



Parashat Yitro contains the *Aseret Ha-dibberot* (Ten Commandments) that God spoke to *Benei Yisrael* at Mount Sinai, the final of which is the prohibition of *lo tachmod*: "You shall not covet the house of your fellow; you shall not covet the wife of your fellow, nor his servant, maidservant, ox, donkey, or anything your fellow possesses."

Maimonides presents the laws of *lo tachmod* in the *Hilkhot Gezeila* section of *Mishneh Torah* (1:9), where defines the prohibition as applying pressure and insisting that his fellow sell him the item he desires. Amidst this discussion, Maimonides rules that corporal punishment is not administered for violations of *lo tachmod* due to the rule of *lav she-ein bo ma'aseh* – one is not subject to court-administered punishment for violations that entail no concrete action. Surprisingly, however, Maimonides then adds, "One does not transgress this prohibition until he takes the item that he coveted." In his view, desiring somebody's property and pressuring him to sell it does not suffice to transgress this prohibition; one transgresses only once his efforts are successful and he obtains the desired item.

The Ra'avad, in his critique of *Mishneh Torah*, notes the obvious inconsistency in Maimonides' ruling, going so far as to exclaim, "I have never seen anything as astonishing as this!" ("*Lo ra'iti teima gadol mi-zeh!*"). If, indeed, one does not violate *lo tachmod* unless he ultimately takes possession of the coveted object, then this prohibition obviously involves a *ma'aseh*, an act of sin. How, then, could Maimonides apply to *lo tachmod* the rule of *lav she'ein bo ma'aseh*, that punishment is not administered because no concrete act is committed?

The answer, as developed by Rabbi Michael Rosensweig (in Yeshiva University's *Beit Yitzchak*, 5747), is that Maimonides viewed obtaining the desired item not as the act of violation, but rather as a precondition to the violation. The prohibition of *lo tachmod* is violated internally, in one's mind, by desiring somebody else's property. However, this desire must be strong enough that the violator is prepared to exert himself to whatever extent necessary to acquire the given object. He does not transgress the prohibition when he pays the money and receive the item; this is necessary only to determine that his desire for the object was of a nature that qualifies for *lo tachmod*.

The Ra'avad, however, disagrees, and claims that corporal punishment is not administered in cases of *lo tachmod* for an entirely different reason. A thief, he explains, is not subject to corporal punishment because he must return the stolen goods, and the Talmud establishes that a *lav ha-nitan le-tashlumin*, a prohibition that requires violators

to pay a sum of money, does not render one liable to corporal punishment. Similarly, the Ra'avad contends, a violator of *lo tachmod* is required to return the object to its owner, thus exempting him from court-administered punishment.

This debate between Maimonides and the Ra'avad reflects two fundamentally different approaches in defining *lo tachmod*. The Ra'avad clearly understood this prohibition as quasi-theft; there is little difference, in his view, between pressuring another to sell his property and simply seizing it without his consent. Hence, the Ra'avad applies to *lo tachmod* the same rules and principles relevant in cases of theft.

Maimonides, by contrast, viewed *lo tachmod* as a prohibition that relates to one's attitude and mindset with regard to the property of other people. Even though practically one violates *lo tachmod* only if he ultimately succeeds in obtaining the item, essentially, this prohibition is transgressed in one's mind, by longing to acquire that which belongs to somebody else. Unlike theft, *lo tachmod* is less a crime committed against one's fellow than an improper attitude towards property generally. The Torah here admonishes that we feel content with, and grateful for, our own possessions, rather than constantly looking about to see what others have that we do not.