasheh. This leads the Gemara into a major discussion of the sugya of geneivas da'as—misleading or deceiving someone, even a non-Jew.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עמוד א' DAF 94A

OBJECTION

חֲתוּכָה נָמִי לִישְׁדֹּר לִיהּ, דְּהָא לָא אָתוּ לְמִזְבֵּן מִינֵיהּ!

If so, then even a **cut-up** thigh **also let him send to him**, to the non-Jew, **for behold, they**, the Jewish townsfolk, **will not come to buy from him**, since they do not buy meat from non-Jews in this town!

OBJECTION

אֵלָא בְּמָקוֹם שֶׁמְכָרִיזִין, שְׁלִימָה נָמִי לָא לִישְׁדֹּר לִיהּ, דְּחֲתִיף לִיהּ וּמִזְבֵּין לִיהּ.

Rather, you must say the Mishnah is speaking **in a place where they announce** when a tereifa is sold, so Jews do buy meat from non-Jews when there is no announcement. But if so, a **whole** thigh **also let him not send to him**, for we should worry that the non-Jew **will cut it up and sell it** to a Jew, who will not realize that the gid hanasheh is still inside!

ANSWER

אִי בְּעִית אִימָא – בְּמָקוֹם שֶׁמְכָרִיזִין, וְאִי בְּעִית אִימָא – בְּמָקוֹם שֶׁאִין מְכָרִיזִין.

The Gemara answers: **If you want**, say the Mishnah is speaking **in a place where they announce**, and **if you want**, say it is speaking **in a place where they do not announce**.

EXPLANATION

אִיבְעִית אִימָא בְּמָקוֹם שֶׁמְכָרִיזִין – חֲתוּכָא דְּגוֹי מִידַּע יָדִיעַ.

If you want, say the Mishnah is speaking **in a place where they announce**, and yet it is permitted to send a whole thigh because **the cutting of a non-Jew is known** and recognizable. A Jew would see that the thigh was cut by a non-Jew and would not buy it.

EXPLANATION

וְאִיבְעִית אִימָא בְּמָקוֹם שֶׁאִין מְכָרִיזִין – גְּזִירָה שְׂמָא יִתְנַנָּה לוֹ בְּפָנֵי יִשְׂרָאֵל אַחֵר.

And if you want, say the Mishnah is speaking in a place where they do not announce, and yet it is forbidden to send a cut-up thigh because of a Rabbinic decree, lest he give it to him, to the non-Jew, in the presence of another Jew, who will assume it is kosher and buy it from the non-Jew on the spot.

ANSWER

וְאִי בְּעִיט אֵימָא, מְשׁוּם דְּקָא גָּנִיב לִיהּ לְדַעְתִּיהּ, דְּאָמַר שְׁמוּאֵל: אָסוּר לְגָנוּב דַּעַת הַבְּרִיּוֹת, וְאֶפְּלוּ דַעְתּוֹ שֶׁל גּוֹי.

And if you want, say there is a different reason why one may not send a cut-up thigh: because he is deceiving him, misleading the non-Jew into thinking he went to the trouble of removing the gid hanasheh for him, as Shmuel said: It is forbidden to deceive people, and even the mind of a non-Jew.

STATEMENT

וְהָא דְּשְׁמוּאֵל, לָאוּ בְּפִירוּשׁ אֵיתָמַר, אֶלָּא מִכְּלָלָא אֵיתָמַר.

The Gemara notes: And this ruling of Shmuel was not stated explicitly by him; rather, it was stated by inference from an incident.

STATEMENT

דְּשְׁמוּאֵל הָוָה קָא עָבַר בְּמַבָּרָא, אָמַר לִיהּ לְשַׁמְעִיהּ: "פִּיִּסְיָה לְמַבּוּרִיָּה", פִּיִּסְיָה, וְאִיקְפַּד.

For Shmuel was once crossing in a ferry, and he said to his attendant: "Pay the ferryman" with a nice gift. The attendant paid him, and Shmuel later found out what he gave him and became angry.

QUESTION

מָאי טַעְמָא אִיקְפַּד?

The Gemara asks: What is the reason Shmuel became angry?

ANSWER

אָמַר אֲבֵי: תִּרְנַגּוּלָּת טֵרֶפָה הָוָא, וַיַּהֲבֵהּ נִיחָ לִיהּ בְּמָר דְּשְׁחוּטָה.

Abaye said: It was a tereifa chicken, and the attendant gave it to him as if it were a slaughtered, kosher chicken, thereby deceiving him.

ANSWER

רָבָא אָמַר: אֲנַפְקָא אָמַר לִיהּ (לֹאשְׁקוּיָי) [לֹאשְׁקוּיָיָהּ], וְאִשְׁקִיָּיָה חֲמָרָא מְזִיגָא.

Rava said: An anpaka, a cup of neat wine, Shmuel told him to give him to drink, but the attendant gave him diluted wine instead, making him think he was getting strong wine.

QUESTION

וְכִי מִכְּלָלָא מָאי?

The Gemara asks: And if Shmuel's ruling was derived by inference, what of it? It is still a valid ruling!

ANSWER

לְמַאן דְּאָמַר טֵרֶפָה הָוָא, אָמַר לִיהּ: אֲמָאי תִּשְׁהָא אִיסוּרָא?

The Gemara answers: Perhaps Shmuel was angry for a different reason. **According to the one who said it was a tereifa** chicken, Shmuel may have **said to him: Why did you keep a forbidden food** in your possession? A Jew might have eaten it by mistake!

ANSWER

למאן דאמר אנפקא אמר ליה לאשקויי, אנפקא חייא משמע.

And **according to the one who said** Shmuel **told him to give him an anpaka to drink**, the word anpaka implies raw, undiluted wine, and Shmuel was simply angry that the attendant disobeyed his instructions.

BRAISA

תנא, הנה רבי מאיר אומר: אל יסרהב אדם לחבירו לסעוד אצלו, ויודע בו שאינו סועד,

It is taught in a Braisa: Rabbi Meir would say: A person should not press his fellow to dine with him when he knows about him that he will not dine, just to make it look like he is being generous,

BRAISA

ולא ירפה לו בתקרובת, ויודע בו שאינו מקבל.

and he should not offer him many gifts when he knows about him that he will not accept them.

BRAISA

ולא יפתח לו חביות המכורות להננוני, אלא אם כן הודיעו.

And he should not open for him barrels of wine that are already sold to a storekeeper, making the guest think they were opened especially for him, unless he informs him of the sale.

BRAISA

ולא יאמר לו סוף שמן מפה ריקן.

And he should not say to him, "Anoint yourself with oil" from an empty flask, knowing the guest will refuse when he sees it is empty.

BRAISA

ואם בשביל כבודו – מותר.

But if he does this for his honor, to show the onlookers how much he esteems his guest, it is permitted.

QUESTION

איני? והא עולא איקלע לבי רב יהודה, פתח לו חביות המכורות להננוני!

The Gemara asks: Is that so? But didn't Ulla happen to visit the house of Rav Yehuda, and Rav Yehuda opened for him barrels that were sold to a storekeeper without telling him?

ANSWER

אודועי אודעיה,

The Gemara answers: Rav Yehuda did inform him.

ANSWER

ואיפֿעית אימא: שאני עולא דחביב ליה לרב יהודה, דבֿלאו הכי נמי (פתוחי) מפתח [היה פתח] ליה.

And if you want, say: Ulla is different, because he was so dear to Rav Yehuda that even without this sale, Rav Yehuda would have opened a new barrel for him anyway, so there was no deception.

BRAISA

תנו רבנן: לא ילה אדם לבית האבל, ובידו לגין המתקשקש.

Our Rabbis taught in a Braisa: A person should not go to a house of mourning with a flask in his hand that rattles because it is mostly empty, making the mourner think he brought a full flask of wine.

BRAISA

ולא ימלאנו מים, מפני שמתעהו.

And he should not fill it with water to stop the rattling, because he misleads him into thinking it is full of wine.

BRAISA

ואם יש שם חבר עיר – מותר.

But if there is a city association of people gathered there, it is permitted to do so to show respect to the mourner in public.

BRAISA

תנו רבנן: לא ימכור אדם לחבירו סנדל של מתה בכלל של חיה שחוטא,

Our Rabbis taught in a Braisa: A person should not sell to his fellow a sandal made from the hide of an animal that died of illness, presenting it among sandals made from the hide of a slaughtered living animal,

BRAISA

מפני שני דברים: אחד – מפני שמתעהו, ואחד – מפני הספנה.

due to two things: one, because he misleads him as to the quality of the leather, and one, because of the danger that the animal died of a snakebite and the venom is absorbed in the hide.

BRAISA

ולא ישגר אדם לחבירו חבית של יין ושמן צף על פיה.

And a person should not send to his fellow a barrel of wine with oil floating on its mouth, making him think the entire barrel is filled with expensive oil.

BRAISA

ומעשה באחד ששיגר לחבירו חבית של יין ושמן צף על פיה, והלה וזימן עליה אורחין, ונכנסו, מצאה שהיא של יין, וחנק את עצמו.

And there was an incident with one who sent his fellow a barrel of wine with oil floating on its mouth, and the recipient went and invited guests for a feast based on it, thinking he had plenty of oil. And they entered, and he found that it was of wine, and out of extreme embarrassment, he strangled himself.

BRAISA

ואין האורחין רשאין ליתן ממה ש'לפניהם' לבנו ולבתו של בעל הבית, אלא אם כן נטלו רשות מבעל הבית.

And guests are not permitted to give from what is before them to the son or daughter of the host, unless they have received permission from the host, as he may not have enough food for himself.

BRAISA

ומעשה באחד שזמן שלשה אורחין בשני בצורת, ולא היה לו להניח לפניהם אלא פסלש ביצים.

And there was an incident with one who invited three guests in years of drought, and he had nothing to place before them except about three eggs.

BRAISA

בא בנו של בעל הבית, נטל אחד מהן חלקו ונתנו לו, וכן שני, וכן שלישי.

The son of the host came in; one of the guests took his portion and gave it to him, and so did the second, and so did the third.

BRAISA

בא אביו של תינוק, מצאו שעוזק אחד בפיו ושנים בידו, חבטו בקרקע ומת.

The father of the child came, and found him holding one egg in his mouth and two in his hand. Thinking his son had stolen them from the guests, he struck him to the ground and he died.

BRAISA

כיון שראתה אמו, עלתה לגג ונפלה ומתה, אף הוא עלה לגג ונפל ומת.

Once his mother saw this, she went up to the roof, threw herself down, and died. He too went up to the roof, threw himself down, and died.

BRAISA

אמר רבי אליעזר בן יעקב: על דבר זה נהרגו שלש נפשות מישראל.

Rabbi Eliezer ben Yaakov said: Over this matter, three Jewish souls were killed.

EXPLANATION

מאי קמשמע לן? דכולה רבי אליעזר בן יעקב היא.

The Gemara asks: **What does this teach us** by quoting Rabbi Eliezer ben Yaakov? It teaches us **that the entire Braisa**, including the ruling about guests not giving food to the host's children, **is the opinion of Rabbi Eliezer ben Yaakov**.

BRAISA

תנו רבנן: השולח ידו לחבירו, שלימה – אינו צריך שיטול הימנה גיד הנשה.

Our Rabbis taught in a Braisa: One who sends a thigh to his fellow Jew: if it is whole, he does not need to remove the gid hanasheh from it, because the recipient knows it is there.

BRAISA

חתיכה – צריך ליטול הימנה גיד הנשה.

But if it is cut up, he must remove the gid hanasheh from it, so the recipient does not assume it was already removed.

BRAISA

ובגוי, בין חתוכה ובין שלימה – אינו צריך ליטול הימנה גיד הנשה.

And to a non-Jew, whether it is cut up or whether it is whole, he does not need to remove the gid hanasheh from it.

BRAISA

ומפני שני דברים אמרו אין מוכרין נבילות וטרפות לגוי: אחד – מפני שמתעהו, ואחד – שמא יחזור וימכרנה לישראל אחר.

And due to two things they said we do not sell nevelos and tereifos to a non-Jew: one, because he misleads him into thinking it is slaughtered kosher meat, and one, lest the non-Jew go back and sell it to another Jew.

BRAISA

ולא יאמר אדם לגוי "קח לי בדינר זה בשר", מפני שני דברים:

And a person should not say to a non-Jew, "Buy me meat with this dinar," due to two things:

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EXPLANATION

אחד מפני האנסין, ואחד שמא מוכרין לו נבילות וטרפות.

One factor is because of the oppressors, who might take the money and force the merchant to give them meat for free, and one other factor is lest they sell to him, the gentile, neveilos and treifos, without realizing he is buying it on behalf of a Jew.

STATEMENT

אמר מר: ובגוי, בין שלימה בין חתוכה – אינו צריך ליטול הימנה גיד הנשה.

The Master said in the Baraisa: And in the case of sending a thigh to a gentile, whether it is whole or whether it is cut, he is not required to remove from it the sciatic nerve.

QUESTION

במאי עסקינן? אי לימא במקום שמכריזין – חתוכה אמאי אינו צריך ליטול הימנה גיד הנשה?
כיון דלא אכרוז, אתי למיזבן מיניה.

The Gemara asks: With what case are we dealing here? If we say it is in a place where they announce whenever non-kosher meat is sold, then in the case of a cut thigh, why is he not required to remove from it the sciatic nerve? Since they did not announce that non-kosher meat was sold, a Jew might come to buy from him, the gentile, thinking it is kosher!

ANSWER

אלא פשיטא במקום שאין מכריזין,

Rather, it is obvious that we are dealing in a place where they do not announce, and therefore a Jew would never buy meat from a gentile.

OBJECTION

אימא מציעתא: מפני שני דברים אמרו אין מוכרין נבילות וטרפות לגוי: אחד מפני שמטעהו, ואחד שמה יחזור ומכרנה לישראל אחר.

But then say the middle clause of the Baraisa: Because of two things they said we do not sell neveilos and treifos to a gentile: one because he misleads him, making him think it is kosher meat, and one lest he go back and sell it to another Jew.

OBJECTION

ואי במקום שאין מכריזין – הא לא אתי למיזבן מיניה!

And if we are in a place where they do not announce, behold, a Jew will not come to buy from him anyway!

ANSWER

אלא פשיטא במקום שמכריזין.

Rather, it is obvious that the middle clause is speaking in a place where they do announce.

OBJECTION

אימא סיפא: לא יאמר אדם לגוי "קח לי בדינר זה בשר" מפני שני דברים, אחד – מפני האנסיון, ואחד – שמה מוכרין לו נבילות וטרפות.

But then say the latter clause: A person should not say to a gentile, "Buy for me meat with this dinar," because of two things: one, because of the oppressors, and one, lest they sell to him neveilos and treifos.

OBJECTION

ואי במקום שמכריזין, אי איתא דהוה טרפה – אכרוזי הוּוּ מכרזי!

And if we are in a place where they do announce, if it were so that it was a treifah, they would have announced it, and the Jew would know not to eat it!

QUESTION

אלא פשיטא במקום שאין מכריזין, רישא וסיפא במקום שאין מכריזין, מציעתא במקום שמכריזין!

Rather, it is obvious that the latter clause is speaking in a place where they do not announce. But can we say that the first clause and the latter clause are in a place where they do not announce, while the middle clause is in a place where they do announce? Is the Baraisa split like that?

ANSWER

אמר אביי: אין, רישא וסיפא במקום שאין מכריזין, מציעתא במקום שמכריזין.

Abaye said: Yes, the first clause and the latter clause are indeed in a place where they do not announce, and the middle clause is in a place where they do announce.

ANSWER

רבא אמר: כולה במקום שמכריזין. רישא וסיפא – שיהכריזו, מציעתא – שלא הכריזו.

Rava said: The entire Baraisa is speaking in a place where they announce. However, the first clause and the latter clause refer to days when they already announced that non-kosher meat was sold, and the middle clause refers to a day when they

did not announce yet.

ANSWER

רב אשי אמר: כולל במקום שאין מכריזין, ומציעתא גזירה שמה? מכרנה בפני ישראל.

Rav Ashi said: The entire Baraisa is speaking in a place where they do not announce, and the middle clause is a Rabbinic decree, lest the Jew sell it to the gentile in the presence of another Jew, who will mistakenly think it is kosher.

QUESTION

היכי מכריזין?

The Gemara asks: How do we announce in those places that non-kosher meat was sold?

ANSWER

אמר רב יצחק בר יוסף: נפל בישורא לבני חילא.

Rav Yitzchak bar Yosef said they would say: Meat has fallen for the soldiers, meaning the gentile troops.

QUESTION

ולימא: נפל טריפתא לבני חילא!

The Gemara asks: But let them say explicitly: Treifah meat has fallen for the soldiers!

ANSWER

לא זבני.

The Gemara answers: If they said that, the gentiles would not buy it, because they do not want meat rejected by Jews.

QUESTION

והא קמטעי להו?

The Gemara asks: But by not telling them, isn't he misleading them?

ANSWER

אינהו הוא דקמטעו נפשיהו.

The Gemara answers: They are the ones who mislead themselves, because the seller did not actively lie to them.

PROOF

פי הא דמר זוטרא בריה דרב נחמן הוה קאזיל מסיכרא לבי מחוזא, ורבא ורב ספרא הוּ קא אתו לסוכרא, פגעו אהדדי.

This is like this incident where Mar Zutra the son of Rav Nachman was going from Sichra to Bei Mechoza, and Rava and Rav Safra were coming to Sichra, and they met each other on the way.

PROOF

הוא סבר לאפיה הוא דקאאתו, אמר להו: למה להו לרבנן דטרוח ואתו כולי האי?

He thought that it was to greet him that they were coming. He said to them: Why did the Rabbis trouble themselves and come all this way for me?

PROOF

אמר ליה רב ספרא: אנו לא הוה ידעינן דקאתי מר, אי הוה ידעינן טפי הוה טרחינן.

Rav Safra said to him: We did not know that the Master was coming; if we had known, we would have troubled ourselves even more.

PROOF

אמר ליה רבא: מאי טעמא אמרת ליה הכי, דאחלישתיה לדעתיה?

Rava said to him, to Rav Safra: What is the reason you told him this, for you have upset him by letting him know we did not come for him?

PROOF

אמר ליה: והא קא מטעינן ליה! איהו הוא דקא מטעי נפשיה.

He said to him: But otherwise we would be misleading him! Rava replied: He is the one who misled himself, since we never said we came for him.

STATEMENT

ההוא טבחא דאמר ליה לחבריה:

The Gemara relates: There was a certain butcher who said to his fellow:

SUMMARY

The Gemara brings down the famous shitta of Shmuel that it is strictly forbidden to deceive anyone, even a non-Jew, and explores the source of this ruling from an incident on a ferry. We then learn several Braisos that outline the halachos of geneivas da'as, such as inviting someone to eat when you know they cannot accept, opening barrels of wine already sold to a storekeeper, or bringing an empty flask to a house of mourning. The daf concludes with a warning about the severe dangers of misleading others, bringing a tragic ma'aseh of a host who suffered a terrible family loss due to a misunderstanding over food, which teaches us that guests may not give food to the host's children without explicit permission.

The Gemara on our daf brings down the famous yesod of Shmuel: "Asur lignov da'as habriyos, v'afilu da'as shel goy", it is strictly forbidden to deceive anyone, even a non-Jew. The Tanna Rabbi Meir takes this further, warning us not to invite someone to a meal when we know they cannot attend, or offer gifts we know they will refuse, just to make ourselves look good.

Lichoira, what is the big deal here? No one is stealing money, and no physical damage is being done. The kasha is answered when we realize that geneivas da'as is a theft of the mind and heart. When you make someone feel indebted to you for a favor you never actually did, or when you fake a relationship to look generous, you are building a connection on a lie. In avodas Hashem, our words and our inner thoughts must be completely aligned.

We live in a world where "putting on a show" is almost second nature. We want people to think we went out of our way for them, or we offer help only when we are certain we won't have to deliver. The Torah is telling us: Hashem wants truth. If you show care, let it be real. If you offer something, mean it.

Today, make sure your words match your heart. Do not offer a favor or make an invitation just to look good if you secretly hope the other person says no. If you offer, do it with a full and honest heart.

הלכות תשובה • פרק חמישי

Learned like the daf, the literal words in bold, flowing with the elucidation

CHAPTER PREVIEW

In this chapter, the Rambam takes us to the very foundation of our avodah, establishing the absolute truth of bechirah chofshis (free will). The Rambam explains that Hashem has granted every single Yid the power to choose his own path, whether to be a tzaddik like Moshe Rabbeinu or, chas v'shalom, to go astray. There is no pre-decreed destiny forcing our hand, and we must reject the foolish notions of those who believe our spiritual standing is decided for us at birth.

We will learn how this precious gift of free choice is the very pillar upon which the entire Torah and all the mitzvos stand. The Rambam shows us how the system of reward and punishment, the calls of the Nevi'im to do teshuvah, and our personal accountability before Hashem all depend on our ability to choose good over evil. We will also explore how man's free will fits perfectly into the will of the Creator, Who desired that mankind operate with independent choice.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

הלכה א

Halacha 1 • Free Will is Granted to Every Human Being to Choose Good or Evil

רשות לכל אדם נתונה.

Free will is given to every person by Hashem.

אם רצה להטות עצמו לדרך טובה ולהיות צדיק הרשות בידו.

If he desires to turn himself to a good path and to be a righteous person, the choice is in his hand to do so.

ואם רצה להטות עצמו לדרך רעה ולהיות רשע הרשות בידו.

And if he desires to turn himself to an evil path and to be a wicked person, the choice is in his hand as well.

הוא שכתוב בתורה בראשית ג כב "הן האדם הנה כאחד ממנו לדעת טוב ורע".

This is what is written in the Torah in Sefer Bereishis: "Behold, the man has become like unique from us, to know good and evil."

כלומר הן מין זה של אדם הנה יחיד בעולם

Meaning to say, behold, this species of man has become singular in the world,

ואין מין שני דומה לו בזה הענין

and there is no second species resembling him in this matter,

שהיה הוא מעצמו בדעתו ובמחשבתו ידע הטוב והרע

that he should be, on his own, with his own knowledge and with his own thought, knowing the good and the evil,

ועושה כל מה שהוא חפץ

and doing all that he desires,

ואין מי שייעצב בידו מלעשות הטוב או הרע.

and there is no one who can prevent him from doing the good or the evil.

וכיון שכן הוא פן ישלח ידו:

And since it is so, the Torah warns: "lest he stretch out his hand" and take from the Tree of Life.

הלכה ב

Halacha 2 · The Absolute Free Will of Every Person to Choose Righteousness or Wickedness

אל יעבר במוחשבתך דבר זה

Do not let pass in your thought this matter

שאומרים טפשי אמות העולם ורב גלמי בני ישראל

which the fools of the nations of the world and the majority of the unformed of the children of Yisrael say,

שהקדוש ברוך הוא גזיר על האדם מתחלת ברייתו להיות צדיק או רשע.

that the Holy One, blessed be He, decrees upon a person from the beginning of his creation to be righteous or wicked.

אין הדבר כן

The matter is not so;

אלא כל אדם ראוי לו להיות צדיק כמשה רבנו או רשע כירבעם

rather, every person is fit to be righteous like Moshe our teacher, or wicked like Yerovam,

או חכם או סכל או רחמן או אכזרי או כילי או שוע

or wise or foolish, or merciful or cruel, or miserly or generous,

וכן שאר כל הדיעות.

and so too the rest of all the character traits.

ואין לו מי שיכפהו ולא גזיר עליו

And there is no one who forces him, and He does not decree upon him,

ולא מי שמושכו לאחד משני הדרכים

and there is no one who pulls him to one of the two paths;

אָלס וואס מעצמו ומדעתו נוטה לֵאמֹר זי דורך שׁוּרְפָה.

rather, he, from himself and from his own mind, inclines to whichever path that he wishes.

וואס ירמיהו אָמַר איכה ג לח "מִפִּי עֲלִיּוֹן לֹא תֵצֵא הָרָעוֹת וְהַטּוֹב".

This is what Yirmeyahu said in Eichah 3:38, "From the mouth of the Most High will not go forth the evils and the good."

כְּלוּמַר אֵין הַבּוֹרֵא גּוֹזֵר עַל הָאָדָם לֵהֱיוֹת טוֹב וְלֹא לֵהֱיוֹת רָע.

Meaning to say, the Creator does not decree upon a person to be good, and not to be evil.

וּכְיֵינּוּ שֶׁכֵּן הוּא נִמְצָא זֶה הַחוּטָא הוּא הַפְסִיד אֶת עַצְמוֹ.

And since it is so, it turns out that this sinner, he caused loss to himself.

וּלְפִיכָּה רָאוּי לוֹ לִבְכּוֹת וּלְקוֹנֵן עַל חַטָּאֵיו

And therefore, it is proper for him to weep and to lament over his sins,

וְעַל מַה שֶׁעָשָׂה לְנַפְשׁוֹ וּגְמָלָהּ רָעָה.

and over what he did to his soul and how he dealt it evil.

הוּא שֶׁכָּתוּב אַחֲרָיו איכה ג לט "מַה יִּתְאַוֵּי אָדָם חַי" וְגו'.

This is what is written after it in Eichah 3:39, "What should a living man complain," etc.

וַחֲזָר וְאָמַר הוֹאִיל וְרִשׁוּתֵּנוּ בְּיָדֵינוּ

And he returned and said: Since our authority is in our hands,

וּמִדַּעַתֵּנוּ עָשִׂינוּ כָּל הָרָעוֹת

and from our own mind we did all the evils,

רָאוּי לָנוּ לְחֹזֵר בְּתַשׁוּבָה וְלַעֲזֹב רִשְׁעֵנוּ שֶׁהָרִשׁוּת עִתָּהּ בְּיָדֵינוּ.

it is proper for us to return in repentance and to abandon our wickedness, since the authority now is in our hands.

הוּא שֶׁכָּתוּב אַחֲרָיו איכה ג מ "נִחַפְּשָׁה דְרָכֵינוּ וְנִחְקְרָה וְנָשׁוּבָה" וְגו'.

This is what is written after it in Eichah 3:40, "Let us search our ways and let us examine, and let us return," etc.

הַלְכָה ג

Halacha 3 · Free Will as a Fundamental Pillar of the Torah and Mitzvos

וְדָבָר זֶה עֶקֶר גָּדוֹל הוּא

And this matter is a great principle of our faith,

והוא עמוד התורה והמצוה

and it is the pillar of the Torah and the mitzvah,

שנאמר דברים ל טו "ראה נתתי לפניך היום את החיים".

as it is said in Devarim 30:15, "See, I have set before you today life" and good, and death and evil.

וכתיב דברים יא כו "ראה אנכי נתן לפניכם היום".

And it is written in Devarim 11:26, "See, I set before you today a blessing and a curse."

כלומר שהרשות בידיכם.

Meaning to say, that the permission is in your hands to choose whichever path you wish,

וכל שיחפץ האדם לעשות ממעשה בני האדם עושה

and anything that a person desires to do from the actions of human beings, he does through his own free will,

בין טובים בין רעים.

whether they are good deeds or whether they are evil deeds.

ומפני זה הענין נאמר דברים ה כו "מי יתן והיה לבכם זה להם".

And because of this matter, it is said by Hashem in Devarim 5:26, "Who will give and it would be that this heart of theirs remains to them" to fear Me and keep My mitzvos always.

כלומר שאין הבורא כופה בני האדם

Meaning to say, that the Creator does not force human beings to act in a certain way,

ולא גוזר עליהן לעשות טובה או רעה

and does not decree upon them to do good or evil,

אלא הכל מסור להם:

rather, everything is handed over to them to decide for themselves.

הלכה ד

Halacha 4 - Free Will and Divine Justice in Reward and Punishment

אלו האל היה גוזר על האדם להיות צדיק או רשע

If God were decreeing upon man to be righteous or wicked,

או אלו היה שם דבר שמושך את האדם בעקרו תולדתו לדרך מן הדרך

or if there were there something that draws man by the essence of his nature to a path from the paths,

או למדע מן המדעות או לדעה מן הדעות או למעשה מן המעשים

or to a mindset from the mindsets, or to a character trait from the character traits, or to an action from the actions,

כמו שבודים מלבם הטפשים הכרי שמים

as invent from their hearts the fools, the astrologers of the heavens,

היאה הנה מצוה לנו על ידי הנביאים עשה כה ואל תעשה כה

how would He command us by the hands of the prophets, "do so and do not do so,

היטיבו דרכיכם ואל תלכו אחרי רשעכם

improve your ways and do not go after your wickedness",

והוא מתחילת ברייתו כבר נגזר עליו

and he, from the beginning of his creation, already was decreed upon him,

או תולדתו תמשך אותו לדבר שאי אפשר לזוז ממנו.

or his nature draws him to a thing that is impossible to move from it?

ומה מקום הנה לכל התורה כלה

And what place would there be for all of the Torah entirely?

ובאי זה דין ואיזה משפט נפרע מן הרשע או משלם שכר לצדיק.

And by what law and what justice is exacted punishment from the wicked, or He pays reward to the righteous?

השפט כל הארץ לא יעשה משפט.

"Shall the Judge of all the earth not do justice?"

ואל תתמה ותאמר היאה יהיה האדם עושה כל מה שיחפץ ויהיו מעשיו מסורים לו

And do not wonder and say, "how will be man doing all that he desires, and will be his deeds handed over to him?"

וכי יעשה פעולם דבר שלא ברשות קונו ולא חפצו

And is it done in the world anything without the permission of his Creator and not His desire?

והכתוב אומר "כל אשר חפץ ה' עשה בשמים ובארץ".

And the verse says, 'all which desired Hashem He did in the heavens and in the earth'."

דע שכל כחפצו יעשה ואף על פי שמעשינו מסורין לנו.

Know that everything according to His desire is done, and even though that our deeds are handed over to us.

פיצד.

How so?

כַּשֵּׁם שֶׁהַיּוֹצֵר חָפֵץ לִהְיוֹת הָאֵשׁ וְהָרוּחַ עוֹלִים לְמַעַלָּה

Just as the Creator desired to be the fire and the wind rising upward,

וְהַמַּיִם וְהָאָרֶץ יוֹרְדִים לְמַטָּה וְהַגִּלְגָּל סוֹבֵב בְּעִגּוּל

and the water and the earth descending downward, and the sphere revolving in a circle,

וְכֵן שָׂאָר בְּרִיּוֹת הָעוֹלָם לִהְיוֹת כְּמִנְהַגֵּן שֶׁחָפֵץ בּוֹ.

and so the rest of the creations of the world to be according to their custom that He desired for it,

כִּכָּה חָפֵץ לִהְיוֹת הָאָדָם רְשׁוּתוֹ בְּיָדוֹ וְכָל מַעֲשָׂיו מְסוּרִין לוֹ

so He desired to be man, his authority in his hand, and all his deeds handed over to him,

וְלֹא יִהְיֶה לוֹ לֹא כּוּפָה וְלֹא מוֹשֵׁךְ

and not will there be for him not forcing and not drawing,

אֲלָא הוּא מַעֲצָמוֹ וּבִדְעָתוֹ שֶׁנָּתַן לוֹ הָאֵל עוֹשֶׂה כָּל שֶׁהָאָדָם יָכוֹל לַעֲשׂוֹת.

rather he on his own, and with his intellect that gave to him God, does all that man is able to do.

לְפִיכָה דִּנְיָן אוֹתוֹ לְפִי מַעֲשָׂיו.

Therefore, they judge him according to his deeds;

אִם עָשָׂה טוֹבָה מִיְטִיבִין לוֹ וְאִם עָשָׂה רָעָה מְרַעִין לוֹ.

if he did good, they do good to him, and if he did evil, they do evil to him.

הוּא שֶׁהַנָּבִיא אוֹמֵר מִיְדְּכֶם הִיָּתָה זֹאת לָכֶם.

It is what the prophet says, "from your hand was this to you",

גַּם הֵמָּה בָּחָרוּ בְּדַרְכֵיהֶם.

and "also they chose their own ways".

וּבְעֵינֵינוּ זֶה אָמַר שְׁלֹמֹה "שִׂמַּח בְּחֹר בְּיָלְדוּתְיָךְ"

And regarding this matter said Shlomo, "rejoice, young man, in your youth",

וְדַע כִּי עַל כָּל אֵלֶּה יָבִיֵאֵךְ הָאֱלֹהִים בְּמִשְׁפָּט.

"and know that for all these will bring you God to judgment".

כְּלוּמַר דַּע שֶׁיֵּשׁ בְּיָדְךָ כֹּחַ לַעֲשׂוֹת וְעַתִּיד אֲתָה לִתֵּן אֶת הַדִּין:

Meaning to say, know that there is in your hand power to do, and in the future you are to give the judgment.

שְׁמָא תֹאמַר

Perhaps you will say in your heart:

וְהֵלֹא הַקָּדוֹשׁ בְּרוּךְ הוּא יוֹדֵעַ כָּל מַה שְׂיִהְיֶה

and is it not the case that The Holy One, blessed He, knows all what that will be in the future?

וּקִדָּם שְׂיִהְיֶה יָדַע שֶׁזֶה יִהְיֶה צָדִיק אוֹ רָשָׁע אוֹ לֹא יָדַע.

And before that it is, He knows that this one will be righteous or wicked, or does He not know?

אִם יָדַע שֶׁהוּא יִהְיֶה צָדִיק אִי אֶפְשָׁר שֶׁלֹּא יִהְיֶה צָדִיק

If He knows that he will be righteous, then it is impossible that he will not be righteous, for otherwise Hashem's knowledge would be incorrect;

וְאִם תֹּאמַר שֶׁיָּדַע שְׂיִהְיֶה צָדִיק וְאֶפְשָׁר שְׂיִהְיֶה רָשָׁע

and if you say that He knows that he will be righteous, and yet it remains possible that he will be wicked,

הֲרִי לֹא יָדַע הַדָּבָר עַל בְּרִיּוֹ.

behold, He did not know the matter on its clarity!

יָדַע שֶׁתְּשׁוּבַת שְׂאֵלָה זוֹ אֶרְכָּה מֵאֶרֶץ מִדְּה וּרְחֹבָה מִנֵּי יָם

Know that the answer of this question is longer than the earth in measure, and broader than the sea,

וְכַמָּה עֲקָרִים גְּדוֹלִים וְהִרְרִים רַמִּים תְּלוּיִים בָּהּ

and how many principles great and mountains lofty are dependent on it.

אָבֵל צָרִיף אֶתָּה לֵידַע וּלְהַבִּין בְּדָבָר זֶה שֶׁאֲנִי אוֹמֵר.

But you need to know and to understand in this matter that I say:

כָּבֵר בְּאֶרְצוֹ בְּפֶרֶק שְׁנֵי מֵהַלְכוֹת יְסוּדֵי הַתּוֹרָה

Already we explained in chapter second from the Laws of Foundations of the Torah

שֶׁהַקָּדוֹשׁ בְּרוּךְ הוּא אֵינוֹ יוֹדֵעַ מִדַּעָה שֶׁהִיא חוּץ מִמֶּנּוּ

that The Holy One, blessed He, does not know from a knowledge that is outside from Him,

כְּבָנֵי אָדָם שֶׁהֵם וְדַעְתָּם שְׁנֵי־עִיָּם.

like human beings, who they and their knowledge are two separate entities.

אֵלָּא הוּא יִתְעַלֶּה שְׁמוֹ וְדַעְתּוֹ אֶחָד

Rather, He, may He be exalted His name, and His knowledge are one.

ואין דעתו של אדם יכולה להשיג דבר זה על בריו.

And there is no knowledge of man able to comprehend this matter on its clarity.

וכשם שאין כח באדם להשיג ולמצא אמתת הבורא

And just as there is no strength in man to comprehend and to find the truth of the Creator,

שנאמר "כי לא יראני האדם וחי"

as it is said, 'for not can see Me the man and live,'

כה אין כח באדם להשיג ולמצא דעתו של הבורא.

so there is no strength in man to comprehend and to find the knowledge of the Creator.

הוא שהנביא אמר "כי לא מחשבותי מחשבותיכם ולא דרכיכם דרכי".

He is what the prophet said, 'For not My thoughts are your thoughts, and not your ways are My ways.'

וכיון שכן הוא אין בנו כח לידע

And since that so it is, there is no in us strength to know

היאך ידע הקדוש ברוך הוא כל הברואים והמעשים

how knows The Holy One, blessed He, all the creations and the deeds.

אבל נדע בלא ספק

But we know without doubt

שמעשה האדם ביד האדם

that the action of the man is in the hand of the man,

ואין הקדוש ברוך הוא מושכו ולא גוזר עליו לעשות כה.

and there is no The Holy One, blessed He, pulling him, and not decreeing upon him to do so.

ולא מפני קבלת הדת בלבד נודע דבר זה

And not because of the tradition of the religion alone is known this matter,

אלא בראיות ברורות מדברי החכמה.

rather with proofs clear from the words of wisdom.

ומפני זה נאמר בנבואה שדנין את האדם על מעשיו

And because of this, it is said in prophecy that they judge — the man for his deeds,

according to his deeds, if good and if bad.

וְזֶה הוּא הָעֶקֶר שֶׁכָּל דְּבָרֵי הַנְּבוּאָה תְּלוּיִין בּוֹ:

And this is the principle that all the words of the prophecy are dependent on it.

CHAPTER SUMMARY

The Rambam begins by establishing that free will is granted to every human being, allowing us to choose our path on our own initiative. He strongly refutes the mistaken belief that Hashem decrees whether a person will be a tzaddik or a rasha at birth, emphasizing that every person has the potential to be as righteous as Moshe Rabbeinu. Because choice is in our hands, the sinner is responsible for his own loss, making it proper to mourn for one's sins and return to Hashem through teshuvah. The Rambam explains that free will is a fundamental pillar of the Torah and mitzvos; without it, commands, warnings, rewards, and punishments would have no justice or meaning. He resolves the apparent contradiction of human independence within Hashem's world by explaining that just as Hashem willed nature to follow physical laws, He willed that man should possess free choice and be judged accordingly. Finally, the Rambam introduces the profound tension between Hashem's foreknowledge and man's free will, noting that the depth of this question is as vast as the sea.

לְמַעֲשָׂה WHAT TO TAKE HOME

It is so easy to fall into the trap of blaming our spiritual struggles on our nature, our upbringing, or the way Hashem made us. We tell ourselves, "I am just a naturally angry person," or "I don't have the head for learning." But the Rambam teaches us a fundamental pillar of the entire Torah: your spiritual destiny is never locked in. You are not forced by any decree or natural trait to be who you were yesterday. At this very moment, you have the exact same capacity to choose greatness as the greatest tzaddikim.

This means that the key to your avodah is entirely in your hands. When we realize that Hashem does not force our choices, we stop looking for excuses and start looking for ways to grow. If we made a mistake, we don't have to stay down; the same free will that allowed us to slip is the very tool we use to choose to stand back up and return to Him.

Today, catch yourself when you start to say "that's just who I am" about a negative habit or a missed mitzvah. Pause, remind yourself that Hashem gave you the power to choose otherwise, and make one small, conscious decision to act differently than your habit dictates.

תהלים • חמשה קאפיטלער

The Five Daily Kapitlach

CHAPTER PREVIEW

These are the five kapitlach of Tehillim said every single day: 32, 43, 83, 121, and 130, each set word for word with its English meaning. They are gathered here as one section so the whole daily Tehillim can be said and downloaded together.

All introductions and contextual notes are the editor's commentary and are not part of the original text.

פֿאַרק ל"ב CHAPTER 32

לְדוֹד מִשְׁכִּיל אֲשֶׁרִי נָשׁוּי פֶּשַׁע כָּסוּי חֲטָאָה:
אֲשֶׁרִי אָדָם לֹא יִחְשַׁב יְהוָה לוֹ עֹז וְאֵין בְּרוּחוֹ רַמְיָה:
כִּי הִחַרְשָׁתִּי בָּלוּ עֲצָמַי בְּשֹׁאֲגָתִי כָּל הַיּוֹם:
כִּי יוֹמָם וְלַיְלָה תִּכְבֵּד עָלַי יְדָה נִהַפָּה לְשׁוֹדִי בַּחֲרַבְנִי קִיץ סָלָה:
חֲטָאתִי אוֹדִיעָה וְעוֹנִי לֹא כִסִּיתִי אֲמַרְתִּי אוֹדָה עָלַי פֶּשַׁעִי לִיהוָה וְאַתָּה נָשֵׂאתָ עֹז חֲטָאתִי סָלָה:
עַל זֹאת יִתְפַּלֵּל כָּל חֹסֶיד אֱלֹהִים לְעַת מִצָּא רַק לְשׁוֹטָף מִיָּם רַבִּים אֱלֹהִים לֹא יִגִּיעוּ:
אַתָּה סֵתֵר לִי מִצָּר תִּצְרֵנִי רָנִי פִּלַּט תְּסוּבְּבֵנִי סָלָה:
אֲשַׁכִּילָה וְאוֹרָה בְּדֶרֶךְ זוֹ תִּלְךָ אֵינִי עֹלָה עֵינַי:
אֵל תִּהְיוּ כָּסוּס כְּפָרֵד אֵין הִבִּינִי בְּמִתְגַּוֵּר וְרָסֹן עֲדִיו לְבָלוֹם בַּל קָרַב אֱלֹהִים:
רַבִּים מִכְּאוֹבִים לָרָשָׁע וְהַבּוֹטֵחַ בִּיהוָה חֲסֵד יְסוּבְּבֵנוּ:
שִׁמְחוּ בִּיהוָה וְגִילוּ צְדִיקִים וְהִרְנִינוּ כָּל יִשְׂרָאֵל לֵב:

פֿאַרק מ"ג CHAPTER 43

שָׁפֹטֵנִי אֱלֹהִים וְרִיבָה רִיבִי מִגּוֹי לֹא חֲסִיד מֵאִישׁ מֶרְמָה וְעוֹלָה תִּפְלֹטֵנִי:
כִּי אַתָּה אֱלֹהִי מְעוּזִי לָמָּה זִנְחִיתָנִי לָמָּה קִדַּר אֶתְהַלֵּךְ בְּלַחֲץ אוֹיֵב:
שְׁלַח אוֹרָה וְאַמְתָּה הַמָּה יִנְחֹנֵנִי יְבִיאוּנִי אֶל הָר קוֹדֶשֶׁךָ וְאֶל מִשְׁכְּנוֹתֶיךָ:
וְאֲבֹאָה אֶל מִזְבֵּחַ אֱלֹהִים אֵל אֵל שְׁמֹחַת גִּילִי וְאוֹדָה בְּכִנּוּר אֱלֹהִים אֱלֹהִי:
מִה תִּשְׁתַּחֲוֶה נַפְשִׁי וּמִה תִּתְהַמֵּי עָלַי הוֹחִילִי לֵאלֹהִים כִּי עוֹד אוֹדְנוּ יְשׁוּעַת פָּנֶי וְאֱלֹהִי:

שִׁיר מִזְמוֹר לְאַסָּף:

אֱלֹהִים אֵל דָּמִי לָךְ אֵל תַּחֲרַשׁ וְאֵל תִּשְׁקֹט אֵל:

כִּי הִנֵּה אוֹיְבֶיךָ יִהְיֶינָיִם וּמִשְׁנֵאֶיךָ נִשְׂאוּ רֹאשׁ:

עַל עֲמָךְ יַעֲרִימוּ סוֹד וַיִּתְּעֲצּוּ עַל צְפוּנֶיךָ:

אָמְרוּ לָכֵן וְנִכְחֵידֶם מִגּוֹי וְלֹא יִזְכָּר שֵׁם יִשְׂרָאֵל עוֹד:

כִּי נִוָּעֲצוּ לֵב יַחֲדוּ עָלֶיךָ בְּרִית יִכְרֹתוּ:

אֱהִי אָדוֹם וַיִּשְׁמַעְאֲלִים מוֹאֵב וְהַגָּרִים:

גָּבַל וַעֲמֹן וַעֲמֶלֶק פָּלְשֶׁת עִם יִשְׁבִּי צוּר:

גַּם אֲשׁוּר נִלְוָה עִמָּם הָיוּ זְרוּעַ לִבְנֵי לוֹט סֶלָה:

עָשָׂה לָהֶם כְּמִדְיָן כְּסִיסְרָא כְּיִבִּין בְּנַחֵל קִישׁוֹן:

נִשְׁמְדוּ בְּעֵין דָּאֵר הָיוּ דָמָן לְאַדְמָה:

שִׁיתֵּמוּ נְדִיבֵמוֹ כְּעֶרֶב וְכִזְאָב וְכִזְבַּח וְכִצְלָמָנֶע כָּל גְּסִיכְמוֹ:

אֲשֶׁר אָמְרוּ נִירְשָׁה לָנוּ אֵת גְּאוֹת אֱלֹהִים:

אֱלֹהֵי שִׁיתֵּמוּ כַּגִּלְגַּל כְּקֶשׁ לִפְנֵי רוּחַ:

כְּאֵשׁ תִּבְעֶר יָעַר וְכִלְהָבָה תִּלְהַט הָרִים:

כֵּן תִּרְדָּפֶם בְּסַעֲרָךְ וּבְסוּפָתְךָ תִּבְהַלֵּם:

מִלֵּא פְּנֵיהֶם קִלּוֹן וַיִּבְקְשׁוּ שְׁמָךְ יְהוָה:

יִבְשׁוּ וַיִּבְהָלוּ עַדִּי עַד וַיִּחַפְּרוּ וַיֵּאבְדּוּ:

וַיִּדְעוּ כִּי אַתָּה שְׁמָךְ יְהוָה לִבְדָּךְ עֲלִיוֹן עַל כָּל הָאָרֶץ:

שִׁיר לַמַּעֲלוֹת אֶשָּׂא עֵינַי אֶל הַהָרִים מֵאֵין יָבֹא עֲזָרִי:

עֲזָרִי מֵעַם יְהוָה עֲשֵׂה שְׁמִים וְאָרֶץ:

אֵל יִתֵּן לַמוֹט רִגְלָךְ אֵל יָנוּם שְׁמֶרְךָ:

הִנֵּה לֹא יָנוּם וְלֹא יִישָׁן שׁוֹמֵר יִשְׂרָאֵל:

יְהוָה שְׁמֶרְךָ יְהוָה צִלָּךְ עַל יַד מִינָה:

יוֹמָם הַשֶּׁמֶשׁ לֹא יִכָּכֶה וַיֵּרַח בִּלְיָלָהּ:

יְהוָה יִשְׁמְרֶךָ מִכָּל רָע יִשְׁמַר אֶת נַפְשְׁךָ:

יְהוָה יִשְׁמַר צִאתְךָ וּבואְךָ מֵעַתָּה וְעַד עוֹלָם:

פָּרָק ק"ל CHAPTER 130

שִׁיר הַמַּעֲלוֹת מִמַּעַמְקִים קִרְאתֶיךָ יְהוָה:

אֲדֹנִי שְׁמַעָה בְּקוֹלִי תַהֲיֶינָה אָזְנֶיךָ קִשְׁבוֹת לְקוֹל תַּחֲנוּנִי:

אִם עֲוֹנוֹת תִּשְׁמַר יְהוָה אֲדֹנִי מִי יַעֲמֵד:

כִּי עָמַךְ הִסְלִיכָה לְמַעַן תִּגְוֶרָא:

קוֹיֵתִי יְהוָה קִוְּתָה נַפְשִׁי וְלִדְבָרוֹ הוֹחֵלֵתִי:

נַפְשִׁי לֹאֲדֹנִי מִשְׁמָרִים לְבָקֶר שְׁמָרִים לְבָקֶר:

יַחַל יִשְׂרָאֵל אֵל יְהוָה כִּי עִם יְהוָה הַחֲסֵד וְהַרְבֵּה עֲמוֹ פְדוּת:

וְהוּא יַפְדֶּה אֶת יִשְׂרָאֵל מִכָּל עֲוֹנֹתָיו:

לְמַעֲשֶׂה WHAT TO TAKE HOME

When you feel weighed down by your mistakes, do not keep silent or try to hide them. Open your heart to Hashem in honest confession, and then immediately shift your focus to absolute trust in His forgiveness and constant protection, knowing that He never slumbers and is always guarding your steps.

Today, the moment you feel a heavy heart or a sense of spiritual distance, stop what you are doing, speak to Hashem in your own words to acknowledge your mistake, and then say out loud: 'My help is from Hashem, who forgives and guards my soul.'