



For the Enrichment of Jewish Thought

Who Owns and Who is Responsible for a Soul?

An Inquiry Based on Extrapolations of Exodus 22:6-14 and Bava Metzia 78b-83a

By Elihu Gevirtz

A young man lost his father who died young. Bereft and alone, he spoke with his Rabbi who told him that his father's soul was God's, and just as the land must go back to its original owner in the Jubilee Year (Leviticus 25:8-13), so must each person's soul. The young man answered, "But God gave my father his soul for safe keeping, and it was stolen. The Torah says that if the thief is caught, he shall pay double! (Exodus 22:6) I say to you that God himself is the thief! and must make restitution and pay double to me!! And if for some reason unknown to me, God is not the thief that I say he is, he must tell me that he did not lay hands on my father's soul!" (Exodus 22:7)

The Rabbi finished the young man's quote of Torah with "then the case of both parties shall come before God: he whom God declares guilty shall pay double to the other." (Exodus 22:8) And what if your father is guilty of not taking good care of his soul or his body either by loss or negligence?" asked the Rabbi. The young man retorted "And what if he's not guilty? Besides, this is surely a mistrial for God claims to be both owner and judge. He cannot be impartial!" The Rabbi replied: "he may not be impartial, but he is both owner and judge."

But the son continued: "The human soul is entitled to more than 50 years. I estimate that the term of his contract was for 80 years! And therefore, the return of the property to its original owner in the Jubilee year had to be postponed in accordance with the law. So he should be alive today!" (Bava Metzia 79a. This tractate discusses responsibilities of the owner and the guardian, borrower, and renter of livestock and other objects. The young man is applying the tractate's discussion to the question of responsibility for human souls.) The Rabbi said "you have a good argument. Let me see the contract." The son of course had none.

The son continued: "My father had not finished the mitzvah of telling me the story of the Exodus." (Exodus 13:8) The Rabbi replied: "In truth, he told you that story many

times as you grew up, did he not?" The young man nodded in agreement. The Rabbi asked, "Can you hear his voice telling you the story?" The young man replied: "It's a struggle." The Rabbi said, "So was getting everyone out of Egypt." The son smiled and said: "My father borrowed his soul from God, but God was the owner, and further, he controlled the terms of the agreement."

The Rabbi countered, "I agree God was and is the owner. But wouldn't you say that God was with your father's soul while he was alive? If this is the case, no restitution is required." (Exodus 22:14) The young man responded: "He was negligent in that he gave my father a body that would die so young. God is guilty and must provide compensation for the lost property." "And what would that be the Rabbi asked?" The son replied: "Let me hear my father's voice double the number of times that I heard it while I was alive." The Rabbi said "That's up to you and your father's soul." The son asked: "Then how can God be the owner if he can't control the volume of my father's voice as he speaks to me from heaven?" The Rabbi said: "God is the owner of all souls. How well we hear is up to us."

The Rabbi then asked him a series of questions based on the Talmud (Bava Metzia 78b-83a): "Are we guardians of our souls? Are we paid guardians or unpaid guardians? If we are allowed to use them, do we borrow them (without paying for them)? Or do we rent them (paying the owner for our use of them)? Do we agree to take responsibility for them? What does that responsibility entail?" The young man was uncertain and asked if he could sit and study with the Rabbi, to which the Rabbi agreed.

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