

# COVENANT AND CONVERSATION

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THOUGHTS ON THE WEEKLY PARSHA FROM THE CHIEF RABBI



מטות-מסעי  
Mattot-Masei

כו תמוז תשס"ג  
26th July 2003

**“... you may then return, free of any obligation before G-d and Israel ...”**

IT IS A FASCINATING STORY AND FROM IT COMES ONE OF THE GREAT PRINCIPLES OF JUDAISM. Two of the tribes, Reuben and Gad, see that the land east of the Jordan is ideally suited as pasture for their large herds and flocks of livestock. They approach Moses and ask to have permission to settle there rather than cross the Jordan. Moses is initially furious at their request. It is, he says, bound to demoralise the rest of the people: “Shall your fellow countrymen go to war while you sit here?” Had they learned nothing from the sin of the spies who, by de-motivating others through their behaviour, condemned an entire generation to forty years of wandering in the desert?

The Reubenites and Gadites take the point. They explain that they have no wish to exempt themselves from the struggles of their fellow Israelites. They are fully prepared to accompany them into the promised land and fight alongside them. “We will not return to our homes until every Israelite has received his inheritance.” Moses makes them take a public pledge to this effect and grants their request on condition that they fulfil their word. “When the land is then conquered before G-d you may then return, *free of any obligation before G-d and Israel* and this land will be yours as your permanent property before G-d.”<sup>1</sup>

**One must also act in such a way as to be seen to have done the right in the eyes of one's fellow man.**

The italicised phrase – literally *you will be innocent before G-d and Israel* – became in the course of time an ethical axiom of Judaism. *It is not enough to do what is right in the eyes of G-d. One must also act in such a way as to be seen to have done the right in the eyes of one's fellow man. One must be above suspicion.* That is the rule of *veheyitem neki'im*, “You shall be innocent in the eyes of G-d and Israel.”

How did this translate itself into Jewish law and life? The Mishnah in Shekalim speaks of the three periods in the year when appropriations were made from the collective donations stored in the Temple treasury. The Mishnah states that “The person who made the appropriation did not enter the chamber wearing a bordered cloak or shoes or tefillin or an amulet, so that if he subsequently became poor, people would not say that he became poor because he committed an offence in the chamber, and so that if he became rich people would not say that he did so by misappropriating contributions in the chamber – for we must be free of blame in the eyes of people just as we must be free of blame before G-d, as it is said, ‘You shall be innocent in the eyes of G-d and Israel.’”<sup>2</sup>

Similarly the Tosefta states: “When one went in to take up the offering of the chamber, they would search him when he went in and when he came out, and they continue chatting with him from the time he goes in until the time he comes out.”<sup>3</sup> Not only must there be no wrongdoing when coins are taken from the Temple treasury; there must be no suspicion of wrongdoing. Hence the person who gathered the money should not wear any item of clothing in which coins could be hidden. He was to be searched before and afterwards, and even engaged in conversation so that he would not be tempted to secrete some of the money in his mouth.

Two rabbinic teachings from the Second Temple period speak of families famous for their role in Temple life and the lengths they went to place themselves beyond suspicion. The Garmu family were expert in preparing the showbread. It was said of them that “their memory was held in high esteem because fine bread was never found in their children's homes, in case people might say, they feed from the preparation of the showbread.”<sup>4</sup> Likewise the Avtinas family were skilled in making the incense used in the temple. They too were held in high regard because “Never did a bride of their family go forth perfumed, and when they married a woman from elsewhere, they stipulated that she was not to go out perfumed, in case people should say, They perfume themselves from the preparation of the Temple incense.”<sup>5</sup>

## *Mattot- Masei cont...*

The general principle is stated in the Talmud Yerushalmi:

R. Samuel bar Nachman said in the name of Rabbi Jonathan: In the Mosaic books, the Prophets and the Writings, we find that a person must discharge his obligations before men just as he must discharge them before G-d. Where in the Mosaic books? In the verse, 'You shall be innocent in the eyes of G-d and Israel.' Where in the prophets? In 'G-d, the Lord G-d, He knows and Israel too shall know.' Where in the Writings? In the verse, 'You shall find grace and good favour in the eyes of G-d and men.' Gamliel Zoga asked R. Yose bar Avun., Which verse says it most clearly? He replied, 'You shall be innocent in the eyes of G-d and Israel.'"<sup>6</sup>

This concern became the basis of two halakhic principles. The first is known as *chashad*, "suspicion", namely that certain acts, permitted in themselves, are forbidden on the grounds that performing them may lead others to suspect one of doing something forbidden. Thus, for example, R. Shimon bar Yochai held that one of the reasons why the Torah prescribes that *peah* [the corner of the field left unharvested for the poor] should be left at the *end* of harvesting was because of suspicion. If the owner of the field had set aside an unharvested corner at the beginning or middle, the poor would come and take what is theirs before the end of harvesting, and a passer-by might think that no corner had been set aside at all. Likewise the rabbis ordained that if a house has two doors on different sides, Hanukah candles should be lit at both so that a passer-by, seeing one door but not the other, should not think that the owner of the house had failed to fulfil the command.

A closely related halakhic principle is the idea known as *marit ha-ayin*, "appearances". Thus for example, before milk substitutes became common, it was forbidden to drink milk-like liquids (made, for example, from almonds) together with meat on the grounds that people might think it was milk itself. Similarly it is forbidden on Shabbat to hang out garments that had become wet (for example, by falling into water) to dry, in case people think that one has washed them on Shabbat. In general one is not allowed to perform actions which, permitted in themselves, lend themselves to misinterpretation.

The connection or contrast between these two principles is a matter of some debate in the rabbinic literature. There are those who see *chashad* and *marit ha-ayin* as very similar, perhaps even two names for the same thing. Others however see them as different, even opposites. *Chashad* represents the possibility that people might think you have done something forbidden and thus think badly of you. *Marit ha-ayin* concerns cases where people, knowing that you are not the sort of person to do something forbidden, draw the mistaken conclusion that because you are doing X, Y is permitted, because X is easily mistaken for Y. Thus, to take one of the cases mentioned above, people seeing you hanging out clothes to dry on Shabbat might conclude that clothes-washing is permitted, which it is not.

### **To be a Jew is to be summoned to become a living *sefer Torah***

This concern for appearances is, on the face of it, strange. Surely what matters is what G-d thinks of us, not what people think of us. The Talmud tells us of a moving encounter between the dying Rabban Yochanan ben Zakkai and his disciples:

They said to him: Master, bless us. He said to them: May it be G-d's will that the fear of heaven should be as important to you as the fear of [the opinions of] human beings. They said: Is that all? He said: Would that you were able to attain this [level of spirituality]. You can see [how difficult it is] because when someone wants to commit a sin, he says, I hope no one will see me [thus placing his fear of human beings above the fear of G-d who sees all].<sup>7</sup>

What is more, it is forbidden to suspect people of wrongdoing. The rabbis said, "One who suspects the innocent is [punished by being] bodily afflicted"<sup>8</sup> and "One should always judge a person in the scale of merits."<sup>9</sup> Why then, if the onus is on the observer not to judge harshly, should we -- the observed -- be charged with the duty of acting above suspicion?

The answer is that we are not allowed to rely on the fact that others will judge us charitably, even though they should. Rashi makes a sobering comment on the life of Moses:

If he left his tent early, people would say that he had had a row with his wife. If he left late, they would say, He is devising evil plots against us.<sup>10</sup>

Even Moses, who devoted his life with total selflessness to the people of Israel, was not able to avoid their suspicion. R. Moses Sofer goes so far as to say that he was troubled throughout his lifetime by the challenge of the command, 'You shall be innocent in the eyes of G-d and Israel,' adding that it was far easier to fulfil the first half of the command ('in the eyes of G-d') than the second ('in the eyes of Israel'). Indeed he wondered if it was possible for anyone to fulfil it in its entirety. Perhaps, he said, this is what Ecclesiastes meant when he said, "There is not a righteous man on earth who only does what is right and never sins."<sup>11</sup>

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לגמור  
ולא אתה  
בן חורין  
להבטל  
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## *Mattot- Masei cont...*

Yet there is a profound idea embedded in the concept of *veheyitem neki'im*, 'You shall be innocent.' The Talmudic sage Rava was scathing of those who stood in the presence of a Torah scroll but not in the presence of a Torah sage.<sup>12</sup> *To be a Jew is to be summoned to become a living sefer Torah*. People learn how to behave not only from the books they study but also – perhaps more so – from the people they meet. Jewish educators speak of 'text-people' as well as 'text-books,' meaning that we need living role models as well as formal instruction. For that reason, Rabbi Akiva used to follow Rabbi Yehoshua to see how he conducted himself in private, saying 'This too is part of Torah, and I need to learn.'<sup>13</sup> The twin principles of *chashad* and *marit ha-ayin* mean that *we should act in such a way as to be held as a role-model* (by being above suspicion – the rule of *chashad*) and that, just as a book of instructions should be unambiguous, so should our conduct (by not laying itself open to misinterpretation – the idea of *marit ha-ayin*). People should be able to observe the way we behave and learn from us how a Jew should live.

The fact that these rules apply to every Jew, not just to great sages, is eloquent testimony to the spiritual egalitarianism of the halakhah. *Each of us is bidden to become a role-model*. The fact, too, that these rules exist *despite the fact that we are commanded not to suspect others of wrongdoing*, tells us something else about Judaism, namely that it is a system of duties, not just of rights. We are not allowed to say, when we have acted in a way conducive to suspicion, 'I have done nothing wrong; to the contrary, the other person, by harbouring doubts about me, is in the wrong.' To be sure, he is. But that does not relieve us of the responsibility to conduct our lives in a way that is above suspicion. Each of us must play our part in constructing a society of mutual respect.

This brings us back to where we began with the request of the tribes of Reuben and Gad to settle the land east of the Jordan. Moses, we recall, granted their request on condition that they first joined the other tribes in their battles. They did so. Years later, Joshua summoned them and told them that they had fulfilled their promise and were now entitled to return to the place where they had built their homes (Joshua 22).

However, by a profound historical irony, suspicion was aroused again, this time for a quite different reason, namely that they had built an altar in their territory. The other tribes suspected that they were breaking faith with the G-d of Israel by constructing their own place of worship. Israel was on the brink of civil war. The suspicion was unfounded. The Reubenites and Gadites explained that the altar they had built was not intended to be a place of worship, but rather a sign that they too were part of the Israelite nation – a safeguard against the possibility that one day, generations later, the tribes living in Israel proper (west of the Jordan) would declare the Reubenites and Gadites to be foreigners since they lived on the other side of the river:

That is why we said, 'Let us get ready and build an altar – but not for burnt offerings or sacrifices.' On the contrary, it is to be a witness between us and you and the generations that follow, that we will worship the Lord at sanctuary with our burnt offerings, sacrifices and fellowship offerings. Then in the future your descendants will not be able to say to ours, 'You have no share in the Lord.' And we said, 'If they ever say this to us or to our descendants, we will answer: Look at the replica of the Lord's altar which our fathers built, not for burnt offerings and sacrifices, but as a witness between us and you.'<sup>14</sup>

Civil war was averted, but only just.

Suspicion is a pervasive feature of social life and it is intensely destructive. Judaism – a central project of which is the construction of a gracious society built on justice, compassion, mutual responsibility and trust – confronts the problem from both directions. One the one hand it commands us not to harbour suspicions but to judge people generously, giving them the benefit of the doubt. On the other, it bids each of us to act in a way that is above suspicion, keeping [as the rabbis put it] "far from unseemly conduct, from whatever resembles it, and from what may merely appear to resemble it."<sup>15</sup>

**We are called on to be a unifying, not a divisive, presence in Jewish life**

Being innocent before G-d is one thing; being innocent before one's fellow human beings is another, and far more difficult. Yet that is the challenge – not because we seek their approval (that is what is known as pandering) but because we are summoned to be role models, exemplars, living embodiments of Torah, and because we are called on to be a unifying, not a divisive, presence in Jewish life. As the Chatam Sofer said, we will not always succeed. Despite our best endeavours, others may still accuse us (as they accused Moses) of things of which we are utterly innocent. Yet we must do our best by being charitable in our judgement of others and scrupulous in the way we conduct ourselves.

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Sourcesמקורות

<p><b>[1] Bemidbar Chapter 32 Verse 22</b></p> <p>When the land is then conquered before G-d you may then return, <i>free of any obligation before G-d and Israel</i> and this land will be yours as your permanent property before G-d</p> <p><a href="#">Return to text</a></p>	<p><b><u>במדבר פרק לב</u></b></p> <p>(כב) ונכבשה הארץ לפני ה' ואחר תשובו והייתם נקיים מה' ומישראל והיתה הארץ הזאת לכם לאחזה לפני ה':</p>
<p><b>[2] Mishnah Tractate Shekalim Chapter 3 Mishnah 2</b></p> <p>The person who made the appropriation did not enter the chamber wearing a bordered cloak or shoes or tefillin or an amulet, so that if he subsequently became poor, people would not say that he became poor because he committed an offence in the chamber, and so that if he became rich people would not say that he did so by misappropriating contributions in the chamber – for we must be free of blame in the eyes of people just as we must be free of blame before G-d, as it is said, 'You shall be innocent in the eyes of G-d and Israel.'</p> <p><a href="#">Return to text</a></p>	<p><b><u>משנה מסכת שקלים פרק ג משנה ב</u></b></p> <p>אין התורם נכנס לא בפרגוד חפות ולא במנעל ולא בסנדל ולא בתפילין ולא בקמיע שמא יעני ויאמרו מעון הלשכה העני או שמא יעשיר ויאמרו מתרומת הלשכה העשיר לפי שאדם צריך לצאת ידי הבריות כדרך שצריך לצאת ידי המקום שנאמר (במדבר ל"ב) והייתם נקיים מה' ומישראל ואומר (משלי ג') ומצא חן ושכל טוב בעיני אלהים ואדם:</p>
<p><b>[3] Tosefta Masechet Shekalim (Lieberman) Chapter 2 Halachah 2</b></p> <p>When one went in to take up the offering of the chamber, they would search him when he went in and when he came out, and they continue chatting with him from the time he goes in until the time he comes out in order to fulfil the Mitzvah as it says "And you shall be innocent in the eyes of G-d and Israel" – "And you shall do what is right and good in the eyes of G-d"</p> <p><a href="#">Return to text</a></p>	<p><b><u>תוספתא מסכת שקלים (ליברמן) פרק ב הלכה ב</u></b></p> <p>נכנס לתרום את הלשכה היו מפשפשיין בו בכניסה וביציאה ומדברין עמו משעה שנכנס עד שעה שיצא לקיים [מה] שנ' והייתם נקיים מה' ומישראל ואו' ועשית הישר והטוב בעיני ה' . . .</p>
<p><b>[4] Tosefta Masechet Yoma (Kefurim) (Lieberman) Chapter 2 Halachah 5</b></p> <p>And in this matter their memory was held in high esteem because fine bread was never found in the hands of their sons and the hands of their daughters, in case people might say, they feed from the preparation of the showbread, in order to fulfil the mitzvah as it is written, "You will be innocent in the eyes of G-d and Israel."</p> <p><a href="#">Return to text</a></p>	<p><b><u>תוספתא מסכת יומא (כפורים) (ליברמן) פרק ב הלכה ה</u></b></p> <p>ובדבר הזה מזכירין אותן לשבח שלא נמצאת פת נקייה ביד בניהם וביד בנותיהם מעולם שלא יאמרו מלחם הפנים הן נוזנין לקיים [מה] שנ' והייתם נקיים מה' ומישראל.</p>

<p><b>[5]Tosefta Masechet Yoma (Kefurim) (Lieberman) Chapter 2 Halachah 6</b></p> <p>In this matter they are remembered with praise that never did a bride of their family go forth perfumed, and when they married a woman from elsewhere, they stipulated that she was not to go out perfumed, in case people should say, They perfume themselves from the preparation of the Temple incense, in order to fulfil the mitzvah as it is written, "You shall be innocent in the eyes of G-d and Israel."</p> <p><a href="#">Return to text</a></p>	<p><b><u>תוספתא מסכת יומא (כפורים) (ליברמן) פרק ב הלכה ו</u></b></p> <p>של בית אבטינס היו פקיעין בפיטום הקטרת במעלה עשן . . . ובדבר הזה מזכירין אותן לשבח שלא יצאת מהן אשה מבוסמת מעולם ולא עוד אלא כשהיו נושאים אשה ממקום אחר היו פוסקין על מנת שלא תתבסמי כדי שלא יאמרו מפיטום הקטרת הן מתבסמות לקיים מה שנ' והייתם נקיים מה' ומישראל.</p>
<p><b>[6]Talmid Yerushalmi Masechet Shekalim Chapter 3 page 47:3</b></p> <p>R. Samuel bar Nachman said in the name of Rabbi Jonathan: In the Mosaic books, the Prophets and the Writings, we find that a person must discharge his obligations before men just as he must discharge them before G-d. Where in the Mosaic books? In the verse, 'You shall be innocent in the eyes of G-d and Israel.' Where in the prophets? In 'G-d, the Lord G-d, He knows and Israel too shall know.' Where in the Writings? In the verse, 'You shall find grace and good favour in the eyes of G-d and men.' Gamliel Zoga asked R. Yose bar Avun,. Which verse says it most clearly? He replied, 'You shall be innocent in the eyes of G-d and Israel.'</p> <p><a href="#">Return to text</a></p>	<p><b><u>תלמוד ירושלמי מסכת שקלים פרק ג דף מז טור ג/ה"ב</u></b></p> <p>ר' שמואל בר נחמן בשם ר' יונתן בתורה ובנביאים ובכתובי מצאנו שאדם צריך לצאת ידי הבריות כדרך שהוא צריך לצאת ידי המקום בתורה מניין דכתיב והייתם נקיים מי' ומישר' בנביאים מניין דכתיב אל אלהים יי' אל אלהי יי' הוא יודע וישראל הוא ידע בכתובים מניין שנאמר ומצא חן ושכל טוב בעיני אלהים ואדם גמליאל זוגא שאל לרבי יוסי בי רבי בון אי זהו המחזור שבכולן אמר ליה והייתם נקיים מי' ומישראל.</p>
<p><b>[7]Babylonian Talmud Masechet Brachot 28b</b></p> <p>They said to him: Master, bless us. He said to them: May it be G-d's will that the fear of heaven should be as important to you as the fear of [the opinions of] human beings. They said: Is that all? He said: Would that you were able to attain this [level of spirituality]. You can see [how difficult it is] because when someone wants to commit a sin, he says, I hope no one will see me</p> <p><a href="#">Return to text</a></p>	<p><b><u>תלמוד בבלי מסכת ברכות דף כח עמוד ב</u></b></p> <p>אמרו לו: רבינו, ברכנו! אמר להם: יהי רצון שתהא מורא שמים עליכם כמורא בשר ודם. אמרו לו תלמידיו: עד כאן? - אמר להם: ולואי! תדעו, כשאדם עובר עבירה אומר: שלא יראני אדם.</p>
<p><b>[8]Babylonian Talmud Masechet Shabbat 97a</b></p> <p>One who suspects the innocent is [punished by being] bodily afflicted</p> <p><a href="#">Return to text</a></p>	<p><b><u>תלמוד בבלי מסכת שבת דף צז עמוד א</u></b></p> <p>אמר ריש לקיש: החושד בכשרים לוקה בגופו.</p>

<p><b>[9]Mishnah Masechet Avot Chapter 1 Mishnah 6</b></p> <p>Joshua ben Perachiyah and Nittai of Arbel received the tradition from those that came before them. Joshua ben Perachiya used to say "Get yourself a teacher, acquire a companion and judge all men favourably"  <a href="#">Return to text</a></p>	<p><b><u>משנה מסכת אבות פרק א משנה ו</u></b></p> <p>יהושע בן פרחיה ונתאי הארבלי קבלו מהם יהושע בן פרחיה אומר עשה לך רב וקנה לך חבר והוי דן את כל האדם לכהן זכות :</p>
<p><b>[10]Rashi Devarim chapter 1</b></p> <p><b>Your burdensomeness</b> - This teaches that they were scoffers. When Moshe left his tent early [in the morning], they would say, "Why does the son of Amram leave so early? Perhaps things are not calm in his house?" When he left late, they would say, "For what reason is the son of Amram not leaving? What do you think [is the reason]? He is sitting and planning evil schemes against you, and is thinking up plots [against you]."  <a href="#">Return to text</a></p>	<p><b><u>רש"י דברים פרק א</u></b></p> <p>ומשאכם - מלמד שהיו אפיקורסין. הקדים משה לצאת, אמרו, מה ראה בן עמרם לצאת, שמא אינו שפוי בתוך ביתו. איחר לצאת, אמרו, מה ראה בן עמרם שלא לצאת, מה אתם סבורים, יושב ויועץ עליכם עצות רעות וחושב עליכם מחשבות:</p>
<p><b>[11]Kohelet Chapter 7 Verse 20</b></p> <p>There is not a righteous man on earth who only does what is right and never sins.  <a href="#">Return to text</a></p>	<p><b><u>קהלת פרק ז</u></b></p> <p>(כ) כי אדם אין צדיק בארץ אשר יעשה טוב ולא יחטא:</p>
<p><b>[12]Babylonian Talmud Masechet Makkot 22b</b></p> <p>"Rabba said: How foolish are those people who rise before a Torah scroll but do not rise before a great sage, for in the Torah it says 'forty,' but the rabbis deducted one."  <a href="#">Return to text</a></p>	<p><b><u>תלמוד בבלי מסכת מכות דף כב עמוד ב</u></b></p> <p>אמר רבא: כמה טפשאי שאר אינשי דקיימי מקמי ספר תורה ולא קיימי מקמי גברא רבה, דאילו בס"ת כתיב ארבעים, ואתו רבנן בצרו חדא.</p>
<p><b>[13]Babylonian Talmud Masechet Brachot 62a</b></p> <p>Rabbi Akiva said: Once I went in after Rabbi Yehoshua to the bathroom and I learnt from him three things. I learnt that one does not sit east and west but north and south. I learnt that one evacuates not standing but sitting. I learnt that it is proper to wipe with the left hand and not with the right. Ben Azai said to him: Did you dare to take sich liberties with your master?- He replied: It was a matter of Torah and I required to learn it.  <a href="#">Return to text</a></p>	<p><b><u>תלמוד בבלי מסכת ברכות דף סב עמוד א</u></b></p> <p>אמר רבי עקיבא: פעם אחת נכנסתי אחר רבי יהושע לבית הכסא, ולמדתי ממנו שלשה דברים: למדתי שאין נפנין מזרח ומערב אלא צפון ודרום, ולמדתי שאין נפרעין מעומד אלא מיושב ולמדתי שאין מקנחין בימין אלא בשמאל. אמר ליה בן עזאי: עד כאן העזת פנים ברבך! - אמר ליה: תורה היא וללמוד אני צריך.</p>

<p><b>[14]Joshua Chapter 22 Verses 26-28</b></p> <p>Therefore we said: Let us now prepare to build us an altar, not for burnt-offering, nor for sacrifice; but it shall be a witness between us and you, and between our generations after us, that we may do the service of the LORD before Him with our burnt-offerings, and with our sacrifices, and with our peace-offerings; that your children may not say to our children in time to come: Ye have no portion in the LORD.</p> <p>Therefore said we: It shall be, when they so say to us or to our generations in time to come, that we shall say: Behold the pattern of the altar of the LORD, which our fathers made, not for burnt-offering, nor for sacrifice; but it is a witness between us and you.</p> <p><a href="#">Return to text</a></p>	<p><b>יהושע פרק כב</b></p> <p>(כו) ונאמר נעשה נא לנו לבנות את המזבח לא לעולה ולא לזבח:          (כז) כי עד הוא בינינו וביניכם ובין דרותינו אחרינו לעבד את עבדת ה' לפניו בעלותינו ובזבחנו ובשלמינו ולא יאמרו בניכם מחר לבנינו אין לכם חלק בה?          (כח) ונאמר והיה כי יאמרו אלינו ואל דרתינו מחר ואמרנו ראו את תבנית מזבח ה' אשר עשו אבותינו לא לעולה ולא לזבח כי עד הוא בינינו וביניכם:</p>
<p><b>[15]Bemidbar Rabba (Vilna) Parsha 10</b></p> <p>A Person is obligated to distance himself far from unseemly conduct, from whatever resembles it, and from what may merely appear to resemble it.</p> <p><a href="#">Return to text</a></p>	<p><b>במדבר רבה (וילנא) פרשה י ד"ה ת מיין ושכר</b></p> <p>חייב אדם להרחיק עצמו מן הכיעור ומן הדומה לכיעור ומן הדומה לדומה.</p>