Ethics of Interpersonal Conduct
Part 2
Yeshiva Course

By Rabbi Yosef Ben David

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Ethics of Interpersonal Conduct Part 2 – Yeshiva Course
By Rabbi Yosef Ben David

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Shiur 01 Chesed and Interpersonal Mindfulness

Introduction

After spending a year investigating the principles upon which the Torah's ethical philosophy stands, we hope to spend this year identifying the practical aspects of interpersonal conduct that are shaped by this philosophy. The goal of these lessons is to utilize ethical dilemmas that can highlight the guidance the Torah's interpersonal mitzvot provide for weathering the crises in our quest for the Torah's heightened moral perfection.

The difficulties raised by these dilemmas are often particularly troubling for those who strive the most for ethical excellence. While some may define righteous behavior as "being a nice guy," it is the ethically-minded person who realizes that distinguishing right from wrong is not always easy. For instance, if one notices another individual doing something suspicious, the caring individual might give him the benefit of the doubt. On the other hand, what if the suspect behavior is liable to endanger others? Here, the individual who is not quick to judge his friend is troubled, while another, less careful about not falsely accusing another, will not be troubled by levying an accusation that may prove false.

To better understand the source for many of these dilemmas and why they predominantly affect ethically-minded individuals, it is worthwhile to investigate the nature of the basis of chesed.

The Centrality of Chesed (Kindness)

At the heart of one's interpersonal interactions stands the Jewish principle of gemilut chasadim, performing acts of kindness. The centrality of chesed is reflected in the mishna (Avot 1:2) which lists it as one of the three pillars upon which the world stands, and it is echoed in the mishna recited daily (Peia 1:1) which lists gemilut chasadim as one of those meritorious pursuits for which there is benefit in this world that does not detract from one's reward in the World to Come.

With this in mind, a clearer codified definition of the concept of chesed should be very helpful in enabling us to clearly understand its importance and its implications for personal interactions. After all, God is referred to as "rav chesed," abundant in kindness (Shemot 34:6), and we are bidden to emulate His ways.

In most instances where the word chesed is mentioned in the Torah, it seems to be in keeping with its ostensible definition, as expressed in Eliezer's plea to God while searching for a wife for Yitzchak. There the Torah states:

And he said, "Lord, God of my master Avraham, may you arrange it for me this day that you do chesed with my master Avraham." (Bereishit 24:12)

However, in a few instances, the classic translation of the word chesed seems out of place, and in at least one case, even impossible. One gets the impression that these usages imply not only a unique expression of the term, but force us to take a deeper look into the overall meaning of the concept of chesed, and may even compel us to redefine this all important term.

The Chesed Involved in a Forbidden Union

The most unique use of the word chesed, in a context totally unrelated to kindness, may be found in the Torah's list of forbidden unions. The verse states (Vayikra 20:17):

If a man takes his sister, the daughter of his father or the daughter of his mother, and sees her nakedness, it is a chesed, and they shall be cut off in the sight of the members of their people; having uncovered the nakedness of his sister, he shall bear his iniquity.

Here the Torah refers to an incestuous relationship with one's sister as chesed, while mentioning that one who does so shall be cut off from the Jewish people. If we define chesed as kindness, the prohibition would seem to be baseless, but if we do not define it as kindness, then what is chesed all about?

The various commentators on the Torah take steps to explain this rather out-of-the-ordinary use of chesed. Rashi points out that chisuda, the Aramaic cognate of chesed, means "disgrace", which would seem to be the meaning of the term here, describing the incest as disgraceful.

The Ramban states that though other commentators understand chesed in this context as shame, he is of the opinion that this is not so. He explains that he feels that chesed here refers to one who is supposed to act towards his sister with tremendous kindness and instead violates her.

It is interesting to note, though, as Rashi and the Ramban point out, that chesed only sometimes refers to kindness; at other times, its meaning is just the opposite, disgrace or shame. A number of commentators reflect on the fact that indeed, the attribute of kindness has two sides to it, and uncontrolled chesed is actually dangerous; this is why the term has dual meanings. The Radak explains that the word chesed can mean either disgrace or kindness. The two are related because the disgrace of immorality is the product of overindulgence, being too quick to satisfy one's desires and uncommitted to discipline.

With this understanding, one can see how chesed may be dangerous if left uncontrolled. Avraham Avinu is legendary for his chesed, yet two relatives who had close contact with him, Lot and Yishmael, choose to live their lives very differently than he. In fact, one may even notice in these individuals a lack of appreciation of true chesed, to the point of devastating consequences. Lot has a warped sense of chesed, preferring to protect his guests while sacrificing his daughters. Yishmael, Avraham's child, is deeply involved in illicit relationships, an outgrowth of uncontrolled chesed.

Rav S.R. Hirsch similarly expresses the difficulty of the classic understanding of chesed in this context and explains that the particular distinction of chesed depends on whether it describes one who gives oneself up to another (when not required to do so) or one who acts upon another.

Since chesed generally denotes the highest kindness, the meaning of the term here is difficult to comprehend.

The basic meaning of chesed is personal devotion, giving of oneself. Where the term characterizes the action of one who acts with chesed, it denotes the highest devotion to the welfare of another… but where the term does not characterize the one who acts, but rather characterizes an action whose object is another person, then the term denotes the complete abandonment of the other person. To be "chassed" means to completely abandon another.

Essentially chesed is characterized by overflowing, by disregarding boundaries. The benefits of chesed are expressed in the idea of a person's desire to give to another unlimitedly, in a selfless manner. However, uncontrolled chesed can be devastating, as it allows a person to lose his appreciation of the proper purpose of boundaries. For this reason, an illicit, even incestuous, relationship can be referred to as an act of chesed, as it is an outgrowth of unbounded behavior.

Chesed and Yira: Noticing Others

Understanding the deeper aspects of chesed may help us make sense of an interesting usage of chesed in the Gemara. In a rather remarkable way, the Gemara (Sukka 49b) seems to link chesed with yira, loosely translated as being in fear and awe of God. But what do kindness and being awestruck have to do with each other? Are they not a twosome which at first glance seems completely inexplicable?

A deeper look at the passage may help shed some light on this subject:

Rabbi Elazar said: "Anyone who performs charity properly is regarded as though he has filled the whole world with chesed…"

Perhaps you will say that whoever attempts to leap to this lofty status may leap and he will be successful? Scripture therefore states "How precious is your kindness, God" (Tehillim 36:8). I might think that this also applies to one who has yira of God? Scripture therefore states: "But the kindness of God is eternal upon those who fear Him." (Tehillim 103:17)

Why would the Gemara assume that the difficulties in performing chesed should be identical with the troubles encountered by those who display yira (fear or awe) of God? What could chesed mean in this context?

Rav Shlomo Wolbe (Alei Shor I, page 91) explains that after deeper analysis it becomes clear that there is a shared foundation that lies at the root of these two attributes, chesed and yira. They both center on the following question: Where does a person focus his eyes? What does one notice? They challenge a person to decide whether he or she is aware that he or she is not the only one in this world and act accordingly. As he writes:

There is one root in the soul to both of these attributes. There are those who see beyond themselves, and there are others who do not see anything beyond themselves. The one who sees only himself is only able to feel that which he is lacking, and therefore he lives only for his own benefit. One who doesn't notice others is incapable of seeing a person in need, nor will he take note of his Creator.

He compares the individual who is completely self-absorbed to one who is sitting in a dark room, unable to see anything. The second one opens a window and light comes in, one may see numerous things. So too, a person who is self-absorbed is unable to see anything but oneself. Only after one is able to open up can one see the other, notice the other's needs and experience the other's pain.

One's ability to respond to the needs of others is the very definition of chesed. In a similar vein, an egocentric individual is unable to notice God. However, if one is willing to recognize the other, one will also become capable of recognizing God, this recognition being the root of yira, fear and awe of the Almighty. It is for this reason that the Gemara connects the concept of chesed to the concept of yira; both are attributes that may only be embraced by those who see beyond themselves. The idea that the focus of chesed is upon noticing and identifying others' needs is expressed in the mitzva of tzedaka, charity. The Torah speaks of the mitzva of tzedaka as being to provide abundantly for another in need. It is not merely writing a check or giving cash for food, but looking at what the other is lacking, putting oneself in the shoes of the other who might have just lost a fortune and is in need of dignity, not only money. Chesed involves being active, noticing, and providing in a way that is truly beneficial to the recipient.

Rav Wolbe adds that this is expressed in Rashi's explanation of the above-cited passage in Sukka. Rashi explains the Gemara's query:

Perhaps you will think that opportunities for charity and kindness will come effortlessly, yet this is not so: for one must devote himself with great effort to achieve the ideal fulfillment of this mitzva.

The mistaken presumption is that by merely "jumping" into the situation, one will be supplied with plenty of deserving people; however, Rashi explains, chesed is not merely providing physically for another, but rather putting oneself in another's position and truly identifying the other's needs. For this reason, chesed is not always easy, and the desire to provide alone is insufficient.

One may provide endless sums to charity but still not perform chesed. Gemilut chasadim is accomplished by one who really notices another, identifying other's needs and doing the utmost to provide them and then some.

This is the expression of proactive chesed, above and beyond that which is necessary and called for, providing abundantly. In order to become a baal chesed, a true practitioner of kindness, one must expand one's purview, taking note of others and putting oneself in their shoes.

The Beit Ha-Levi's Recognition of Others

A fitting example of this outlook may be found in a well-known story of the Beit Ha-Levi, Rav Yosef Dov Ha-Levi Soloveitchik zt"l of Brisk. Close to Pesach, he was asked by a woman if she could use milk for the Four Cups at the Seder, as she had no access to wine. The Beit Ha-Levi explained that for the Four Cups, one must have wine, but that the lady needn't worry, as he would provide her with a sum of money ample to cover wine for the Seder.

Those around the Beit Ha-Levi noticed that the sum he gave this woman was significantly more than what would be necessary to purchase wine, and they asked why this woman merited to receive such a large amount of tzedaka.

The Beit Ha-Levi's response showed not only his wisdom, but his tremendous care for others, as a man of chesed. He explained, "It is very understandable that this simple woman would not know that one needs wine for the Four Cups and not milk. However, it is impossible that she not be aware that it is forbidden to have milk and meat together at the same meal.

If she is asking whether she is permitted to use milk, this means that she certainly lacks meat, and probably the rest of the Seder necessities. Therefore, I provided a sum that could adequately cover all her basic Seder needs."

Deeper Connection of Chesed and Yira:

Looking beyond oneself, as we have seen, lies at the foundation of both chesed and yira, but they may be connected for a different reason as well. What will determine whether the attribute of magnanimity will allow one to succeed in developing an ethical personality or will breach all one's limits and boundaries as it degenerates into negative qualities? It would seem to be that only an attitude of chesed merged with yira will allow one to successfully cultivate a sophisticated moral character.

The Gemara (Yevamot 79a) teaches that one of the marks of a Jew is the trait of bashfulness, deriving this from the verse "So that the fear of God be impressed upon your face so you do not sin." (Shemot 20:17). The ethical perfection the Torah strives for requires the consciousness of an ever-present God. The God-conscious individual is capable of formulating a sense of balance, pinpointing where his "outpouring of chesed" might actually be hurting the other.

If one's consciousness of another individual is in sync with his consciousness of God's presence, then one can hone his gemilut chasadim and deal with the various dilemmas that arise.

The basic Torah approach to ethical conduct is predicated upon and grows from an ever-present God consciousness. An individual who cultivates this knows that there is no time for forgetting one's interpersonal obligations, as man is truly never alone.

The Attitude of Chesed

The Beit Ha-Levi's grandson, Rav Yosef Dov Ha-Levi Soloveitchik zt"l of the United States, points out (Festival of Freedom, p. 18) that in Kabbalistic thought, there are "two movements which the Almighty engaged when he created the world: hesed and gevura", might. The Rav goes on (ibid. 18-19) to describe the dialectical movement required of man, who is bidden to embody these two elements as well.

Hesed surges forward, rushing toward parts unknown, vistas invisible, horizons enveloped in the haze of the morning…. Gevura denotes tzimtzum, contraction, and there are two phases of the movement. First, gevura is a movement of recoil, away from the outside into oneself; it represents human flight from society into the private recesses of oneself… Second, when man begins to withdraw from positions won, he finally ends up fleeing from his own self…

Sometimes man must reach out to others and implement the art of chesed, while at other times he retreats from the community into himself. In fact, chesed is important for the individual, but it also pushes the community as a whole to create a society of chesed. What exactly is this chesed?

The community of the forward moving of hesed …introduces something that the world of beasts does not know. Hesed denotes, in practical terms, the vastness of kindness, contributing more than one's capacity, giving away more than one had a chance to store, accommodating more than one's narrowly bounded existential area will permit. In short, hesed means compulsive kindness, spontaneous sympathy.

One is impelled to give away, to let others share his possessions, to invite strangers to partake of whatever he has. Hesed does not depend upon the actual size of one's possessions, upon numbers and figures. It is, rather, a spiritual attitude, a subjective experience that whatever I have (even though my means are less than moderate if seen from an objective viewpoint) is too much for me.

The focus upon chesed is expressed in the Jewish conception of breaking bread. At the times of the year when there is a mitzva to consume a festive meal, the Torah (Devarim 12:7, 12) requires that man share his food with those less fortunate. Rav Soloveitchik explains (ibid. p. 20) that this serves as a means of inculcating within man this mindset of chesed.

Judaism says that man must eat, not alone, but within the community. However, in contrast to Western philosophy, it insists that the community which transforms primitive automatism into dignified activism, a natural process into a spiritual experience, consist… of hesed-experiencing, hesed-thinking, hesed-oriented, and hesed-questing people who cannot enjoy their food because they feel and experience the other person's hunger, who turns their meals into occasions for their practice of great hesed…. The meal is basically a rendezvous with hesed—or with God Himself, who is rav hesed, abounding in hesed—and as such the meal is transposed into an exalted service.

Freedom through Torah

Chesed does not only consist of taking note of others; through it, one may discover the power to liberate oneself.

The Mishna (Avot 6:2) contains a cryptic teaching regarding freedom:

There is no truly free individual other than one who is involved in Torah.

The commentators explain the deep understanding of freedom expressed in this dictum about the Torah's powers of emancipation. However, going beyond the classic understanding, there is certainly an element of interpersonal freedom that one may achieve through the Torah's teachings.

In Festival of Freedom (p. 22), the Rav describes the essence of the unique Seder meal: the eating of the paschal lamb, which requires that man join with others in his festive meal. The Rav explains how this is an essential lesson of God's guiding man to realize that leaving bondage and the world of slavery requires a new mindset with chesed. This is the Jewish freedom that the Torah teaches.

The ceremonial of the Passover meal, centered around the paschal lamb, aims at the emergence of the new hesed community, for hesed is the characteristic mark of the free man. The bondsman is not spiritually capable of joining the hesed community, because he is too concerned with himself, too insecure, too fearful as regards the morrow, too humiliated to think of someone else, too frightened and too meek….

God did not need the paschal lamb; He had no interest in the sacrifice. He simply wanted the people—slaves who had just come out of the house of bondage—to emerge from their isolation and insane self-centeredness into the hesed community, where the little that man has is too much for himself, where whatever he possesses transcends his ability to enjoy.

It is this chesed community, taking notice of others with a desire to share with them, which defines the Jewish concept of chesed. Though it is not always easy, it is our glorious tradition.

The Challenges of Chesed

One who notices others is often confronted by challenges. It is sometimes easier to lock oneself away, not concerning oneself with others, lest one be put in uncomfortable situations. At the moment one uses his outlook of chesed to take note of others, challenges must be dealt with. What if one's fellow is performing an action that looks to be forbidden; must one judge him favorably, or is one obligated to reproach him? May or must one hate his evil neighbor?

A baal chesed cannot live by the credo of "live and let live," and such a person will ultimately be faced with interpersonal dilemmas. However, the same Torah which urges one to live a life of chesed details how one is to deal with the questions that arise in a social setting. This series of shiurim will be devoted to the various interpersonal mitzvot that guide one's behavior and develop one's character amidst the host of social quandaries that arise.

In the first year, we attempted to focus on the philosophical background of the unique Jewish tradition of chesed. In this year's series, we hope to focus on the specific unique mitzvot and to see how each one fits into the overall mindfulness of the Creator which the baal chesed must display.

We live in what has been called by many the "me" generation. In Judaism's view, the focus on the "I", in a way that does not allow for the recognition of the other, is an expression of the slave mentality. The freedom that the Torah teaches us is inherently rooted in a mindset of chesed.

Hopefully, the study of these laws will enable us to practice the chesed of freedom.

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Shiur 02: "Be-tzedek Tishpot Amitekha" — Ensuring an Atmosphere of Fairness

Just for Judges?

Parashat Kedoshim begins with a general commandment for the Jewish people, "Kedoshim tihyu," "You shall be holy," followed by an extensive list of mitzvot aimed at providing the foundation for this life of kedusha, holiness. (See year 1 of this series, lesson 21.) In its listing of interpersonal laws that inspire a character of kedusha, one verse (15) seems to stand out as being directed specifically to judges.

Do not perform iniquity (avel) in justice. Do not give special consideration to the poor, and do not show preferential honor to the great. Judge your comrade righteously (be-tzedek).

A rudimentary reading of the verse seems to indicate that its instructions are directed to the courts, commanding them to judge fairly. The first clause, "Lo taasu avel ba-mishpat," and the last, "Be-tzedek tishpot amitekha," utilize the same root as that of the word shofet, judge. All together, the verse begins with a reference to justice, and after ordering one not to favor either the weak or the mighty, it concludes with the requirement to judge others in righteousness.

However, the placement of this verse in the context of interpersonal laws does leave one to wonder if in fact it is really directed to the judges or at least to them alone. After all, the Torah deals with the laws of judges in a number of Torah portions — Yitro, Mishpatim, Shofetim, etc. — but this verse appears in a listing of various interpersonal responsibilities in Parashat Kedoshim. In all of the Torah's mentions of judgment, it is clear that the job of the judges is to adjudicate honestly and fairly; if so, what is added in these verses, and what is to be gleaned from its appearance in Parashat Kedoshim, if the Torah is just reiterating the need for honest courts?

The commentators on the verse are bothered by a second issue as well. What is added by the final clause of "Be-tzedek tishpot amitekha," "Judge your comrade righteously"? After all, isn't it evident from the beginning of the verse that one must judge properly and must not pervert justice?

The Communal Responsibility for a Just Judicial System

A number of commentators on the verse reflect on the unique language of the verse as being an address to the judges of society. Rabbeinu Bachya (ad loc.) explains that the concluding clause of the verse comes to clarify that a society which judges righteously will ensure God's presence in its midst.

"Judge your comrade righteously" — your judgment should be righteous and not perverted. He who judges righteously consolidates the throne of the Heavenly King… and he who perverts justice blemishes the royal throne and offends the King. The Midrash states that the Shekhina abides with the righteous judge… but God abandons the one who judges unrighteously…

In fact, the requirement to set up a system of justice is incumbent upon all; it creates a communal responsibility to ensure that the courts are judging properly. All society has a stake in the courts being a place of unalterable truth, and therefore is highlighted in our daily prayers, in the blessing of "Hashiva shofeteinu," "Restore our judges," where we request of God to reinstate the Jewish judicial system.

A similar idea is presented in the commentary of the Meshivat Nefesh on this verse. He notes that all of the various commandments in this chapter are expressed in the singular, while our verse opens in the plural, "Lo taasu avel ba-mishpat." What is the reason for this discrepancy? He explains:

It seems that this verse is a warning to the community: they must not appoint a judge who is not well-versed in the law, for if they do so and he errs, the punishment will be upon the community.

In other words, there is a communal responsibility not only to establish a judicial system but to maintain high standards for the judges. The entire community, not only particular litigants, has an obligation to guarantee that there will be proper legal recourse for everyone.

Rav Hirsch (ad loc.) further stresses the importance of communal responsibility for a judicial system in his commentary on the beginning of this verse:

Verses 15 and 16 caution us against misusing our authority and against being remiss in our duties when the happiness and dignity of others have been entrusted to us.

First comes a warning to the community; the community, through its judicial institutions, is in a position of power vis-Ã -vis the individual. This position is not to be misused for injustice and caprice. For this is the essence of the word "avel": the misuse of power and wealth… and the misuse of authority and high position… "Avel ba-mishpat" is the abuse of the institutions of justice.

This is the meaning of the beginning of the verse according to Rav Hirsch: the institution of mishpat must be kept as a mechanism to achieve the highest purpose of society. It must not be abused to pervert the law. This is why the institution of the beit din, the Jewish court of law, remains relevant today; indeed, the best choice to adjudicate a dispute between two Jews is a din Torah, a proceeding conforming to halakhic guidelines.

One often finds that individuals who are wronged by prominent members of the community or by prestigious organizations find it difficult to air their claims before a beit din; indeed, individuals who do so may be looked at askance for wanting to bring their claims to a beit din in the first place. Other members of the community may contribute to this negative feeling. Those who feel bad for the victim may believe that even if the case is brought to beit din, the unfortunate individual has little chance against his abusers, and so there is nothing to be done. After all, it is sad, but not their problem. According to these commentators' understanding of the verse, nothing could be further from the truth.

The community, including each and every individual member, has a responsibility to ensure that there is support for every wronged individual, in the form of an honest legal system, trustworthy and knowledgeable judges, and communal backing for one hurt by others, no matter who that individual may be.

Were we to stop here, we might explain that the placement of this verse, charging judges to carry out justice, in the interpersonal section of Parashat Kedoshim serves to inform us that a life of holiness requires that one make certain that there is a just system of legal recourse for anyone who has been hurt by others.

However, further analysis of the verse and its context would seem to indicate that one's interpersonal responsibilities are not limited to ensuring that there is an adequate address in the form of a just legal solution for one who has been trampled by another. Not all cases can be adjudicated in court, nor do people always wish to raise their issues with others in the courtroom, even if their case is simple and straightforward. For this reason, the individual and community must ensure that there is not only a reliable system of justice in the courtroom, but outside of it as well. The best way to accomplish this is by learning from the professional judges how to maintain balanced dealings with others and by knowing when and how to act as a judge outside of the courtroom. Analyzing the verse a little further will enlighten us as to how the Torah guides us to honesty outside the courthouse as well.

The Instructions to the Judges

The aforementioned verse begins with a general commandment not to pervert justice, but it continues with specifics, "Do not give special consideration to the poor, and do not show preferential honor to the great." Rav Hirsch continues his comments by explaining that although the first part of the verse is directed towards the community, the second part of the verse is directed towards judges:

These statements caution against partiality toward one of the litigants…. That is to say, in forming your judgment and in giving your verdict, pay no attention to the personalities of the litigants; consider only the issue in dispute… A litigant's previous record of uprightness or wickedness must not affect his standing in the minds of the judges; such a reputation must not influence their decision. The most righteous person may be in the wrong in this case, and the most wicked may be in the right.

The judge must make justice his guide and not pay attention to the stature of the litigants.

Other commentators see the inclusion of a verse directed to judges as a necessary outgrowth of the events in the previous verses: The Alshikh explains that the verse here comes after the Torah's discussion of labor laws, because in the event that there is a dispute between the owner and the worker, the judges must not display partiality to either the poor, usually the worker, or the wealthy, usually the employer.

In fact, the Talmud (Shevuot 30a) expounds "Be-tzedek tishpot amitekha," as directing the judge to ensure that nothing he does will unduly affect the outcome of the case:

"Be-tzedek tishpot amitekha" — do not allow one litigant to sit while the other stands, one to state all his claims while the other is told to be brief.

The Panim Yafot (ad loc.) explains that the word "avel" in the verse is meant to tell the judge that his responsibility goes beyond the proper adjudication of the case based on that which he has heard: if he is responsible for one litigant's feeling of disorientation and intimidation, undermining his ability to articulate his whole case properly, then the judge is held responsible. The responsibility for righteous judgment also includes the requirement to create an atmosphere in which the litigants realize there is no favoritism.

Again, this section of the verse might appear to be uniquely directed towards the judges duly appointed, enjoining them to ensure that justice be served through the courtroom, a deeper look at the Torah's conceptualization of mishpat may prove otherwise.

Courtroom Lessons for Life

The beit din is not only an institution aimed at achieving a just verdict; it is also the place of understanding God's prerogative on the issues in dispute. Through the judges' analysis of the halakhic sources, they are able to crystallize the words of God — the word of God is the law (see year 1, lesson 12). For this reason, the standards of honesty in the courtroom are quite exacting; this ensures that it is only a place of uncompromising truth. This is part of the backdrop that requires that all precautions be taken to ensure that no avel of any kind be performed in the administration of justice.

I recently read of a din Torah between a caterer and the host who hired him. They went to the beit din due to a disagreement over who had rights to ten meals that were ordered and never served. Rather unusually, both were "fighting", amicably, about who had the privilege of being able to pay for the ten meals that were not served to the guests but to the needy. The caterer, seeing that ten meals were extra, had given them to the needy, and when informing the host that he need not pay for ten meals, the host demanded the right to pay for the meals that he had ordered even though they had been given to the needy. The host felt it was his mitzva, and he was unwilling to allow the caterer to shortchange him for the mitzva. Not knowing who was in the right, they asked the beit din to inform them of the divine outlook on the case, in the form of a verdict.

All disagreements in beit din should be of this type, but alas, they often are not. Nevertheless, this case serves to illustrate that the ideal goal of the court is to act as the representative of God, informing the litigants of how the Torah requires they proceed.

What does the verse's requirement entail? The courtroom demands an extreme standard of honesty which doesn't allow for any ulterior considerations, even those which may be admissible outside of the courtroom. The Sifra (Kedoshim 2:4) therefore writes:

Do not say: this man is a poor man, so both I and the rich man are obligated to support him; therefore, I will decide in his favor, so that he will get what he needs without feeling the shame of accepting charity.

The Midrash goes on to define the responsibility to judge one's comrade righteously as:

Do not allow one to state all his claims while the other is told to be brief. Do not allow one litigant to sit while the other stands

The Rambam (Hilkhot Sanhedrin 21:1-3) codifies this mitzva as an obligation to give equal treatment to both parties, in a way that both have equal speaking time, equal seating, etc. The requirement goes so far as to demand that:

When one of the parties is elegantly dressed and the other is wearing shabby clothes, prior to the proceedings, the judge must order the former either to provide the latter with equally fine garments or to dress like his adversary.

In essence, the responsibility mandated by the verse is to ensure that one's actions remove any chance of the appearance of favoritism.

Thus, one must strike a balance: on the one hand, one must maintain the honesty so thoroughly required by the beginning of the verse, but one must also fulfill the end of the verse, which expresses the need for often going above and beyond in the possibilities entertained to ensure that one will not jump to conclusions.

While this is certainly applicable in court, it has implications for daily disagreements. It has significance as well as for one who is trying to educate youngsters, often one's own children. One must treat others with fairness, hearing both sides of the story without jumping to conclusions.

The Or Ha-chayim understands the plural opening of the verse in a similar regard. Not only are the judges required to maintain honest conditions in order to arrive at the truth, so are the litigants. The Or Ha-chayim states that a litigant must not use illicit means to prove his case, even if, objectively speaking, he is in the right. In a similar vein, if a litigant realizes that the judge has ruled in his favor based on a mistaken assumption or the like, he must be forthcoming and honest in revealing the reality of the situation.

This idea is expressed clearly in a responsum of the Rashba (3:81), who is dealing with the question of a possible Talmudic precedent for presenting a false case in court in order to win the money one is rightfully owed. The Rashba responds:

God forbid that a descendant of Avraham tell a lie, even in order to avoid losing money, as it says (Tzefanya 3:13) "The remnant of Israel will neither perform iniquity nor speak untruth."

Moreover, we have seen in the fourth chapter of Shevuot that it is forbidden even to convey the truth in a way differing from the way it actually happened… The Torah says, "Distance yourself from dishonesty" (Shemot 23:7).

The Rashba goes on to explain that the seeming precedent is inapplicable — firstly, because of the Rashba's understanding of the case; secondly, because even if dishonest means may sometimes be employed outside of the courtroom, they have no place in either the claims of the litigants or the testimony of the witnesses. All the more so, they certainly have no place in the actions or verdicts of the judges.

The Keli Yakar elaborates on the unique role of truth in the courts in his explanation of this verse. He explains that the term avel refers to a forced judgment; it takes into account elements that are generally positive but have no place in the courtroom. He comments on the unique formulation of the verse, "Lo taasu avel ba-mishpat", do not perform iniquity in justice, and explains that the Torah seeks to forbid iniquity that may arise in a just situation.

It refers to an act which, on its own terms, is righteous and just but nevertheless is defined in this context as iniquity… for instance, that which Rashi mentions, that the judge must not say "This man is a poor man, so both I and the rich man are obligated to support him; therefore, I will decide in his favor, so that he will get what he needs without feeling the shame of accepting charity." True, the wealthy individual is obligated to support the poor, but if done in the context of mishpat it is avel.

Though elsewhere it is obligatory, in the place of mishpat, where justice must be served, it is iniquity; rather, the judgment should be declared properly, and as an act of charity the wealthy should provide for the poor in another venue.

These directives concerning the judges ensure that the proper individuals are appointed and that they will maintain a strict regimen of honest analysis and judgment. However, it is not sufficient to leave this stress on true judgment and interaction to the courts. The obligations upon judges are a guide as to how all of society must create an atmosphere of truth and honesty. While the extreme conditions of honesty maintained in the courthouse may brook no exceptions, as expressed by the Rashba and Keli Yakar, they still act as the guiding light for all fair and honest ethical interaction.

It is probably for this reason that the Keli Yakar understands that the plural used to open this verse requires that the judge himself must not maintain any double standards, holding others to criteria he does not see himself as obligated to satisfy.

It says "Lo taasu" in the plural… This is a warning to the judge that he should not permit for himself that which he forbids for others… Therefore, it says to the judges: don't do yourselves that which you forbid in mishpat, because that is true avel.

The debilitating dishonesty of the double standard is certainly not only relevant to judges; it is an unfortunate reality of much personal interaction. Certainly, a judge who is openly adamant about the illegality of an act that he himself does is deplorable, but how many of us can say that the double standards that we maintain are any less objectionable?

The exact same phrasing, "Lo taasu avel ba-mishpat," appears regarding the requirement to maintain genuine weights and measurements in business later in the chapter (v. 35), for the requirements of honesty are not restricted to the courtroom. This interplay between honest judgment and equally impeccable behavior outside the courtroom is expressed in the commentary of the Alshikh. He notes that Rashi (based on Bava Batra 89b) explains that the word mishpat in this instance refers to weights and measurements, i.e., anyone who cheats in weights and measurements is just like a judge handing down a verdict which is a miscarriage of justice.

The courtroom is a microcosm of truly honest and respectable dealings with others, and the Torah demands that we apply the lessons in our own macrocosm, in order to create a holy society. Perhaps for this very reason, the directives to the judges are found in Parashat Kedoshim, because ignoring the judges' charge is liable to create difficulty for the community as a whole.

Prohibitions for Judges that Apply to All

The notion that the directives to judges obligate everyone in a certain sense does not seem to be without basis. After all, a number of laws from the courtroom are the direct sources for laws outside it, be it in the courtrooms of our minds or the courtrooms of our dealings with others. One prime example of this idea is the prohibition of "Do not bear a false report" (Shemot 23:1). The Rambam (Hilkhot Sanhedrin 21:7) states:

It is forbidden for a judge to hear the words of one of the litigants before the other comes or if the other is not present. Even hearing one word is forbidden as it states (Devarim 1:16): "Listen among your brethren." A judge who listens to [only] one litigant violates a negative commandment, as it states: "Do not bear a false report." Included in this negative commandment is the prohibition of listening to malicious gossip, speaking malicious gossip and bearing false testimony…

How could a prohibition requiring the judges to be honest also serve as the basis for not speaking negatively or maliciously about others? Clearly, the judges must maintain strict honesty without reservations, but all of society must learn from them how to maintain honest dealings with and treatments of others.

In fact, the most explicit mention of a commandment directed towards judges but obligatory upon all of society is the concluding clause of the very verse we are discussing, "Be-tzedek tishpot amitekha." In Shevuot (ibid.), the Talmud continues by noting that this verse not only obligates the judge to be fair and balanced; it is binding upon every individual who sees his companion perform an action of questionable propriety.

"Be-tzedek tishpot amitekha" — the verse tells us that you must judge your friend favorably.

The specifics of this requirement need further study, as may be found in our next lesson, but the application is clear. Not only must the judge in the courtroom be careful in his judgments of the litigants; every individual who sees another act must exercise the same care and caution before passing judgment.

The Keli Yakar (loc. cit.) points out that it is particularly because of the wording of "amitekha" that the Sages understood that the verse must be referring to a situation outside of the courthouse, in the courtrooms of each individual's mind.

All in all, while we hold judges to a higher standard, there is no doubt that their administration of justice is the moral benchmark for our behavior in all facets of life. If the judge must be careful not to show favoritism or give an unfair advantage to another based on his actions, the same holds true for us as well. If the judge must be careful not to hold a double standard, then we must question our internal barometers to see if we fall prey to that same character defect. If the judge must ensure that the litigants speak properly, then we must be careful that our words are proper as well.

Next week, we will see how, just as the judge must ensure an honest proceeding, we as well must maintain standards of balance between honesty and naivety, while giving others the benefit of the doubt. This is the holiness embodied by the arbiters of mishpat, a holiness that should permeate the very fabric of our interactions with all our amitim, our comrades.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 03: Protecting Reputations

The Importance and Power of One's Reputation

In last week's lesson, we discussed the requirement to judge others favorably (le-khaf zekhut), as derived from the verse "Be-tzedek tishpot amitekha" (Vayikra 19:15). To better understand what is at stake when one passes judgment, i.e. the ramifications of passing a favorable or unfavorable judgment upon others, we will first discuss the nature of reputations in Jewish thought, both one's own and that of others. Doing so will enable us to appreciate the parameters and rationale of the obligation to judge others favorably. After all, viewing another's actions in a positive or negative light is sure to impact one's outlook on one's peers, in turn affecting their reputation and public image. On the simplest level, it can cause damage to others. If one sees another engaging in suspect behavior and passes judgment upon him, he may lose business — that of the one who has observed him, possibly that of others who learn of the action as well. In some cases, the results of unfavorable judgments may be devastating; one may lose his or her whole social standing.

An analysis of the sources will reveal that reputations are a significant consideration in Jewish thought. Indeed, the requirement to judge others favorably is dependent, in part, upon whether the individual in question has a good reputation or not. Still, one may wonder: are not reputations merely the exterior manifestation of a person's character? They clearly are not always synonymous with the true character of an individual, as numerous swindlers and fakes acquire undeservedly positive reputations. Furthermore, there are sources which praise the hidden tzaddikim of the world, the unknown righteous individuals who embody to the world simplicity and unimportance but are the pillars of the universe (see Sukka 45b). Jewish tradition praises humility and introspection; how, then, can one give credence or attention to building a reputation?

Analyzing the sources will indicate that while achieving a decent public image is not the focus of Jewish tradition, Judaism certainly does not take the issue of one's reputation lightly. Understanding the meaning of the term "shem" will help us understand why.

Shem: The Power of the Name

The word "shem" literally means name, but it connotes far more than that; while a name technically identifies an individual or organization, it also reflects a public persona. It is understood that often far more important than the title on the letterhead is the "name" the individual or organization has in the world, a reputation for honesty, integrity and quality — or the lack thereof. It is this reputation which allows one to succeed if it is positive; conversely, one who is of ill repute is often doomed to failure.

While image-building and status-seeking are antithetical to the Torah's teachings stressing humility, the image the community has of an individual will determine the degree to which his teachings will be heard. For this reason, concern for one's image and reputation, if taken in proportion, is not always a sign of an insecure ego. The impression society has of an individual determines his standing and his ability to affect others. It is the individual who is accepted as the authority on any subject — be it finance, investments or the weather — who gets others to listen. A small comment by Warren Buffet can affect world markets, not necessarily because he knows more than others, but because he has the reputation of being "on the money".

One should certainly be more concerned with one's character than one's reputation "because your character is what you really are, while your reputation is merely what others think you are" (attributed to John Wooden). However, though we recognize that one's reputation means little in terms of the true character of an individual, it is a fact of life that the way people are viewed opens and closes opportunities. It is one's reputation that is the yardstick by which people view an individual, and Halakha recognizes its importance. While Judaism rejects the practice of winning friends and influencing people in order to create an undeserved reputation for exemplary behavior, the Torah nevertheless wants those who in fact are sincerely altruistic individuals to be known as such, thereby influencing society for the better.

If forced to decide between choosing what is right and proper or wrong and popular, we must choose that which is right; nevertheless, we should not go to the extreme of not caring what others think of us as long as we are doing the right thing. Doing so diminishes ourselves and our influence on others, and it is liable to have a bad effect on the onlookers.

For a Jew, this concept is even more important. The Torah states: "And all the nations of the world will see that God's name is called upon you" (Devarim 28:10); thus, the way in which we are viewed is liable to affect the way God is construed by others. For this reason, we find that our forefather Avraham sets out to endear God among the masses by calling in the name of God, teaching the world about the greatness of God via His shem, (Bereishit 12:6, 28:25), because the way in which they view God will determine their willingness to listen to His commands.

The Talmud (Yoma 86a) states that one of the ways of loving God is "that the Name of Heaven shall become beloved by your hand." The Talmud explains that this is accomplished when one who is associated with Torah Jewry acts in a positive manner and leads others to want to share that way of life. By continuing the work of Avraham Avinu, we in fact build and improve God's reputation in the world. This is a fulfillment of the all-important mitzva of kiddush ha-shem, sanctifying the name of God. (See the Rambam's Sefer Ha-mitzvot, Positive 9). Building one's character in a way which is a tribute to one's name and all that one identifies with not only improves one's own shem; it improves that of God as well, a great kiddush ha-shem in the truest sense of the term.

Keter Shem Tov, the Crown of a Good Name

The power inherent within attaining a good name and reputation is seemingly the heart of a mishna in Avot which refers to the one who possesses a "shem tov," a good name, as being adorned with the ultimate crown.

The Mishna (Avot 4:13) states:

Rabbi Shimon says, "There are three crowns, the crown of Torah, the crown of priesthood, and the crown of kingship; but the crown of a good name (keter shem tov) exceeds them all."

The Rambam explains that these three crowns are the three unique honors given to different people in the nation of Israel: priesthood is given to the descendants of Aharon and kingship to the progeny of King David, but the crown of Torah is available for anyone who desires it and pursues it.

However, the commentators are bothered by a clear-cut problem in the mishna. It begins by stating that there are three crowns, but it concludes with the mention of a fourth one, the crown of a good name. Which one is it? Are there three or four crowns?

The Rambam explains that the crown of a good name comes from the Torah, as the scholar who performs that which is written in the Torah will attain a genuinely good name as well. However, Rav Ovadya Bartenura explains this differently, focusing on the power of one who has garnered for himself a positive reputation.

"The crown of a good name" — this refers to one who exhibits exceptional behavior and does good deeds; he therefore has a sterling reputation due to his actions… This is greater than all the other crowns, for the other three crowns require it: if he is a Torah scholar with a bad reputation, one is permitted to scorn him (Megilla 25b)…

Rav Ovadya Bartenura goes on to cite Talmudic sources that set down similar rules for priests and royalty: they deserve honor only if they behave in a respectable manner. Similarly, the Me'iri explains that one should not be overly proud of the crowns that he has acquired, but:

The crown of a good name is acquired via constant acts of kindness and uprightness, sanctifying the name of God and His Torah.

It is the way in which a scholar or other great official is known to the community, through his actions and attitude, that really carries with it significance. For that reason, despite the shallowness of some reputations, the keter shem tov is greater than all other crowns, because that provides for the image that enables one to have influence upon others.

Rav Yosef Alashkar, in his commentary Mirkevet Ha-mishneh, goes one step further, explaining that without a good name and reputation, anyone who ostensibly has one of the other crowns is revealed to be bareheaded, as it were.

One's reputation determines if his other crowns are worth anything, because a venerable position without an honorable character is a disgrace to its holder, and one's reputation determines if others see him as worthy.

Eliminating Gossip

The importance of developing a good name also results in the prohibition of certain actions which might be interpreted by others as improper. In two places (Yevamot 24b, Ketubot 22b), the Talmud expounds the same verse to ban (ab initio) marriages which have the appearance of impropriety. The verse (Mishlei 4:24) states:

Take crooked speech away from yourself, and put devious lips far away from you.

Rashi explains:

Do not do anything for which people will slander you and make their mouths crooked when talking about you.

Rashi adds that the "devious lips" are those of people opening their mouths wide when speaking about one, and the Metzudat David explains that they will hint to their companions by making their mouths crooked.

Essentially, this verse seems to be used as a source for avoiding actions that will lead others to gossip about one. No one wants to be the topic of gossip, but here actions which are likely to lead one to be the talk of town should be shunned so as to maintain one's good name.

Chashad: Avoiding Even the Appearance of Impropriety

The principle of being careful about the way one's actions may be interpreted by society may be applied in a number of ways. Two Talmudic terms are used regarding the importance of acting in a way that will not be misconstrued by others, marit ha-ayin and chashad, literally "appearance to the eye" and "suspicion". Though the concepts may seem identical, at first glance, they are in fact very different.

The first, marit ha-ayin, relates to publicly doing something permissible that resembles something which is prohibited; we are concerned that onlookers may see someone doing the permitted thing, think the person is doing the other act and therefore conclude that the other act also is permissible. Here the fear is that misinterpretation of one's intentions and action will lead others to think that certain prohibited actions are allowed.

The second term, on the other hand, chashad, is much more significant for our discussion. Chashad relates to a similar case of publicly doing something which is permissible but resembles something which is prohibited; however, in this case, we worry that the onlookers will assume that the person is in fact doing the prohibited act and is not as religious as he or she appears to be. Chashad is a reason to shun certain actions in order to protect one's reputation, so that onlookers will not think of him as a sinner.

The source for not doing permissible actions for fear of being considered a sinner seems to be biblical in nature.

The Mishna in Shekalim (3:2) explains:

Man is obligated to do his duty to man as he must do his duty to God, as it says "And you shall be cleared before God and before Israel" (Bamidbar 32:22); and it further says, (Mishlei 3:4) "And find favor and good understanding in the eyes of God and man."

The Yerushalmi on the mishna explains that this concept of preventing others from accusing one of illegitimate behavior is repeated in the verses of the Torah, the Prophets and the Holy Writings, evidently expressing its significance.

The context of this verse is Moshe Rabbeinu's discussion with the tribes of Gad and Reuven, who ask to be allowed to stay on the eastern side of the Jordan.

Moshe provides them with the requirements to do so, such as leading the Jewish people in war to conquer the Land of Israel, and he then adds that by fulfilling these requirements, "And you shall be cleared before God and before Israel" — they will then have acquitted themselves in the eyes of not only God, but the Jewish people as well.

The Mishna uses this source as a general principle that one cannot merely consider how God, Who knows the truth, views one's actions; one must also take into account the impression these actions will make upon those who observe them. Suspicious activity, which is liable to tarnish one's reputation, is therefore prohibited.

The Talmud cites the issue of chashad in this verse as the source for numerous actions that should be avoided for fear of their being misconstrued. For this reason, some commentators permit one to forgo certain positive acts if doing so might cause others to accuse them of misbehavior (see Piskei Teshuvot, OC 156:22). Understandably, if protecting a reputation is so important, one must be willing to defend one's image if it is unduly tarnished.

The Need to Protect One's Own Reputation

The Talmud (Berakhot 31a) expounds on the story told at the beginning of Shemuel I regarding the righteous Channa's intense prayers for a child. Channa's fervent tefilla makes her appear to Eli, the High Priest, as a drunken woman. Yet after he confronts her, "How long will you go on being drunk? Put your wine away from you" (1:14), Channa does not stand silent. Instead, she responds that she is not drunk but merely grief-stricken. The Talmud cites this as a source for how one improperly accused should respond:

Rabbi Elazar said: "From this we learn that one who is suspected wrongfully must clear himself."

The Torah Temima (Bamidbar 32, n. 4) explains that "And you shall be cleared" is not a sufficient source, because we might have thought that it is good advice, eitza tova, but not an obligation. The verse about Channa, however, teaches us that one is not allowed to let his or her name be tarnished improperly.

While sometimes it is understandably uncomfortable to try to clear one's name from alleged wrongdoing, it is not just beneficial, but obligatory. How to do so is a different question, as usually one would not be able to implicate others in order to clear one's own name (see Shemirat Ha-lashon 10:31). However, the need to protect one's reputation is an essential element of building a shem tov and therefore in need of safeguarding.

The Practical Spiritual Benefits of a Positive Reputation

The importance of caring about one's reputation seems to also have another very practical element. One who is worried about losing his good reputation is likely to think twice before performing an action that one is tempted to do. The great Rabban Yochanan Ben Zakkai (Berakhot 28b) blessed his students before his death: "May your fear of Heaven be equal to your fear of flesh and blood." When his students gasped in disbelief, "Is that all"? Rabban Yochanan explained that when one is contemplating sin, one first looks around to see if anyone is looking. If one would fear God accordingly, knowing He is looking at their actions, then one would think twice.

With an understanding that people often forget that God is constantly watching but are aware of the impact their actions might have on their names, caring about one's reputation is beneficial for avoiding sin. This may be inherent in the verse, "And you shall be cleared before God and before Israel." First, the Torah indicates that one's actions must befit the presence of the Omnipresent, but even if one does not succeed in being fully pure, one should at least do the right thing "before Israel", so that other Jews may notice one's actions and judge one accordingly.

Maintaining a good reputation is therefore conducive to maintaining proper standards of conduct. Fear of losing one's positive reputation is often the anchor that ensures that people uphold propriety even when they are tempted otherwise. The aforementioned Warren Buffet put it this way: "It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you'll do things differently."

This explains a fascinating halakha, found in Chosen Mishpat (34:18): one who performs embarrassing behavior in public and is unconcerned with his reputation is barred from testifying in court. The commentators explain that one who does not care about his reputation will not be afraid to testify falsely, for the negative publicity and ill repute that will be generated do not concern him. Caring about one's reputation is essential.

This might also explain the prohibition for one to say lashon ha-ra, derogatory speech, about oneself. One cannot be overly humble, willing to allow one's reputation to be diminished unnecessarily. Rav Soloveitchik is quoted as explaining (see Nefesh HaRav p. 151) that people do not have ownership over their own reputations. They must not ruin their reputations, for to do so would affect not only them, but others as well.

Defamation

The Talmud (Kiddushin 28a) says something which, without the background we have derived from the aforementioned sources, would seem very difficult to understand.

We learnt in a beraita: "One who calls another a slave is to be excommunicated; one who calls another a bastard is to receive forty lashes; one who calls another a rasha, he descends upon his life."

The commentators discuss what this final phrase, "yored immo le-chayav," means; what license is given to the one who was called a rasha (villain) by another?

Rashi (ad loc.) understands that the offended party may attack the defamer's livelihood by competing with him. The Ritva (ad loc.) explains that this is his just desert midda keneged midda, measure for measure; one is who called a rasha will lose the business of others, so in return the victim may undermine his attacker's livelihood.

The Me'iri brings a startling explanation for the term "yored imo le-chayav": the victim is actually permitted to hit the attacker, for this is the act of the wicked, as the verse states (Shemot 2:13), "And he said to the rasha, 'Why are you hitting your friend?'" Tosafot in Bava Metzia (71a, s.v. Adam) quote from the Geonim that one is permitted to burn a third of the slanderer's field.

Why do some opinions allow one to act destructively towards a defamer for merely calling him names? Do we not know that "sticks and stones can break my bones but words will never hurt me"?

In truth, the Me'iri in Bava Metzia takes issue with the opinions that allow one to ruin another's livelihood for calling him a rasha, but even he allows causing the attacker to suffer and rebuking him publicly. Why do we not just tell the victim to "let it go"?

Evidently, based on the sources we have presented, the power of one's shem tov is so essential in determining how one is viewed and treated, that calling someone names in a way that would affect his good name threatens his wellbeing. (The Ritva says that people will not have dealings with him.) Therefore, the victim has the right to take the law into his own hands, possibly to the extent of causing monetary or even bodily harm.

Injuring someone's name is comparable to taking something material from them, and it affects them physically. Therefore, under certain circumstances (the delineation of which are beyond the purview of this lesson), the injured party may react accordingly.

Falsely Suspecting the Innocent

The importance of maintaining one's positive reputation should be a guiding principle when looking into others' actions. If one is so careful with his or her own image for all the right reasons, one can understand that falsely accusing another, certainly in a way that might impact his or her reputation, can be of grave seriousness. One must be extremely careful with the reputations of others, and one must not be too quick to vilify others. Some individuals get much of their exercise by jumping to conclusions and accusations. Wrongly suspecting the innocent is treated by Halakha with extreme severity because one's reputation is empowering.

The Talmud (Shabbat 97a) states:

Reish Lakish taught: "One who suspects the innocent will ultimately come to bodily harm."

The Talmud explains that unlike other cases of sin, in which one's money will be struck before his body, suspecting the innocent earns one a direct bodily punishment. The Rambam (Hilkhot Teshuva 4:4) lists suspecting the innocent as one of the twenty-four things which "hinder repentance".

The source for Reish Lakish's statement is the example of none other than the greatest of all Jewish leaders, Moshe Rabbeinu. When Moshe voices his suspicion that the Jewish people will not heed God's call for freedom, his hand becomes "leprous as snow" (Shemot 4:6).

As we mentioned above, the Talmud (Berakhot 31b) explains that Eli's false accusation of Channa is a case of suspecting the innocent. However, the Talmud points out that afterwards, Eli blesses Channa, which is a requirement for all.

Rabbi Elazar said "From here we learn that one who suspects his friend of something he has not committed is required to placate him and also bless him."

One who does falsely accuse another must correct this with a blessing, and certainly, if responsible for negative publicity, the accuser must do all in his or her power to clear the other's name. It is Eli's blessing to Channa that helps her bear Shemuel the Prophet, and in situations where ordinarily people voice false accusations, the responsibility is incumbent upon them to help the accused.

Though the prohibition is quite severe, it is often easy to violate this principle. Careful attention to one's own reputation should be a yardstick for how one tends to the name of others. To the degree one is careful to maintain his or her own shem tov, one must be at least equally careful not to ruin that of others.

The Ultimate Dilemma

While not jumping to conclusions in accusing others is of extreme importance, it clearly has its limitations. What is one to do if faced with another performing suspicious activity despite a sterling reputation? Can one's desire to protect another's reputation be reason enough to overlook behavior which might be detrimental or dangerous to a third party?

This is one of the greatest dilemmas in Jewish communal work. Sometimes, it is the most upstanding members of the community who are involved in suspicious behavior. Allegations may have already been made against individuals in the community. Must one protect the reputations of the accused at all costs, or may one "call a spade a spade"? What if the desire to protect a reputation and judge one's fellow favorably may lead one to endanger others?

Obviously, when there is concrete evidence against a perpetrator, one must treat him as a guilty party. Unfortunately, rarely does one have such clear proof. In order to arrive at some conclusions of when one involved in suspicious behavior must be given the benefit of the doubt and when not, we must look into the obligation of judging others le-khaf zekhut: when does it apply and to whom does it apply? Next week, we hope to delve into these issues and answer these questions.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

**Shiur 04: Dan Le-khaf Zekhut –
Judging Others Favorably**

The Obligation to Judge Others Favorably

In our second lesson, we examined the verse in Parashat Kedoshim (Vayikra 19:15) that seems to address the judges, commanding them to be diligent in executing their duties.

Do not perform iniquity in justice. Do not give special consideration to the poor, and do not show preferential honor to the great. Judge your comrade righteously.

Nevertheless, as we saw, the verse in its entirety (especially its final clause, "Be-tzedek tishpot amitekha") is significant for all sectors of society. Its impact is not restricted to the judicial system.

The Talmud (Shevuot 30a) records four laws derived from the conclusion of this verse, the second of which is the obligation to judge others positively.

"Judge your comrade righteously" — you must judge your fellow favorably.

The other laws learned from the verse relate to proper and honest court proceedings, but this law seems to be quite clearly universal. One should not be overly hasty to judge another negatively; instead, one should give another the benefit of the doubt. Colloquially, we may say that the Talmud mandates judging others not only with strict tzedek, righteousness, but rather with tzedaka, charity.

The Nature of the Obligation

While the above-stated passage would seem to indicate that there is a biblical obligation to judge other's favorably, the Mishna in Avot (1:6) seems to record an almost identical statement as an eitza tova, good advice attributed to Yehoshua ben Perachya.

Yehoshua ben Perachya says, "You must make for yourself a teacher, acquire for yourself a friend and judge everyone favorably."

Yehoshua ben Perachya seems to be advising one to develop relationships with others — a teacher, a friend — and to view human actions in a favorable way. Evidently judging people favorably is essential for developing positive relationships with people, but is only as "obligatory" as acquiring a teacher and a friend. It is certainly beneficial, but in no way compulsory.

Setting aside the question of whether in fact there is an obligation to judge others favorably or just a suggested practice, the terminology employed in Avot is slightly different than that in Shevuot, and this may prove significant.

The former speaks of judging everyone, “et kol ha-adam” (literally: “all of the man”) favorably, while the latter speaks of judging “chaverkha,” “your fellow,” seemingly limiting the obligation of judging favorably to one’s friends or acquaintances.

It is not only this Mishnaic dictum which seems to challenge the understanding that there is in fact a biblical obligation to judge others favorably. Questions abound, leaving ample room to understand that the status of judging others favorably may not only be postbiblical, but possibly not obligatory at all.

Firstly, the very fact that the verse quoted in the Talmud seems to be dealing with judges and also acts as the source of a number of laws specifically geared towards judges may suggest that the essential application of the verse is limited to the legal system. Judging others favorably outside of the courtroom would therefore be either meritorious behavior or a rabbinic obligation; it would not really be learnt from the verse.

In fact, the Talmud (Shabbat 127b) records a teaching of the Sages that one who judges others favorably will have others judge him or her favorably as well, seemingly adding weight to the understanding that this is not compulsory but rather suggested behavior. The Talmud there continues by citing a fascinating story about the extent to which one individual judged his employer le-khaf zekhut and was given the blessing that he too would be judged favorably:

As for you, the same way you judged me favorably, may the Omnipresent judge you favorably.

The simple understanding of the passage indicates that it is a meritorious practice for which one will be compensated, but not an obligation.

Furthermore, a second difficulty with the conviction that there is a full-fledged obligation to judge others favorably is that others sources seem to speak of a specific requirement to give the righteous the benefit of the doubt. The Talmud (Berakhot 19a) teaches:

In the academy of Rabbi Yishmael, they taught: “If you see a Torah scholar commit a transgression by night, harbor no ill thoughts of him by day… He has certainly repented.”

The Talmud then qualifies this teaching:

However, this applies only to personal matters; regarding monetary transgressions, he must first return the object to the original owner.

Thirdly, the whole concept of judging others favorably at all costs and under any circumstances is seemingly not in line with other statements of our Sages. As they note, it is sometimes dangerous to assume that people are innocent and therefore deserve to be judged favorably. In the minor tractate Derekh Eretz, (Pirkei Ben Azzai 3:3) we find a startling statement regarding how one should view others (referenced by Rashi, Taanit 23b):

People should always be in your eyes like thieves, but honor them like Rabban Gamliel.

The passage continues to tell the story of Rabbi Yehoshua, who allows a wayfarer into his home, gives him to eat and drink and then shows him his sleeping quarters in the attic. However, Rabbi Yehoshua secretly removes the ladder to the attic afterwards. During the night, the guest takes all the valuables from the attic and attempts a quick escape.

Failing to notice that the ladder has been removed, he falls and is injured. In the morning, Rabbi Yehoshua found him on the ground and berates him: "Fool, you aroused our suspicions last night!"

The passage concludes by reiterating this teaching of Rabbi Yehoshua: though he might have honored the guest as if he were a prince, nevertheless Rabbi Yehoshua was as careful with him as if the guest were a robber, which in fact he was.

This source would seem to indicate that excessive application of "Be-tzedek tishpot amitekha" is dangerous and ill-advised. This idea is often referred to as "Kabbedehu ve-choshdehu," "Honor him but suspect him." If there is in fact an obligation to judge others favorably, how may one suspect his fellow Jew? Why is doing so not adverse to the obligation to judge others favorably?

The Rambam's View

At first glance, the language of the Rambam might be used as a support for the view that the need to judge others favorably is in fact not an obligation at all, but an act of piety. The Rambam (Hilkhot De'ot 5:7) lists judging others favorably as one of the defining characteristics of a Torah scholar, though it is not required.

A Torah scholar… judges every person favorably.

On the face of it, the Rambam seems to give voice to our earlier suggestions. The fact that he lists judging others favorably as an aspect of the uniquely positive character of a scholar would seem to indicate that doing so is meritorious behavior but not obligatory.

However, a more in-depth look at the Rambam's language, as pointed out by the Chafetz Chayim, indicates that the Rambam understood otherwise. He writes (Sefer Chafetz Chayim, Introduction, Positive Commandment 3, Be'er Mayim Chayim):

The reader should not try to refute my argument, namely that all major commentators agree that the obligation to judge others favorably is biblical in nature, by using the words of the Rambam, which seem to indicate that it is a meritorious practice of scholars, but not obligatory… Such an understanding of the Rambam's view is incorrect, for the Rambam is explicitly dealing with individuals of unknown character, as he himself indicates. It is specifically these individuals concerning whom there is no obligation of judging favorably; it is merely a meritorious act.

The Chafetz Chayim cites as a proof for his view the statement of the Rambam himself in Sefer Ha-mitzvot (Positive Commandment 177). There the Rambam discusses "Be-tzedek tishpot amitekha," and he indicates that the mitzva has three parts, two for judges and one for society at large.

Included in the verse is the obligation to judge one's fellow favorably.

Thus, the Rambam clearly states that it is an obligatory part of the mitzva, not merely a recommendation. However, if so, how is one to understand the Rambam's ruling in Hilkhot De'ot?

The explanation of the Rambam's view ties up the loose ends, answering a number of questions we have seen earlier. A careful reading of the Rambam's language in the two sources cited above indicates that in Hilkhot De'ot he quotes the language of the Mishna in Avot, "kol ha-adam," while in Sefer Ha-mitzvot he makes reference to the language of the Talmud in Shevuot, "chaverkha."

The Chafetz Chayim points out that the Rambam clearly understands that there is no contradiction between Avot and Shevuot, as they are each speaking about different individuals. When dealing with one's chaver, known to be an upright Jew, one is obligated to judge him favorably.

For this reason, the Talmud in Shevuot derives this obligation from "Be-tzedek tishpot amitekha," and the Rambam cites it in Sefer Ha-mitzvot as a biblical obligation.

The Mishna, however, makes reference to "kol ha-adam," which is more general and refers to any individual one might come into contact with and have reason to suspect of wrongdoing. Being that one doesn't know this individual's character, one is not required to judge him or her favorably. However, the Mishna quotes Yehoshua ben Perachya's dictum that it is meritorious to give them the benefit of the doubt as well. Thus, the Rambam records in Hilkhot De'ot the meritorious practice of scholars to judge kol ha-adam, everyone, beneficially.

By the same logic, recognizing that different sources are speaking of different individuals, the passage in Berakhot, which discusses a scholar who does something suspicious, is referring to a third type of individual altogether. Someone who is known to be righteous takes the Law of God seriously, and one should be willing to go out on a limb to assume that such an individual would not sin. Even if it is clear that the righteous individual has indeed transgressed, one should view it as a temporary lapse, an out-of-character aberration; one must assume that the individual repented immediately afterwards.

Different Strokes for Different Folks

Essentially, the need to give others the benefit of the doubt is moderated by a realistic approach which balances the positive trait of being slow to judge with the level-headed need to be cautious.

The same mode of thought would also require us to treat individuals known to be lax in their performance of commandments with a special measure of suspicion. Just as some individuals have earned the right to be viewed favorably, others who have acquired their negative reputations equally deserve to be deprived of the benefit of the doubt — and even to be presumed guilty. Imagine the used-car salesman, notorious for cheating people and selling lemons as if they have just rolled off the assembly line, telling the customer that a given car is the best in the world. Would anyone trust the salesman simply because the car looks great, is being sold at an amazing price and the pitch is convincing?

Halakha recognizes that certain people display traits which earn them unenviable reputations. The used-car salesman in fact may be telling the truth, but his previous behavior has convinced us not to believe him in the current situation. Similarly, certain individuals have earned the presumption of guilt because they have established that they tend to act illicitly whenever they think they can get away with it, and sometimes even if they know they will be caught.

With this in mind, we can understand the language of the verse with which we began. The verse subscribes one's amit with tzedek. Not everyone can rightfully be considered an amit; only one who is a chaver and actively follows the mitzvot is included in the obligation.

In fact, the idea of evaluating individuals along a sliding scale is an idea that already appears in the Rambam's commentary on the Mishna in Avot. There he differentiates between various individuals and circumstances.

A person may be unknown to you, so that you do not know whether he is a righteous man or an evil one. If he does an act or if he says something that could be interpreted as either positive or negative, judge him favorably, and do not think of him as having done wrong.

Another person may be well-known as a righteous man of good deeds. Therefore, even if you see him do an action which seems to be unequivocally bad, so that the only way to justify it is by stretching things to an extreme and assuming a very remote possibility, it is still obligatory to interpret the act positively, based on that possibility.

Conversely, a person may be evil and his deeds infamous. Therefore, even if you see him do an action which seems to be unequivocally good, so that the only way to malign it is by assuming a very remote possibility, one must be wary of him and not believe that it is good, based on that possibility that it is bad. This is based on the verse (Mishlei 26:25), "When he supplicates with his voice, do not believe him, for seven are the abominations in his heart."

If one is unknown and his act may be interpreted in one of two ways, piety obligates that he be judged favorably, whichever way that may be.

The Rambam essentially explicates a four-tiered approach for analyzing the actions of others. The Chafetz Chayim points out that the opinion of the Rambam is basically accepted by Rabbeinu Yona and other commentators, and he summarizes the laws. (See Minchat Asher, Parashat Kedoshim for the discussion of a minor difference.) There are four groups of individuals, and one's analysis of others' actions also takes into account the types of actions under consideration.

1. The righteous must be judged favorably even if the matter seems very likely negative.

2. Average individuals, who are careful not to sin but sometimes slip up, must be judged favorably if there is an equal chance of good or bad. The Chafetz Chayim adds (3:7) that even if it is more likely that the negative interpretation is correct, it is still proper to leave the doubt unresolved in one's mind and not judge the other negatively.

The Chafetz Chayim here adds an important caveat (3:8):

Even where the negative possibility is more likely, and there is therefore no prohibition against judging him negatively, this is restricted to his own perception of what happened. Therefore, he must not go and speak negatively about the person

3. Wicked individuals have lost their rights to a judging favorably, and they are not to be given the benefit of the doubt. Even when their actions appear positive, they should be viewed as negative.

4. Unknown individuals have an intermediate status. While there is no obligation to judge them favorably, it is a good quality for one to assume that such people have merit and give them the benefit of the doubt (as we learn from the stories in Shabbat 127b).

Defining "Righteous" and "Wicked"

Certain individuals are known to be sincere and pious in all their endeavors, so that one would be obligated to judge them righteously no matter what the situation. Others might have certain areas of conduct in which they are totally righteous, and one can be completely confident that they will not slip. However, at the same time, these individuals may be less proficient in other areas and even prone to violating certain required behaviors. These individuals could be defined as "righteous" in certain areas and "wicked" in others, as they have no trouble doing the right thing regarding certain endeavors, while others they find difficult to accomplish. In certain areas, they will be presumed innocent, while in others, they will be presumed guilty.

Essentially, judging others favorably requires taking into account each individual's reputation and analyzing his or her actions accordingly. One might even view this as an obligation to judge fairly. There is an added call to give the benefit of the doubt to those who haven't proven that they don't deserve it.

The Rationale behind the Obligation to Judge Others Favorably

Clearly giving a second's thought before jumping to conclusions about others is personally beneficial and creates a more harmonious community. Giving others the benefit of the doubt is certainly beneficial to society. By assuming that others are innocent instead of jumping to conclusions about their guilt, people may live together harmoniously. It emancipates the individual from worrying that others are acting improperly or out to get him or her. By judging others favorably, one will also fulfill the directive "You shall your fellow as yourself," (Vayikra 19:18); conversely, judging others unfavorably would constitute a violation of "Do not hate your brother in your heart" (ibid. v. 17).

The Chinnukh (Mitzva 235) explains the composition of this directive:

Judging others favorably is also part of the mitzva, and it is a factor in creating peaceful and friendly relationships between people. Essentially, the main purpose of all the aspects of this mitzva is to direct communities into establishing fair judicial systems, and to bring it about by removing suspicion from others.

Besides the societal benefits, the commentators note additional benefits to be gained through judging others favorably. The Me'iri (Chibbur Ha-teshuva, 1:4) notes that one who suspects others won't be able to be influenced positively by them and will look at society without respect. Rav Yehoshua Leib Diskin points out that judging others favorably leads one to have a positive view of society, a view which will lead one to act properly, as one will desire to be in good standing within the community.

Beyond these benefits for one's own behavior, the Yismach Moshe on Avot explains that positive judgment of others minimizes the negative effect and the chillul ha-shem that is created through another's improper behavior. (An elaborate discussion of these issues may be found in Rav Daniel Feldman's book, The Right and the Good, pp. 120-121.)

The reasons behind the law are in no way merely academic. There is a halakhic discussion regarding whether one has the right to waive the responsibility of others to judge him favorably. If the reasons for doing so benefit the observer more than the one being judged, then understandably it cannot be waived (see Responsa Az Nidberu 12:4).

The Questions which Still Remain

While we have laid out the general guidelines, (for a more expansive and explicit delineation of the relevant laws, please see Sefer Chafetz Chayim, Hilkhot Lashon Ha-Ra, Rule 3 at length), one still might wonder: how far does this obligation go? Must one really think of every far-out possibility in order to avoid passing negative judgment on another?

What seems to emerge is the Torah is pushing us to recognize an inner good in everyone, but to be realistic that everyday difficulties, and moments of weakness might interrupt a person's strive for spiritual success. Judging others favorably changes our way of thinking; our eyes start to see beneath the dirt that might corrode the exterior and identify the inner beauty.

Dealing with our unanswered question may provide a glimmer of understanding for the whole mitzva. We have pointed out that the verse which acts as the biblical source for the obligation to judge favorably seems to be directed primarily to the judges. Though we have explained that it also refers to the individual in society, looking at others from the standpoint of the courtroom of his mind, there remains an unsolved difficulty. The explication of the end of the verse as a requirement to judge those with upstanding reputations positively seems at first glance to contradict the earlier part of the verse, which obligates the judge to be impartial. Judging everyone favorably might be good for society, but that is not how a courthouse is supposed to be run; indeed, it would not be effective!

The "Contradiction" Which Explains it All

Rav S.R. Hirsch (Vayikra 19:15) deals with this difficulty by pointing out that the Talmud's understanding of the verse seems to contain two apparently contradictory laws.

The statement be-tzedek tishpot amitekha is a source for two seemingly contradictory laws. On the one hand, this statement obligates a judge to issue his verdict on the basis of absolute justice, in strict accordance with the law. On the other hand, from this same statement we learn that, outside the court of justice, the rule we are to follow is to judge our fellows favorably, i.e., try to find justifications for their actions.

Rav Hirsch begins with this apparent contradiction and then goes on to explain how, in fact, the beginning of the verse can demand from judges uncompromising impartiality which ignores the character of the litigants while telling observers outside the courthouse to do just the opposite.

In reality, there is no contradiction. For judgment in a court of justice and judgment of one's neighbor do not serve the same purpose. The duty of a judge in a court of justice is to examine only the act itself, whether it is in accordance with the dictates of justice or not. He should disregard all the individual and personal circumstances and all the motives. There are actions that — though unjustified — are excusable, and yet in court they must be judged as punishable. Society, on the other hand, is interested primarily in one's personality and character. In society's view, every action is merely a symptom of the integrity or inadequacy of its members.

The attribute of justice dictates that the judge must himself disregard the personality of the actor and consider only the act itself. Yet this same attribute of justice dictates that, in the societal realm, we must take into account all the possible circumstances that may vindicate the person and his character. Justice says: "Do not be quick to condemn your neighbor; rather judge your neighbor favorably!" This is the same attribute of justice that says of judging others "Do not judge your fellow until you have been in a similar position" (Avot 2:4). It differentiates between social and forensic judgment to such an extent that to the judge of the court, it says, "When the parties stand before you, consider them both in the wrong, but once they have accepted your decision and have left you, regard them both as good men" (Avot 1:6).

Essentially, Rav Hirsch teaches us that one must recognize the limits of judgment outside the courtroom. The same attribute of justice which pushes the judges to clarify the unique circumstances of each case also recognizes the impossibility of doing so outside of the courtroom. This difference between justice in and outside the court may explain how the directive to judge others favorably constitutes a necessary concession to the limits of societal judgments.

A court must itself hold its judgment until the facts have been elucidated, the witnesses cross-examined and all supporting evidence produced. The average onlooker does not have that luxury of doing so, and therefore, the ability to condemn another outside of a court is almost impossible. Just as a judge would not decide to convict without having all the facts before him, the community, which lacks so much information, cannot adequately assess the situation.

In giving people the benefit of the doubt outside the courtroom, we recognize two fundamental principles. Firstly, we accept the fact that there is doubt outside of the courtroom. Secondly, when in doubt, "the tie goes to the runner," and we choose to view others positively.

In the next lesson, we will further analyze the nature of this positive outlook that the Jew is taught to inculcate into his or her personality. We will seek to understand how doing so not only allows one to judge others favorably, but to change the way one looks at life and the world.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 05: Ayin Tova

Introduction

In last week's lesson, we started to discuss the parameters of the obligation to judge others favorably. We concluded with the powerful idea of Rav Hirsch, distinguishing between the judgment of the courts, in which no outside factors may be taken into account, and the judgment of society as a whole, in which the opposite is true. Societal judgment actually requires that we take into account the nature of the individual and go to all lengths possible to include any factors that may contribute to a favorable judgment.

At some points though, the attempt to find something good and positive in order to judge others favorably seems a little forced, and sometimes even far-fetched. One may wonder: why is it so important to judge positively at all times? Furthermore, though the strict letter of the law allows for one to judge those who are known to be wicked negatively, numerous stories are told of righteous individuals who went to extreme lengths to judge others favorably and find good in others, at almost all costs. A number of stories surround the personality of the legendary Rav Levi Yitzchak of Berdychiv, a Chasidic rebbe known as sanegoran shel Yisrael, the defense attorney of the Jewish people. These stories just beg the question: is this how it is supposed to be?

In one story, Rav Levi Yitzchak of Berdychiv was walking with his students, when they came across a man who was fixing his carriage while wearing his tallit and tefillin. The Chasidim stopped in their tracks and called: "Rebbe! That Jew is fixing his cart in the middle of prayer!" Rav Levi Yitzchak lifted his hands to the heavens and said: "Master of the Universe, look at your dear child: even while fixing his cart, he prays!"

Along similar lines, the story is told that Rav Levi Yitzchak saw someone eating on Yom Kippur. After confirming that this person realized that it was Yom Kippur and that he was forbidden to eat, Rav Levi Yitzchak turned heavenward and said "See how great your children are: even those who eat on Yom Kippur will not tell a lie."

Though these stories depict how far one can go in finding the good in others they also raise a question: isn't this behavior rather naÃ¨ve? Shouldn't one call a spade a spade? After seeing gross violations of proper conduct, shouldn't one live with the painful reality and recognize evil?

A New Outlook

The question is so thought-provoking that it essentially acts as its own answer. The laws of when to judge others favorably complement the meritorious message of the Mishna in Avot that one should judge others favorably even when not required to do so. Together, these sources are not only telling us how to judge others, but more importantly how to think.

A thorough analysis of the aspects of societal judgment indicates that the guidelines of Halakha attempt to provide a basis for a new outlook concerning the world in general and other people in particular. To better understand, let's take a deeper look at the concept of judging others.

Judging is a dangerous endeavor and should ideally be left for the professionals. Indeed, we find in the Talmud that competent and knowledgeable scholars were afraid to act as judges, lest they err (see Sanhedrin 6b). All this is true even regarding a judge who sits on a three-member panel, all the more so for an individual. In fact, even a professional judge, no matter how great he is, is advised by the Mishna (Avot 4:8) not to judge alone:

He used to say: "Don't judge others alone, for there is no lone judge other than the One and Only."

Though the Mishna might merely seem to be presenting good advice, the Shulchan Arukh (CM 3:3) interprets and codifies the source as a rabbinic prohibition against judging others independently.

If this is true for a judge whose communal responsibilities require him to sit in judgment of others, it certainly should be true for an average member of society, who should presumably shy away from making judgments about others altogether. Judging others may involve a number of logical fallacies as well as limitations. It is often the search for justice itself which prevents us from seeing the good in others, the redeeming qualities behind outer appearances. For this reason, judging others is not recommended; in truth, when one judges others, one is very unlikely to arrive at the truth.

Even when judging, one must realize the near-impossibility of arriving at a correct verdict. The Mishna in Avot (2:4) tells us the lesson of Hillel:

Do not judge your fellow ad she-tagia li-mkomo.

One might read this statement literally, as the Me'iri does: the Mishna is advising one to judge people only in their natural surroundings, for when in another area people might put on a show, only revealing their true natures at home. However, a majority of commentators seem to understand this statement as a metaphor: "Do not judge your fellow until you have been in a similar position." The Mishna tells us that one cannot objectively judge others, either because one is unaware of the temptations that may bring others to sin (Tiferet Yisrael) or because one might not have restrained himself or herself (Rabbeinu Yona). Rav Hirsch (ad loc.) explains this nicely and succinctly:

Let no one presume to pass judgment on others, for he does not know the circumstances of his erring brother and the temptations that have led his brother astray. How can he know whether, in similar circumstances and exposed to the same temptations, he would have been more steadfast in his devotion to duty?

Indeed, it may be that this concept stands at the basis of the commandment to judge others favorably. In an ideal world, there would be no need to judge others outside of a courtroom. The only need for doing so arises because society has to know how to interact with others. In order to know whom to befriend, who can be trusted in business and who might be a negative influence, one must often begrudgingly pass judgment. However, even in this context, we are encouraged and sometimes required to judge le-khaf zekhut. As we concluded last lesson, the verdict of the court relates to guilt and innocence regarding a specific act or dealing, while judgment in the societal context is in order to arrive at the nature of the individual. Is this someone who can and should be trusted?

This is where the challenge of judging others comes to the fore. How do we maintain a positive outlook on others while at the same time being cautious enough to recognize the faults of others that may prove detrimental to us? After all, sometime giving the benefit of the doubt may be dangerous! A person who always assumes the best may not see problems and flaws in others; this may such an individual to fail to take proper action against possible evil. On the other hand, someone who only sees faults will develop a very negative personality. What is the proper balance?

Rav Avraham Yitzchak Kook deals with this issue in a number of his writings. He stresses the need to have tremendous love for one's fellow Jew: while recognizing flaws and not turning a blind eye to problems, one should not be overly occupied with criticizing others.

The great love we have for our nation must not blind us from criticizing her blemishes.

Rav Kook (Orot, p. 148) understood that giving the benefit of the doubt is not always simple. He calls it "one of the great fields of Torah". Rav Kook explains that people assume that giving the benefit of the doubt is an emotional endeavor, but in fact doing so requires applying great wisdom, the prudence of a judge. No judge would decide to convict without having all the facts before him. Outside of the courtroom, on the other hand, we are accustomed to decide that someone is guilty without knowing all of the facts. Having acquired a small amount of information, we assume that someone is guilty. However, our judgments lack any real basis. The Torah believes in chesed, and a person who does not know all the facts must view others favorably, for one has no justification to do otherwise.

With this in mind, it seems that the obligation to judge other favorably and to give the benefit of the doubt demands that we alter our way of looking at others. It is almost natural to pass judgment on others quickly, failing to realize their true greatness or the difficulties through which they have persevered. Halakha recognizes that with some individuals, and under certain circumstances, favorable judgment might be dangerous, and it advises us accordingly. However, in the bigger picture, the Torah strives to direct us towards a deep love of the Jewish people, which expresses itself in a positive view of mankind and an optimistic view of humanity. How does one succeed in this endeavor? It is all in the eyes, for as we know, seeing is believing.

Ayin Tova: The Good Eye's Outlook on the World

The ability to develop a positive outlook on various things is referred to in the Mishna as ayin tova — literally, a good eye. The opposite attribute, ayin ra'a, is also referred to as ayin ha-ra, the evil eye, a massively destructive force in Jewish tradition. In the second chapter of Avot, we find all three terms.

Avot 2:8-9 tells us that Rabban Yochanan ben Zakkai asked his five most highly-prized students to identify "the proper path to which a person should cleave." Though Rabbi Elazar ben Arakh, whose opinion seems to be accepted by his teacher, points to lev tov, a good heart, as essential, Rabbi Eliezer advises that the proper path in life is to develop an ayin tova, a good eye, and the most detrimental approach to life is that of an ayin ra'a, a bad eye. What is so important about a good eye that makes developing it the "proper path" for character development?

A number of commentators seem to understand that this term refers to one who isn't jealous of others' possessions or accomplishments. However, the Maharal takes this idea one step further, explaining how much impact one's outlook has on his or her life.

He explains that Rabbi Eliezer's ayin tova means that a person should look well upon others, wish them well and be happy in their successes. A good eye does not refer to the sharpness of one's sight, but the generosity of one's vision.

The Maharal makes a very poignant observation. Of the five basic senses – sight, sound, touch, taste, and smell – four are, for the most part, objective; they enable a person to perceive an object as it is. However, the sense of sight is subjective; a person sees things as he wishes to see them. The subjective nature of vision allows for the concept of ayin tova and ayin ra'a. The way in which we view the world is determined by an internal element. Generosity of vision or the lack thereof is not a physical matter at all - it is a question of the nature of the person doing the viewing. One person sees a cup as half-full, while another sees it as half-empty.

The Maharal further develops his analysis by pointing out that the term for seeing in the Hebrew language, re'iya, sometimes means seeing and other times refers to understanding. Just as understanding is a power of the soul and mind, so too seeing is not a purely physical process; one sees based upon one's inner understanding of the world.

The importance of ayin tova indicates that a Jew is supposed to train his or her eyes to see the good. This involves satisfaction with one's possessions coupled with the ability to see the good in others, to see beyond the difficulties of the present with a sense of optimism. As the Shabbat liturgy mentions, "Every eye looks to You with hope." A Jew should not be ignorant of the present; rather, one must be able to see past the bad and be confident in the possibility of a brighter future.

It is this outlook of ayin tova that is the legacy of Avraham Avinu. The Mishna (Avot 5:22) contrasts the ayin, ruach (spirit) and nefesh (soul) of Avraham's school with that of Bilam's school:

Those who have a good eye, a humble spirit and a meek soul are among the disciples of our forefather Avraham. Those who have an evil eye, an arrogant spirit and a greedy soul are among the disciples of the wicked Bilam.

The Mishna doesn't focus on all the great character traits of Avraham, but rather the essential attributes that were the root of his generous personality. Avraham was able to be a master of chesed because he possessed these three traits. Avraham could provide excessively for others, beyond their basic needs, as he had a positive outlook concerning others. He could let idol-worshippers in his house without prejudgment, realizing that their beliefs were a function of their upbringing; he left room for their learning the truth about existence. Bilam, on the other hand, had an evil eye; he could not stand the fact that Jews had things he didn't, and thus he was prepared to curse them.

The Tiferet Yisrael (Yakhin) adds an interesting insight into Avraham's ayin tova.

A man has the ability to see straight, think clearly, and have faith despite his lack of rational understanding. It is written about Avraham: "And he believed in God" (Bereishit 16:6), even when he was told that his descendants would be too numerous to count.

Part of ayin tova is to see past the present. A famous quote, often attributed to Ralph Waldo Emerson, states: "It takes a good deal of character to judge a person by his future instead of his past." Avraham teaches us that one need not focus on the bad; instead, one may focus on the possibility of bringing about a marvelous future. This may be what allows Avraham to see good and potential even in the extremely wicked city of Sedom, which he beseeches God to spare.

This positive outlook also explains the greatness of Rav Levi Yitzchak of Berdychiv: a worldview which at first might look naÃ¯ve or unrealistic is in fact just plain optimistic. Rav Levi Yitzchak did not forget for one moment the negativity of the actions of those particular Jews, but he chose not to focus on those acts. He looked instead to identify the one aspect of good in their actions, and this made all the difference.

How is one to develop this ayin tova? What mindset enables one to focus on the positives rather than on the negatives of another's personality? The Chasidic masters provide great insight into the deeper aspects of the obligation to judge others favorably. They explicate how this mitzva provides the guidelines for positive analyses of others.

The Sefat Emet: Judging the Whole Person

According to the Sefat Emet, we are not instructed to ignore a person's actions. It is important to criticize others constructively; nevertheless, at the same time, we are obligated to love the person no less and to try to understand what would lead them to act in a negative manner. The Sefat Emet draws a fascinating conclusion from the unique terminology used by the Mishna in Avot regarding judging others favorably (see our previous lesson). The Mishna speaks of judging everyone, "et kol ha-adam" (literally: "all of the man") favorably. What does "all of the man" or "the whole of the person" mean in this context? The Sefat Emet explains the significance of the definite article in this phrase:

You must give each person the benefit of the doubt. Why does it say "ha-adam" instead of just "adam"? For when a man's actions are judged, one cannot look at the one act in isolation; rather, his entire personality must be taken into account, his background and what he has gone through. This way we may realize that we would act similarly in his place.

Essentially, the Sefat Emet explains how to judge someone properly: one must look at the whole of the person, not his or her single negative act. Though in this action we may not see favorable elements, we certainly may find favorable aspects of the individual. We also may realize that the history of an individual's unique circumstances plays a role in his or her behavior.

Rather than being quick to vilify others for their behavior, we should realize the futility of our attempts to judge others. We must be careful and caring, expressing a desire to help others who are acting improperly, passing unfavorable judgment as rarely as possible, only as necessary.

Looking Inside Oneself

The Baal Shem Tov (Parashat Kedoshim 2) explains the danger in passing quick negative judgments. The behavior of others, he maintains, is like a mirror of our own. We only see actions that are connected to our own behavior, at least subtly. If so, when we pass negative judgment on others, we are actually convicting ourselves.

When one sees an evil person doing something reprehensible, committing a powerful sin, he should judge him favorably. He should assume that the sin was the result of being driven by an overwhelming urge or gross physicality, or that the sinner does not know the sin's severity, etc.

Through this, he saves himself from judgment. In reality, when a person sees another's sin, he should realize that he has a similar fault, that there is an accusation and harsh judgment cast upon him. When he finds a merit in his friend's behavior, he too will be considered meritorious…

This is really a great test. We have received the teaching that no verdict is made against a person unless he himself issues it. Now a person will certainly not rule negatively against himself; rather, Heaven shows him a man that commits some sin similar to the one he did and he passes judgment on it, thereby passing judgment on himself…

He should try and bring the other to repent with all his might and cleanse the other from the filth of his sin, realizing that the same fault lies within him. Concerning one's self, one always finds merits; so he should find merits and loving-kindness in all of Israel. Their common denominator is that they are all righteous, all pure and all worthy of all of the blessings . . .

Essentially, being judgmental is dangerous, for by passing judgment on others we essentially convict ourselves of similar crimes that we perform when confronted by a similar situation. Furthermore, even when noticing completely wicked behavior, we may judge favorably by declaring that these individuals, though in the wrong, are not deserving of strict punishment. If so, judging favorably is a personal insurance policy which protects us from strict Heavenly judgment.

Rabbi Nachman's Teachings

The most famous teaching of Rabbi Nachman of Breslov, the grandson of the Baal Shem Tov, is probably his powerful lesson regarding judging others favorably. He declares that we should realize that the way in which we look at others actually empowers us. He states (Likkutei Moharan 1:282):

Know that you must judge all people favorably. This applies even to the worst of people. You must search until you find some little bit of good in them. In that good place inside them, they are not bad! If you can just find this little bit of good and judge them favorably, you really can elevate them and swing the scales of judgment in their favor. This way you can bring them back to God… for by finding some little bit of good in them and judging them favorably, you genuinely raise them from guilt to merit... Understand this well.

The way in which we look at others can be a self-fulfilling prophecy. A positive outlook on another can actually raise that individual's level and empower him or her be the good person we see in them.

Judging Oneself Favorably

Up until this point, our focus has been on judging others. However, Rabbi Nachman's next startling remark shifts the focus: independent of judging others, judging ourselves favorably is also important. True, we often judge others by their actions and ourselves by our intentions, but that is only part of the story. While often we give ourselves the benefit of the doubt when we are quick to vilify others, often, deep inside, the opposite is true. Often, we look at others in a positive light while we deride ourselves; after all, we know what goes on deep inside ourselves, and we cannot be so easily forgiving. For this reason, Rabbi Nachman continues, even after one succeeds in judging others favorably, one must judge oneself favorably and must realize that this endeavor too has power.

You must also find the good in yourself. A fundamental principle in life is that you should always try to keep happy and steer well away from depression. When you start looking deep inside yourself, you may think you have no good in you at all. You may feel you are full of evil, and the negative voice inside you tries to make you depressed.

Don't let yourself fall into depression. Search until you find some little good in you. How could it be that you never did anything good in your whole life?

When you start examining a good deed of yours, you may find that it has many flaws; perhaps you did it for the wrong reasons and with the wrong attitude. Even so, how can it be that your mitzva or good deed contains no good at all? It must contain some element of good.

You must search and search until you find some good point inside yourself to give you new life and make you happy. When you discover the good that is still in you, you genuinely move from being guilty to having merit. Through this you will be able to come back to God…

Earlier we saw that we have to judge other people favorably, even those who seem totally evil: we must search for their good points in order to swing the scales in their favor. The same applies to the way you look at yourself. You must judge yourself favorably and find the good points that still exist in you. This way, you will not fall into despair. The good you find inside you will give you new life and bring joy to your soul.

Rabbi Nachman points this out poignantly. One must find good points not only in others, but in oneself as well, empowering him or her to live up to this good.

Difficulty, the Need for Prayer

In conclusion, judging others favorably is essential, despite the fact that it is often very difficult. Rabbi Nachman of Breslov composed a short prayer for assistance in finding the good in others (Likkutei Tefillot 117):

God Above, help me give each person the benefit of the doubt, even those who disagree with me… And may this lead to true peace and unity among all of Israel!

One doesn't have to be a Chasid in order to understand the importance of not falling into the trap of being judgmental. After all, we all strive to be students of Avraham Avinu, possessing a good eye and a positive outlook. Working on this formidable challenge will hopefully enable us not only to see the good, but to actualize it as well.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 06: Onaat Devarim

Distressing Others

Twice in Parashat Behar (Vayikra 25:14, 17) the Torah proscribes onaa, wronging another Jew. The immediate context of these warnings is the area of commerce; the Torah calls upon consumers and merchants to buy and sell fairly, without demanding inordinately low or high prices for merchandise. The prohibition is known in Talmudic literature as onaat mamon, monetary abuse. However, the Sages understood the repetition of this prohibition as establishing a second application, known as onaat devarim, verbal abuse.

"Ve-ahavta le-reiakha kamokha," "You shall love your fellow as yourself," requires that one behave kindly towards others. For that reason, it is not surprising that our Torah of kindness forbids mistreating others, even verbally. However, as usual, an examination of this law indicates that the Torah's definition of mistreating others is much more expansive then we might have thought. Everything from the context the Torah uses to introduce the prohibition to the terminology used in the Torah suggests that understanding this prohibition is essential for appreciating one's interpersonal obligations. A deeper look will help us uncover this message.

The Torah's Description of the Two Types of Onaa

Unlike other interpersonal laws that we have discussed, the prohibition of mistreating others doesn't appear in a section of the Torah dedicated to achieving interpersonal perfection. Quite the contrary, it appears in a section of the Torah in Parashat Behar which deals with yovel, the jubilee year, and the prohibition of overcharging for an item or trying to get away with underpaying. Even more startlingly, the Torah refers to the prohibition of mistreating others with the same exact terminology as the prohibition of overcharging, onaa.

Parashat Behar commences with a discussion of the laws of shemitta, the sabbatical year, and yovel, the jubilee which occurs every fifty years. Within its description of yovel, it refers to the unique aspect of yovel in which all land sold in the five decades since the previous yovel will revert back to its initial owners at the onset of the next yovel. Within this context, the Torah discusses the details of the laws which regulate commercial transactions which take place between jubilees and delineate certain laws regarding commerce in general. Understandably, these verses also introduce us to the prohibition of unethical business practices.

The verses of onaa address both the seller and purchaser of land, prohibiting either one from exploiting the other when involved in business transactions.

Since all lands in the Land of Israel are to return to their original owners on the jubilee year, real-estate prices must be determined accordingly and adjusted based on the number of years remaining until the jubilee. A seller who overcharges or buyer who underpays for a piece of property has violated this prohibition.

In its description of one party wronging another, the Torah makes use of the term "tonu" twice, three verses apart from each other.

If you sell anything to your comrade or buy from your comrade's hand, no one of you shall wrong his brother. (v. 14)

After two verses describing that the price of the sale must be based on the number of years left until yovel, the Torah again mentions a prohibition of onaa:

No one of you shall wrong his comrade, and you shall fear your God: for I am Lord your God. (v. 17)

The first verse is clearly focusing on monetary impropriety, prohibiting either party from being involved in any fraudulent practices. A sale may even be revoked when the price differs drastically from the market value of the object. The question that bothers the Talmud is the following: what does the second verse come to proscribe by seemingly reiterating that it is forbidden to perform onaa — isn't a prohibition of onaa mentioned three verses prior?

The Talmud (Bava Metzia 58b) addresses this issue and explains that one should not view the reiteration of the term onaa as a repetition of the previous prohibition. Besides monetary exploitation, there is also an alternative form of onaa, which the Talmud describes as even more severe:

The Torah states: "No one of you shall wrong his comrade" — this verse refers to verbal abuse.

In short, the Talmud explains that the two mentions of onaa in the aforementioned verses come to prohibit two types of onaa: one monetary, onaat mamon, and the other verbal, onaat devarim.

The Difficulties in Explaining the Verses

While the Talmud has provided an explanation for the Torah's repetition of the term onaa to express a second type of prohibition, a number of questions still need to be answered to understand the verses properly. First and foremost, why would this same term refer to two different prohibitions which seem to have nothing in common?

Secondly, though it is understandable that a prohibition of monetary impropriety would be mentioned in the context of selling fields, why would that present an opportunity to teach the prohibition of onaat mamon as well?

Thirdly, the two verses which mention the alternate prohibitions of onaa also have other differences. The verse regarding onaat devarim adds, "And you shall fear your God." Furthermore, the direct object of the onaa differs: the first mention of onaa refers to the victim as "his brother," while the second specifies "his comrade." What is the distinction? What is the Torah trying to teach us?

Essentially, the Torah uses the same terminology to teach two diverse prohibitions, one which seemingly has nothing in common with the laws of yovel, and it chooses to distinguish the two mitzvot through other differences in the verses' language. It would seem that the Torah has what to teach us, but what could it be?

The Severity of Onaat Devarim: "And You Shall Fear Your God"

The Talmud takes notice of some of the distinctions between the two verses and explains that the Torah wishes to indicate the severity of the prohibition of onaat devarim in comparison to onaat mamon.

Rabbi Yochanan said in the name of Rabbi Shimon Ben Yochai: "Onaat devarim is far worse than onaat mamon, for regarding the former, it says, 'And you shall fear your God,' whereas regarding the latter, it doesn't state, 'And you shall fear your God.'"

Rabbi Elazar says that the former is more severe because it affects the individual himself, while the latter affects his property.

Rabbi Shemuel Bar Nachmani adds that regarding the former, restitution is impossible, while regarding the latter, restitution is possible.

The latter two opinions in the Talmud explain the severity of onaat devarim through practical distinctions, personal damage and irreparability. The first opinion, on the other hand, takes note of the Torah's terminology, applying yirat Elokim, the fear of God, to the prohibition of mistreating others verbally. Why is this concept uniquely associated with onaat devarim, making it so severe?

Understanding the root of onaa will help us understand what the two types of wronging have in common and simultaneously enable us to distinguish between them. The fact that the Torah introduces the two prohibitions in the same context and with almost identical terminology seems to point to a similar foundation. But what could it be?

What Stands at the Root of Both Types of Onaa:

The Chinnukh describes the mitzva of onaa as taking advantage of another's weakness.

The Torah commands us not to cause grief to another Jew by way of speech — i.e., not to say to another Jew something that might pain him or aggrieve him when he is incapable of defending himself. (Mitzva 338)

The understanding of the Chinnukh is seemingly echoed by the commentary of Rav S.R. Hirsch, which provides an explanation for the term which makes the connection understandable. He explains the root of the word onaa as "the exploitation of the weakness of man, in order to cheat him," a definition which leaves ample room for two diverse types, commercial and personal.

In commerce, onaa is the exploitation of the other party's ignorance, in order to cheat him… It includes any reduction in quantity or quality of the object… or any kind of fraud…

With this understanding of onaa in mind, Rav Hirsch explains in the coming verse the terminology of onaa regarding hurtful speech.

The preceding verse prohibits onaa in business dealings… Our verse extends the prohibition to onaat devarim. Whoever verbally abuses his fellow violates this prohibition…

In particular, the prohibition of onaat devarim includes wronging another by words when their evil intent is apparent only to God; hence, the verse stresses "And you shall fear your God"…

Onaat devarim and onaat mamon have this in common: in both cases, one exploits another's weakness, his ignorance of the merchandise or his personal sensitivity.

While both forms of onaa involve exploitation of a weaker party, the "And you shall fear your God" clause serves to highlight the distinction between monetary exploitation, which is noticeable, and the kind which can be covered up. As we will soon see, onaat devarim includes a number of subtle actions.

For this reason, the Talmud explains that yirat Elokim is relevant specifically in the cases in which one has the ability to hide his or her bad intentions through false claims of having meant something else; it is specifically in such cases that one will be judged more harshly. The cover-up is a sign of erasing God from the picture.

The connection between the two types of onaa may also be found in the chapter in which the Torah teaches us these two prohibitions, the context of yovel.

Yovel and Onaa

To better understand the law we must analyze it in context. Why would verses discussing yovel be the source of these twin prohibitions?

As mentioned earlier, In Parashat Behar, while discussing the topic of the jubilee year, during which all purchased land must be returned to its original owner, the Torah teaches these two forms of onaa. The Torah demands that any price take into account the temporary nature of the sale. Since the purchase is effectual only until the jubilee, the land's price must be determined based on the number of years remaining until the onset of yovel. It is not only surprising that the Torah forbids onaat devarim in this context, but there is good reason to question even the placement of onaat mamon in this context. Interestingly, the prohibition of onaat mamon doesn't even fully apply regarding the sale of land; in Talmudic terminology, the principle is known as ein onaa le-karkaot. The Talmud (Bava Metzia 56a) derives from the Torah's reference to "buy[ing] from your comrade's hand" that onaa applies only to merchandise transferred by hand, i.e. movable property, not land.

The Ramban notes the glaring irony in this law, given that the Torah introduces this prohibition specifically amidst its discussion of the pricing of lands on the basis of their ultimate restoration in the jubilee year. If onaa doesn't apply to land sales, then why use yovel as the context for teaching the prohibition of onaa?

The Ramban therefore suggests that in truth, the prohibition of onaa applies to real estate, as well, and the Sages exclude real estate only from the rule that a sale is automatically voided if the purchaser pays an exorbitantly high or low sum. In terms of the basic applicability of the prohibition, however, it includes, in the Ramban's view, all types of property and merchandise.

However, the Ramban's comment notwithstanding, why teach the laws of onaa altogether in the context of selling land before yovel, if the laws of onaa do not fully apply in that context?

One might explain that the concept of yovel teaches us the temporariness of property, for which one's acquisition of another's rightful land can last no more than fifty years. If so, hopefully one will think twice before engaging in dishonest business tactics.

When one realizes that his ownership of the land will eventually be terminated, he will refrain from stealing and cheating.

(Melekhet Machshevet, quoted by Nechama Leibowitz)

One might add that understanding that God's system of ownership includes a concept of nachala, land that is set aside for a specific family eternally. The concept of nachala teaches us that property ownership is not all about real-estate value; rather, there is a divine purpose in owning property. One should analyze how his or her property can be used to benefit society, instead of seeing money as the be-all and end-all.

Rav Hirsch explains that the context of yovel also introduces a deeper level. He thus explains the Torah's inclusion of yirat Elokim in this framework:

"And you shall fear your God" is the direct result of shemitta and yovel, as regards the communal life of the people of the land. These laws introduce the name of God into all of commercial life and bring the thought continually to mind that all people live and work together on the soil of God, in the land of God, where God is the master of all property; as tribute, He demands that His rule be implemented in every phase of life.

Rav Hirsch continues by stating that if there is one thing that the sabbatical year, during which one must not work the land, teaches us, it is that God is concerned with the marketplace as well:

God watches over all of communal life, for God does not dwell only in the sanctuary. Rather, He dwells in the midst of the people and blesses its commerce. However, God bestows His blessing only if commerce brings prosperity and happiness to all, only if one does not wrong and aggrieve the other and one does not abuse the position which he has attained to cheat the other. God bestows His blessing only if the truth of all truths, that He is our God, is realized in every phase of our lives, both as individuals and as a nation.

The next verse states that if the Jewish people follow the will of God, we will live securely upon the land. It is the recognition of the conceptual basis of shemitta and yovel, the need to treat others with dignity and to create a spiritual society in all aspects, which ensures the security of the Jewish way of life in the Jewish land. It would also seem that particularly in the Land of Israel, commercial and interpersonal perfection is necessary.

In a similar vein, connecting business with speech is important because people often find themselves in the midst of competition saying things they maybe shouldn't have. On a practical level, connecting the need to conduct oneself ethically in business with the need to watch one's words constitutes an added lesson about keeping one's priorities straight when involved in speech connected to money making.

There might be a halakhic explanation for this interconnection as well. The Ohr Ha-chayim explains that despite the fact that even though ein onaa le-karkaot, there is good reason for the juxtaposition of onaa and land sales. He explains that any case of onaa which, for whatever reason, is not included in the technical definition of onaat mamon —

such as overcharging on real estate — still falls into the category of onaat devarim. Essentially, the two types of onaa are linked in the sense that even if one tries to outsmart the system and overcharge on items in such a way that the sale won't be revoked, the use of sweet talk will ensure that the act will be a violation of the more severe onaat devarim.

Learning by Example

Onaat devarim is unique in the tremendous scope of cases included in the prohibition. The prohibition of onaat devarim is not limited to outright defamation or other forms of clearly harmful speech. In fact, it includes a broad array of cases which one might initially think are not so bad. Any form of causing pain with words is included in the prohibition; the examples extend beyond the expected.

The Mishna (Bava Metzia 58b) lists a number of examples of onaat devarim, one at least that is commonplace even among "good-hearted" individuals:

One should not ask a merchant "How much does this item cost?" if one has no intention of buying it.

The Talmud proceeds to provide examples of onaat devarim, including reminding an individual about a difficult past. This includes reminding a penitent individual about his former lifestyle or misdeeds, reminding a convert about his ancestors' misdeeds or acting contemptuously towards a convert who wants to study Torah.

While these examples are readily understandable, the line to be drawn is not so simple. The Talmud essentially tells us that regarding every individual one interacts with, one has to think twice before speaking, to try and figure out whether their words may strike a negative chord, even unintentionally (sometimes just by reminding one about something "funny" from the past). Mistreatment of others includes not only saying things which are outright negative, but also hurting others by playing on their weaknesses.

Similarly, the Talmud notes that telling people in distress that their misdeeds are the cause of their predicament falls under the same prohibition. At some points, one might mean well, trying to influence others to repent for their misdeeds; however, the severity of onaat devarim is expressed in the fact that one may violate the prohibition even unintentionally (see Sichot Musar of Rav Chayim Shmuelevitz, pp. 328, 447).

Practical Jokes are Halakhically Impractical

The Talmud specifically lists pranks and practical jokes as part of onaat devarim, and the Rishonim add cases of putting people on the spot. The Talmud mentions as an example of onaat devarim directing potential buyers to a merchant who does not sell the object they are interested in buying.

If donkey-drivers seek grain from a person, he must not say to them, "Go to so and so who sells grain," knowing that he has never sold any. (Bava Metzia 58b)

The commentators debate how this falls under the rubric of onaat devarim. The Kesef Mishneh (Hilkhot Mekhira 14:14) quotes two possibilities:

He may have sought to embarrass the presumed vendor who has never sold fodder. This is also Rashi's explanation.

Alternatively, he may have tried to discomfit the donkey-drivers, presuming the merchant would rebuff them by saying: "What have I to do with the sale of fodder!"

Essentially the two opinions debate who the victim of onaa is in this case: the merchant or the drivers. However, the sources indicate that all forms of practical jokes played on others are included in onaat devarim. Yet it is here that the uniqueness of the prohibition really takes shape.

The Rambam (Hilkhot Mekhira 14:14) adds another example:

When asked a scientific question, he should not say to someone ignorant in the field: "What is your answer on this point?" "What is your opinion on this matter?" The same applies to all similar instances.

For all intents and purposes, one must not use his words to hurt others even if their discomfort is only the outgrowth of recognizing their ignorance; similarly, one may not use his words to set up a situation which may lead to the pain of another. The examples of the Talmud are in no way all-inclusive, as the Chinnukh (338) notes:

Nothing should be said to another Jew that may hurt or grieve him or leave him frustrated… but it is impossible to list all the examples.

In fact, while referring to the prohibition as onaat devarim would seem to indicate that words need be spoken to violate the prohibition, it is clear that the prohibition includes other cases as well. Body language, as well as any means employed to be hurtful to another, is encompassed by this transgression.

It's All about Intention

After listing the numerous forms of onaat devarim, including cases where one feigns interest in buying a product he or she cannot afford or has no interest in, the Talmud comments again on the Torah's mention of yirat Elokim in the context of onaat devarim. One must cognizant of the fact that many examples of onaat devarim include cases where one's true intentions are hidden.

For the matter depends on a person's intent, and concerning matters which depend on a person's true intent, the Torah says, "And you shall fear your God."

Rashi explains:

"For the matter depends on a person's intent" — this is why it says "And you shall fear your God"… For one's good nature or bad nature is not discernible, but in the heart of the one performing the action. Are his motives pure or crooked? He may say, "I only acted for the good; I thought that you had produce to sell," or "I honestly intended to buy this product."

For the very reason that onaat devarim is so expansive and includes numerous circumstances where one's verbal abuse is hidden and undetectable to others, the Torah specifies how one needs a special dose of fear of God to overcome the urge to hurt another. When one's bad intentions can be covered up with false claims of having meant something else, one deserves to be treated more harshly. The cover-up is a sign of erasing God from the picture. This is similar to misleading others in the context of yovel, as if one doesn't recognize God's true ownership over the land, which supersedes any human's.

The severity of the prohibition requires that we rethink our interactions with others to determine if any of our actions fall into these categories. Beyond indicating that onaat devarim is more severe than onaat mamon, the Talmud also states that God provides an immediate and direct response to victims of onaa, even when all other avenues of prayer to God are closed. Thus, before speaking, one must think one step ahead and consider in advance whether his or her remarks could cause another person any pain. Certainly one should realize that feigning innocence when using words or body language to hurt another only makes one more deserving of severe punishment.

Personal development is determined not only by one's interactions with others, but by one's behavior bein adam le-atzmo, the type of individual one becomes inside (as discussed in Year 1). What type of person would one be if he or she is constantly searching for avenues to maliciously malign others while hiding behind a guise of good intentions?

Exploiting Weakness

As we saw in the words of the Chinnukh and Rav Hirsch, the essence of onaat devarim is to "aggrieve him when he is incapable of defending himself." Nechama Leibowitz explains that the reason why people behave in this disdainful manner is "the sense of superiority experienced by the one who lectures to his fellow man or preaches to a person in distress" (Iyunim, Vayikra, p. 550). However, weakness manifests itself in many different areas. Onaa can take the form of overcharging those unknowledgeable in business, committing practical jokes against merchants, using nicknames or any of the other examples we have seen.

The Torah teaches that there is no tolerance for mistreating others with words, as God knows our true intentions. The punishment for maltreating others is so severe because one who does so expresses a lack of understanding of all of the messages mentioned above.

The Torah goes beyond warning us about mistreating those who are in a unique position that prevents them from defending themselves; in a number of places, it specifies certain underprivileged individuals who require special treatment with extraordinary care so as not to hurt their feelings. In fact, the Torah requires that we go out of our way to show them compassion.

The unique prohibitions of mistreating the disadvantaged and unfortunate will be discussed next week.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

**Shiur 07: Orphans and Widows —
Sensitivity and Care for the Vulnerable**

Heightened Prohibitions of Onaa

In last week's lesson, we saw the unique laws of onaa, the prohibition of causing pain to others in non-physical ways. We explained that the underlying connection between the various forms of onaa (as related to issues of mamon, money, and devarim, words) is the attempt to take advantage of another's weakness and exploiting another's vulnerability.

Generally, onaat devarim includes practical jokes, misinformation, pointing others in the wrong direction and the like — taking advantage of those who are unable to hold their own in specific circumstances. However, a number of the examples in the Talmud relate to those who are more prone to be vulnerable to others' abuses. For instance, the Talmud prohibits reminding people who are trying to put their pasts behind them, particularly penitents and converts, of their less-than-spotless records.

The Talmud also makes note of other individuals who are in a constant state of vulnerability and therefore must be treated with extra care. The source for a specific focus on the onaa of the weak is reflected in the Torah's singling out of specific individuals who, due to their unfortunate circumstances often feel helpless and depressed, unable to demand or defend their rights. The Torah prohibits afflicting them while simultaneously requiring that they receive preferential kindness. The Torah doesn't stop with a prohibition; it goes on to express the utter disdain that God has for those who violate it and the harshness which will be displayed against perpetrators of this conduct. This message is clear: not only is it forbidden, but it will not be tolerated in any manner.

To better understand the prohibition and the unique outlook the Torah strives to impress upon us, let us take a deeper look.

Women, Spouses and Family Members

Beyond the general context of onaa, there is special attention given to individuals who may be particularly vulnerable. The Talmud (Bava Metzia 59a) emphasizes the specific care one must take towards one's wife:

A person must always exercise care with regard to the onaa of his wife, for since her tears are common, her onaa is common.

The Talmud here appears to acknowledge the particular emotional sensitivity of women, and it therefore urges husbands to exercise extreme care in speaking to their wives. Women's emotional vulnerability, coupled with the ongoing contact and communication between husband and wife, renders the context of marriage particularly susceptible to onaa, and the Talmud therefore issues a specific warning to husbands in this regard.

Rav Avraham Pam is quoted as pointing out that some people are prone to speaking kindly and courteously to everyone except for their own family members. The Talmud wants to teach us that it is specifically in the home where one must work extra hard to ensure one behaves with the same sensitivity that one displays toward strangers.

One may also understand that although the Talmud singles out a wife, this rule would be applicable to spouses in general, even a wife speaking to a husband. The ideal relationship of spouses makes them the closest confidantes and friends. While the Talmud specifically speaks of one's wife, every spouse is uniquely vulnerable to being hurt by the other's insensitivity. The reliance that a spouse has on his or her mate makes avoiding onaa all the more significant, but also much more difficult. Thus, it requires much care and concern.

The general prohibition of onaa, which is aimed at all of society, requires developing sensitivities, especially as regards the weak points of other individuals. One must learn how to ensure that one doesn't act insensitively and hurt another's feelings. While this general prohibition would be sufficient to forbid mistreating anyone, including those who are more easily hurt, the Torah goes out of its way in numerous places to require heightened sensitivity for the individuals who are in a constant state of uneasiness due to their plights. Numerous times the Torah mentions the converts, widows, and orphans; it seeks to educate every individual to the importance of caring for the underprivileged and certainly not aggrieving them. These individuals are often looked down upon, so the Torah stresses its disdain for this form of behavior.

The Torah warns us twelve times to have special consideration towards the orphan (yatom) and the widow (almana). The first such commandment is followed directly by a description of the consequences for society in its entirety if the command is violated.

Do not take advantage of any widow or orphan. If you take advantage and they cry out to me, I will certainly hear their cry. My anger will be aroused, and I will kill you with the sword; your wives will become widows and your children orphans. (Shemot 22:21-23)

Rav S.R. Hirsch (ad loc.) explains the term "take advantage" as "to make someone feel his dependent position, to exploit his weakness and lack of protection," similar to his explanation of onaat devarim (see previous lesson).

While the Torah makes specific mention of the widow and the orphan, the Mekhilta, cited by Rashi, explains that all unfortunate individuals are included in the prohibition.

This is the law for all people. Here the text speaks to the present reality, for these are not particularly strong, and it is common to find them afflicted. However, it applies to all who are bereft of their human protectors and destitute of the physical force to defend their rights.

While the Rambam (Hilkhot De'ot 6:10) seems to focus his understanding of the verse specifically on the widow and the orphan, he also explains that the reason the Torah singles these individuals out is due to their sensitive situation.

A person is obligated to show great care for orphans and widows because their spirits are very low and their feelings are depressed… How should one deal with them? One should only speak to them gently and only treat them with honor. One should not cause pain to their persons with work or aggravate their feelings with harsh words; one must show more consideration for their financial interests than for one's own. Anyone who vexes or angers them, hurts their feelings, oppresses them or causes them financial loss transgresses this prohibition. Surely, this applies if one beats them or curses them.

The aforementioned verses are quite explicit about the unusual harshness that will be meted out to one who mistreats a widow or orphan. Widows and orphans are generally the most vulnerable members of society, having no husbands or fathers to defend them. God therefore declares that He will fill this role. If a widow or orphan is mistreated, God will respond as one would when a member of his own family is abused, with anger and vengeance. As the Rambam continues:

Even though a violator is not liable to receive lashes, the retribution he will suffer is explicitly stated in the Torah: "My anger will be aroused, and I will kill you with the sword." There is a covenant between them and He Who spoke and created the world — whenever they cry out because they have been wronged, they will be answered, as it is stated: "If you take advantage and they cry out to me, I will certainly hear their cry."

Defining the Widow and the Orphan

One might assume that the Torah's specific concern for the widow and orphan should be limited to those who have no means of support, limiting the definition to those orphaned of both parents or those widows who are left poor, without any means of support. The Rambam tells us otherwise. As Rav Hirsch explains, the verse specifies "any widow," for "not only poor widows and orphans, but even rich ones, are exposed to exploitation and maltreatment."

Regarding the financial situation of the widow or orphan, the Rambam (ibid.) writes:

A person is obligated to show great care for orphans and widows because their spirits are very low and their feelings are depressed… This applies even if they are wealthy. We are commanded to do so even for a king's widow and his orphans, as it is stated, "Do not take advantage of any widow or orphan."

Regarding the inclusive definition of one orphaned of either parent, he writes:

This applies to those orphaned either from their father or their mother. Until when are they considered orphans in this context? Until they no longer need a mature individual to support, instruct and care for them and they are able to see to all their own needs by themselves, like other adults.

Rav Hirsch explains that the Torah's terms "yatom" and "almana" expresses their condition:

"Almana" comes from the term for mute, and "yatom" is related to roots which mean to mutilate or cut off. The widow has lost her mouth along with her husband, having nobody to speak for her any longer. The orphan… has been cut off from protection.

Understanding the Verses

Further analysis of the verses in Shemot reveals a number of difficulties regarding the simple understanding. The Torah introduces the prohibition in the plural, and then it immediately turns to the singular. In the next verse, it returns to the plural. Whom is the Torah addressing? Why is the audience constant changing?

The Mekhilta makes note of the changing terminology in the verses and also comments on the double conjugation of the verb "to take advantage".

The latter is initially expounded "whether a grievous affliction or a trivial one," followed by a second opinion that "the doubling teaches us that one is not culpable until he takes advantage once and then repeats his offense."

The Ibn Ezra explains that the verse uses this style in order to indicate that the prohibition includes not only active violators, but anyone who stands idly by.

The text first states: "Do not take advantage," in the plural, and then switches to "If you take advantage." Whoever sees a person afflicting an orphan or widow and does not succor them, he also is counted as an afflicter. Now the punishment meted out when one is guilty of afflicting and no one intervenes applies to all; for this reason, the text continues: "My anger will be aroused, and I will kill you with the sword" — all of you.

The implications of the Ibn Ezra's understanding are frightening. It is insufficient to prevent oneself from hurting others; even standing by without protest is included in the prohibition. Here the obligation to care for the weaker strata of society is magnified; avoiding hurting their feelings is not sufficient. One must do all he can to prevent their abuse, lest his passive standing will make him an accessory to the crime. By allowing iniquity and injustice to prosper, the Torah maintains, he makes himself an accomplice.

Rav Hirsch continues with an explanation of the rationale:

In most countries, aliens are discriminated against and deprived of their rights by law. For this reason, the previous verse, speaking of converts, is phrased in the singular, warning the Jewish state to shun this practice. By contrast, it is hard to find a legal system that discriminates against widows and orphans. However, in social relations and gatherings, they have no one to stand up for them, to support them, to guide them; and so, they are subject to discrimination and humiliation. Hence, in their case, the Torah addresses society as a whole, warning it not to exploit them or make them feel the weakness of their predicament.

Thus, the vulnerable are not discriminated against by law as much as by people in the community, often the most powerful individuals. God does not want to be the only protector of the weak; He wants man to do the same.

Why the Severity?

As the Torah stresses, God will personally punish anyone who mistreats the vulnerable members of society. We must then ask the following question: what is so severe about poking fun at the desperate that deserves such harshness?

The Chinnukh (Mitzva 338) points out that although there are no lashes for the violation of onaat devarim, God has many other means which He employs to punish those who afflict others. The Peleh Yoetz (Onaa) advises that in order to ensure that one doesn't hurt another's feelings, one should always think what would annoy him or her and refrain from doing it to others. Understanding that even a small thing may cause untold pain to another should be sufficient to remind everyone to be "very cautious" in all their actions.

The Maharal (Netivot Olam, Ahavat Reia) explains the rationale behind God's harsh reaction to onaat devarim. Unlike physical abuse which hurts one's body, the pain caused by onaa goes straight to one's nefesh (soul). God shows extra concern for the nefesh of His people and therefore treats the affliction of the soul with the severity that the verses describe.

Rav Baruch Simon (Imrei Baruch, Shemot p. 139) takes these ideas one step further and explains that one who afflicts widows and orphans is rebelling against God, who describes Himself as (Tehillim 68:6) "the father of orphans and the judge of widows." By the same token, God takes particular interest in all vulnerable individuals and views any attack against the weak as an affront and rebellion against the Kingship of Heaven.

The Cry and the Punishment

The understanding of the reasons for the severity of the prohibition will also help us understand another difficulty with the text. The middle verse seems to be thematically incomplete. Literally, it read:

If you take advantage, for (ki) if they cry out to me, I will certainly hear their cry.

Rashi explains:

This is an elliptical phrase which leaves the penalty and consequence understood… It is as if it were to say: you will suffer in the end. Why? For they will surely cry out to me.

The Be'er Yitzchak (quoted by Nechama Leibowitz, Iyunim, p. 393) explains Rashi's comment that the Torah is using the language of the man in the street. The Torah wishes to emphasize the gravity of hurting the weak and defenseless. The pity and indignation aroused by that scene is too difficult to be expressed in words; therefore, the Torah does not complete the sentence.

The Ramban argues with Rashi and explains that the verse isn't an incomplete sentence; rather, it is intended to teach us that God's intervention will come immediately in response to a situation which brings a victim to cry out, without any need to wait.

The word "ki" implies that if you afflict him, he has only to cry out to me, and I will immediately hear his cry. He stands in need of nothing else; because I will save him and exact vengeance for him from the persecutor. You oppress him because he has no defender, but in reality he will be helped more than any other person. For though other people go to great lengths to find champions to exact vengeance, these often aren't helpful. But this one — his very cry will be saved by God, and He will take vengeance from you, for God avenges wrong and scourges the guilty with His wrath.

God's vengeance is described in the verses as expressing itself with a difficult punishment.

My anger will be aroused, and I will kill you with the sword; your wives will become widows and your children orphans.

Rashi explains that the verse contains more than one punishment:

From the implication of what is said — "and I will kill you" — do I not know that your wives will be widows and your children orphans? Rather, this is another curse, namely that the wives will be bound in living widowhood; there will be no witnesses to their husbands' deaths, and thus they will be forbidden to remarry. The children will be orphans because the court will not allow them to have their fathers' property, since they do not know whether they died or were captured.

The Ramban points out that despite the Torah's explicit mention of a punishment of death for one who afflicts these vulnerable individuals, it is still not mentioned in the exhaustive list of acts for which one receives death at the hands of the Heavenly Court (listed in Sanhedrin 83a). He explains that the verse differentiates this death "for here the death is not like other deaths by the hand of Heaven; rather, the individual will be killed by the sword in battle, and his wife and children will not know and will become widows and orphans."

The Power of a Cry

The Meshekh Chokhma explains this slightly differently. This death is not similar to other cases of divine capital punishment, and it is therefore not listed with them.

Here it states: "For if they cry out to me" — only if the victim cries out will the offender be punished, but if the former doesn't cry out… the latter will only receive a punishment, but not death by the sword.

The Meshekh Chokhma goes on to explain that it is actually dangerous to scream out to God against another, as the Talmud (Bava Kama 93a) states that one who invokes the wrath of Heaven may expect to be punished for his or her own sins first. Therefore, it is ideal that the victim not seek that God punish the oppressor with death.

The idea of God hearing the pain of those who have been mistreated and the severe punishments He will inflict upon hearing the cry of the troubled is not a new idea. The destruction of Sedom occurs after God comes to hear the cry of the city (Bereishit 18:21), and the brothers of Yosef (ibid. 42:21) fear that their own misfortunes are recompense for their failure to respond to their brother's cries:

They said to one another, "Indeed we are guilty concerning our brother inasmuch as we saw his heartfelt anguish when he pleaded with us and we paid no heed; that is why this anguish has come upon us."

Rav Hirsch explains how intent God is on hearing and acting on the cry of the one who is wronged and has no one else to turn to. He explains that the verse warns both leaders and the public.

Woe to you, state leaders, if the state as well ill-treats them and makes them feel the pain of having lost their defenders and supporters. Woe to the state whose widows and orphans suffer among the people, where even the official public representatives do not stand up for them and uphold their rights… Woe to you if their only resort is to cry out to Me; for I will surely hear their cry; I will make the state and the society pay dearly for it, if their weakest members must appeal to Me to find justice.

The Implications

The implications of this mitzva obviously require that one refrain from hurting others' feelings, especially those of widows and orphans, family members and other vulnerable individuals. The Ibn Ezra points out that one is also held accountable for failing to react and come to the rescue of those who are discriminated against. Therefore, avoiding the prohibition of onaat devarim also requires that one who sees a situation of injustice, especially one in which orphans, widows or any others unable to protect themselves are being victimized, must get involved. This would seem to indicate an obligation to take action on the behalf of a woman refused a divorce and others subjected to abuse.

Rav Hirsch's description of the societal focus of the verses also must lead us to ask if we have created a society of justice which serves to ensure that the underprivileged are taken care of. Understanding the Torah's concern for the underprivileged should reframe our state of mind. It is insufficient to merely provide financially for the poor; one must try to boost their spirits, to give life to their nefesh.

In truth, cries come in many different forms. HaRav Yehuda Amital founded Yeshivat Har Etzion with the message of the need to "hear the cry of the infant" (Jewish Values in a Changing World, p. 157), which he interprets thusly:

It is important that in every society and in every family there be those who feel that the burden of society or the family rests upon their shoulders, and as a result they will initiate and organize activities on behalf of the community. Various obligations fall upon the community, both interpersonal matters and matters between man and God. In order for these obligations to be fulfilled, individuals must step forward and assume the responsibility of seeing that they are executed. It is a bad sign for any association of people if none of its members are willing to assume this role.

Simultaneously, the mitzva seems to increase our sensitivity to others' needs, to care for those who are suffering from depression or just plain vulnerable. If one realizes that he or she has said something hurtful to another, even unintentionally, the speaker must try to placate the sufferer, for it is the victim who determines whether speech (or action) has been harmful or not.

By paying attention to the plight of others who are less fortunate, one not only recognizes Judaism's care for the underdog; one may come to recognize a certain closeness of those in pain to the Almighty — "but in his loneliness, he met the Lonely One" (Rav Soloveitchik, "The Lonely Man of Faith," XI).

Modeling Ourselves after God

One of the fundamental principles of Jewish ethics is "Ve-halakhta bi-drakhav" (see Year 1, Lesson 4), modeling our behavior after that of God. God takes specific care to help the underprivileged and listens to their calls. This idea is expressed in the verse in Yeshayahu (57:15), "I dwell on high, in holiness, yet with the despondent and lowly of spirit, to revive the spirit of the lowly and to revive the heart of the despondent." A similar verse in Tehillim (34:19) declares, "God is close to the brokenhearted, and He brings salvation to the despondent of spirit."

Whereas our instinct is to look upon the poorest citizens as the least important and valuable members of society, the Torah admonishes us to do just the opposite, to relate to them with honor and distinction. The Almighty "dwells," as it were, among the "lowly of spirit," the disadvantaged members of society.

One finds that a mention of God's greatness is always coupled with a description of His care for the underprivileged. The Talmud in Megilla (31a) states:

In every place that you find God's greatness, you also find His humility. This idea is found in the Torah and reiterated in Neviim and again in Ketuvim. It is written in the Torah (Devarim 10:17) "For Lord your God is the God of gods and Lord of lords, the great and mighty and awesome God Who shows no favor and takes no bribe." The next verse continues, "He does justice to the orphan and widow and loves the stranger, providing him food and clothing…"

The Talmud continues to quote verses, such as the one in Yeshayahu, which reiterate this point. Any verse proclaiming the greatness of God also makes mention of His providing for the needy and vulnerable. One who wishes to follow in the footsteps of God's greatness must also realize that an element of His greatness is His commitment to the needy of society, not only physically, but emotionally as well. The prohibitions of onaa, specifically the verses which make special note of the vulnerable, are to teach us to mold our behavior after God's true greatness.

By doing so, we can also achieve true happiness (see Year 1, Lesson 20) as the Rambam describes the ultimate joy that one may achieve on Purim (Hilkhot Megilla 2:17):

Indeed, there is no greater and more splendid happiness than to gladden the hearts of the poor, the orphans, the widows and the converts.

One who brings happiness to the hearts of these unfortunate individuals imitates the Divine Presence, of which it is stated: "To revive the spirit of the lowly and to revive the heart of the despondent."

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 08: Onaa of a Ger

How to Treat a Ger

In last week's lesson we noted the unique prohibitions attached to the abuse of the vulnerable members of society, particularly orphans and widows. In the same context where the Torah makes explicit mention of orphans and widows, the Torah adds a requirement to treat gerim (singular, ger) exceptionally well. The term "ger" literally means "sojourner," as opposed to a native-born citizen. In Tanakh, the word may be translated as alien, foreigner or stranger. Halakhically, there are two types of gerim: the ger tzedek is a convert to Judaism, while the ger toshav is a non-Jew living in Israel who abides by the Noahide laws but not by other mitzvot, such as keeping kosher and observing Shabbat see Avoda Zara 64b). Colloquially, the term ger on its own refers to the former.

Two prohibitions are recorded and repeated in the Torah about mistreating gerim, and elsewhere there is a requirement to love gerim as well. What are these two prohibitions? Why is the abuse of gerim forbidden numerous times in the Torah? Why must we love gerim? What overall messages do these mitzvot have for us?

Immediately preceding the verses we analyzed last week, which prohibit mistreatment of widows and orphans, the Torah states:

You shall not wrong a sojourner, nor shall you oppress him, for you were sojourners in the land of Egypt. (Shemot 22:20)

Here the Torah not only states the prohibition but the reasoning as well, "for you were sojourners in the land of Egypt." Of significance is also that the verse is stated in plural and indicates that there are two separate prohibitions: onaa (wronging) and lachatz (oppression).

A little later on, the Torah (23:9) repeats this in a similar form:

You shall not oppress a sojourner, as you know the soul of the sojourner, for you were sojourners in the land of Egypt.

Besides these verses, the special care one must have for gerim is repeated numerous times in the Torah. In fact, the Talmud (Bava Metzia 59b) points out that the Torah cautions us no less than thirty-six times regarding our behavior towards the ger.

The Torah does not limit its approach to our interactions with gerim to the prohibitions of mistreating them; the Torah (Vayikra 19:33-34) also commands us to loving gerim.

If a sojourner sojourns amongst you in your land, you shall not wrong him. A sojourner who sojourns amongst you shall be for you like a citizen from among you, and you shall love him as yourself, for you were sojourners in the land of Egypt; I am Lord your God.

This idea is repeated again in Devarim, when Moshe speaks about the greatness of God alongside His meticulous care for the weak members of society (10:17-19):

For Lord your God is the God of gods and Lord of lords, the great and mighty and awesome God Who shows no favor and takes no bribe. He does justice to the orphan and widow and loves the sojourner, providing him food and clothing. You shall love the sojourner, for you were sojourners in the land of Egypt.

Understanding the Verses

These mitzvot presents a number of difficulties, both conceptually and contextually. For starters, at first glance there seems to be no need for these mitzvot at all. This is not because one should be allowed to mistreat the ger and has no need to love him; rather, it is obvious because the Torah has already addressed the issue. There is a mitzva that applies to all Jews that requires one to refrain from onaat devarim (see our last two lessons); similarly, there is a general mitzva to love all Jews as oneself, "Ve-ahavta le-reiakha kamokha." Why should a ger be any different?

Furthermore, even if we can explain the need for these mitzvot, why must they be repeated so many times in the Torah? What is to be added by repetition, and what do the discrepancies in the different accounts of the mitzvot have to teach us?

The verses regarding the mitzvot also leave a number of questions that need to be resolved. Who is the ger described in the Torah? Is this a ger tzedek, a ger toshav or possibly both?

Additionally, what is the meaning of the justification "for you were sojourners in the land of Egypt"? Why does this rationale accompany both the prohibition of mistreating the ger and the mitzva to love him?

Lastly, how should we define the terms used by the Torah? Two terms are used, sometimes in the plural and sometimes in the singular form, conjugation of onaa and lachatz. What do they include?

In short, why do we need these mitzvot altogether, and what can be gleaned from the Torah's unique formulations of this oft-repeated issue?

Who is the Sojourner?

Who is the ger? The literal meaning of ger would seem to include even a ger toshav. Nevertheless, although in certain contexts the Torah is clear that the word ger refers to the resident alien, our Sages explain that in the aforementioned texts, detailing these unique mitzvot, the word ger means a ger tzedek, a convert who has joined the Jewish people through (circumcision and) immersion and who has accepted all of the Torah's commandments.

This understanding is particularly interesting in light of the reasoning stated in the verse, "for you were gerim in the land of Egypt;" this would seem to apply to all who live in a foreign land.

Furthermore, Avraham is told at the Covenant of the Parts (Bereishit 15:13), “Your seed will be a ger in a land that is not theirs,” referring to our status during our sojourn in Egypt as that of gerim.

Thus, the simple meaning of the verse seems to indicate that any foreigner who comes to dwell in our land must be loved and not mistreated. However, our Sages explain that these mitzvot refer specifically to the ger tzedek. So says the Mekhilta (Nezikin 18):

Beloved are the gerim, concerning whom God adjures in many places: "You shall not oppress a ger;" "You shall not wrong a ger;" "You shall love the ger;" "As you know the soul of the ger."

Why do the Sages explain the special obligations towards a ger as applying only to a ger tzedek and not to all gerim? (See Rav Yehuda Rock’s VBM shiur discussing these issues.)

Certainly, in some contexts, it makes sense to understand the word ger as referring specifically to a convert. For instance, the Torah (Vayikra 25:35) describes the need to help support those who are poor in the community:

If your brother grows poor, and his means fail with you, you shall support him — a ger or a toshav — that he may survive with you."

The Torat Kohanim (ad loc.) explains the distinction between the two individuals:

"Ger” – this means a ger tzedek; “toshav” – this means a carcass-eating ger.

The “carcass-eating ger” is, of course, the ger toshav, who may eat of any dead animal by Noahide law, as these verses discuss. One is required to sustain a ger toshav, but his status is different than that of a ger tzedek. As the former is not a Jew, though he or she may truly be a sojourner in the land, a ger toshav has a different relationship with the citizenry. A ger tzedek is someone unique, someone who requires extra-special treatment, not only to be sustained when in dire distress.

Thus, for our purposes, the ger under discussion is a ger tzedek. Nonetheless, one certainly gets the impression that the Torah’s use of this ambiguous terminology, which could refer to a stranger or foreigner, when discussing the convert is meant to indicate something about the nature of the mitzva. What exactly are we meant to derive from this?

The Need for Specific Mitzvot

Ostensibly, the Torah has no need to prescribe specific behavior regarding converts; they are no different from any other Jews. They should be subsumed under the mitzva to love one’s neighbor and the general prohibition of onaat devarim.

In fact, the Chinnukh and the Rambam both indicate that one who transgresses either of the two commandments relating to the convert actually commits a double violation: one of the specific commandments relating to the sojourner and another of the parallel general commandment relating to all Jews. The Rambam (Hilkhot De'ot 6:4) states:

Love for a ger who has come under the wings of the Divine Presence comprises two positive commandments: one, because he is now among one’s fellows; and the other, because he is a convert, and the Torah says, "You shall love the ger."

The commentators note the peculiarity of a duplicative mitzva; one wonders what is to be added by these specific mitzvot.

There are essentially two assumptions that our question rests upon. Firstly, we assume that these mitzvot merely reiterate the general commandments applicable to everyone else. Secondly, we assume that there is no reason to single out gerim and explicitly obligate people to treat them the way others are treated.

Evidently, to understand the Torah's innovation regarding gerim we will have to reject one of our assumptions. Either we must find that these mitzvot do not merely restate general requirements but come to add a unique application specifically as relates to the ger, or we can attempt to explain why there is a specific need to repeat these identical mitzvot particularly in respect to the ger, clarifying why one might either have thought they should not be applicable or have been negligent in fulfilling their requirements. In fact, our analysis may bring us to the realization that neither of our assumptions is correct: in fact, we may find, there is a need to address specifically the ger, who is prone to being mistreated, and has a unique nature due to his past; furthermore, beyond reiterating the basic requirements, the Torah may add a whole new dimension to our relationship with gerim, requiring special treatment, as we will see.

Defining Onaa and Lachatz

Firstly, in terms of defining the exact parameters of the prohibitions of mistreating the ger, we must define the terms. The first verse we cited teaches us two prohibitions. What is the difference between them?

The Mekhilta distinguishes between onaa and lachatz.

"You shall not wrong a sojourner" — with words; "nor shall you oppress him" — in monetary matters.

The exact meaning of lachatz is still a little unclear, and this leads the Yere'im to offer a profound understanding.

The Yere'im (Ch. 181) attempts to prove from the Talmud that lachatz is a more general concept regarding our treatment of the ger.

I do not know what is meant by lachatz. However, the Talmud quotes a beraita teaching that one who oppresses a ger violates three prohibitions, among them… "Do not act as a creditor to him" (ibid. 22:24), which Rav Dimi understands in the Talmud as applying even when one passes by the debtor without the intention of being seen as a creditor… We may derive from this that the nature of the prohibition of lachatz demands that one deal with the ger in a manner which is above the letter of the law and not stick to strict justice; nor should one attempt to find loopholes that might trouble the heart of the ger.

According to this explanation of the Yere'im, the mitzva requires that all one's dealings with gerim, in monetary and other matters, be with an added sense of compassion. A native-born Jew must never seek to attain his or her due in a way that may impinge on a ger's happiness. Similarly, in our next lesson, we will see what is added by the obligation to love the ger above and beyond the general obligation to love one's fellow Jew.

The Uniqueness of the Ger

Regarding our second assumption, that gerim need not be singled out, the commentators offer a number of explanations of why they might need special treatment or at least a special reminder to treat them properly.

Firstly, the Torah often groups the ger with the orphan and the widow, and essentially, a ger could be considered both and then some. If so, the special mention of gerim can be understood, as we explained in our last lesson, as pointing to the vulnerability of gerim, which allows others to easily take advantage of them. For this reason, the Torah informs us that just as orphans, widows and other defenseless individuals must be treated properly, so too gerim must be dealt with appropriately.

The commentators note that the various verses repeated in the Torah specify the sundry contexts in which one may be prone to discriminate against the ger.

The Rashbam explains that the first verse prohibits insulting references to the ger's non-Jewish origins, and the second verse comes to prohibit forcing a ger to do one's own work, as the former has no protector.

Furthermore, other verses focus on not being prejudiced against a ger in a lawsuit.

While the vulnerabilities of orphans and of widows are obvious, that of gerim is not. For this reason, the commentators (Shemot 22:20) attempt to explain why gerim should be treated similarly.

The Ibn Ezra explains:

The reason for the prohibition "You shall not wrong a sojourner"... is that he has no family roots.

Just as the orphan and widow lack family structure and support, the ger has also left his family by joining the Jewish people and has no one to share his burden.

Rabbeinu Bachya similarly explains:

In several places in the Torah God warns regarding the gerim, because the ger finds himself alone in a foreign land.

The ger has left his homeland as well as his family, and the Torah commands that the community provide the social network and love that he is missing.

On a practical note, the Chizkuni notes that it is easy to deceive gerim, as they are unfamiliar with the local customs

Along the same lines, Rav S.R. Hirsch notes that the constant switching in the verse between the plural and the singular would seem to indicate something about the nature of the prohibitions.

In our opinion, when the Torah uses the singular, it is always addressing either the individual as such or the nation as a whole community, whereas the plural is used to address the nation as a plurality of members, individuals in the context of their social lives and social involvement… Accordingly, here the admonition against wronging the stranger is directed primarily to the state.

The state must not practice onaa against the stranger; the state must not impose on him heavier taxes or grant him fewer rights than it grants the native-born, just because he is a stranger. "Nor shall you oppress him" indicates that the state must not, in any way, restrict him in his efforts to gain a livelihood.

Besides the need to strengthen the prohibition as it applies to someone who is prone to be taken advantage of, the Talmud relates two different understandings as to why gerim require a special prohibition.

Rabbi Eliezer the Great said: "Why did the Torah admonish us about the convert in thirty-six" —or as others say, in forty-six — "places? This is because he has a strong inclination towards evil." (Bava Metzia 59b

Evidently, Rabbi Eliezer the Great understands that the Torah is concerned that mistreating the ger might cause him to second-guess his original decision, abandon his Judaism and revert back to his old way of life.

"For You Were Sojourners in the Land of Egypt"

"For you were sojourners in the land of Egypt" is used not only to justify the positive commandment to love the sojourner, but also to justify the prohibition of maltreating him. A careful reading of the verses will allow us to take note of the slight variations in the reasons providing by the Torah for these mitzvot of the ger.

Let us consider the two verses in Shemot, 22:20 and 23:9:

You shall not wrong a sojourner, nor shall you oppress him, for you were sojourners in the land of Egypt.

You shall not oppress a sojourner, as you know the soul of the sojourner, for you were sojourners in the land of Egypt.

Similarly, regarding the obligations to love gerim in Vayikra (19:34), the same rationale, "for you were sojourners in the land of Egypt,' is repeated.

The Ibn Ezra (ad loc.) provides the simplest explanation: "for you were sojourners in the land of Egypt" obliges us to remember what it was like when we were foreigners, thereby enabling us to empathize with the strangers in our midst.

The Ramban, however, offers a totally different approach. In his explanation, he further elaborates on the issue of how a verse referring specifically to our being sojourners in Egypt can act as a source for restricting the verse's special treatment to a ger tzedek and not extending it to all gerim.

There is no reason why all gerim should be included here because of our having been gerim in the land of Egypt. Furthermore, there is no reason why they should be assured forever against being wronged or oppressed because we were once gerim there...

The correct interpretation appears to me to be that He is saying: do not wrong a ger or oppress him, thinking as you might that none can deliver him out of your hand — for you know that you were gerim in the land of Egypt. I saw your oppression at the hands of the Egyptians, and I took up your case against them, because I behold the tears of those who are oppressed and have no comforter.

I deliver them from those who overpower them. Likewise, you shall not afflict the widow and the fatherless child, for I will hear their cry, for all these people do not rely upon themselves, but trust in Me.

Thus, the Ramban understands this verse not as a rationale for empathizing with the ger, but rather as a reminder of God's punishing the Egyptians for their failure to treat the Jewish strangers in their land properly. The same fate will befall any abuser, because God will not tolerate the maltreatment of the ger.

Memory and Mistreatment

The above-cited passage (Bava Metzia 59b) continues by providing a novel explanation of the verse:

"What is the meaning of the verse 'You shall not wrong a sojourner nor oppress him for you were sojourners in the land of Egypt'? It has been taught: "Rabbi Natan said: 'Do not taunt your neighbor with the blemish you yourself have.'"

Rashi echoes this idea in his commentary on the verse:

"For you were sojourners" — if you hurt him, he too is able to hurt you and to say to you: "You are also descended from gerim."

At first glance, the rationale seems rather strange. However, the Torah seems to be providing a deep lesson in human interaction, which is noticed by the Talmud in other places as well: it is often particularly the things that one is himself guilty of that he finds offensive in others.

The Talmud (Kiddushin 70a) sets down this principle regarding those who marry forbidden people and are genealogically unfit:

Whoever declares others unfit is himself unfit, and such a person never speaks in praise of others. Shemuel says, "He declares them unfit with his own blemish."

The statement of Shemuel, that one who regularly demeans the pedigree of others reveals himself to be genealogically blemished, is applied by a number of sources in other contexts. Often people who are hiding an imperfection attempt to compensate by accusing others of that same fault. Here, regarding gerim, the Torah teaches us this lesson: before poking fun at someone else, we must search ourselves, for what bothers us in others is usually found in ourselves as well.

Judaism is keenly aware of human nature, of our tendency to quickly forget, in a period of plenty, that not so long before we were in a completely different position, suffering, lacking. Nechama Leibowitz (Iyunim, Shemot, pp. 383-385) provides a brilliant insight in this regard, noting that people have a short memory and are often quick to dismiss others who act just as they once did. She makes note of the textual variations in the reasons we must be cautious not to mistreat gerim, drawing particular attention to the two divergent explanations provided by Rashi in his commentary on the Torah.

The memory of bondage and exile is regarded here (23:9) as acting as a protective shield against the evil impulses of lordship and dominion, the temptation to exploit and oppress on the part of the self-supporting respectable citizen, who himself was once a slave and exile, who now wishes to lord it over those who are now sojourners in his country…

However, memory of one's own humiliation is no guarantee that one will not oppress the sojourner when one has gained independence… Do we not find the opposite to be the case? The hate… experienced in the past does not act as a deterrent… Rather, it fuels the intolerance of the newly liberated towards the sojourner. Sometimes one who harbors the memory of suffering finds compensation for his former sufferings by giving free reign to his tyrannical instincts and lording over others.

For this reason we have the double motivation in the verses and the two different explanations of Rashi for the two respective passages. Some will be sufficiently moved by the memory of their experiences of oppression at the hands of others… "as you know the soul of the sojourner"… On the other hand, those not prompted by their own experiences of similar suffering to act kindly towards the sojourner in their midst will at least be influenced by the argument of the victim of their oppression: if you wrong him, he will wrong you back.

Not Only the Ger

Rav Hirsch notes that the special treatment mandated for gerim teaches us something significant regarding our general outlook on life. He notes that the Torah seems to link mistreatment of gerim with sacrificing to other gods. The paragraph begins (Shemot 22:19-20)

He that sacrifices to any god other than God shall be destroyed. You shall not wrong a sojourner, nor shall you oppress him, for you were sojourners in the land of Egypt…

Rav Hirsch offers a unique understanding of the connection, pointing out that the first verse states that one who sacrifices to other gods loses his right of existence in the Jewish community; it is followed by the need for special treatment for those who begin as heathens but attach themselves to Judaism.

By the juxtaposition of these two verses, the great, fundamental rule, oft-repeated in the Torah, is laid down: the rights of humanity and citizenship come not from race, descent, birth, country or property, nor from anything external or due to chance; they emanate simply and purely from the inner spiritual and moral worth of a human being. This basic principle is further ensured against neglect by the additional motive "for you were sojourners in the land of Egypt." Here it says simply and absolutely, "for you were sojourners in the land of Egypt" — your whole misfortune in Egypt was that you were foreigners and aliens there. As such, according to the views of other nations, you had no right to be there, had no claim to rights of settlement, home or property. Accordingly, you had no equal rights to invoke against unfair or unjust treatment. As aliens, you were without any rights in Egypt, and out of that grew all your slavery and wretchedness. Thus, the Torah admonishes us to avoid making rights in our own state conditional on anything other than the simple humanity which every human being, as such, bears within him. With any limitation of these human rights, the gate is opened to the whole horror of Egyptian human-rights abuses.

With this understanding, we can approach the opinions which include any stranger in the category of the ger. The Chinnukh (Mitzva 431) expands this prohibition beyond gerim:

It is incumbent upon us to learn from this precious commandment to take pity on any person who is in a town or city that is not his native ground and not his ancestral home.

Let us not maltreat him in any way, finding him alone, with those who would aid him quite far from him, just as we see that the Torah adjures us to have compassion on anyone who needs help. With these qualities we will merit to be treated with compassion by the Holy One, Blessed be He.

The Torah gives the reason for the command: "for you were sojourners in the land of Egypt." It thereby reminds us that long ago we were scorched by that great pain that comes upon every person who sees himself among alien people in a foreign land. Remembering the great anxiety we felt in the past… will move us to compassion for every person in a similar situation.

Our special connection to gerim should not stop there. It should instill in us greater compassion for others in difficult circumstances and provide for us the historical awareness that we felt similar pain.

We have focused our analysis on explaining the Torah's additional prohibitions regarding mistreating gerim. In our next lesson, we hope to look at the flipside, the unique mitzva of loving gerim. By doing so, we hope to elucidate the uniqueness of the ger, who is, after all, not so different than us, as we were also once "gerim in the land of Egypt." Understanding the mitzvot related to gerim will also provide for us a new outlook on the way we treat others and look at ourselves.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 09: Ahavat Ha-ger

Loving the Ger

In last week's lesson, we began to analyze the unique prohibitions related to the ger — literally “sojourner” or “stranger”, but primarily referring to the ger tzedek, the righteous convert. Aside from these injunctions, the Torah also formulates, in two separate instances, a positive commandment of ahavat ha-ger, loving the ger. The commandment is rather strange; isn’t there an obligation to show love (ahava) to every Jew? What is added by a specific commandment to love the ger, and what is its unique message?

In order to understand this mitzva we have to analyze the unique predicament of the ger. Our analysis will take us beyond the realization that the ger is unique in the way we must treat him; the situation of the ger teaches a profound lesson to all those born Jewish, how we are to look at ourselves and Judaism in general.

The obligation to love the ger first appears in Vayikra 19:33-34, alongside the prohibition of onaa:

If a sojourner sojourns amongst you in your land, you shall not wrong him. A sojourner who sojourns amongst you shall be for you like a citizen from among you, and you shall love him as yourself, for you were sojourners in the land of Egypt; I am Lord your God.

The Torah also provides the reasoning discussed in our last lesson: "for you were gerim in the land of Egypt".

This obligation to love the ger is repeated in Devarim (10:17-19):

For Lord your God is the God of gods and Lord of lords, the great and mighty and awesome God Who shows no favor and takes no bribe. He does justice to the orphan and widow and loves the sojourner, providing him food and clothing. You shall love the sojourner, for you were sojourners in the land of Egypt.

It is interesting to note the different contexts of these two mentions of the obligation to love the ger. (See the Virtual Beit Midrash article by Rav Tzvi Shimon, entitled "Love of the Ger", which points this out and provides a very detailed outlook of the Torah passages discussing love of gerim). The verses in Devarim group gerim with orphans and widows. This seems to indicate that there is a fear that gerim might be mistreated, as they are usually in a similar position of vulnerability. However, the verses in Vayikra group the ger not with the unfortunate, but with the lofty members of society, who are worthy of special treatment.

You shall rise before the aged and show deference to the old, and you shall fear your God; I am God. If a sojourner sojourns amongst you in your land, you shall not wrong him… (Vayikra 19:32-33)

The juxtaposition of the ger here with the elderly, rather than with the orphan and the widow, that he is often grouped with, suggests an additional element to the obligation to love the ger.

In fact, in the Midrashic exposition of these verses also seems to capture the same duality. On the one hand, there is the difficulty of the decision to follow in the footsteps of Avraham, leaving one's family and homeland to follow God; on the other hand, there is the privilege earned by the personal affirmation of God's authenticity and the desire to follow in His path. The commandment to love gerim and not just to refrain from mistreating them indicates that the Torah does not merely seek to stop those who might take advantage of gerim; it wants us to recognize something great in them as well.

The Need for a Command

In last week's lesson, we questioned the need for an additional mitzva requiring us to love gerim, as they should be subsumed under the general obligation to love one's fellow Jew. We pointed out that the commentators often respond to questions such as these by explaining that one might have thought that the given obligation would not apply or one might have been negligent in fulfilling the responsibility. Alternatively, the commentators clarify that there is, in fact, no repetition at all: the mitzva is not being repeated, for though a given command may seem familiar, it introduces an additional element.

A careful reading of the Rambam's words indicates that he clearly sees the obligation of loving the ger as providing an additionally significant element beyond the general mitzva of loving all Jews. The Rambam (Hilkhot De'ot 6:4) points out that by loving gerim, one fulfills two mitzvot: the general commandment 'You shall love your fellow as yourself' (Vayikra 19:19) as well as the specific "You shall love the ger."

However, the Rambam continues with a very startling statement:

God has commanded us concerning ahavat ha-ger just as He has commanded us concerning loving Himself, as it states: "You shall love Lord, your God" (Devarim 11:1). The Holy One, Blessed be He, Himself loves gerim, as it is stated: "and loves the ger" (ibid. 10:18).

The Rambam similarly remarks in his Sefer Ha-mitzvot (Positive 207) where he explains that though gerim are included in "Ve-ahavta la-reiakha kamokha," still there is a separate mitzva to love them as well. Here, the Rambam explicitly adds that the mitzva to love gerim requires a heightened form of love:

Because he adopted our Torah, God enjoined more love for him, and added a special commandment regarding him, just as in the case of the admonition against wronging him… In many Midrashic sources, it is pointed out that God has commanded us regarding the ger similar to the way He has commanded us regarding Himself, by saying "You shall love the Lord, your God" and "You shall love the ger."

According to the Rambam, gerim require love beyond that necessary for every being, akin to the love necessary for one to display towards God.

The Mahari, in his commentary on Sefer Ha-mitzvot, explains that just as one's love of God must be unlimited, so too one must have boundless love for gerim.

The Midrash Tanchuma (Vayikra 2) connects the love God has for the convert to the obligation upon mortal man to do the same:

The Holy One, Blessed be He, states: "It is sufficient that he left idols behind and came to live among you. I adjure you to love him, for I love him."

God loves the ger because of something special in his personality; He enjoins all Jews to follow suit. The Mekhilta (Shemot 22:20) states:

Rav Shimon bar Yochai says: “We read (Shofetim 5:31): ‘But they that love Him are like the sun rising in its glory.” Now who is greater, he who loves the king or he whom the king loves? You must say that is he whom the king loves, and it is written, "And loves the ger."

Each Jew’s ahavat ha-ger is following God's lead (“Ve-halakhta bi-drakhav”), by loving those whom God holds dear. However, one must wonder: what is so special about gerim that earns them such unique love from God and accords them singular treatment from all Jews?

Rav Hutner's View

Rav Hutner offers a fascinating explanation for the Rambam's comments regarding love of gerim. The connection to the love of God is not only in the amount of love, but rather in the reason for the love. He explains that these mitzvot require the proper internal emotional motivation. For this reason, loving one’s fellow Jew must be motivated by the other’s status as a reia. By this token, one might have thought that the emotional awareness necessary for ahavat ha-ger is analogous to the sensitivity required for orphans and widows; because they are vulnerable and often mistreated. In fact, Rav Hutner points out that the Ramban in his commentary on the Torah would seem to understand the issue in this way. However, Rav Hutner explains that the Rambam takes pains to clarify that the necessary motivation for loving gerim is very different.

Rav Hutner explains that the Rambam's comparison of one’s love for the ger to one’s love for God has nothing to do with the weak and disadvantaged status of gerim; rather, it is due to our admiration for them. Just as we do not love God because He is in need of our assistance, we must also love gerim due to their greatness, not weakness. Rav Hutner adds that the Rambam must have understood the reasoning provided by the Torah, "for you were gerim in the land of Egypt," not as a rationale for identifying with the ger's pain but rather as a proclamation recognizing the nobility of his decision. The ger's willingness to undergo difficulty and leave his or her natural community due to dedication to a cause is reminiscent of the Jewish people in Egypt, who remained distinct and identifiable. The Torah is teaching us that we should similarly recognize the greatness of the ger's decision to join another people and be close to God, even if it may separate him from his natural cocoon. This, Rav Hutner says, is essential in order to fulfill the mitzva. One must love the ger because of his greatness, recognizing his love for God regardless of the personal costs.

To gain a better understanding of the special responsibilities towards gerim, let us analyze the nature of gerim and the Torah's brilliant exposition of their character.

As a Newborn Child

In a number of contexts (e.g. Yevamot 97b), the Talmud states that after conversion, a person is viewed as if he or she has just been born:

One who converts has the status of a newborn child.

The ramifications of this principle are that a ger is not viewed as related to his or her biological family. (See Chatam Sofer, Avoda Zara 64a, who searches for the biblical source for this principle.) Beyond the questions of familial relationships, the ger is born again, a beriya chadasha, a new creation.

While our rabbis tell us that gerim must still honor their birth parents (see Yevamot 22a), the connection is almost non-biological at this point. The Torah recognizes the care and concern the parents had for their child while raising him or her, but the ger enters a new religion and becomes a new person. In fact, the act of conversion clearly disconnects this individual from the past, from the full family ties to the ger's biological family. In this regard, every ger is in fact an orphan; therefore, gerim should already be included in the specific prohibitions regarding the mistreatment of orphans. Evidently, the need to mention gerim in the context of a specific mitzva adds an entirely new dimension.

The Alshikh takes notes of this Talmudic concept in his commentary on the Torah (Shemot 22:20), giving a fascinating explanation as to the rationale of the two different mitzvot focused on not mistreating the ger. He explains that although idolatry is so repugnant that one might be tempted to find fault in a ger for previous idol worship, one must not do so. It is for this reason that the Torah presents the reason one may not mistreat the ger as "for you were gerim in the land of Egypt."

For you too lived in Egypt, where you worshipped idols; only later did you embrace the true faith. Just as God did not look down on you for having worshipped idols and did not withhold His Torah from you for that reason, you should not look down on the convert. He is no worse than you, for one who converts has the status of a newborn child.

One chapter later (23:9), he takes the concept of the ger's rebirth one step further when explaining the additional prohibition:

Do not be prejudiced against him when he appears in a lawsuit with a born Israelite and take it for granted that he must be in the wrong on account of his idolatrous origins. That is why the text adds: "You shall not oppress a ger, as you know the soul of the ger" — he is regarded as newly born, cancelling out all of his previous life. His soul has been renewed as perfectly as if he had just been born. Were you not gerim in Egypt? There you were idol-worshippers; you converted and became holy through the paschal blood and your circumcision. Remember that the soul of the ger is immaculate in heart and soul. Why should you regard him as a cheat?

The rebirth of a ger removes any taint of past wrongdoing. The ger is a beriya chadasha, having undergone a personal experience not much different than the spiritual rebirth of the Jewish people upon their leaving Egypt and accepting the Torah.

The Power of Gerim

Taking a quick glance at Jewish history, one notices that some of the great scholars of the Mishna were all gerim themselves or descendants of gerim: Shemaya and Avtalyon, the predecessors of Hillel the Elder; Rabbi Akiva; and Rabbi Meir (see Yoma 71b, Gittin

56a). The great Davidic dynasty which will be rededicated with the coming of the Messiah is rooted in the heroine Rut, whose decision to join the Jewish people is recognized in a book of Tanakh named after her.

There is a clear lesson here: the reborn ger can often achieve more than those who were provided with the best Jewish education from birth. The ger's convictions and intellectual honesty provide a great background for extremely successful living.

In a world where yichus (lineage) plays such a fundamental role in the eyes of many, determining eligibility to enter certain circles, the Torah's commandment of ahavat ha-ger ensures that our familiarity and preferences for our own should not come at expense of gerim. There is no rule that states that one born in the faith is preferable to the ger; history surely teaches that us that is not always the case.

What determines greatness is not one's ancestry but one's personal accomplishments. The Midrash Ha-chadash (cited in Torah Sheleima) states:

"Shall be for you like a citizen from among you" — Rabbi Alexandri said: "How beloved is the ger in the eyes of God, Who commanded regarding him in forty-eight instances. He is like a deer that joins a shepherd's herd and is favorable in his eyes. [God] says, 'In this one I have not invested from its birth but it joined my sheep; therefore, I love it.' Such are the righteous proselytes. God says, 'Since he came under my wing, he shall be for you like a citizen from among you.'"

Rav Tzvi Shimon explains that the merit of the convert lies in joining the people and the faith of Israel out of free will. The convert is like a wild deer that has always roamed free; the ger then takes upon himself or herself the duties and responsibilities of God's herd. The voluntary choice to worship God elevates the convert to the level of the most righteous.

However, as we will see in the view of the Rambam, the significance of gerim lies not only for who they are and what they have given up in order to join the Jewish ranks, but in what they symbolize and can teach us about ourselves.

Who is the Family of the Ger?

The question left to be asked is the following: if, in fact, the ger is born again, from whom is he or she born? Does the ger have a past or only a future?

Let us consider the Mishna's ruling (see Bikkurim 1:4), which requires that a ger skip the declaration for one who brings first-fruits to the Temple, as he is unable to refer to himself as a son of Avraham. After all, by not being a blood descendant of Avraham it would be dishonest to use the formulation that Avraham is his father. Furthermore, how could he thank God for taking him out of Egypt when his ancestors were never there in servitude, toiling and mistreated?

The Rambam, in a fundamentally important response to a contemporary by the name of Ovadya (translated in A Maimonides Reader, edited by Isadore Twersky, West Orange: Behrman House, 1972), explains why this ruling is not accepted as halakhically definitive. He offers an unequivocal yes to Ovadya's query of whether a ger should include the phrase "Our God and the God of our fathers" in his prayers:

Pronounce all prayers as they are written and do not change anything. Your prayer and blessing should be the same as that of any other Israelite, regardless of whether you pray in private or conduct the service. The explanation is as follows: Abraham our Father taught mankind the true belief and the Unity of God, repudiating idolatry; through him many of his own household and also others were guided "to keep the way of the Lord to do righteousness and justice" (Genesis 18:19). Thus, he who becomes a proselyte, and he who confesses the unity of God, as taught in the Torah, is a disciple of Abraham our Father. Such persons are of his household. Just as Abraham influenced his contemporaries through his word and teaching, so too does he lead to belief all the future generations through the testament he gave to his children and to his household.

In this sense, Abraham is the father both of his descendants who follow his ways and of his disciples and all the proselytes.

You should therefore pray: "Our God and the God of our fathers," for Abraham is also YOUR father. In no respect is there a difference between us and you… Keep in mind, that most of our ancestors who left Egypt were idol worshippers; they mingled with the Egyptian heathens and imitated their ways, until God sent Moses our Teacher, the master of all the prophets. He separated us from these nations, initiated us into the belief in God, us and all the proselytes, and gave us one Law.

Do not think little of your origin: We are descended from Abraham, Isaac and Jacob, but your descent is from the Creator, for in the words of Isaiah: 'One shall say: I am the Lord's; and another shall call himself by the name of Jacob' (Isaiah 44:5).

The Rambam introduces a fascinating understanding which is evidenced in his other writings. (See Hilkhot Avodat Kokhavim, Ch. 1.) This is not agreed to by all. (Rav Yehuda Ha-levi in Sefer Ha-Kuzari takes a different approach.) The uniqueness of the Jewish people is rooted in their following in the footsteps of Avraham and accepting God. The Rambam also recalls the Jewish people's own "conversion" from being idolaters in Egypt to receiving the Torah.

The Rambam would seem to indicate that the special laws regarding the treatment of gerim are designed, at least in part, to raise our awareness to the experience of Egyptian bondage. Beyond the explicit reason provided by the Torah, "for you were gerim in the land of Egypt," even the use of the term lachatz is reminiscent of the only earlier mentions of that term in the Torah specifically used in the context of the Egyptian bondage:

I have also seen the oppression with which the Egyptians oppress them. (Shemot 3:9)

Understanding the Egyptian bondage is a daily part of our existence, not only in regards to our interactions with gerim.

In fact, one might offer a rationale for this whole understanding based upon an insightful comment of Rav Joseph B. Soloveitchik.

The Education of Bondage

The Egyptian bondage, the period of living as gerim in a foreign land, had a great impact on the Jewish people. God caused the Jewish people to receive a national education inculcating the collective need for chesed. In order for the Jewish people to be the nation to educate humanity about this trait, we had to go through a rearing stage, that, though difficult, would prove essential for our mission.

Rav Soloveitchik notes (Reflections of the Rav, p. 189) that the Torah provides a reason for the Egyptian bondage, portraying it as "a necessary experience which molded the moral quality of the Jewish people for all time." Devarim 4:20 states:

But you God took and brought out of Egypt, that iron furnace, to be His treasured people as you are this day.

Rashi explains that the "iron furnace" here is a vessel used for refining gold. The suffering in Egypt apparently was intended to refine and cleanse the Jewish character, removing the dross of moral impurities and heightening the people's ethical sensitivity. This metaphor is echoed by the prophet Yeshayahu (49:10): "Behold, I have refined you, but not as silver; I have tried you in the furnace of afflictions."

Whenever the Torah wants to impress upon us the mitzva of having compassion and sympathy for the oppressed in society, it reminds us of our similar helplessness and lowly status during our bondage in Egypt. The most defenseless elements in society are usually the slaves, strangers (proselytes), widows, and orphans, and we are repeatedly enjoined by the Torah to be sensitive to their plight: "You shall not pervert the justice due a stranger or to the fatherless; nor take a widow's garment in pawn. Remember that you were a slave in Egypt"…

For this reason, as the Talmud indicates, the Torah exhorts us in thirty-six Scriptural references to treat the stranger kindly (B. Metz. 59b)…

The Egyptian experience may therefore be regarded as the fountainhead and moral inspiration for the teaching of compassion which is so pervasive in Jewish Law. It sharpened the Jew's ethical sensitivity and moral awareness. The Midrash has R. Nehemiah say this explicitly: "the Egyptian bondage was of great value for us, since it served to implant within us the quality of kindness and mercy" (Mekhilta de-R. Shim'on ben Yohai Ex. 13:3). Ours is a singularly ethical culture, which expresses itself through a heightened regard for human rights and dignity.

Compassion is a distinguishing characteristic of the Jewish people, but yet it is a natural expression of man's being created in the Divine image, tzelem Elokim, an endowment which all mankind possesses in common.

Tzelem Elokim signifies only a capacity to love, not the necessity of loving. This capacity, which all people possess, can be and is frequently superseded, but when it becomes a necessity, it cannot be suppressed. It flows naturally and is indigenous to one's character. The Egyptian experience sought to transform the Jews into a people to whom compassion would be a necessity, not merely capacity. (Reflections of the Rav, pp. 190-191)

The period during which the Jewish people were gerim in Egypt left an indelible imprint on the Jewish character. Seeing the modern gerim allows the Jew to reconnect with his past, while admiring their commitment to following the call of truth.

Remembering the Exodus

There is an interesting rule of the Seder night that one must begin the story of the Exodus by recalling our "shame", and only then may one conclude with the "praise" of our being set free.

There is a difference of opinion in the Talmud (Pesachim 116b) as to what this "shame" is.

What is "with shame"? Rav says, "Originally our forefathers were idolaters," and Shmuel says, "We were slaves."

The opinion of Shmuel is understandable. We feel the need to mention the terror of our servitude, and the tribulations we encountered. The opinion of Rav, however, is troubling. He requires that we go back further in history, to the humble beginnings prior to Avraham's finding God. In so doing, we recall our own wandering, when Avraham had to act like the modern ger, leaving his family and homeland to follow God, refusing to change his course based on what was easy.

However, though on the Seder night we tell the in-depth story (sippur), we have a daily recollection (zekhira) of the bondage and our miraculous departure. Once a year we learn and tell in-depth the story of our exit from bondage to freedom, from our humble beginnings to our glorious exodus. However, it is not sufficient to focus on this just once a year, as we are human and prone to forget. It must become rooted in our consciousness through daily reminders.

One way of doing so is through our relations with the contemporary ger. All descendants of Avraham are actually gerim, and it is the way in which we treat the modern ger which may be compared to our love of God; one who really loves God views himself as a ger as well and cannot help but love the modern Avrahams of our time as well. As the Rambam says, the ger has joined the glorious tradition in the same way that Avraham did long ago, and we hopefully acknowledge this same commitment daily anew.

While it is easy to mistreat the gerim of the world and focus on yichus when sizing people up, we must remind ourselves of the identity symbolized by the name Avraham (Bereishit 17:4-5) —"av hamon goyim," "father of a multitude of nations," responsible for all of mankind. It is this that we are supposed to recognize through ahavat ha-ger. It is not merely an obligation directed towards a type of person; rather, this mitzva reconnects us to a moral value. We care for those who embody the commitment we are supposed to have. On a similar note, everyone individually, when examining his or her past, knows of certain characteristics that it would be ideal to "convert" and alter. The way in which we treat gerim, the extra compassion and love, hopefully may transform our own religious commitment and convert our own personality. This idea is partly presented by the Chinnukh (Mitzva 431):

> At the root of the precept lies the reason that God chose the Jewish people to be a holy people for Him… He guided them in the ways of kindness and compassion and adjured them to adorn themselves with every desirable character trait… It is such loving-kindness to do good for someone who has left his nation and family to come under the shelter of God, showing his affection for God and his preference for truth… As we attain these good character traits, we find favor in the eyes of God, who will cling to us… as good spreads to good persons and the opposite to evil ones.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 10: Embarrassing Others

The Novelty of Prohibiting the Embarrassment of Others

Shaming others is surely forbidden, though the exact source and its possible ramifications are subject to debate. In fact, the need to mention a prohibition of embarrassing others seems to be rather redundant and unnecessary. Firstly, as we have discussed in the past couple of weeks, onaat devarim, causing others distress verbally, is forbidden, even if no third party will hear; certainly, embarrassing and vilifying others would be prohibited! Secondly, it would seem to be unnecessary. After all, this series has hopefully shown that in every aspect of human interrelations, the Jewish ethical system raises the bar and requires much more than one would have originally thought. For this reason, one may ask: what is not included in other prohibitions but banned by this negative command? What unique Jewish teaching is added by the prohibition of embarrassing others?

In truth, the basic prohibition of shaming others is in fact self-evident. It certainly fits the build of a severe form of onaat devarim. However, Judaism's outlook on interpersonal relations is highlighted by the severity with which the Torah looks upon embarrassing others; thus, one must abstain from certain positive acts for fear that they might shame another.

The Source

While it is not a matter of debate that there is a prohibition to shame others in public, its source is in dispute; this may influence some practical ramifications of the prohibition. The most basic source is a verse from the section of the Torah mandating rebuking one's fellow Jew who has sinned. The Talmud in Arakhin (17b) expounds the verse, specifically the conclusion, which states that when reproving one's companion, one must not bear sin because of him or her. The verse states:

You shall certainly rebuke your comrade, and you shall not bear sin on his account. (Vayikra 19:17)

The Talmud explicates:

From where do we derive that one who sees something reproachable about his companion should rebuke him? It is said, "You shall certainly rebuke your comrade…" One might think that the obligation of rebuke applies even if the other's face pales; the Torah therefore states, "You shall not bear sin on his account."

Rashi (ad loc.) explains that the mitzva to give constructive criticism does not give one license to criticize the sinner in public, since the other will become embarrassed and ashen-faced. (Indeed, the term "mortification" in English refers to this phenomenon as well.)

The Rambam (Sefer Ha-mitzvot, Negative 303) quotes this as the source for the prohibition of embarrassing others, but in his Mishneh Torah (Hilkhot De'ot 6:8), he adds an important factor. If one must be cautious while rebuking a sinner in order not to cause embarrassment, certainly when dealing with every fellow Jew in everyday matters, one must be extremely careful not to cause any embarrassment to others.

This source is noteworthy for this very reason. The context of the prohibition is interesting. Despite the fact that one is discharging the uncomfortable duty of admonishing wrongdoers, one still must be careful so as not to embarrass his or her fellow Jew. The other individual's failure in adherence to the word of God does not authorize humiliation, nor does one's own punctiliousness permit treating the sinner in any way one deems fit. If the Torah chooses to teach one's obligation to prevent embarrassment in the context of dealing with a sinner, then it must impress upon us the severe nature of the prohibition, for which there seems to be no exception.

Others teach that the severe prohibition of onaat devarim (see previous lessons) includes this injunction as well. This opinion is seemingly expressed by Rabbeinu Yona (Shaarei Teshuva 214). This idea may be expressed by the Chinnukh as well. Though he cites (Mitzva 240) the same verse as the source of the prohibition of embarrassing others, he also mentions the same idea in the context of onaat devarim (Mitzva 338):

Among the laws of this precept are many admonitions and exhortations which our Sages of blessed memory warned us about in this matter, such as not to inflict pain on people by any means and not to embarrass them.

The Chinnukh may be expressing his opinion that embarrassing another is an extreme form of onaat devarim, and therefore it may exhibit certain properties of the prohibition of onaat devarim.

In truth, the first view would seem to be very understandable. Reproving another may technically involve onaat devarim, as it is safe to assume that in many cases, though well intended, the one being rebuked will be aggrieved by the words of the rebuker. Still, the Torah states that one must rebuke sinners, so as to help them improve their ways. If so, the basic prohibition of onaat devarim is pushed aside by the requirement to rebuke, but as the conclusion of the verse states, that of shaming is not.

According to the opinion which sees the prohibition as related to or stemming from onaat devarim, however, it is difficult to explain what the difference is between aggrieving others, which is suitable for the sake of rebuke, as opposed to embarrassing others, which is unacceptable, if they are both part of the same prohibition? The answer to this question might be found in a discrepancy in the opinions of the Rambam and the Chinnukh regarding embarrassing others.

The Rambam is so worried about the prohibition of shaming that he bans it categorically, even when done with the best of intentions (other than regarding sins between man and God, which will be discussed later). He states:

It is forbidden to embarrass a fellow Jew, especially in public. Even though one is not lashed for embarrassing another, it is a grave sin. Our Sages said: "Anyone who publicly mortifies his companion has no portion in the World to Come." Therefore, a person should be careful not to publicly embarrass a fellow Jew, whether of greater or lesser stature; one must not call another by an embarrassing name, nor relate a shameful matter in his presence.

This prohibition, according to the Rambam, pervades all interpersonal relations, almost without exception. The Chinnukh (Mitzva 239), on the other hand, is much more willing to allow one to embarrass others, if necessary, for the sake of improving their behavior.

They teach in the Sifra, "One might think that the obligation of rebuke applies even if the other's face pales; the Torah therefore states, 'You shall not bear sin on his account.'" This teaches that initially when one reproves another, he should do so in privacy with soft language and gentle words, so that the other will not be abashed. Still, there is no doubt that if the other does not discontinue at this point, the sinner is to be disgraced in public, his misdeed made widely known, and he vilified until he returns to the good, proper path.

It may be that the Chinnukh cites a more lenient approach towards shaming others in the context of rebuke because he is convinced that the Torah essentially prohibits a severe form of onaat devarim if it unnecessary for rebuking others. However, just as the basic prohibition of onaat devarim is superseded for the need of rebuke, the severe form of onaat devarim, namely shaming others, is also permitted if the simple form of tough talk doesn't work. (One may also explain that there is a terminological distinction, "to abash" as opposed to "to mortify." The Chinnukh uses the former term here, possibly in order to refer to a lesser degree of embarrassment which doesn't cause the face to lose color.)

Akin to Bloodshed

Both of these sources seem to indicate that, despite its severity, shaming others is still included within a mainstream prohibition and should be treated accordingly. In truth, however, there may be another source entirely for the prohibition, one which calls into question whether this is merely a restricted act or one of the most severe prohibitions, akin to taking a human life.

In a number of places, the Talmud seems to indicate that embarrassing another is actually a form of bloodshed. The main discussion appears in Bava Metzia (58b):

A disciple taught before Rav Nachman bar Yitzchak: "Anyone who publicly mortifies his companion is comparable to a shedder of blood." He replied: "Your statement is correct, for the red color of the face disappears, and it becomes white."

The Talmud continues to lay out the severity of embarrassing others, even when the victim is so used to this indignity that his or her face does not change color. The ensuing statements (58b-59a) explore the prohibition in ways that would seem to equate embarrassing others with a real form of bloodshed.

Rabba bar Bar-Channa said in the name of Rabbi Yochanan: "It is preferable to commit an act of potential adultery rather than publicly mortify one's companion."

The Talmud continues by citing an episode which proves this assertion. When faced with an embarrassing question, King David chooses to teach his teasers a lesson regarding the severity of embarrassing others. Rava expounds Tehillim 35:15 in the following way:

David exclaimed before the Holy One, Blessed be He, "Master of the Universe! You know full well that had they torn my flesh, my blood would not have poured forth to the earth. Moreover… they mock me, saying, 'David! What is the penalty for one who sleeps with a married woman?'

I reply to them, 'He is executed by strangulation, yet has he a portion in the World to Come; but anyone who publicly mortifies his companion has no portion in the World to Come.'"

This teaching of my ancestor King David, presenting the harshness with which the Torah views one who embarrasses another publicly, might be interpreted as an educational, moral message, voiced without any intention of it being taken literally. However, the Talmud continues by citing an incident in the Torah, explaining that the principle which lies behind the story is that one must be prepared to surrender one's life to avoid embarrassing another.

In Bereishit 38:25, Tamar is reluctant to publicly accuse Yehuda, the man who has condemned her to burn for adultery, unaware that he is in fact the father of the twins in her womb. The Talmud explains:

It is preferable for an individual to throw himself into a burning furnace rather than publicly mortify his companion. This may be derived from the act of Tamar…

The Talmud's teaching, that it is preferable to allow oneself to be burned to death rather than embarrass another, certainly raises a large number of questions. For now we will suffice ourselves with the most basic one: what is so severe about embarrassing another publicly that could possibly make it worse than adultery and worth dying for? (In our next lesson, we will address the question of whether this line should be taken literally or not, but even the possible hyperbole must be understood.)

Whitening the Face

On the simplest level, the severity of embarrassing another can be understood if we take the Talmud's first statement, that embarrassing another is akin to murder, in its literal sense. The Talmud adds to its declaration some physiological evidence: "for the red color of the face disappears, and it becomes white." The literal term for mortification is in fact halbanat panim, whitening the face.

This immediately raises two questions: one, is this physically true; two, is causing blood to leave another's face significant?

Rav Ovadya Bartenura (Avot 3:15) explains the physical property of embarrassment that resemble bloodshed:

Initially, "the red color of the face disappears, and it becomes white." The reason for this is that a person's soul has two types of movements, one outer and one inner. When embarrassed, one first experiences rage at what has occurred, and his feelings move outward, expressing themselves with the reddening of the face. However, once he fails to provide a satisfactory response for how to remove this embarrassment, his concern turns inward, towards an internal sense of worry, and the blood leaves his face, resulting in the whitening of the face.

Along similar lines, the Midrash Shmuel (Avot 3:15) quotes in the name of Rav Menachem of the House of Meir a description that will be familiar to anyone who has ever been truly embarrassed.

One who is humiliated, his face first turns red, and then turns white, because due to the magnitude of the shame, his soul flies away, as if it wanted to leave the body... Once the blood returns to its source, the face turns white, like someone who has died...

Nonetheless, some sources do emend the text to speak of reddening the face instead. (For a lengthy discussion of this issue, see The Right and the Good by Rav Daniel Feldman; he quotes an array of sources on this topic.)

In fact, the Talmud's analogy seems to be taken literally by at least one of the Rishonim. In two places, both in his commentary to Avot and in his Shaarei Teshuva, Rabbeinu Yona explains that embarrassing another publicly is a subcategory of bloodshed and is to be treated like homicide. Just as one would have to forfeit one's own life rather than kill another human being, so too one must be willing to die rather than embarrass another.

His words in Shaarei Teshuva (3:139) are extremely poignant:

An act which resembles murder is shaming one's fellow and whitening his face, for as the red color leaves, it resembles murder. The Sages have also said this (Bava Metzia 58b). Secondly, the pain of embarrassment is bitterer than that of death, as the Talmud says, "It is preferable for an individual to throw himself into a burning furnace rather than publicly mortify his companion." The Sages did not make such statements in connection with other severe transgressions. Indeed, this is the only transgression they compare to actual murder… just as Tamar was willing to be burned rather than reveal that she was pregnant by Yehuda.

Certainly, Rabbeinu Yona tells us that the comparison of shaming to murder is not to be taken lightly; the analogy seems to be literal. (In the next lesson, we will address the issue of whether Rabbeinu Yona indeed intends to state a halakhic opinion in this context.)

What About in Private?

The terminology of "halbanat panim" may have halakhic implications for distinguishing between different forms of embarrassment.

The severity of the prohibition of embarrassing others is usually discussed in reference to public shaming. This is how it appears in the Talmudic statement regarding Tamar, and this is how it appears in Avot. In truth, though, while it is certainly more egregious to embarrass others publicly, a similar act in private may be treated with almost the same level of harshness.

Avoiding others' embarrassment is not a novel concept within Judaism. One of the three sterling characteristics of the Jewish people, as we noted last year, is that they are baishanim, bashful. Similarly, the need to maintain kevod ha-beriyot (human dignity) may supersede other halakhic considerations when embarrassment is a factor. If so, how is one to view embarrassing others in private?

The Mishna (Avot 3:15) lists embarrassing others publicly among the five acts which prevent someone from having a share in the World to Come:

Rabbi Elazar Ha-Moda'i said: "One who… publicly mortifies his companion… though he may have the knowledge of Torah and good deeds, has no share in the World to Come."

In the aforementioned source, however, the Rambam seems to note the severity of embarrassing others publicly while at the same time making clear that shaming another to the point that it is evident on his or her face is prohibited under all circumstances.

The one who does so publicly forfeits a place in the World to Come, but it is prohibited to act thusly in private, even for the sake of rebuke.

The Chafetz Chayim (Negative 14, Be'er Mayim Chayim) notes that even though other commentators, such as Rashi, do not mention this notion explicitly, there is good reason to believe that they are still in agreement with it.

If one speaks to a sinner in a harsh manner, to the extent that he becomes embarrassed, even in private, then one transgresses this prohibition. This is also clear from the wording of the beraita, which states that "if his face changes color, he transgresses," implying that in all situations of embarrassing others, even privately, one violates this prohibition.

Form of Death

The case of Tamar may be significant for another reason as well. Itturei Torah (Vayeshev 38:20) quotes the Rebbe of Bahush, who explained to a rich man who had embarrassed a lowly orphan where he had gone wrong.

You no doubt assumed that when the Talmud states that one cannot embarrass chavero, his companion… that it must be prohibiting the embarrassment of someone of similar standing to yours, thus permitting one to embarrass someone who is less respected. However, you are utterly wrong. The rule applies even to the most despised individual. The proof is that the source of the prohibition is the case of Tamar, who avoided embarrassing Yehuda, even though, had he not confessed, he would have had the blood of an innocent woman and her two unborn children on his hands! Could there be a more despicable person than one who would do such a thing? Nevertheless, she resisted! If so, it is preferable to be thrown into a fiery furnace rather than embarrass anyone, even the most despicable person.

Simply stated, the severity of embarrassing another is clear from the analogy to homicide, an act which is prohibited no matter what level the victim is on. However, there are at least two more aspects to the crime of embarrassing others: one focuses on the affront to God and the other relates to the negative aspects of a personality involved in this activity. In other words, mortifying others may be fatal to one's own character.

Affront to God

There may be another reason way to understand this prohibition's severity. The Talmud in Sanhedrin (99a) notes that the five transgressions mentioned in Avot are all included in the pronouncement, "for he has scorned the word of God" (Bamidbar 15:31). Rav Hirsch (Avot, ad loc.) explains that the acts listed all show a disdain for the word of God, as each relates to an affront to one of the five sacred institutions which realize of the word of God in this world. In terms of our issue, he writes:

Embarrassing others is the most gravest of all sins against the dignity and nobleness inherent in every human being by virtue of the fact that he has been made in the image of God.

Along the same lines, the Me'iri notes that one who embarrasses others shows an ethical flaw; it is indicative of a grievous lack of basic human decency. God has not tolerance for such behavior, and He has no place for such individuals in the World to Come.

Similarly, the Tiferet Yisrael (Avot 3:15) explains:

Those who embarrass others accept divine creation, but deny that man was created in the image of God. Therefore, they think nothing of embarrassing their fellow man. The entire concept of human dignity is predicated on the belief of a divinely-endowed soul.

If so, halbanat panim is not only a capital offense against another; it is an affront to God because it acts as a statement against the image of God within man; the offender's Godly image becomes distorted and discolored by a cowardly act of embarrassment. (See also Torah Temima on this verse.)

Interestingly, the verse "He who spills the blood of a person ba-adam his blood shall be spilled" (Bereishit 9:6) is somewhat ambiguous: as "ba-adam" could mean "by a person" or "in a person". The Alshikh takes this in the latter sense, as referring to one who humiliates another, thereby "spilling blood" internally.

Do not be surprised that one can incur capital punishment even though he has not actually ended a life. Has not a person's face been created in the image of God? Without it, he would be comparable to an animal! Therefore, he who makes the face blanch, wherein the image of God resides, is deserving of death, for he has blemished the site of the image of God.

Rav Shlomo Aviner goes as far as to impute literal significance to the analogy to homicide, citing a medical authority who is of the opinion that the physiological effects of humiliation may indeed shorten one's lifespan (cited in The Right and the Good).

The Power of Blushing

One of Mark Twain's famous quips (in Following the Equator, 1897) is "Man is the Only Animal that Blushes. Or needs to." This highlights a rather fascinating aspect of man's personality. On the one hand, when embarrassed, people blush, but blushing is also an expression of the shame people feel when doing something they know to be wrong.

Though I have strong doubts as to whether this was Twain's true intention, his words might express an important truism about our behaviour. Fear of embarrassment is often a healthy aspect of one's personality; when cognizant of the fact that misbehavior might lead to shame, one might think twice before doing something one may regret later. On the other hand, blushing is also man's response to humiliation inflicted by the outside world, an expression of the human inability to cope with being shamed by another. Blushing is therefore either a part of one's arsenal for becoming a better, more cautious individual or a weapon used against others to make a point at the victim's expense.

By thinking about the severity with which the Torah views halbanat panim — shedding the victim's blood, insulting God and blackening one's own personality — one may train oneself into using blushing as a positive means for self-improvement rather than as a bludgeon aimed at others.

In the next lesson, we will seek to understand other aspects of this prohibition, including whether martyrdom is really called for in the face of causing embarrassment to another.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 11: The Implications of Preventing Embarrassment

To What Degree?

In last week's lesson, we introduced the prohibition of embarrassing others (halbanat panim) and highlighted the efforts one must take to avoid putting others in uncomfortable positions. The parameters of the prohibition play an important role in defining the unique elements of the Torah's outlook on interpersonal relationships.

The Chinnukh (Mitzva 240) explains the rationale of the prohibition:

The root reason of this precept is self-evident, for shame causes great anguish to human beings; indeed, there is none greater. Therefore, God forbids us from inflicting excessive anguish upon His creatures; after all, it is possible to give rebuke when they are alone, as there will not be as much embarrassment.

Similarly, the Mishna (Avot 3:15) makes explicit reference to the severity of embarrassing others publicly, listing it among five acts which cause one to forfeit a share in the World to Come:

Rabbi Elazar Ha-Moda'i said: "One who… publicly mortifies his companion… though he may have the knowledge of Torah and good deeds, has no share in the World to Come."

The severe prohibition of embarrassing others is indicative of the Torah's understanding of the inner world of emotions and human character. Because embarrassment carries with it such anguish, as the Chinnukh explains, God issues a strict prohibition against causing it.

However, this is only the tip of the iceberg. We must go deeper to fully understand the ramifications of this mitzva. What are the affirmative measures which one must take to avoid violating this prohibition? What steps must be taken to ensure one doesn't embarrass another, even in the slightest? Up to what point must one be willing to forgo benefit or even accept harm so as not to hurt another? Ultimately, the question that has to be dealt with is the following: are there any circumstances in which the prohibition may be overlooked or put aside for what would seem to be the greater good?

Caring for Inanimate Objects and Losing Our Balance

Embarrassing others is a common occurrence. A pithy one-liner may be on the tip of one's tongue, and there is only a split second to decide if one should let it out and be rewarded with the laughs of the crowd or keep quiet for fear of shaming another. For this reason, it seems, Judaism feels the need to reinforce our sensitivity to the feelings of others by elevating the treatment of inanimate objects.

The precedent for treating lifeless objects as if they have feelings is biblical, as the Torah commands:

And you shall not ascend with steps upon My altar, so that your nakedness shall not be exposed upon it. (Shemot 20:23)

Rashi explains this fascinating mitzva with the description:

“So that your nakedness shall not be exposed” — due to the steps, you must widen your stride, although it would not be an actual exposure of nakedness, as it is written: “And make them linen pants” (Shemot 28:42). Nevertheless, widening the strides is close to exposing nakedness, behaving toward [the stones] in a humiliating manner. A fortiori, if the Torah says that you must not behave in a humiliating manner towards these stones, which have no intelligence to object to their humiliation, how much more so does your fellow, who bears God’s image and who does object to being humiliated, require consideration!

This biblical teaching, as explained by Rashi, finds expression in numerous laws which require us to treat inanimate objects with respect, with the hope that we will take to heart the analogy to human beings. In fact, we find that Halakha prohibits embarrassing inanimate objects.

On Shabbat, the two loaves of challa used for the Shabbat meals are covered during the recitation of Kiddush over wine. There are a number of opinions recorded as to the reason behind this practice. Both the Rosh (Pesachim 10:3) and his son the Tur (OC 271) quote a passage from the Talmud Yerushalmi (not found in our versions) which provides a fascinating reason, explaining that we do this “so that the bread will not see its embarrassment." Normally, one would recite the blessing over bread before the blessing over wine, as this is the order in Devarim 8:8, but the order is reversed on Shabbat. Fearing that the bread might be “embarrassed” about not receiving its usual precedence, we cover it, so that it will not witness its shame.

Presumably, the idea of preventing the embarrassment of challa is meant to show our care even for inanimate objects and to inspire us to recognize that certainly we should be careful regarding those created in the image of God. However, it is much easier to worry about covering the challa than to ensure we treat others with their due respect. In fact, sometimes we lose sight of where the real importance lies.

A story is told about the Chafetz Chayim (I personally have heard similar stories told of others as well), who was invited to the home of a local Jew on his travels to other communities. Knowing that they were having an important guest, the hosts ensured that everything in the house would be perfect. Understandably, much of the workload fell on the wife. As the husband returned home from prayers with the Chafetz Chayim, the smell of the Shabbat meal was enticing, and the table was truly immaculate. However, there was one thing missing: the challa lay on the table, uncovered. The husband, afraid to be considered an ignoramus by the great Chafetz Chayim, looked for his wife. He found her asleep on the floor, exhausted by the preparations for Shabbat. Rather than thank his wife for outdoing herself, he scolded her: “Don't you know we cover the challa? How could you forget?"

The Chafetz Chayim, who was famed for his consideration of others, was not bothered by the uncovered challa; rather, he was taken aback by the callousness with which the husband had treated his wife, specifically under these circumstances. The Chafetz Chayim asked the husband, "Why is it that we cover the challa?"

The husband, wanting to show off his knowledge, explained with pride, "Why, it is so the bread will not see its embarrassment."

The Chafetz Chayim continued, "Exactly. But what embarrassment does the bread feel compared to the embarrassment of flesh and blood? What of your wife, who has slaved over preparing a meal that you intended to make you look hospitable? If the bread must not be embarrassed, how much more so must you care about your wife's embarrassment! It would be best to trade your contempt for praise; commend your wife for outdoing herself."

Essentially, our concern is not with the inanimate objects' feelings, but with our personalities, trying to ingrain within us feelings of care and compassion. Despite the difficulty of maintaining the balance, this endeavor is essential.

The challenge of keeping our equilibrium regarding this prohibition of embarrassing others may lie behind the Torah's choice of a textual location for it. After all, the source of the prohibition (as described in the previous lesson) is in the context of an individual, without malice, attempting to rebuke another who is sinning and return the offender to the path of righteousness. Intentions aside, one is prohibited from rebuking others in a way that would cause them halbanat panim. One must balance the responsibility to care about others' actions with the requirement to maintain their dignity under all circumstances.

Remedying Another's Embarrassment

Besides one's remaining silent when tempted to embarrass someone else, there may be another way to excel in caring about the honor of others and not causing unnecessary embarrassment. In a situation where another individual has done something embarrassing, one has almost a knee-jerk reaction to laugh. It takes a lot of hard work to train oneself not to make a big deal of another's embarrassing mishap, but there is a higher level of behavior, as exemplified by Rabbi Akiva Eger.

The story goes that Rabbi Akiva Eger once had a poor man over to his home as one of his many Friday night guests. The Shabbat table was adorned with a beautiful white tablecloth. During the meal, as the poor man lifted his glass of wine, it accidentally slipped out of his hand and stained the pure white cloth. Seeing the poor man squirming in embarrassment, Rabbi Eger immediately knocked over his own glass of wine, "accidentally" spilling it over the tablecloth. As the poor man looked on in great relief, Rabbi Eger remarked, "It seems as if the table is very shaky, isn't it? I must apologize! We are going to have to have it fixed."

The behavior of Rabbi Akiva Eger underscores the outlook of one who has come to appreciate the Torah's concern for the embarrassment of others. Instead of worrying about his dirty tablecloth, he focuses on the mortified guest, forgoing his own honor in order to prevent another's shame.

Similarly, when Moshe Rabbeinu began his final speeches to the Jewish people near the end of his life, including historical moments of the Israelites' sojourn in the desert, he does so very tactfully. As Rashi (Devarim 1:1) explains:

Since these are words of rebuke and he enumerates here all the places where they angered God, therefore it makes no explicit mention of the incidents but rather merely alludes to them, out of respect for Israel's honor.

The sins of the Jewish people are only hinted to, so as to ensure that no pain will be caused. This sensitivity of Moshe Rabbeinu to the feelings of others, even when trying to make a point, underscores how the prohibition is not limited to explicitly shaming others; the Torah precludes even being insensitive to those statements which might hurt another.

Along the same lines, the Talmud (Bava Metzia 58b) prohibits calling others by nicknames and tells of certain sages who were willing to conceal the identities of individuals involved in crimes in order to spare others unnecessary embarrassment. (See also Sanhedrin 11a.)

The Big Three or Four?

In last week's lesson we made mention of a number of sources which seem to compare halbanat panim to homicide. The changes in others' complexion due to rushing blood leads the Talmud (ibid.) to view embarrassing others as akin to bloodshed.

The Talmud continues by stating, "It is preferable to commit an act of potential adultery rather than publicly mortify one's companion." The Talmud relates that King David himself, despite being a king, was embarrassed about his past actions and explained how one who embarrasses others publicly has no place in the World to Come. The most startling expression of this idea is found in the next passage, which seems to say explicitly that one should give up his or her life rather than embarrass another.

It is preferable for an individual to throw himself into a burning furnace rather than publicly mortify his companion. This may be derived from the act of Tamar…

The literal understanding of the passage would seem to insinuate that one must give up one's life rather than embarrass another, since halbanat panim is viewed as akin to murder. The gravity of this statement is startling and possibly of tremendous halakhic significance. For this reason, the commentators deal with the question of whether this statement is to be taken literally.

Certainly, a number of commentators cite this statement as hyperbolically emphasizing the severity of the prohibition, expressed by the Talmud with no intention of it being taken literally. While certain latter-day authorities only cite the Me'iri (Berakhot 43b, Sota 10b) in this context, it clearly appears that a number of authorities, such as the Chinnukh, view it as a mere admonition.

Similarly, the Rambam and Shulchan Arukh include no explicit mention of the need for martyrdom in this scenario.

However, other great authorities seem to understand the requirement for one to give up his or her life rather than embarrass another quite literally. Besides the Rif, who cites the Talmud verbatim, seemingly ratifying its authoritativeness, Rabbeinu Yona (cited last lesson) seems to explicitly state this in his commentary on Avot (3:15) and in his work Shaarei Teshuva (3:139).

The difficulty associated with this understanding is that it is generally accepted that only three issues require martyrdom, the prohibitions of murder, idolatry and illicit relations. Why is embarrassing others not mentioned in this list? This question is asked by Tosafot (Sota 10b), and their explanation as to why there is no fourth requirement seems to accept the premise of the question, that one must in fact give up one's life so as not to violate the prohibition.

Tosafot explain that it is not recorded in the list because it is a prohibition not mentioned explicitly in the Torah, and the list of three only records explicitly-mentioned prohibitions. Rabbeinu Yona, on the other hand, seems to understand that it is actually recorded on the list; after all, if embarrassing others is akin to murder, then it should be subsumed under that category! He thus refers to it as resembling murder.

With the substantial sources that seem to accept the line literally, a number of authorities (see Binyan Tziyon 172 and Minchat Shelomo 7) reevaluate the rulings of the Rambam and Shulchan Arukh, understanding their view as accepting the position which requires martyrdom.

Implications of this idea are even found in a number of responsa which argue that if the connection between homicide and halbanat panim is accepted literally, then it will have other implications for the way in which we view murder. Some analyze whether a kohen who embarrasses another might be prohibited from reciting the priestly blessing, just as a murderous kohen is sidelined. Others discuss the possibility of waiving one's right not to be embarrassed. If it truly akin to murder, no one has the right to permit oneself to be murdered, and thus shaming would be universally prohibited as well. (See Rav Daniel Feldman's The Right and the Good for extensive sources on this topic.)

Preference and Precedence

Nevertheless, assuming that the prevention of public embarrassment requires martyrdom is rather novel, and there is reason to believe that even the Rishonim who mention the concept did not mean for it to be taken literally. Rav Asher Weiss (Minchat Asher, Bereishit ch. 53) notes that if we were to accept the axiom literally, we would we have to kill someone to prevent that individual from publicly humiliating another if there is no other way to stop him, something he finds untenable. He, therefore, reexamines all of the sources requiring martyrdom and tries to explain why that is not their true meaning.

He, like others, points out that the language of the Talmud never explicitly mandates giving up one's life; rather, it only says that it would be "preferable" for one to do so.

In fact, the Talmud (Ketubot 67b) relates the story of one sage who seems to take the concept literally. Mar Ukva and his wife secretly put money by a poor man's door daily. One day, the receiver decides to stake out the site in order to see who his benefactor is. When Mar Ukva and his wife notice the man emerging from his hiding place, they run so as not to be noticed and embarrass the recipient. They see a still-hot furnace and jump in, and Mar Ukva's legs are singed by the fire.

Still, the Brisker Rav is quoted as noting that our Sages never explicitly say that one must throw himself into the fiery furnace rather than embarrass another. Rather, they say that it would be better for one to do so, as the fiery furnace is easier on a person than the punishment for embarrassing another publicly. Mar Ukva and his wife thus opt for the more bearable act.

Similarly, Rav Asher Weiss explains that one should be cognizant of the severity of embarrassing others; the price is not worth it, and indeed it would be preferable to give up one's life, even though one should not actually do so (and it may very well be forbidden). However, in Minchat Shelomo 7, we find a view that there still may be some halakhic implications for the opinion that requires martyrdom.

The Power of Teshuva (Repentance)

The severity of the prohibition of embarrassing others is expressed clearly in Avot. The Mishna states there that one who has embarrassed others will not be saved by his good deeds and has no place in the World to Come.

However, some Mishnaic commentators point out that this is all assuming that one doesn't repent, as there is no act for which teshuva isn't helpful.

This raises another question: how may one do teshuva for embarrassing others? Firstly, people don't recognize the severity of the crime and are therefore negligent in trying to fix the wrongs of the past. Secondly, one who does realize his crime often finds it very difficult to remedy, especially after having embarrassed others in public.

Rabbeinu Yona explains that though, in his view, humiliating others is a subcategory of murder, it may even be worse in this aspect. A murderer has committed a crime that is universally acknowledged as horrendous, and society instantly will register its complete rejection of the act. Consequently, the killer will recognize the gravity of the crime and will repent fully. Having done so, the killer will continue to bear the responsibility for his or her actions in this world, but this individual will ultimately achieve atonement, and the eternal punishment will be suspended in the World to Come. However, a person who embarrasses others may not be chastised comparably, and thus the sinner will not realize the gravity of the transgression. Though teshuva works, one may not realize its necessary scope and power in this context. Thus, one who shames others may easily end up without an eternal share in the World to Come.

The Rambam, in his commentary on the Mishna, explains the severity of embarrassing others differently. The propensity to shame others is indicative of a negative character; one who does so harps on others' insecurities for his or her own needs. Therefore, one who embarrasses others has to do a complete personality overhaul in order to truly repent.

The Iyun Yaakov (Bava Metzia 59a) comments on the Talmud's statement that it is preferable to commit an act of potential adultery rather than humiliate another, highlighting another aspect of this transgression. In his opinion, martyrdom is an option rather than an obligation, a recommendation based on the severity of the punishment. This penalty is greater than that for adultery, as the Talmud implies, because adulterous tendencies are a normal part of the human makeup. Humiliating others, however, is not an innate human tendency, and thus its egregiousness is not mitigated by the realities of mortal weakness. Therefore, it is treated very harshly.

The Penei Yehoshua (Bava Metzia 58b) offers another possibility in the name of the Tosafot Yom Tov, citing the Midrash Shemuel: one who embarrasses another and strips away his or her sense of dignity violates tzelem Elokim, the image of God in which every human is created, as noted in our previous lesson in the name of the Alshikh. It is this divine image that reflects the soul. One who displays a disregard for this image, therefore, undermines his own conception of a soul. The Tikkunei Teshuva expresses a similar notion, ruling that one who humiliates others must fast as atonement; acquiring the forgiveness of the injured party is not sufficient. This builds on the assumption that here we have more than an interpersonal crime; an attack has been committed against God himself through the vehicle of the divine image. This is a concept that has groundings in Midrashic sources. Rabbi Tanchuma (Bereishit Rabba 24:7), in a discussion of the severity of humiliating others, is quoted as remarking, "Do you know Whom you are disgracing? 'In the likeness of God, He made him' (Bereishit 5:1)!"

Further, the Talmud (Berakhot 18a, etc.) derives significant halakhic principles from the verse (Mishlei 17:5) “He who mocks the poor blasphemes his Maker.”

One who lives for the moment is often capable of embarrassing others without a second thought. Understanding that it isn't worth it involves delving into the human thought-process and simultaneously understanding that others' feelings must be taken into account.

Even if we adopt the generally-accepted position that there is no actual requirement to give up one's life rather than embarrass another, we certainly should recognize the severity of halbanat panim. There are certainly individuals who would rather choose death than be embarrassed, and the pain of humiliation may haunt the victim for a long time. The easiest way to deal with this is to focus on personality development, which can help combat the temptation to embarrass others. However, if one identifies this trait in oneself, the underlying principle remains: there is no act for which teshuva is not helpful.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 12: Maavir al Middotav

When on the Defensive

In last week's lesson, we dealt with the ramifications of the severity of halbanat panim (embarrassing others) and the steps that must be taken to ensure that one doesn't humiliate another Jew. The simple understanding of the Talmudic ruling is that one must be willing to give up one's life in order to prevent another's embarrassment. While this understanding is generally not viewed as authoritative, it is clear that one must go to great lengths so as not to cause unnecessary pain to others.

In truth, the responsibility to hold one's temptation to embarrass others back is very understandable and certainly laudatory. However, that is not always the case. Sometimes, the urge to embarrass another arises in the midst of fighting. After being called names or verbally attacked, must one really be silent?

This scenario is discussed by the Chinnukh (Mitzva 338) in his discussion of the prohibition of onaat devarim, verbal abuse:

However, as it would seem, this does not mean that if one Jew comes along and wickedly begins to inflict pain on his fellow with evil words, the listener should not answer him, for it is impossible for a person to be as a stone that has no one to turn it over. Moreover, with his silence, he would seem to be confirming these calumnies.

In truth, the Torah does not order a person to be a stone, silent toward his slanderers as if they were blessing him. It rather commands us to move far away from this behavior, that we should not start to quarrel with and defame people. In this way, a person will be saved from all that: for whoever is not a quarrelsome person, people will not defame him – unless they be utter fools, and no attention need be paid to fools.

The Chinnukh does indicate, however, that if compelled to respond, one should do so in a dignified manner, without anger. He then goes on to explain the precedent for this behavior.

Now, should some slanderer among the people compel us to reply to his words, it would be best for a wise man to answer him in a way of dignity and pleasantness and not become very angry, "for anger rests in the bosom of fools" (Kohelet 7:9). Let him excuse himself to those who hear the slanders about him, and let him throw the burden upon his defamer. This is the way of good people in society.

We can learn this point, that we are permitted to answer a fool, as it were, from the fact that the Torah permits us, when someone comes stealthily breaking in, to act preemptively and kill him. For there can be no doubt that one is not obligated to endure injuries from the hand of his fellow; rather, he has the right to save himself from the other's hand. The same applies to the other's words, filled with cunning and deceit: [one may save himself] by every means through which he may rescue himself.

HaRav Yehuda Amital explains (Jewish Values in a Changing World, p. 201): “In any event, the words of the Sefer Ha-chinukh point to the Torah's recognition of humanity, and to the fact that it does not demand of a person to relate with equanimity to those who insult him.”

The Chinnukh concludes with a startling remark, strikingly different from his earlier tone:

Nevertheless, there is a certain group of people whose kindly piety is of such a high degree that they would not wish to accept this ruling for themselves and to say a word in response to their defamers, for fear that anger might overcome them and they would unburden themselves unduly in this situation. Of them the Sages of blessed memory said (Shabbat 88b): "They may be humiliated, but they do not humiliate; they may hear their disgrace, but they do not reply… Of them, Scripture says (Shofetim 5:31): ‘But they that love Him are like the sun rising in its might.’"

Rav Amital (ibid.) makes an important point:

It should, however, be noted that it was never said even about the pious that they should not feel anger. Rather, that because of their heightened trait of watchfulness, lest they be overcome by anger, they do not respond to those who insult them.

Let us turn to the Chinnukh's source for this description, Shabbat 88b:

They may be humiliated, but they do not humiliate; they may hear their disgrace, but they do not reply; they act out of love and rejoice amidst suffering. Of them, Scripture says (Shofetim 5:31): “But they that love Him are like the sun rising in its might.”

The commentators (ad loc.) ask: what is the comparison of those who are silent in the face of insult to the sun? The Tosafot Ha-Rosh explains that this is an aggadic reference to the sun’s silence when the moon complained to God at Creation (Chullin 60b), “Can two kings use the same crown?”

Similarly Rav Yoshiya ben Yosef (Rif) Pinto writes in his commentary on the Ein Yaakov:

Praiseworthy are those who remain silent when insulted, as are those who do not hit back when humiliated by a friend's rebuke for some misdemeanor. Their silence is not due to fear of the other, but to their love of God, Whose creatures they do not wish to humble. Moreover, he happily accepts the humiliation in atonement for his sins; to such people does the verse apply: ""But they that love Him are like the sun rising in its might."

Their silence is the silence of greatness, of might (gevura), expressing the inner strength of one who loves God and does not want to exacerbate the situation.

This idea is also expressed by the Ritva, who bases this on a textual analogy, namely the two times that the word “Va-yiddom” appears in all of Scripture, Vayikra 10:3 (referring to Aharon) and Yehoshua 10:13 (referring to the sun).

The verse uses the word "Va-yiddom" to refer to the sun, which reminds us of the same term used in connection with Aharon, who was silent when faced with the tragic death of his two older sons.

The power of the sun lies in its role as the silent messenger of God, which rises without any musical interlude or any fanfare but lights up the world.

So too, the individual who follows the personal example of Aharon expresses the power of staying silent in the face of pain and attack, recognizing the gevura of one who feels no need to announce his or her greatness but enlightens the world.

Maavir al Middotav

This brings us to the concept of one who is "maavir al middotav," forgoing of his or her rights, forbearing, restrained and longsuffering. According to numerous sources, embracing this attribute has tremendous powers to balance one's spiritual ledger.

The Talmud (Rosh Hashana 17a) states:

Rava said: "Anyone who is maavir al middotav, they forgo his sins, as it says, "forgiver of iniquity and forgoer of transgression' (Mikha 7:18). For whom is He a forgiver of iniquity? For one who is a forgoer of transgression."

The Talmud is clear that one's being maavir al middotav is extremely potent, but it is a little unclear exactly what is subsumed under this category. The continuation of the passage may provide a clue.

The Talmud continues with a story:

Rav Huna the son of Rav Yehoshua was once ill. Rav Pappa went to inquire about him. He saw that he was very ill and told those present, "Make ready provisions for his journey." Eventually, however, he recovered, and Rav Pappa felt ashamed to see him. He said to him, "What did you see [in your illness]?" He replied, "It was indeed as you thought, but the Holy One, Blessed be He, said to them, 'Because he is maavir al middotav, do not be severe with him…'"

Rashi elucidates:

One who does not mete out judgment to those who mistreat him but rather overcomes his normal behavior… so too, the Heavenly attribute of strict judgment passes over him.

The Talmud (Yoma 23a) seems to apply this trait in a second context as well, referring to one who doesn't take revenge when entitled to but holds off until the other individual sincerely attempts to achieve forgiveness.

Rashi's explanation is an outgrowth of this outlook of not demanding all that one is entitled to when dealing with others who have done one wrong.

Still, what is the power of being maavir al middotav? Of all of Rav Huna's great qualities, it is this that saves him from death, and it is this quality that allows one clemency for all of one's sins. But why?

Midda Keneged Midda

The most basic understanding dovetails with the use of the term "midda," which we recognize well from the concept of midda keneged midda, measure for measure, tit for tat.

The Talmud (Sanhedrin 90a) addresses this when dealing with the severe punishment for one who denies that the resurrection of the dead is a biblical concept: disinheritance from the World to Come.

Why to this extent? It has been taught: “Since he denied the resurrection of the dead, therefore he shall not share in that resurrection, for all the attributes of God are midda keneged midda.”

God acts with man in a way that reflects the way in which man acts with others. Thus, in Tehillim 121:5, we read, “God is your shadow on your right hand.” Therefore, the degree in which we are exacting with others God will be exacting with us.

The Maharal (Chiddushei Aggadot, Sanhedrin 90a) explains why midda keneged midda is so essential:

Understanding that all the actions of God are midda keneged midda essentially tells us that no bad comes from God, only good. It is man, based upon his actions, who can bring bad upon himself, by requiring a similar response. It is akin to the case of a borrower who merely pays back money he was lent, and it would be foolish to consider his paying back as if it is an independent action in itself.

This then, explains Rashi, is the basic understanding of the significance of one’s being maavir al middotav. One who is willing to forgo others’ responsibilities to him and not to demand all of his entitlements merits a measure-for-measure treatment by God, who is similarly willing to forgo misdeeds and not exact full payment for human misbehavior.

Part of the Community

Rav Eliyahu Eliezer Dessler (Mikhtav Mei-Eliyahu Vol. V, p. 70) provides an additional explanation for the power of one’s being maavir al middotav to allow God to pass over one's sins. He explains that one who is maavir al middotav connects himself or herself to the community and forgoes his or her own personal drives for the good of the greater whole. For this reason, one who does so is not judged by the strict judgment deserved; rather, one is judged as part of the community and merits a much more meritorious evaluation.

Rav Dessler continues that for this reason, even under circumstances in which one is permitted to treat others with a more strict level of justice, the Torah recognizes that it is preferable to be forbearing and act in a manner which demonstrates self-control. For this reason, even when one must act with a level of hatred towards evildoers, one must not reach levels of extreme hatred (based on Tosafot, Pesachim 113b, s.v. She-raa). All situations require a level of self-control; one must care for the greater good of bringing about a unified community.

Equanimity

The Maharal of Prague (Chidushei Aggadot I 44) provides a different outlook, vis-Ã -vis the relationship of the Jewish people to God.

It is said here that the nations of the world take notice of Israel’s sins and accuse Israel of prostitution under the wedding canopy. In response, Israel simply remains silent, and regarding them it is said, "They may be humiliated, but they do not humiliate..."

The humiliated people who receive the brunt of an action but do not act against others demonstrate that they have reached the level of complete equanimity. However, one who humiliates or responds to humiliation acts with brazenness that removes him from the distinguished state of equanimity, even if he acts only in response to the humiliation and abuse to which he was subjected. We have already explored this concept many times: material and physical things clash with equanimity.

That which is in equilibrium and balance is simple and distinguished; that which is not abandons simplicity. Therefore, "They may be humiliated, but they do not humiliate," choosing not to act with the brazenness that can remove them from equanimity. As long as a person can withstand the pressure of humiliation and disgrace without responding with audacity, he remains on the level of equanimity and even acquires a distinguished level of simplicity.

The Maharal states here that the level to which we aspire is the "level of equanimity," which separates a person from the material and which allows him to reach the loftiest simplicity. The Maharal explains that one who is balanced, maintaining composure, is able to be silent in the wake of insult and expresses his or her focus on the spiritual world. One who fails to do so is rooted in the natural physical drives that usually cause one to respond to distress outwardly. (See Rav Itamar Eldar's “Introduction to the Thought of Rav Nachman of Breslov” 16b, at the VBM, for a beautiful exposition of this teaching of the Maharal.)

Rabbi Eliezer, Rabbi Akiva and the Power of One's Prayers

The power of one’s being maavir al middotav is expressed in a story recorded in the Talmud (Taanit 25b) regarding the prayers of two great men during a severe drought:

Rabbi Eliezer once went before the Ark and recited twenty-four blessings and was not answered. Rabbi Akiva went after him and said, “Our Father, our King, we have no king other than You! Our Father, our King, for Your sake have compassion for us!” Immediately, it started raining. The rabbis started speaking negatively [about Rabbi Eliezer]. A Heavenly voice emerged and declared, “It is not because this one is greater than that one, but because this one is maavir al middotav and this one is not maavir al middotav.”

The Talmud thus attributes Rabbi Akiva's success to his being maavir al middotav. Yet, if this is such an important trait, why does Rabbi Eliezer not act this way as well? Secondly, why does the Heavenly voice say that Rabbi Akiva is not greater than Rabbi Eliezer — doesn’t this very trait of forbearance provide sufficient reason to consider him greater?

Rav Yisrael Salanter (Or Yisrael #28) explains that these sages’ behavior is the natural outgrowth of their belonging to two different schools of thought: Rabbi Akiva is a student of Beit Hillel, while Rabbi Eliezer belongs to Beit Shammai. The various deliberations and discussions between these two schools regarding sundry halakhic issues are familiar, but they also differed regarding the proper way of serving God.

The Talmud (Shabbat 31a) describes Shammai as one who was very quick to point out inconsistencies in behavior, as opposed to Hillel, who was a truly humble individual. Rav Yisrael Salanter explains that the Talmud is not defining their innate attributes but rather their attitudes toward proper service of God. Shammai felt that strict adherence to the honor of the Torah is necessary, and he therefore was very strict in his trying to uphold and protect the Torah.

Hillel, on the other hand, felt the proper path is one built on a different attribute, that of humility, being forbearing to those who have mistreated one. Each founded an academy dedicated to the way of life he saw as the most fitting.

In the episode in Taanit, Rabbi Akiva and Rabbi Eliezer each follow the master's teachings: Rabbi Akiva is forgiving of insult, maavir al middotav, while Rabbi Eliezer lives by a code of strict justice. As this dispute is for the sake of Heaven, both approaches are equally valid for the service of God, and therefore, the Heavenly voice assures all that neither can be considered definitively "greater" than the other.

Yet, though both approaches are equally valid, Rabbi Akiva's prayers are answered and Rabbi Eliezer's are not, for a different reason. As mentioned above, God treats all according to the principle of midda keneged midda, measure for measure. Rabbi Akiva's behavior, being forbearing towards others, allows God to accept his prayers in the same way; even though the community may not deserve it, God can be forbearing and grant rain. On the other hand, Rabbi Eliezer's strict justice requires that the community be fully deserving of rain, which, in this case, they are not.

This fascinating explanation of the passage concludes with one caveat provided by Rav Yisrael Salanter. At the time of Shammai and Hillel, there was a legitimate difference of opinion as to whether it was preferable to be strict or forbearing. Yet, the Talmud (Shabbat 31a) concludes:

One should always be humble like Hillel and not be strict like Shammai.

The Talmud testifies that the proper approach is that of Hillel. If so, acquiring Rabbi Akiva's trait of being maavir al middotav is mandatory. It is an extension of living a life of humility, driven by the teaching of forbearance and forgiveness.

Gevura

One might ask: why is this attribute so great? We must now return to the verse quoted by the Talmud, Shofetim 5:31: "But they that love Him are like the sun rising in its might."

The standard translation of gevura is might, but Rav Yosef Dov Ha-Levi Soloveitchik points out, that this is a little too simplistic. There are two different terms used for a show of strength: one is koach (power), the other is gevura. Clearly there is a difference between the two, as the morning blessings contain a separate blessing for each of these qualities. If so, what is the distinction?

Koach, we may see, is the power to move forward and conquer, readily understandable to modern man, who is used to viewing the conqueror as the victor. However, the Mishna (Avot 4:1) provides a different explanation for gevura:

Who is mighty? One who conquers his desire.

Gevura consists primarily of the capacity to withdraw, to overcome oneself, to purge or to purify one's existence. Whenever, for a more lofty cause, one can hold back and stop, conquering one's desire for total victory, one expresses gevura. Thus, gevura may more accurately be rendered "heroism".

Rav Soloveitchik adds that in fact, this is the defining factor of the Torah's view of heroic action and the character of the hero. The strongest does not receive this title; rather, it is the one who is driven by a calling and has the inner strength to live within self-imposed limits.

An example of the tremendous inner strength and heroism necessary for one who lives by the calling of Halakha is expressed in this moving description of Rav Soloveitchik, regarding the heroism of a bride and groom who withdraw from each other when the bride sees a speck of menstrual blood:

Bride and bridegroom are young, physically strong and passionately in love with each other. Both have patiently waited for this rendezvous to take place. Just one more step and their love would have been fulfilled, a vision realized. Suddenly the bride and groom make a movement of recoil.

He, gallantly, like a chivalrous knight, exhibits paradoxical heroism. He takes his own defeat. There is no glamor attached to his withdrawal. The latter is not a spectacular gesture, since there are no witnesses to admire and laud him. The heroic act did not take place in the presence of jubilating crowds; no bards will sing of these two modest, humble young people. It happened in the sheltered privacy of their home, in the stillness of the night. The young man, like Jacob of old, makes an about-face; he retreats at the moment when fulfillment seems assured. (Catharsis, pp. 45-46)

This Jewish heroism is so significant because it doesn't only express itself in a moment of victory, but in a lifelong expression of one's personality.

It is perhaps the central motif in our existential experience. It pervades the human mind steadily, and imparts to man a strange feeling of tranquility. The heroic person, according to our view, does not succumb to frenzy or excitement. Biblical heroism is not ecstatic but rather contemplative; not loud but hushed; not dramatic or spectacular but mute. The individual, instead of undertaking heroic action sporadically, lives constantly as a hero. (ibid. p. 42)

This gevura of “the sun rising in its might” is the ability to express true heroism, along with the power to remain calm to insult. It is an expression of a lifelong pursuit of the composure to answer to a higher calling, and this represents true heroism. This trait of forbearance, of one’s being maavir al middotav, is extremely difficult, and for that reason it is so powerful. Next week, we hope to continue analyzing this trait and to speak of the practical ways of attaining it.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 13: The Practicalities of Forbearance

Man's and God's Forbearance

In last week's lesson, we began to discuss the lofty behavior of one's being maavir al middotav, acting with forbearance towards those who have done him or her wrong. This principle, rooted in the gevura (heroism) exhibited by one who can withstand pain and insult, earns those who live by its code God's forbearance; their sins, measure for measure, are forgiven by virtue of their own forgiving behavior.

Living by this trait is essentially following God's lead. Among the Thirteen Attributes of Mercy is "slow to anger" (Shemot 34:6), being longsuffering. Certainly, one who is upset by an unnatural occurrence that disrupts the schedule should endeavor to overcome his or her aggravation and maintain composure. This is an expression of the positive quality mentioned in Avot (5:11), "difficult to anger and easy to be appeased". However, what if someone is mistreated by another? Should one really expect or even view positively a poised response which doesn't express one's true displeasure with the situation?

Rabbi Moshe Cordovero (in his Tomer Devora) provides a fascinating outlook on this divine attribute: at the very moment that God is providing bountiful kindness upon an individual, the individual is "spitting in the face" of God's kindness. Rav Cordovero expounds Mikha's words (7:18): "Who is God like You?"

"Who is God like You" — this attribute refers to the Holy One as a tolerant King Who bears insult in a manner beyond human understanding. Without doubt, nothing is hidden from His view. In addition, there is not a moment that man is not nourished and sustained by virtue of the divine power bestowed upon him.

Thus, no man ever sins against God, without — at that very moment — God bestowing abundant vitality upon him, giving him the power to move his limbs. Yet even though a person uses this very vitality to transgress, God does not withhold it from him. Rather, He suffers this insult and continues to enable his limbs to move. Even at the very moment that a person uses that power for transgression, sin, and infuriating deeds, the Holy One bears him patiently...

This, then, is a virtue man should emulate: namely, tolerance. Even when he is insulted to the degree mentioned above, he should not withdraw his benevolence from those to whom he bestows it.

Essentially, God's benevolence knows no bounds, for He continues to act with kindness towards us even as we simultaneously show our disrespect by transgressing His commandments. The significance of this understanding is not only in order to attain a greater appreciation of God's providing for mankind. In truth, the recital of God's attributes of mercy is not merely to state some magical remedy capable of erasing man's sins. Rather, it is supposed to act as a guide for our own actions.

A number of sources indicate that mentioning the Thirteen Attributes serves to teach us about God's merciful behavior and inculcate it within our personality.

Thus, when one is maavir al middotav one may embrace the attribute of being slow to anger, striving to bring one's composure as close to the Godly attribute of continuing to bestow goodness on another even as the other persists in hurting one. By emulating God's relationship with His people, we may earn forgiveness for our sins.

Here is where the difficulty lies. God Himself is not silent forever. The Talmud (Bava Kamma 50a) quotes the statement of Rabbi Chanina: "Whoever says that God is easygoing, his life shall be easily gone." God holds His justice in abeyance in order to give individuals a chance to repent. This is an act of God of kindness, but can man, made of mere flesh and blood, realize the same greatness? How is mortal man supposed to be able to overcome natural urges, especially when they are permitted? How is one supposed to be silent and possibly even forgive the attacker if ever approached with honest repentance?

This is the challenge of one's being maavir al middotav, but it is also the essence of its greatness. In fact, an essential part of the process of teshuva, repentance, is being able to train oneself to respond to others with the attributes modeled after God's forbearance. How may one do so? One of the major factors is coming to terms with one's natural personality and what makes one tick.

Battling One's Natural Personality

In last week's lesson, we touched upon the story in Taanit (25a) of the prayers of Rabbi Eliezer and Rabbi Akiva on behalf of the community for rain. The former is not successful, while the latter is, but a Heavenly voice explains that Rabbi Akiva is not greater, but rather he deserved to be answered because he was maavir al middotav. The commentators wonder: why wasn't Rabbi Akiva's being maavir al middotav sufficient reason to consider him superior?

Last week we cited the Or Yisrael's explanation; however, Rav Tzadok Ha-Kohen (Peri Tzaddik, Parashat Ki Teitzei) provides a new spin on the tale. He explains that the Heavenly voice should be understood literally; there was in fact no difference between Rabbi Akiva's and Rabbi Eliezer's spiritual levels in any way, shape, or form. The distinction which the Talmud provides, that Rabbi Akiva was maavir al middotav and Rabbi Eliezer was not, refers to something else. Rabbi Eliezer had exceptional behavior just like Rabbi Akiva; however, he was born that way. His innate, ingrown personality was naturally drawn to do good to others and treat everyone with respect. Rabbi Akiva, on the other hand, was born with a much more negative personality. In fact, he strayed from the Torah way for much of the first forty years of his life. His exceptional personality, which made him such a successful transmitter of Torah, came only after a long and arduous journey of working on his personality and improving his character. This, explains Rav Tzadok, is the meaning of "maavir al middotav". Rabbi Akiva's prayers are answered because his forbearing character was working against his natural grain, overcoming his natural middot and character.

The implications of this understanding of Rav Tzadok are far-reaching. Those who have the most to gain from working on improving their character are the individuals that find it hard to treat others with their due respect or are quick to retort to insults to their honor. God factors in the work and toil involved in character improvement.

In truth, in terms of the more classic definition of “maavir al middotav”, almost everyone must work hard on being willing to be silent or even forgiving in the face of insult. There is virtually nothing harder than forgoing one's rights when attacked by others. It may seem that forbearance requires superhuman abilities, but working to control one’s personality is an essential element of developing one’s commitment to self-improvement. The ultimate act of gevura, as the Mishna (Avot 4:1) states: “Who is mighty? One who conquers his desire.”

One of the greatest impediments to character improvement is the assumption that all individuals who exhibited these superhuman qualities were naturally inclined to do so. There are numerous storybooks, some even referred to as biographies, which speak of some of the great luminaries of the Jewish people, individuals known for their exceptional characters and superb interpersonal relationships, and present them as being destined for both intellectual and interpersonal greatness from childhood. Rav Yitzchak Hutner felt that such a work does a great injustice to the subject of the book, as well as to all of its readers.

In a powerful letter addressed to a student of his experiencing challenges in his attempts to maintain a certain level of devotion and feeling, Rav Hutner wrote:

It is a terrible malady amongst us that when we deal with the various kinds of perfection amongst our Gedolim, our great leaders, we deal primarily with them after they have already reached levels of perfection. Simultaneously, we fail to deal with and skip over discussing their inner battles they waged and their personal challenges. The impression of our discussions surrounding Gedolim might erroneously lead one to believe that these individuals were born directly into perfection and greatness. Everyone talks in amazement as they discuss the exalted level of purity of speech of the great Chafetz Chayim zt"l, but who really knows about all the wars, battles, impediments, and failures, and reversals which the Chafetz Chayim underwent in his battles with his evil inclination?

Rav Hutner continues by saying that the detrimental aspect of this approach is that those who struggle feel they are distant from God, not realizing that conquering one's evil inclination is an integral part of spiritual growth. In other words, one reaches greatness not by focusing on the Chafetz Chayim's greatness after he became the Chafetz Chayim, but rather by focusing on what he did to get himself to that level.

The Root Causes

Once one has analyzed one's personality and accepted the fact that character improvement will require significant effort, then one is ready to learn more about the issues associated with the trait one wishes to acquire. Understanding the personality traits that lie at the basis of forbearance, as well as practical ways of interacting with others more positively, is essential for acquiring this trait.

One may be maavir al middotav for a host of reasons, not all of which are positive. One might be silent when mistreated because one is fearful of the other's reaction or because one is waiting for the moment to take revenge.

Rav Chayim Shmuelevitz (Sichot Musar, p. 422) quotes a number of sources to support his assertion that it is only someone who is maavir al middotav due to humility that merits the blessings mentioned above. It is not the silence per say that is significant, but especially the outlook of the individual which can affect a person's responses and thereby merit success.

To this end, Rav Shmuelevitz suggests that one who wants to attain the ability to be maavir al middotav should work to attain the trait of humility. Humility is not mutilating one's own personality or feeling of self-worth; quite the opposite, it means understanding in a realistic way one's positive qualities alongside an appreciation of areas in which one needs improvement. Accepting the reality that one is not perfect is helpful in allowing one to be patient with others' expressions of their imperfect personalities as well.

Noticing the Positive Qualities

Rav Chayim Shmuelevitz (ibid. p. 429) identifies forbearance with the ability to focus on the positives in an individual's character or actions, rather than noticing the imperfections in the person's character or actions. He explains that judging others favorably is something that even God can do, as it is not limited to giving another the benefit of the doubt when unsure of that individual's intentions. The main purpose of dan le-khaf zekhut is to be able to judge based on the meritorious parts of one's actions and not get bogged down in the negative aspects.

For this reason, one who is maavir al middotav is able to withstand the temptation to act harshly with those who have wronged him because he is able to focus on the positive parts of another's actions and look over the unpleasant parts. By the same token, one who evaluates others only by their positive aspects will be viewed similarly by the Heavens. It is all a matter of outlook.

Rav Dessler's Practical Guidance

Rav Eliyahu Eliezer Dessler (Mikhtav Mei-Eliyahu, p. 243) points out that familiarity with the various positive benefits that the Sages associate with one's being maavir al middotav gives one greater motivation to develop the attitude necessary to allow one to act in this manner.

Developing an attitude which allows one to avoid growing angry in haste at those who have wronged him or her is at the core of all interpersonal activity. The essence, he explains, is to train oneself to form the proper outlook: rather than look at all events from one's own vantage point, one should start looking at others as they look at themselves. By doing so, one can replace knee-jerk reactions of anger with positive friendship-building emotions.

At this point, Rav Dessler begins to enumerate ten pieces of practical advice that can help a person achieve the outlook that will lead to this behavior. However, before listing these qualities, Rav Dessler points out that some of the advice he gives will seem at first to be she-lo lishmah, not for its own sake, i.e. based on ulterior motives and concerns. However, he continues, one who intends to achieve a positive purpose in his actions need not worry about this. (Our translation is taken from Rav Micha Berger's work for the AishDas Society, available at: http://www.aishdas.org/maavir.shtml. As a result, the transliterations may vary slightly.)

Because of the importance of the subject of "Ma'avir al Midosav," we will list here some practical additional actions that a person can habituate himself through them and trust that he will reach this level, and it will be good for him all his days. Even if some of them seem that they have an aspect of "not for its own sake," this is not a flaw... Because in order to reach a complete change in middos and ways of thought, one must utilize the "not for its own sake." Since your intent is for the sake of heaven, to do the will of your

Maker, there is no doubt that you will be helped to reach "from acting not for its sake, one comes to acting for its sake."

He then proceeds to delineate positive outlooks and actions that can transform one's behavior.

1- Your interactions with other people should not be run only through the cool intellect, but constantly through in a "warm" manner, that is, with their middos.

2- Everyone thinks they are superior to you in some way; and in general they are right about it. Agree with him, and he will love you. [Remember the words of the Ramban in his Epistle: If you are wiser than him, remember that he is more righteous than you -- for he is acting through error, and you, intentionally. Etc...]

3- Each and every person looks more closely at his own needs than at yours. Therefore, show him that that which you need is also what he needs.

4- Don't only try to do, but also to want to do, and doing it will enrich you.

5- Be careful not to enter heated disputes with your friends. They will distance you from them and come between you.

6- Do not talk too much about yourself. Talk to your friend about your friend himself, and he will be interested in listening. (To most people, there is no word more beloved than "me" and nothing pleasanter than his name.)

7- Pay attention to the words of others. Make effort to remember their names and details, and they will love you.

8- Do not correct your friend in an explicit way, because he will only rebel more. All sinners, even the worst of murderers, do not admit to their crimes in the hearts.

9- When speaking to your friends, agree to the truth. For why should he hate you when he is right!

10- Remember what the wise doctors say: It is more important to understand the patient than to understand the disease. Because a large portion of every sickness, and sometimes the entire disease comes from the spirit of the patient. When you succeed in curing this through loving and befriending him more, the disease will pass.

Rav Dessler concludes with a final afterthought:

One who conducts himself in these ways, over time it will become easy for him to be maavir al midosav, since he already got used to looking at everything from his friend's point of view.

The Source of Rav Dessler's Advice

The footnote in Mikhtav Mei-Eliyahu notes that the source of this essay is a speech of Rav Dessler delivered to the illustrious Ponovezh Yeshiva in 1949. However, it is particularly interesting to note that a number of individuals have claimed that the original source of much of these ten pieces of advice is actually the well-known work How to Win Friends and Influence People (Simon and Schuster, 1936) by Dale Carnegie.

An article in Hamaayan (April 1992), entitled "Accept the Truth from He who Speaks It," notes striking similarities between Rav Dessler's advice and elements of Dale Carnegie's approach to successful interactions with others.

The article's author spices his findings with an account of a personal discussion he had with Rav Dessler's student Rav Aryeh Carmel, who informed him that Rav Dessler had read a Reader's Digest summary of Dale Carnegie's book, though he never read the original.

In truth, the findings of the article are debatable: did Rav Dessler really incorporate Dale Carnegie's ideas into a program for improving one's interactions with others? However, the question is not only academic but significant for another reasons related to character development. The reason for this is that one thing is very clear; even if Rav Dessler truly accepted Dale Carnegie's advice and made use of it, he did so in a completely different manner than was originally intended, to the point that it often does not only not resemble Dale Carnegie but is categorically opposed.

For those who are unfamiliar with it, Dale Carnegie's How to Win Friends and Influence People is one of the first self-help books, aimed at teaching people how to get from others what they desire. It is loaded with very insightful behaviors on how to speak to people in a way that will enable one to win their friendship and exert influence in order to achieve one's goals.

Dale Carnegie certainly expressed his wisdom as the Mishna (ibid.) states: "Who is the wise? One who learns from everyone."

Dale Carnegie did this by learning from everyone who succeeded in attaining wealth and influence, including robber barons like Andrew Carnegie, whose success came on the backbreaking necks of his industrial workers. While this allowed Dale Carnegie to inculcate many successful practices in his book, he did so in a way that struck many as extremely disingenuous. His practices were aimed at allowing one to get ahead, often by presenting what others would want to hear even when not truly of that mindset oneself. Even he realized that baseless flattery was dangerous for achieving one's goals and, therefore, he repeatedly reiterated the need to be genuine, but only insomuch as otherwise one would not succeed in one's endeavors. Though the book is almost universally acclaimed, some detractors note its manipulative nature. The idea of friendship, after all, is antithetical to taking advantage of others for financial or political gain. Carnegie was not a moral authority, but a salesman of the first order who was trying to churn out more pitchmen in his image.

This is particularly significant if Rav Dessler did incorporate Dale Carnegie's ideas, even if he did so from the Reader's Digest summary which removed most or all of the manipulative aspects. Rav Dessler was quite familiar with the Mishnaic dictum mentioned above. Rav Dessler, therefore, could pick up a work of someone who spent years identifying the useful characteristics of successful individuals' behavior. However, Rav Dessler would have taken advantage of the research to develop a plan not "to win friends and influence people" but to be a good friend and positively influence one's own behavior. Even to this end, Rav Dessler begins his tips by noting that some of the ideas have a little odor of she-lo lishmah, actions with somewhat of an ulterior motive, but Rav Dessler goes on to explain that if one is doing so for the sake of Heaven, then one need not worry.

Rav Dessler was keenly aware that these pointers could be misused by individuals to teach practices completely antithetical to the Torah's goals, focusing on flattery and manipulative practices aimed at maneuvering situations to orchestrate personal success.

He was also aware that someone who imparts these ideas is liable to lose a personal sense of being genuine, realizing that a fake exterior helps one "get ahead". For this reason, Rav Dessler translates the ideas into a means of achieving just the opposite: one's ability to ignore when others insult him or her and do the impossible of maintaining silence.

The Torah requires that one actually treat people with sincere respect, not with the hope of getting something from them. (See Year 1, Lesson 24 of this series, in which we explained that the statement "Accept the truth from whoever utters it" requires that one follow the Rambam's lead, accepting the truth of the statement, but only the truth, and translating it according to the Torah's view of proper behavior.)

Rav Dessler therefore advised that one inculcate the successful practices espoused by those who have studied the subject but for a different purpose than the original authors'. One's goal should not be to influence others and take advantage of them, but rather to shape one's own personality to the extent that one may remain silent in the face of insult by focusing on the positives of others. It is the genuine distillation of Dale Carnegie's words. By the same token, any useful approach may be inculcated in one's personality, regardless of the source, for this pure purpose. Like Rav Dessler, one must often translate the ideas of others into an approach that attempts to treat people with their due respect, in a character-building manner, rather than adopting these practices disingenuously.

The Hope That God Will Treat Us Similarly

Rabbi Levi Yitzchak of Berdychev, so the story goes, once came to the verse prohibiting the affliction of the widow and the orphan and burst out crying. He turned to God and said, "Master of the Universe! On countless occasions the Torah prohibits in Your name the oppression of the orphan. We do our best to live by this principle, but what about You? After all, Scripture says (Eikha 5:1, 3), 'Remember, God, what has happened to us… We have become orphans and fatherless; our mothers are like widows.' God, don't You care about Your people? Why don't You obey Your own commandment and redeem Your orphan children from exile?"

At first glance, this statement of Rav Levi Yitzchak would seem to be extreme chutzpa. Yet interestingly, the Netziv in Hamek Davar (Shemot 22:21) references the commentary of the Ibn Ezra (see lesson #07), in which it is written that one who stands idly by and doesn't come to the rescue of weak individuals who are being afflicted is considered to have afflicted them. He adds that this idea is explicitly stated by the prophet Yeshayahu, who says (64:11):

Concerning these will You restrain Yourself? Will You remain silent and afflict us so very greatly?

Remarkably, the classic commentators on the verse understand it according to its simple meaning (see Rashi, Radak and the Targum): the prophet Yeshayahu is holding God responsible, so to say, for allowing the mistreatment of others. (However, the Netziv might have understood it differently, see Cooperman edition, footnote 171.) If so, the prophet is crying out to God: how can You be silent in the wake of all the oppression which is visited upon unto us?

What actions would have the power to awaken a change in divine interaction that would be able to answer the prophet Yeshayahu's accusations, echoed millennia later by Rav Levi Yitzchak?

What could put into action the desire of God to punish those who afflict the underprivileged, specifically the Jewish people in times of exile? A story told regarding Rav Chayim Shmuelevitz (who, as we noted above, focuses on the benefits of one's being maavir al middotav) may answer this question.

As recorded in Ke-tzeit Ha-shemesh Bi-gvurato, p. 221, Rav Shmuelevitz told of how, during the Six-Day War, he was sitting in the air-raid shelter of his Mir Yeshiva in Jerusalem, during intense enemy bombardments.

The majority of individuals inside were reading Tehillim in frightened voices, but Rav Shmuelevitz was taken aback when he heard the personal prayer of a lonely and broken woman who had been deserted by her husband more than ten years before. She was praying aloud, and the rabbi could hear her saying: "Master of the Universe, I completely forgive my husband for all the sorrow, disgrace, and pain that he has caused me all these years. May You please also forgive all the sins of those who are sitting in this air-raid shelter, just as I forgive my husband with all my heart!"

During that very same bombardment, the Mir Yeshiva building sustained a direct hit which can still be recognized by the color of bricks in the building. Yet, miraculously, the missile did not explode, and no one was hurt.

After finding out about the miracle, Rav Chayim Shmuelevitz remarked, "Despite the many righteous individuals in the air-raid shelter, it may be that the entire community was saved only by virtue of this woman's expression of the superhuman character necessary to forgive the husband who abandoned her to poverty. Her willingness to forgive his terrible crime against her clearly tilted the scales in our favor!"

Evidently superhuman displays of one's being maavir al middotav are possible; the trick is to train oneself to be capable of acting that way under all circumstances, even when not in the midst of being bombarded. Focusing on the necessary character traits and the practical means of dealing with others positively makes this goal achievable.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 14: "Lo Tisna"

The Prohibition of Hatred

In the last two lessons we discussed the lofty ideal of being forbearing to those who have wronged you. But what are we to do when faced with those who mistreat us? Is silence really always the way to go? Are we supposed to develop the personality of a dead fish? Are we never to feel pain? If not, then what is the proper approach? Under what circumstances is it respectable to be silent in the wake of personal attack?

A life of holiness requires a response to these abusive individuals. The natural reaction to mistreatment is sometimes to distance oneself from the aggressor, to feel dislike and to hold a grudge or take revenge. On the other hand, at times one may be tempted to keep this individual's friendship due to the attacker's popularity, wealth or influence. Aggressors may overpower the natural distaste of their victims, buying their friends through favors. Is it tenable to do so ethically, flattering the attacker and overlooking the misdeeds for a side benefit? Lastly, despite the victim's likely aversion, there is the option of overcoming one's natural emotions and loving the person nonetheless. The Torah, completely aware of this dilemma, provides the answers, and its message is surprising and fascinating.

Do not hate (Lo tisna) your brother in your heart. You shall certainly rebuke your comrade, and you shall not bear sin on his account. You shall not take vengeance or bear a grudge against your countrymen, and you shall love your fellow as yourself. I am God. (Vayikra 19:17-18)

The Holiness of Interpersonal Responses

Rav Hirsch (ad loc.) notes that the verses in this section of the Torah require man to be "mindful of God's presence" in his interaction with others, expressing the qualities expected of God's people. In this context, this verse deals with the challenging situation of dealing with difficult people.

Having presented the fundamentals of a social life sanctified by Torah, Scripture now adds the complement of these laws, to teach us how to relate to those of our brothers who, we might have thought, have forfeited their right to dignity and love. To rule out such thought, the sanctified and sanctifying word of God declares: "Do not hate your brother in your heart."

Rav Hirsch continues that the Torah assumes that one will naturally feel resentment towards those who have wronged him or even to others who seem to be getting ahead of him.

Such feelings are only natural in a heart not sensitized by the Torah; but they must not arise in our hearts. Even if our brother has done us many wrongs… he always remains our brother.

The Basic Questions

A number of questions now arise. Firstly, is this mitzva meant to govern our emotional mindset? Is that really controllable?

Secondly, the context of the commandment is in a verse requiring one to rebuke a fellow Jew who has transgressed some commandment. Is there any relationship between the various subjects of the verse?

Thirdly, what is the meaning of "in your heart"? Seemingly, if hating is forbidden, it shouldn't be limited to the heart. Is expressing one's hatred also prohibited?

Lastly, the object of this feeling is rather interestingly described. Throughout the chapter there are various words used to refer to a fellow Jew, but only in this verse, the term “your brother” is used. What is the significance?

Obligating an Emotional Response

The Torah here seems to be dealing with emotional directives, dictating how a person is supposed to feel about his colleagues, eliminating hatred and developing love.

The simple understanding of this verse prohibits the emotional feeling of hatred towards a fellow Jew. This puts the mitzva in the company of other commandments which seem to dictate the mindset of a Jew, such as loving one's fellow and not coveting another's possessions. We have dealt with this issue in relation to the former (see Year 1, Lesson 28) and have seen that some commentators feel that the simple understanding is justified, while others feel the need to reinterpret the verse.

Similarly, regarding this prohibition of hatred, we find a difference of opinion among the commentators regarding the nature of the prohibition: to what degree is the Torah mandating our physical response, and to what degree is it guiding us regarding the proper emotions?

For this reason, some commentators, as we shall see, may indicate that this verse is in fact prohibiting actions to another out of hatred. An interesting approach is that of Rav Yaakov Ettlinger (Binyan Tziyon Ha-chadashot 75) who differentiates between two forms of hatred. “Hatred of the heart” is a controlled reaction towards an individual who has injured or offended one. It is controllable and therefore prohibited. "Hatred of the soul," on the other hand, is instinctual and often impossible to hold back. The latter type of hatred is not included in the prohibition.

Others understand that the Torah actually requires people to be in control of their emotions. Regarding this approach, in general, there is a difference of opinion: some commentators understand that the Torah does openly dictate proper emotions and feelings to some degree. For instance, the Ibn Ezra (Shemot 20:14) understands that the prohibition of coveting another's possessions is commandable because it requires one to take the proper outlook on another's possessions so that covetous thoughts will be precluded. The Chinnukh, on the other hand, makes clear that man can in fact control his emotions.

By the same token, the obligation to prevent hatred, if understood as an emotional directive, seemingly requires one either to control emotions, as the Chinnukh believes possible, or to develop the outlook that will prevent one from coming to hate another. Similarly, as with all emotional responsibilities, part of the mitzva is studying the relevant information to develop a worldview and outlook which will make it easier to develop a love of others and refrain from hating them. Often it is developing the ability to analyze things and individuals from a frame of reference other than one's own that enables one to change the emotional responses to others.

Defining Hatred

Defining hatred is also significant in this discussion. There are many people that one may dislike or even harbor strong feelings against, but at what point does it actually become defined and prohibited as "hatred"?

In a different context, the Mishna (Sanhedrin 27a) defines a hater, an individual who may be forbidden to testify against one whom he dislikes, as one who doesn't speak to his fellow for a three-day period due to animosity. This would certainly be prohibited universally; however, is any lesser form of hatred also excluded? Similarly, there is discussion surrounding the Mishnaic statement (Nedarim 65b) which assumes that one violates this prohibition by making certain views. The commentators discuss in what way a vow violates this prohibition.

A powerful explanation is offered by the Or Ha-chayim, ad loc. He is bothered by the structure in the verse and explains that the verse is trying to define the type of enmity which is forbidden.

I believe that the message is that a person should not think that the Torah only forbids the kind of hatred which is the forerunner of acts of vengeance or violence. However, it does not forbid harboring ill feelings towards someone in one's heart. By mentioning the object of one's hatred immediately next to the prohibition of hate, the Torah makes it clear that even the kind of hatred which is not related to acts of retaliation is forbidden. As soon as one distances himself mentally and emotionally from his fellow Jew, he begins to violate the prohibition of hatred as defined by the Torah in this verse.

The next issue is the phrase "in your heart." The various commentators struggle with this, especially as the same verse then goes on to lay down the obligation of rebuke. Their explanations provide diverse understandings of the prohibition while at the same time enlightening us with some very keen observations of human nature.

The Ramban's Understanding

The Ramban (ad loc.) provides two possible readings of the verse; in both, he assumes that it is utterly impossible to understand that expressing hatred is permitted. According to the Ramban's initial explanation, there is no connection between the various parts of the verse; according to his second explanation, there is.

"Do not hate your brother in your heart" — it is normal for those who hate to conceal their hatred within their hearts, as it says "With his lips an enemy will conceal himself" (Mishlei 26:24). Therefore, the verse mentions the most common scenario.

According to this first understanding of the Ramban, all forms of hatred are in fact forbidden. The specific mention of "in your heart" refers to the common form of hatred, in which a person hides hatred verbally, using friendly speech while concealing his or her true feelings for another.

The Ramban continues by explaining the ramifications of this understanding for the next part of the verse, regarding the obligation to reproach one who has sinned. After this initial explanation, the Ramban adds a second one which he prefers, which unifies the three clauses of the verse to create a holistic approach to dealing with those who have wronged us.

It seems to me that the correct interpretation of the expression "You shall certainly rebuke" is similar to "And Avraham rebuked Avimelekh" (Bereishit 21:25). The verse here is thus stating: do not hate your brother in your heart when he does something to you against your will, but instead you are to reprove him, saying: "Why did you do thus to me?" Hence, you will not bear sin because of him by covering up your hatred of him in your heart and not telling him, for when you will reprove him, either he will vindicate himself before you or he will regret his action and admit his sin, and you will forgive him.

This understanding of the Ramban divides the verse into three parts: do not hate your brother who has wronged you in your heart, rather give him gentle, constructive criticism and reprove him privately. By doing so, you will not be responsible for his sin, because he will not continue without knowing he has wronged you, and therefore he will be able to either explain himself or improve his behavior.

The Rashbam has a similar understanding, seeing this entire verse, as well as the following one, as a single unit, expressing how one should deal with another who has wronged him or her. He adds that the next verse forbids one to bear a grudge or take revenge against the abuser, though we might have thought that in fact the Torah only prohibits private, concealed hatred in the heart which doesn't give the perpetrator a chance to change.

“Do not hate your brother in your heart” — if someone acts towards you in an evil way, don't appear to him as one who loves him while inwardly plotting against him. This is an improper way to act. Don't hate him in your heart; rather, reprove him for what he has done. Through this you will bring about peace, “and you shall not bear sin on his account” by keeping your hatred in your heart.

The Ramban's unwillingness to set down any limitation on the prohibition of hating leads to two alternative understandings forbidding all forms of hatred: either the Torah is speaking of standard hatred, which is concealed, or specifically prohibiting concealed hatred which doesn't give the transgressor an opportunity to explain himself or herself or to turn over a new leaf. In his second, preferred understanding, the Ramban sees the verse as a guide on how to deal with aggressors in a way that will benefit society.

This understanding is expressed by the She’iltot as well, who states that the Torah forbids both privately concealed and outwardly expressed hatred. The verse specifically mentions hatred in the heart to inform one that all forms of hatred are unacceptable.

The Me’iri

Rav Asher Weiss (Minchat Asher, Vayikra 42) notes that the Me’iri has an alternative understanding of the verse. The Me’iri (Yoma 75a) writes:

One should ensure that his hatred of another does not prevent him from doing good to another in any way that he can do good, as it says "Do not hate your brother in your heart."

The Me'iri would seem to understand that hatred alone is not the focus of the prohibition; rather, a physical expression of this emotional feeling is forbidden. According to this understanding, the Me'iri would seem to maintain that the Torah, in fact, does not forbid internal feelings; rather, it prohibits treating a person differently because of these feelings.

Rav Asher Weiss points to other evidence that would support this assertion that the nature of the prohibition is not the emotional response, but rather concretizing it through actions of hate.

The Rambam

The understanding that this verse only prohibits hatred in the heart is explicitly stated by the Rambam. This understanding is mentioned both in Sefer Ha-mitzvot and Mishneh Torah.

We have been warned not to hate each other, as it says: "Do not hate your brother in your heart." The expression used by the Sifra (Kedoshim 2:4) is: "I have only mentioned hatred in the heart." However, if one displays his hatred openly and notifies the other individual that he hates him, one has not transgressed the prohibition of hatred: though he does transgress three other prohibitions; taking revenge, bearing a grudge and the positive commandment to love one's fellow. However, hatred concealed in the heart is a greater transgression than any other. (Sefer Ha-mitzvot, Negative 320)

The Rambam explains that while in no way is it permitted to hate another openly, this in not included in the technical prohibition of "Lo tisna." This prohibition is unique to hidden hatred, which he views as the worst of all.

Anyone who hates another Jew in his heart transgresses a prohibition, "Do not hate your brother…." The Torah only prohibits hatred in the heart, but one who hits his fellow or insults him does not transgress the prohibition of "Do not hate," even though this behavior is not permitted for other reasons. (Hilkhot De'ot 6:5)

In the next paragraph, he expresses his understanding of the verses, while explaining that the Torah is telling one how to act when hurt by another:

When a man sins against another, the injured party should not hate the offender and keep silent, as it is said concerning the wicked: "And Avshalom spoke to Amnon neither good nor evil, for Avshalom hated Amnon" (II Shemuel 13:22). Rather, it is his duty to inform the offender and say to him: "Why did you do this to me? Why did you sin against me in this matter?" Thus, it says: "You shall certainly rebuke your neighbor." (Ibid. 6:6)

There is a difference of opinion as to whether the Rambam would even exclude someone who hits another out of feelings of enmity and hatred from the prohibition. The Kesef Mishneh (5) understands that anyone who acts out of hatred is certainly included in the prohibition.

However, the Minchat Ani (7:2:3) notes that it is clear in the source quoted by the Rambam that any form of expressed hatred is excluded from the prohibition, even hitting another out of hatred.

Therefore, the Rambam should be taken literally: only hatred in the heart is subsumed under the prohibition; expressed hatred of all forms, no matter how severe, is excluded.

This understanding highlights the originality of the Rambam's opinion. What could be so severe about hidden hatred that makes it more destructive than expressed emotions?

This question is of utmost significance because the Magen Avraham (OC 156:2) and Mishna Berura (OC 156:4) both codify the Rambam's understanding of the prohibition as halakhically normative, specifically prohibiting concealed hatred.

This would mean that one who is overcome by hatred of another who has done him or her wrong is obligated either to eradicate fully all inklings of dislike for the individual or confront the individual. But what is so bad about dealing with one's hatred inside and concealing it, possibly even out of the desire to maintain peace?

The Danger and Severity of Hidden Hatred

If we, in fact, are to limit the prohibition to concealed hatred, we must understand the rationale. The Rashbam and Ramban focus on the lack of knowledge on the part of the individual who is unable to improve his or her ways or correct misunderstandings. The Chafetz Chayim (Sefer Chafetz Chayim, Introduction, Negative Commandment 7, Be'er Mayim Chayim) seconds this idea and adds:

When hatred is concealed and has not been expressed through action, the hated party has no method of self-defense, and therefore more serious damage may be done to this individual. Therefore, the Torah explicitly prohibits this form of hatred.

The Chinnukh (238) focuses on what the unexpressed enmity does to the hater, pointing out that one who despises another secretly will end up violating numerous other commandments:

The root of the prohibition is known. Hatred in the heart causes great evils among people, so that each man's sword is constantly at his brother and at his fellow. This is the reason that people inform on each other. It is the basest trait, the vilest to the greatest extreme for every sensible person. The details of this commandment and the numerous prohibitions set down by the Sages serve to keep our souls from growing accustomed to this evil trait, as explained in the Talmud and various Midrashic sources.

If one cannot express feelings openly, one will need to speak behind the other's back and raise tensions through forbidden speech and informing.

There is another explanation which displays a broad outlook on the nature of concealed hatred, focusing on the dreadfulness that is the lot of the haters, not only due to the other commandments which they will violate, but specifically with regards to the intensity of the hatred. The Yad Ha-ketana (De'ot 7:2:4) explains:

When one does not make known or display one's hatred at all, this is the classic concealed hatred, which one hides and buries in the heart. This is referred to by the Torah as sitma, loathing, and it is a poisonous root which grows to threatening proportions, for this is the nature of sitma. It cannot be extinguished in one's heart at all, and it burns like a fire within one.

The heart constantly renews itself to cultivate evil against the other, further distancing their hearts from one another. The hatred can grow so intense that one may attempt to take the other's life.

He continues that the term of sitma is found even among brothers when, due to disagreements or misunderstandings which calcify into hard feelings, secretive hidden hatred is left to grow and develop into terrifying animosity and a desire to kill. For instance, we find:

And Esav loathed Yaakov… and Esav said in his heart, "When the days of mourning my father grow close, I will kill my brother Yaakov." (Bereishit 27:41)

For this reason, the Yad Ha-ketana explains that hidden hatred is far more dreadful than upfront hatred, as the former is outwardly invisible, but inside it continues to grow to horrifying proportions. Any act of hatred, including hitting another in disgust, may violate other prohibitions, but not this one; the action itself will prevent the forbidden hatred from fully taking root. The Torah is specifically concerned with harboring unexpressed feelings of resentment which can develop into the most severe forms of hatred.

The Dual Nature of Concealed Resentment

In truth, both approaches to the depravity of unexpressed hatred seem to be correct. At the same time that hidden hatred prevents any possibilities of reconciliation and leads to more violations, it also grows to untold proportions. It usually will lead to speaking behind the back of the "enemy," as one lacks the ability to confront the other who has wronged him or her. This compounds one's violations and simultaneously intensifies the severity of one's feelings.

Ultimately, concealing hatred may lead to an explosion. The hater may suddenly unleash a torrent of fury, berating another for years of supposed abuse, made all the worse by the fact that it has been veiled by apparent love for a long time. The hated party may not even be aware of the "crimes," mutated beyond recognition through the driving force of hatred stoked beneath a pleasant facade.

This clearly explains the severity of this prohibition; as the Rambam indicates, "Lo tisna" is a far greater transgression than expressing hatred.

Many times, individuals develop a hatred which, for whatever reasons, they feel they are unable to mention publicly. They have been hurt, but they do not wish to make a big deal out of it. While one might at first view this position as noble, the Torah is unequivocally telling us that silent hatred is not an act of piety, but a dangerous course. The wronged individuals must either completely erase any hard feelings or state that they have been hurt and would like redress.

Permitted Hatred?

While this verse states unequivocally that one is not permitted to hate a fellow Jew, the issue is more complicated. Firstly, the term used in the verse, "your brother," must be understood fully. To what degree does it include all Jews, and to what degree is it restricted? Secondly, elsewhere in the Torah, we find individuals who are described as hated in a permitted context.

In next week's lesson we will discuss the meaning of "your brother" and its implications for dealing with sinners.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 15: Permitted and Forbidden Hatred

Introduction

In last week's lesson we discussed the nature of the prohibition “Do not hate (Lo tisna) your brother in your heart.” Despite the severity of “Lo tisna,” some sources indicate that under specific circumstances, this prohibition may be waived. Is there ever really permission to hate a fellow Jew, and if so, under what circumstances and for what purpose?

An analysis of the Torah's terminology is necessary in order to understand the scope of the prohibition.

Reiakha and Achikha, Love and Hate

The question of who is included in the prohibition of hatred parallels the question regarding who is included in the mitzva of loving one's fellow Jew. The two are found next to each other in Vayikra 19:17-18, the former speaking of “reiakha” (your fellow) and the latter of “achikha” (your brother). What is the connotation of each?

The Rambam, in a number of places, indicates that the obligation of love extends to all Jews. In Hilkhot De'ot (6:3), he unequivocally extends the obligation to all Jews, without limitation:

There is a mitzva falling upon everyone to love each individual Jew as himself, as it is stated: "You shall love your fellow as yourself."

The Talmud may provide a source to back up this assertion. Sanhedrin 45a expounds this verse to give a criminal sentenced to capital punishment a proper (i.e., humane) death, clearly implying that the obligation of loving one's fellow applies to every Jew, even condemned criminals.

Logic would dictate that the same should apply to the inverse, the prohibition of hatred. If one must love every Jew, then one must be enjoined from hating any Jew. However, this may not be true. The Talmud notes that despite the prohibition of hating one's brother, another verse in the Torah makes explicit reference to one’s foe, an individual whom one hates.

If you come across your enemy's ox or donkey going astray, you must certainly bring it back to him. If you see your foe’s donkey lying under its load and you refrain from helping him, you must certainly help him. (Shemot 23:4-5)

The Talmud (Pesachim 113b) discusses the law applying to an individual whose unseemly behavior has been witnessed by only one person, and it resolves the contradiction between the two verses, the prohibition to hate another Jew and the obligation to help a hated Jew:

Rabbi Shmuel bar Rav Yitzchak: “It is permissible to hate him, as it is said. ‘If you see your foe’s donkey lying under its load.’” Now which foe is meant? Shall we say a non-Jewish foe? It was taught: “The foe of whom they spoke is a Jewish foe, not a non-Jewish foe.” Hence, it obviously means a Jewish foe. But is it permitted to hate him? Surely it is written, “Do not hate your brother in your heart”! Again, if there are witnesses that any Jew transgressed, all agree that he should be hated! Why is this particular person singled out? Hence it must surely apply to such a case where he has seen something indecent in him. Rav Nachman bar Yitzchak said: “It is a duty to hate him, as it is written (Mishlei 8:13), ‘God's commandment is to hate wickedness.’”

This Talmud implies that there are situations in which it is permissible and perhaps even obligatory to hate a fellow Jew, if the other Jew has violated a commandment. Even if “reiakha” includes all Jews in the obligation of love, “achikha” may exclude certain people, namely those who engage in blatant violations of commandments. In other words, the implication is that one is obligated to hate an evildoer.

This Talmudic passage requires analysis. While the Talmud does resolve the contradiction between the two verses via its distinction between evildoers and others, the nature of this law is unclear. Why does one who performs evil lose the status of “achikha”? What is to be accomplished through this hatred? If it is in fact true that one must love all Jews, including evildoers, how can one simultaneously love and hate?

Even if we accept that one can lose the status of “achikha,” we must define the point at which this happens. The simple understanding of the passage is that one who performs a sin, even once, may be hated. Is this really sufficient?

Reasons for Hate

In order to better understand this issue, we must identify different forms of "hate". In truth, the word "hate" is a very strong word. However, there is a logical reason why one would want to limit one’s love for an individual whose behavior is detrimental. Sometimes, despite our love for another, we must distance ourselves from a friend who is liable to have a harmful influence.

This might be better understood based on the context of the Torah's directive regarding hate. The Torah links the prohibition of hatred to the positive commandment of providing rebuke and constructive criticism to one who has sinned. In last week's lesson, we noted that numerous commentators understood the verse as one continuum. One must not hate an individual who has wronged him or her internally, concealing his true emotions; rather, one must speak constructively and positively to the offender.

The whole gist of the prohibition of hatred is to be productive. Instead of hating, a Jew is supposed to react positively to a misdeed. Sometimes showing hatred, a lack of approval of the other’s actions, may accomplish just that. This idea finds expression in the comments of the Semak (17), who writes:

The Torah cautions us regarding someone whom we are allowed to hate — for example, one who has committed a transgression. Despite this, it is prohibited to hate this individual privately in one's heart while publicly expressing love; rather one is obligated to display his hatred.

This also appears to be the opinion of Rashi (Arakhin 16b): the verse is referring to a transgressor; the victim is forbidden to hate in his or her heart. Instead, the victim must rebuke and improve the other’s behavior.

In truth, the terminology used by the verse mandating love of one's fellow Jew differs from that used in the prohibition of hatred, and this distinction between "reiakha" and "achikha" may tell us something. A "fellow" would include a varied degree of individuals, including acquaintances and even people who are very different. A "brother", on the other hand, can refer to one of two types of people: either a blood brother or someone whose closeness can be expressed in terms of a fraternal relationship. These two meanings may combine to explain why it is more limited. A brotherly relationship may persist despite bad behavior; however, the metaphorical closeness requires a backdrop of shared values and actions. One whose behavior distances himself from his metaphorical brethren would cease to be their kith and kin.

Always a Brother?

Ostensibly one may lose the status of "achikha," but Rav S.R. Hirsch points out that, to a certain degree, the opposite is true. Though many commentators explain the prohibition of hatred as dealing with one who has wronged another, in which case resentment is only natural, Rav Hirsch (ad loc.) points out that the language of the verse is meant to remind us of the bigger picture. At its root, "achikha" reminds us of the verb "acha", to mend or sew.

The assumption in this prohibition is that our brother's misbehavior toward us is liable to provoke hatred in our hearts… Such feelings are only natural in a heart not sensitized by the Torah, but they must not arise in our hearts. Even if our brother has done us many wrongs… he always remains our brother. After all, we are all God's children, and we are all sewn together, joined in brotherhood to each other through God. We are brothers, the children of one Father, and for the sake of this one Father, Who still calls him His son and reserves for him a place in His house and in His heart, hatred must not arise in our hearts…

Again, there is nothing as effective for removing hate from the heart as the idea implicit in the word achikha. Every man is a brother in God's house; in our Father's house, there is no place for hate arising out of jealousy.

In a similar way, even when dealing with one who hasn't wronged us personally but has wronged God, though his actions require a response on our part, we mustn't forget the bigger picture. Jews are family, and we must prevent a breakup.

On a homiletic level, the proper way to treat one who has sinned in light of the status of "achikha" may be dependent on the difference of opinion regarding whether Jews remain children of the Almighty if they are no longer dutiful offspring. The Talmud (Kiddushin 36a) records:

"'You are children to Lord your God' (Devarim 14:2) — when you act like children you are called children; if you do not act like children, you are not called children" — these are the words of Rabbi Yehuda. Rabbi Meir says: "One way or the other you are called children."

Rabbi Meir then goes on to cite many verses in which the Jews are rebuked for their misbehavior but still referred to as God's children. If all Jews are brothers because we are all children of God, then whether estranged Jews are included in the category of "achikha" may depend on whether estranged Jews remain children of God. If we endorses Rabbi Meir's view, in the same way in which they remain God's children, they would also retain the status of brothers.

Limitations on Hatred

Despite the lifting of the prohibition of hatred regarding certain classes of evildoers, the Torah goes out of its way to indicate that under certain conditions, these individuals are actually treated with preference. Let us return to the verses cited earlier. Regarding returning lost objects the Torah states:

If you come across your enemy's ox or donkey going astray, you must certainly bring it back to him.

Regarding an animal that collapsed under its load, the Torah states:

If you see your foe's donkey lying under its load and you refrain from helping him, you must certainly help him.

Even though one is allowed to hate a sinner, the Torah also requires one to return the lost object.

In fact, some commentators understood the verse differently, explaining that "your foe" should not be understood as "one whom you hate" but rather "one who hates you."

The Ibn Ezra explains that "your foe" refers to "one who is hostile to you." Likewise, Rav A. Astruc (Midreshei Ha-Torah, cited by Nechama Leibowitz) explains:

This means that if you see the donkey of he who hates you lying under its burden, and he will not ask you for your help because of his hatred for you… you nevertheless must not refrain from assisting him now that he needs you, though you do not need him. The Torah teaches you to ignore such conduct and behave in a noble-minded and magnanimous manner, offering him your help.

However, most commentators accept the Talmud's explanation that the verse refers to helping an individual whom one despises, though it is permitted to hate this individual for his or her sins. As the Semag (Positive 80-81) writes:

It refers to a case in which one sees his fellow behave sinfully, which allows him to hate his fellow if he warns him but his fellow does not repent… Nevertheless the Torah cautions to be sympathetic and help him in his need.

The Torah doesn't want a rift to develop between Jews; distancing a sinner by refusing to help him is counterproductive. Though there is no absolute prohibition to hate another Jew, there is a comprehensive mandate to love, cherish and take care of one's fellow Jew, even though the same closeness may no longer exist.

This idea is furthered by a number of sources that clearly indicate that we should hate wickedness but not the wicked. The passage in Berakhot 10a states:

There were once some thugs in the neighborhood of Rabbi Meir who caused him a great deal of trouble. Rabbi Meir therefore prayed that they should die. His wife Beruria said to him: "What do you think? Because it is written: Let sinners cease? Is it indeed written 'sinners'? It is written 'sins' (Tehillim 104:35)! Further, look at the end of the verse: 'And then the wicked will be no more.' Once the sins cease, then the wicked will be no more! Rather pray for them that they should repent, and the wicked will be no more." He did pray for them, and they repented.

Similarly, Rav Tzvi Yehuda Ha-Kohen Kook (Li-ntivot Yisrael 2) remarks on this, expounding the High Holiday liturgy:

In every place where we find references to hatred, we understand clearly that the intent is only to oppose the phenomenon of evil and to fight the impurity of evil; it is not directed against people, as we say, "All wickedness will vanish like smoke."

His father, Rav Avraham Yitzchak Ha-Kohen Kook (Siddur, Olat Re'iya II 412:56), even advises to follow the opinion of the Vilna Gaon regarding the daily prayers, emending the twelfth blessing of the Amida: instead of "May all of the blasphemers be instantly destroyed," the proper text should be "May all wickedness be instantly destroyed."

The Meshekh Chokhma provides a penetrating insight into the permissibility of actually hating an evildoer. He notes the variations between the descriptions in Shemot (23:5) and Devarim (22:4) describing the mitzva to assist one who is hauling a load on his donkey. Only in Shemot is the individual referred to as "your foe," while in Devarim, the term is "your brother," the antonym, referring to the one in need in fraternal, rather than adversarial, terms. He explains:

This was said prior to the Sin of the Golden Calf, when all of Israel was "a kingdom of priests and a holy nation" (Shemot 19:6); at that point, it was permitted to hate a person who had committed a blatant sin. However, this did not remain true after Israel's repeated sinful acts. From that point onward, whenever encountering a sinner, we must examine our own conduct, which is not free of faults; one may fall short in this area, another in that area. It is, therefore, forbidden for anyone whose conduct is not free of all blemishes to hate another Jew. But there are very few individuals who fit that bill, as the Talmud states (Sukka 45b): "I have seen eminent men, but they are few."

Essentially, the Meshekh Chokhma limits the license to hate to those of supreme perfection, which he sees in the verses' change in terminology as almost nonexistent after the Sin of the Golden Calf. The term "achikha" essentially returns the prohibition to its original force, as all Jews are brethren in their flawed nature.

The Parameters of Hatred

The above-cited sources would indicate that there is a difference of opinion on whether it is actually permitted to hate another Jew who is a sinner. However, even if hating is permitted, its parameters must be defined. As Tosafot (Pesachim, ad loc.) point out, evidently even when one is permitted to hate certain individuals, the license is limited.

Tosafot (s.v. She-raa) are bothered by the fact that the Talmud elsewhere (Bava Metzia 32b) says that one should first help his "foe" to load his donkey before he assists his friend to unload his donkey "in order that one limit his desire to hate." If "your foe" refers to a sinner, then why must one be helpful to this individual, if the desire to hate is positive? Tosafot answer:

Since he hates the sinning individual, the sinner will hate him as well, as it says (Mishlei 27:19) "As a face opposite water reflects another face, so do people reflect each other's hearts," and this will lead to complete hatred. Therefore, limiting one's inclination to hate is called for.

Tosafot distinguish between permitted, limited hatred and forbidden, absolute hatred. However, they do not fully explain the distinction.

The Machatzit Ha-shekel (OC 156:2) explains that the fear is that one will continue to hate even after the transgressor has repented, when it is no longer permitted. Rav Tzvi Yehuda Ha-kohen Kook, however, explains this a little differently.

Tosafot give us a deep psychological insight. The verse in the book of Mishlei says, “As a face opposite water reflects another face, so do people reflect each other's hearts.” If the religious fail to behave with love toward the irreligious, the latter feel hated and rejected. They sense that religious people only have love for other religious people and that they look upon the irreligious with condemnation. This situation arises from reverence for God, but the irreligious person is left dejected. This causes conflict, and the situation continues and worsens until it reaches total hatred, may God save us. The origin point is a valid response to spiritual failing. The initial hatred isn't complete, but it grows until it becomes utter abhorrence, and this is something truly awful.

Hating a sinner is a necessary evil, but at the same time it is a terrible reality which may get out of control. The Torah seeks to remind us that even when hating others is necessary, one’s strong negative feelings must be limited. Otherwise, these feelings may be shorn of their constructive aim, namely not learning from the errors of others.

This is expressed by the Rambam at the end of Hilkhot Rotzeiach (13:14), where he writes:

The foe mentioned in the Torah is not a non-Jew, but rather a Jew. One might ask: how is it possible for one Jew to hate another? Is it not written (Vayikra 19:17): "Do not hate your brother in your heart"? Our Sages explain that this is referring to a person who while alone sees a colleague violate a transgression and rebukes him, but the colleague does not cease transgressing. In such an instance, it is a mitzva to hate the person until he repents and abandons his wickedness. Even if he has not repented yet, if one sees him in panic because of his cargo, it is a mitzva to unload and reload with him, instead of leaving him inclined toward death, lest he tarry because of his money and be brought to danger. For the Torah shows concern for the lives of the Jewish people, both the wicked and the righteous, for they are attached to God and believe in the fundamentals of our faith.

The Torah's care about the estranged Jew is reflected in this balance: it is permissible to hate, but the need to show care is overwhelming.

Applicability in Our Day

The various sources quoted above refer to a license to hate under certain circumstances. One might wonder if in our current reality, or even in the reality of the past hundred years, factors might not have contributed to a reevaluation based on the Torah's description of the preconditions for permitting hatred. A number of commentators speak of a connection between hatred and rebuke. Both the Rambam and the Chinnukh require it. The latter (Mitzva 238) states:

Regarding hatred of wicked people, there is no prohibition. Rather, it is a mitzva to hate them after we have reproved them many times about their transgressions and they have refused to desist, for it is stated, "For indeed those who hate you, God, I hate them, and I argue with those who rise up against You" (Tehillim 139:21).

Rav Yehonatan Voliner (in Marganita Tava, printed by the Chafetz Chayim as an addendum to Ahavat Chesed, 17) explains the practical ramifications of the understanding that links the permissibility of hatred to the need for proper rebuke:

Even concerning wicked people, the Maharam of Lublin explains that we are prohibited to hate them unless we have reproved them for their actions. However, there is no one in this generation who knows how to reprove effectively (as the Talmud, Arakhin 16b, states), and perhaps if this sinners were to be reproved properly, they would listen and repent. Furthermore, perhaps their natural tendency towards evil has caused them to behave this way, as it is written, "Do not judge your fellow until you have been in a similar position" (Avot 2:4). It is definitely prohibited to curse them. Rather, we should seek compassion on their behalf that God may help him to repent.

Rav Voliner transforms the permitted behavior of hating a sinner into an obligation of care and concern for their welfare. The practical ramifications of this understanding would be a complete abrogation of the right to hate those involved in sin.

In fact, this would be the understanding of the Chazon Ish, who points out (YD 2:28) that a precondition for being able to treat sinners as apostates is that they receive adequate rebuke; otherwise, they are considered to be acting under compulsion and incapable of acting differently. After quoting a number of sources, including those we have quoted, he concludes that one cannot treat sinners as apostates, which would preclude our hating them.

The Tzitz Eliezer offers a more minimalistic understanding of when it is forbidden to hate a sinner, one that opens the door for a more concrete outlook. He is bothered by the fact that the Chafetz Chayim seems to be inconsistent: if one may not hate evildoers in generations in which there is no effective rebuke, how can he write elsewhere of individuals who are to be treated harshly on account of their severe transgressions? He offers an interesting distinction as a possibility for explaining the Chafetz Chayim's position:

It is possible that the Chafetz Chayim differentiates between one who sins privately and one whose wickedness also serves as a stumbling-block for others. One must hate evildoers like the latter, even in our day and age… for they rise up against the Torah and attempt to enact laws that will sway people away from God; they are a stumbling block for the community and, therefore, one would be obligated to hate them…

The Tzitz Eliezer provides a logical outlook upon the whole question of hating the wicked. In truth, one who loves God's creations — all the more so one who recognizes the inherent holiness of the Jewish people — will be able to distinguish between the actions of a Jew and that individual's inner spiritual purity. At the same time, continuing to love a Jew who is deeply involved in sin is dangerous, as one is liable to be swayed by this model of behavior. For this reason one may hate an individual whose actions are sinful if one has effectively reproved this individual but the latter shows no intent of changing. Again, this hatred serves to distance oneself from a bad influence. However, in our times, in which rebuke can no longer be done effectively, we must focus our energies on compassion for sinners, realizing that we don't know how to aid them effectively.

Nonetheless, when we are dealing with individuals who go beyond sinning against the Torah by actively plotting against Jewish causes and spiritual necessities, the proper response remains hatred. Here the hatred is necessary not only to prevent oneself from learning from others' actions; to effectively combat their attempts, we have to be steadfast in our commitment to the Torah and our understanding that their unacceptable behavior requires a swift response on our part. However, deep inside, we realize that they cannot be held culpable for their actions, and we continue to pray that their evil may be removed and that these individuals may return to being our brothers.

Returning to the Status of "Brother"

In Devarim 25:1-3, the Torah uses two terms to refer to an individual sentenced to corporal punishment: first, "rasha" (wicked) and then, "achikha."

The Talmud (Makkot 23a) explains:

"And your brother may be degraded" — initially he is called wicked, but only up until the time he is flogged; once he has been flogged, the Torah calls him "brother."

One should not view a sinning brother as eternally doomed; instead, one must be constantly mindful of how to help. Despite the various sources allowing hatred in certain circumstances, it certainly is not always permitted. There is a specific form of hatred, called baseless hatred, which is so detrimental that the Talmud points to it as the cause of the destruction of the Second Temple (Yoma 9b). In our next lesson, we will try to understand this forbidden form of hatred and to arrive at a conclusion as to how to look upon one's fellow Jew.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 16: Sinat Chinnam and the Destruction of the Temple

Baseless Hatred

One of the most pernicious forces in the Jewish ethical worldview is sinat chinnam, baseless hatred. As we saw in last week's lesson, the prohibition of "Do not hate your brother in your heart" has some exceptions. If there exist, at least in theory, circumstances under which one is allowed to hate another Jew, then the concept of sinat chinnam is more readily understandable. Hating someone with cause is permissible; doing so baselessly is prohibited. However, the Talmud does not only tell us that it is forbidden, but that it is seriously destructive.

If hatred were always forbidden, under any and all circumstances, then it would be easier to curb the phenomenon of one Jew's hatred for another. However, because circumstances do in fact exist that allow one to hate another, the dividing line between permitted and forbidden hatred must be drawn. When permissible, the "mitzva" of hate is unfortunately often much easier to fulfill properly than the mitzva to love another Jew. Now, when it comes to the individuals whom we naturally would love, the mitzva is seemingly unnecessary. It is when considering those individuals whom we might be tempted not to treat in the prescribed manner, for a whole host of reasons, that the mitzvot of love and hate bear most significance.

The Talmud (Yoma 9b) discusses the reasons for the destruction of the two Temples in Jerusalem. It differentiates between the causes of the first destruction and those of the second:

Why was the First Temple destroyed? Because of three things which prevailed there: idolatry, immorality, bloodshed... But why was the Second Temple destroyed, seeing that in its time they occupied themselves with Torah, mitzvot and acts of kindness? Because baseless hatred prevailed. This teaches you that baseless hatred is equal to the three sins of idolatry, illicit relations and murder.

The severity of sinat chinnam is clear: even a generation of charitable scholars can be punished for this sin, and it is considered as grave as the three cardinal sins combined.

The mention of sinat chinnam as the root cause of the Second Temple's destruction is repeated elsewhere, with additional components.

The Yerushalmi (Yoma 1:1) states that despite the fact that, during the Second Temple era, the people were avid in their Torah study and careful in their fulfillment of mitzvot, destruction came upon them because:

The people loved money but hated each other with baseless hatred.

The Midrash (Eikha Rabba 1:21) adds that during the Second Temple era, "People rejoiced over the downfall of others."

Defining the Term

In order to gain a greater understanding of this hatred, we must properly define it. The term sinat chinnam is rather strange. People don't usually hate others chinnam, for no apparent reason at all. Usually, the reason to hate others is because they have mistreated one, are a bad influence, have different opinions, etc. Why would sinat chinnam have been so ubiquitous during Second Temple times if it was really baseless?

Evidently, the sinat chinnam which was so prevalent and widespread was not "baseless" in the usual sense of the term. Everyone can find a good number of reasons to hate others; however, the Sages view this feeling as baseless if it is not founded on the basis of the permitted hatred discussed in the previous lesson. In fact, the hatred allowed in certain cases is a constructive hatred, aimed at distancing bad influences; therefore, it is limited in its scope and level. Even so, there are numerous opinions which understand that hatred, even for these elements of society, is either disallowed in our time or severely limited (see previous lesson).

If so, any hatred which doesn't carry with it the Torah's permission is viewed as sinat chinnam. The Talmud, however, stresses the severity of this form of hatred. After all, despite the fact the generation of the destruction was accomplished in Torah study and even acts of kindness, the phenomenon of baseless hatred was sufficient to lead to its downfall. Therefore, sinat chinnam is akin to the three cardinal sins which led to the First Temple's destruction.

Even when the Torah permits hatred, it does not neglect the responsibility of loving a fellow Jew.

Loving and Hating the Same Individual

Rabbeinu Bachya (Kad Ha-kemach, Sinat Chinnam) writes that there are two forms of love, both of which one should feel towards fellow Jews.

Love is either natural — like the love between brothers, that of a father for his child or that of a man for his wife — or it may be social. For example, when two absolute strangers are together for a whole day, there develops between them a common feeling and determination in all matters.

On the basis of both these types of love, the people of Israel have been called "brothers and fellows." This expression teaches us that one should love his fellow man like a brother; moreover, socially, he should be on good terms with him like a friend. It is thus written: "For the sake of my brothers and fellows, I will please speak of peace with you" (Tehillim 122:8).

Though in an ideal world all Jews would be considered both brothers and fellows, we saw in last lesson that evildoers may lose the status of "brothers" even while maintaining the status of "fellows." The practical ramifications of this understanding is that while it is permitted to hate evildoers, one must still love them, as one must love all his fellows.

A number of commentators deal with this paradox. How can one simultaneously love and hate the same individual? Some of the answers provided to this question provide insight into the whole purpose of necessary hatred.

Rav Schneur Zalman of Liadi, in his celebrated work Tanya, deals with this question.

It is known that he purposely placed his exposition in Chapter 32, numerically equivalent to the Hebrew word lev (heart) due to the significance of these ideas.

He speaks about the tremendous love one must have for a fellow Jew. He then asks: how is that one is obligated to hate an evildoer?

What about the statement in the Talmud that if you see your fellow sinning you must hate him and must also tell his teacher so that he may hate him as well? This speaks of your peer who learns Torah and performs all the mitzvot. He did something that he should have realized is wrong, and you rebuked him for it …Let us say, however, that this person is not your comrade in Torah and you are not close with him. In that case, Hillel the Elder instructs, "Be of the disciples of Aaron: love peace... love the creations and attract them to Torah." He is speaking of those who are far from God's Torah and from being observant Jews, which is why he calls them just "creations." He is saying that you must pull in these people with thick cords of love, and perhaps, with all this effort, perhaps you may attract them to Torah and to the service of God. Perhaps you will, perhaps you will not. Whatever the outcome, you have not lost the reward for showing love to a fellow Jew.

This love also applies to those who are close to you — the ones that you have rebuked and yet they have not repented of their sins. Yes, it is a mitzva to hate them, but it is also a mitzva to love them, and both should be in all earnestness: hatred due to the evil within them and love due to that aspect of good that is buried within them. This is the spark of godliness within them, which vitalizes their godly soul. Aside from this, you need to inspire your heart towards compassion for this godly soul…

Essentially, the mandate is to hate the evil within the sinner but to love his or her intrinsically good essence. Rav A.Y. Kook similarly explains that the whole concept of hating the evil of a wicked individual is as an expression of love for the good.

Though our love for people must be all-inclusive, embracing the wicked as well, this in no way blunts our hatred for evil itself; on the contrary, it strengthens it. For it is not because of the dimension of evil clinging to a person that we include him in our love, but because of the good in him, which our love tells us is to be found everywhere. Since we isolate the dimension of the good to love him for it, our hatred for the evil becomes sharpened and absolute. (Middot Ha-Raaya, Ahava 8)

Rav Kook goes on (op. cit. 9) to explain that the hatred of the individual must be limited and directed:

It is proper to hate a corrupt person only for his defects, but insofar as he is endowed with a divine image, this is in order to love him. We must also realize that the precious dimension of his worth is a more authentic expression of his nature than the lower characteristics that have developed in him through his circumstances. It is for this reason that the Talmud (Pesachim 49b) limits the degree to which one may hate the evildoer…

If permitted hatred is an expression of loving the good inner character of the individual and not being fooled by his evil exterior, then we can begin to understand sinat chinnam. On the most basic level, sinat chinnam is so destructive because the hatred lacks all elements of positive purpose. For this reason, there is also no reason to limit the hatred, and it can grow to extreme proportions.

Unfortunately, baseless hatred is not only historically significant as the basis for the Temple's destruction; it is still rampant.

In fact, some sources even indicate that the lingering impact of the Second Temple's destruction is a result not only of past misdeeds, but of the persistence of attitudes of hatred.

Severity

The Shulchan Arukh writes (OC 549:2), based on the opinion of the Ramban, that even though the walls of Jerusalem were breeched on the ninth of Tammuz preceding the destruction of the First Temple, we commemorate yearly only the seventeenth of the month, the date when the walls were breached during the Second Temple era.

Logic might have indicated otherwise, as the Talmud (Yoma 21b) states that the Second Temple paled in comparison to the First Temple, lacking five signature elements, including the Holy Ark. If so, why memorialize only the date related to the Second Temple?

The Shulchan Arukh explains because "the destruction of the Second Temple is more severe for us." What does this mean?

One might explain that the distinction is primarily a matter of time. The First Temple lay in ruins for seventy years only, while the destruction of the Second Temple is still in effect. However, there is room to understand that there is not only a technical distinction, but a fundamental one as well.

The Vavei Ha-ammudim (Ammud Ha-shalom 27) explains that the severity of the destruction of the Second Temple is due to its causes, which are still apparent.

The reason why the destruction of the Second Temple is more severe for us, despite the greater miracles in the First Temple, is that… its causes still apply to us. Sinat chinnam persists amongst us, along with the evil eye and destructive speech, which are all still extant; therefore, the second destruction is more severe for us. Now, if this flaw led to the Temple's destruction, it surely will prevent the arrival of the Messiah… This is the meaning of the saying (Yerushalmi, Yoma 1:1), “Any generation in which the Temple is not rebuilt” due to our retaining the flawed character traits of that era, “it is considered as if they themselves destroyed the Temple.”

There is no greater testimony to our need to eradicate sinat chinnam than the fact that we have not merited to build a Third Temple. For this reason, it is essential to understand the devastating nature of sinat chinnam and the causes for the Second Temple's destruction in order to realize our historical destiny.

The Severity of Sinat Chinnam

Rabbeinu Bachya (loc. cit.) writes that sinat chinnam is so severe because it is the root of all other interpersonal sins. Thus, it may drive one to utter evil.

Baseless hatred is a grave sickness, and it is the cause of all the sins mentioned in the Torah. It causes the hater to utter falsehoods about his fellow, and one who habitually utters falsehoods cannot receive the Divine Presence, as it is said (Tehillim 101:7), "He that speaks falsehood shall not be established before My eyes." In turn, prevarication will lead the hater to concoct a false charge against his fellow and to testify falsely against him … Due to hatred, one will feel depressed over his fellow's success and will rejoice over his failure…

Baseless hatred brings about the division of hearts and makes a person differ with his fellow without any regard to the latter's greater esteem. Instead, all wish to be leaders, and thus their opinions and hearts are divided…

Rav Yehonatan EybeschÃ¼tz (Ya'arat Devash I, p. 198) identifies that one of the factors contributing to the severity of sinat chinnam is that people don't even realize that they are involved in such terrible sin. He explains along these lines the continuation of the passage in Yoma (9b), which states:

Rabbi Yochanan and Rabbi Elazar both say: "The people of the First Temple, whose iniquity was revealed, had their end revealed; the latter ones, whose iniquity was not revealed, have their end still unrevealed."

As Rav Yehonatan EybeschÃ¼tz reads it, the sin of hatred "was not revealed" in that even the perpetrators didn't realize the severity of their actions in a way that would inspire regret and repentance. Generally, when one becomes rooted in sin, one often finds it hard to escape, finding reasons to justify his or her actions. This is exponentially true when one is not even aware of the gravity of the sin. Thus, the sinat chinnam of the Second Temple led to the annihilation of the people's character and consequently the Temple's destruction.

To stem the tide of sinat chinnam, one must understand the phenomenon. As we have seen, hatred is not usually baseless per se, but the basis is often not justified. If so, what might be examples of illegitimate causes of hatred?

Hatred Stemming from Jealousy

Rav Hirsch (Vayikra 19:17) explaining an additional element of the prohibition of hating a fellow Jew. He writes about this form of hatred:

There is an additional reason for the admonition "Lo tisna." The heart, left to its own natural inclinations, can develop hate for another; this is known as sinat chinnam. The admonition, in its all-embracing formulation, relates to this form of hatred as well (and not only to hatred towards an abuser).

Unprovoked hatred is common among unrefined people. If their "brother" competes with them in the struggle for existence — which is what life consists of, according to the modern worldview — then even if he competes fairly, he nevertheless races with them to the same finish line, and by his perseverance and skill he threatens to overtake them or forces them to exert additional effort. In their perception, this is sufficient reason to hate him, for he is an impediment to their success, and they hope for his elimination and complete ruin. Sinat chinnam, let us remember, is the sin that lead to the Second Temple's destruction.

Again, there is nothing as effective in removing hate from the heart as the idea implicit in the word achikha. Every man is a brother in God's house; in our Father's house, there is no place for hate arising out of jealousy.

The Religious Element of Interpersonal Relations

Why does the Talmud stress that the people in the time of the Second Temple were learned and kind? On the simplest level, the intention is to point out that despite their other great qualities, they were held accountable for their baseless hatred.

However, in truth, the point might be a little different. The Talmud may be indicating that it is not despite their learning that the people were held accountable for their sinat chinnam, but specifically because of their learning. Those who become scholars and understand the Torah's message of love for one's fellow Jew, are supposed to express this love in all their actions.

Failing to do so reflects a misunderstanding of the Torah and sometimes even a corruption of it. After all, the Torah was given when the Jewish people were unified: "They united themselves here with one heart" (Mekhilta, Shemot 19:2).

The Maharal (Netivot Olam, Ahavat Reia) indicates that loving other people is connected to loving God.

Indeed, this matter of loving people is also the love of God, for a person who loves someone loves all of the things which the beloved does. Thus, when one loves God, it is impossible not to love His creations, and if a person hates mankind, it is impossible to feel love for God, Who created them.

One who truly loves the creator loves his creations. Further, our legacy from Avraham Avinu includes love even for those who have strayed from the path completely. Rabbeinu Bachya explains this:

One who develops this loathsome characteristic proves that he is not a descendant of Avraham, for all of Avraham's offspring follow in his ways, as it is written (Bereishit 18:19), "For I have known him to the end that he may command his children and his household after him…"

A true Torah scholar is supposed to realize this, as Rav Kook writes in his commentary to Avot (6:1):

The greater a Torah scholar is in his learning, and the more he deserves the designation of a true Torah scholar, the more he is obligated to be filled with a love for the whole world. (Rav Kook Avot 6:1)

Thus, the Second Temple era epitomizes religious failure: the people who were involved in Torah failed to inculcate its true message.

Discord and Murder

A number of other commentators note that numerous sources indicate that during the Second Temple period, there was great bloodshed. Despite rampant murder during the years of the Second Temple, the Talmud only mentions baseless hatred as the cause for the Second Temple's destruction, listing murder only as a cause for the First Temple's destruction. If there was murder as well, then why mention baseless hatred as the cause?

When dealing with this question, some of the commentators see a causal connection: when baseless hatred is the starting point, ruthless murder is the result.

Previously (Year 1, Lesson 19), we discussed the attribute of yashrut, moral rectitude. The Netziv notes that the failure of the people of the Second Temple was their lack of yashrut. In his introduction to Bereishit, he explains why the first book of the Torah, dealing with the Patriarchs, is called sefer ha-yashar, the book of the right:

The matter is explained by the verse in the Song of Ha'azinu (Devarim 32:4): "The Rock! Perfect is His work … righteous and right is He." The specific praise of God as yashar is used to explain the righteousness of God's judgment in destroying the Second Temple because of "a crooked and perverted generation" (ibid. v. 5).

We may explain that during the Second Temple, there were tzaddikim and chasidim, as well as those who toiled in the words of Torah; however, they were not yesharim in their dealings with others. Due to the baseless hatred in their hearts towards each other, they suspected that those who disagreed with them on religious matters were Sadducees or heretics. This brought them to bloodshed under false pretenses and many other evils until the Temple was destroyed. This is the justification for the destruction: for God is yashar and God could not tolerate tzaddikim like these. Rather, [God prefers] people who act in a way that is yashar even in worldly matters, not those who act crookedly even for the sake of Heaven; this causes the destruction of creation and the annihilation of the world's population.

And this was the praise of the Patriarchs, that besides their being tzaddikim, chasidim and lovers of God in the most perfect way, they were also yesharim; that is, they conducted themselves towards others, even towards despicable idol worshippers, with love; they cared about providing for their benefit, as that keeps the world in existence. Thus, we see that our patriarch Avraham prayed for the city of Sedom, even though he hated them and their king with the utmost enmity due to their evil ways, as is clear from his statement to the king of Sedom; still, he sought their survival…

This yashrut allows one to truly be righteous, for when one cares about all of God's creations, about all of mankind, one treats them accordingly. The Patriarchs serve as the model. They cared even about their enemies! How much more so must they have cherished their neighbors and fellows; thus, one must desire what is good for others and follow in the Patriarchs' path.

The failure of the Second Temple period was this lack of yashrut, which led to hate and even bloodshed. Though there was murder, it is not counted as the reason for the Temple's destruction because it was merely an outgrowth of a hatred based on an inability to interact with others, a fundamental lack of yashrut.

A similar idea is explained in the Vilna Gaon's work Even Sheleima (Emuna Ve-hashgacha): in order to prevent hatred, one must be able to disagree with another about the substance of the issue without making it personal. The Vavei Ha-ammudim is correct in noting the continued expressions of sinat chinnam in modern times; all too often, we are prone to refer to others condescendingly due to their opinions.

Even when feeling the need to disagree, how one does so is essential. Sometimes a justified religious cause for disagreement might evoke all-encompassing hatred. For this reason, as we noted earlier in this lesson and the previous one, the Torah seeks to ensure that one has constant love for his or her fellow Jew; whatever hate is necessary, it must be used only purposefully, in a limited and directed manner.

Keeping Healthy and Open Communication

The first step in obliterating the epidemic of baseless hatred is ascertaining why one has strong negative feelings toward another; the next step, if one is unable to erase them, is to confront the other with these qualms. Doing so ensures that one makes the other individual aware of these feelings; simultaneously, one deals with the hatred in a way that will prevent its growing too extreme.

Rabbeinu Bachya continues that unity is essential for the Jewish people's growth and success; therefore, baseless hatred can destroy a Temple and nearly destroy a people.

How is one to overcome the urge to hate and to learn how to disagree without making it personal? In the next two lessons, we will examine how to avoid unproductive disputes and move from sinat chinnam to its polar opposite, ahavat chinnam, unconditional love.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 17: The Causes and Effects of Hatred

In last week's lesson we dealt with the scourge of sinat chinnam, baseless hatred, which led to the destruction of the Second Temple. We cited a number of opinions dealing with the nature of this hatred, the reasons behind it and why it is so destructive. Hatred, we saw, often leads to other sins and can fuel intense disputes with friends and family. The commentators explicate at length the root causes and horrifying effects of sinat chinnam.

As Rabbeinu Bachya points out (see our previous lesson) hatred is often rooted in one's feelings of superiority due to ego and arrogance. Hatred is merely the gross expression of a faulty character focused on oneself and one's own greatness. This misguided approach leads to harsh feelings of loathing towards others who succeed or who seem to be slighting one's honor. In fact, the Noam Elimelekh (Or Elimelekh, Yekhahen Pe'er Vol. II # 31) states that hatred rooted in arrogance was the cause of the destruction of the Second Temple. Interestingly, the Me'iri (Chibbur Ha-teshuva, p. 117) quotes authorities who state that the prohibition of hatred includes a proscription against arrogance, which lies at the root of hatred.

Along similar lines, the Orechot Tzaddikim, who seems to understand that sinat chinnam is literally hatred without any reason, notes that there are more destructive forms of hatred. He writes that hatred based on jealousy or a perceived slight is an even worse form of sina, because it is difficult to halt it in its tracks.

Righteous Dispute?

A recurring theme that the commentators utilize is the metastatic nature of hatred: an inability to disagree civilly flares up into radical disputes. In fact, according to the Netziv (Hamek Davar, Bamidbar 16:1), many start out motivated by a righteous cause, only to later be so overcome with emotion that they endorse ruthless hatred, distrust, and even murder.

The Netziv focuses less on the character roots of the hatred during the period of the Second Temple and turns his attention to the motives. Sometimes they were righteous, but at other times they were clothed in claims of righteousness which served to sanction hatred that grew to unstoppable proportions. The Netziv points out that many of these forms of hatred were in actuality expressions of loathing caused by a misconception of righteousness. The roots of destruction lie in the inability to accept alternative ways of serving God and the tendency to accuse others of throwing away their faith.

The Netziv instructs us to be cautious when assuming that we are about to embark on a holy war against others; our supposedly righteous motives may in fact be an expression of getting carried away with the differences between ourselves and others. Elsewhere (Harchev Davar, Devarim 4:14) the Netziv deals with the statement of the Tosefta (Menachot 13:22) that puts the love of money as a cause for the temple's destruction alongside hatred.

He explains that it is often a love of money and competitiveness that lurks beneath the surface of rationalized hatred, a phenomenon which can even rip apart families. Though the hater may be convinced of the justness and holiness of the cause, love of money and other base desires may be pulling the strings. This unfortunate reality may explain the mindset of many political parties and organizations which launch attacks on their disputants in the name of righteous causes while concealing a desire for lucre or honor.

The way one deals with other in disagreements is an expression of one's character. Earlier (Lesson 12) we discussed the positive trait of forbearance, of one's being maavir al middotav. However, though this trait requires that one be silent in the face of attack, not responding angrily or hastily, it doesn't mean that one must always acquiesce and forgo one's own opinion. The issue is not whether disagreement is permitted. It is not only allowed, but many times even welcome. In fact, the sources speak of the positive benefits of a pair of individuals battling to find out the proper approach to understand the Torah. Were disagreement per say always negative, this wouldn't be celebrated. Evidently, we must differentiate between different forms of dispute.

What are the parameters which determine whether a disagreement is proper and destined to bring out greater truth or negative and forbidden? Finding a biblical source for how to deal with disagreement will help us understand.

"Like Korach and His Company"

Parashat Korach tells of the revolt mounted by Korach and his followers to challenge the authority of Moshe and Aharon. The test chosen to determine who deserves the priesthood is the offering of incense. The incense offered by Korach's two hundred and fifty men is rejected, and they are incinerated (Bamidbar 16:35). The verse tells us that afterwards God instructs Moshe to have the fire pans used by the rebels turned into a covering for the altar, serving as a warning to those who would consider launching a Korach-style revolt against authority. However, the language of the Torah is intriguing:

That no stranger, who is not of the seed of Aharon, come near to offer incense before God; that he be not like Korach and his company, as God said to him by the hand of Moshe. (Bamidbar 17:5)

The verse is a little unclear in its instruction that one must "be not like Korach and his company." Which aspect of their personality should be shunned?

The Talmud (Sanhedrin 110a) understands this verse to prohibit not only rebellions against religious authority or the priesthood, but also being machazik be-machaloket — literally, "holding on to controversy." We are admonished to refrain from creating friction and divisiveness, to avoid causing strife and contention, as Korach did.

The Root of Division: The Second Day of Creation

In fact, the concept of division altogether is often derided. The second day of creation is the only one for which the phrase "And God saw that it was good" is omitted. Our Sages (Bereishit Rabba 4:6) understand that this is due in part to the creation of the second day, which sees the separation between the lower waters and the upper waters. Rabbeinu Bachya (Kad Ha-kemach, Sinat Chinnam) explains how this accounts for the second day as the source of division.

Unity is the essential cause of peace, while dissension and change are the roots of quarrel. Thus on the first day of creation, which alludes to God's Unity, you will find no discord, variance or dissension. However, on the second day, when the initiation of change is marked by the division “between the waters which were under the firmament and the waters which were above the firmament” (Bereishit 1:7) discord, contention, and change began. Accordingly, on that day, God did not see "that it was good;" the good was lacking because of the dissension. Such dissension manifested itself on the following days of Creation too, and on the sixth day, Adam and Chava sinned and were driven from the Garden of Eden. Thus, you see that division of hearts, which is the characteristic of baseless hatred, stems from the second day of Creation, which does not contain the expression "that it was good."

Any form of division, even one necessary for the creation of the world carries with it dangerous precedents for improper divisions. The Maharal (Netivot Olam, Shalom) points out that the Hebrew word for evil, ra, is often used interchangeably with the word machaloket, for machaloket, rooted in the division of the second day of Creation, is the source of most evil in the world.

By the same token, the Ari points out that the Hebrew word for a unit, that which is bound up and tied together, is aguda. This word contains five out of six of the first letters of the Hebrew alphabet. The only letter missing is bet, the second letter. Why is this? He explains that because the second day of creation is the source of all division, the second letter is not included in this term. Only by removing divisions can we bring about a unification of opposites.

Positive Warfare?

Let us examine this idea from another angle. Generally speaking, war has many negative connotations; even the victorious side suffers its own casualties. Nevertheless, the Sages speak of a positive form of warfare. When one battles for spiritual truth, then disagreement and dispute are merely tools for clarifying the proper approach. In one's search for spiritual truth, combat is not necessarily bad.

The Talmud (Megilla 15b, Chagiga 14a) expound a number of verses to indicate that those who toil in the give-and-take of “the war of Torah" are to be admired.

This concept of a positive form of warfare, dedicated to arriving at the spiritual truth, is one integral to Judaism. Yes, there may be a need to disagree with comrades in the process, but this difference of opinion is positive when it can be categorized as a machaloket le-shem shamayim, a dispute for the sake of Heaven. In fact, the hallowed study halls of Torah are characterized by study partners at loggerheads, toiling over the proper understanding of a Talmudic passage, often getting into heated arguments in an attempt to arrive at the truth. How does this jibe with the very understandable general prohibition of promoting disputes? This seems rather odd.

Indeed, one might think that if disagreement is forbidden, it should be categorically prohibited. However, the Mishna teaches that we must differentiate between two forms of disputes: some are le-shem shamayim, while others are not.

Any dispute that is for the sake of Heaven is destined to endure; one that is not for the sake of Heaven is not destined to endure. Which is a dispute that is for the sake of Heaven? The dispute between Hillel and Shammai. Which is a dispute that is not for the sake of Heaven? The dispute of Korach and all his company. (Avot 5:17)

Deeds and Misdeeds for the Sake of Heaven

The distinction of the Mishna would seem to indicate that the defining criterion for whether a debate is proper or not is to the intent of those who enter into the dispute: do they have positive intentions or not? By these standards, disputes are only to be viewed negatively if they are for selfish concerns, while a machaloket le-shem shamayim, a dispute for the sake of Heaven, is often a very positive thing.

In truth, though, this is far from simple. While a heavenly dispute may be proper, how is one to know whether the argument is truly le-shem shamayim? In fact, some of the most destructive acts in Jewish history have been the outgrowths of an approach that began with an effort to act on behalf of Heaven.

In fact, Rav Yonatan EybeschÃ¼tz (Yarat Devash #8) notes that it is virtually impossible to find a dispute where those involved do not honestly think that they are acting le-shem shamayim.

In Agra De-khalla (Parashat Korach), Rav Tzvi Elimelekh Shapiro provides a basic guideline to determine if one is truly acting for the sake of Heaven:

If you do not get excited about other commandments the same way you do about the subject of the disagreement, you can be sure that your excitement about it is not for the sake of Heaven.

After all, when one enters into a dispute, one often finds that his or her original righteous intentions have been discarded in the heat of the debate; the dispute often becomes rather personal. What is to prevent a dispute with noble beginnings from ending in disaster?

The Talmud's Terminology

In truth, a second look at the language of the Talmudic passage discussing the prohibition of machaloket may shed a little light on this prohibition. The language of the Talmud is not that it is prohibited to have a dispute; rather it mandates: "Ein machazikin be-machaloket," “We do not hold on to controversy.” Though the simple meaning indicates that one should attempt to reach peaceful resolutions by being forbearing and understanding, there may be more to this term than meets the eye.

However, the Chatam Sofer (cited in R. Shemuel Alter’s Likkutei Batar Likkutei, Bamidbar 16:12) provides a different explanation, basing himself on a more literal understanding of “machazikin". The Chatam Sofer suggests that this term here refers to the halakhic principle of chazaka, established patterns. In several different areas in halakha, a mode of conduct that has repeated itself several (usually three) times is considered an established routine, which can be assumed to always continue. Perhaps the best-known example is the case of the goring ox. After three incidents, the ox is deemed aggressive, and its owner runs the risk of harsher punishment should the animal kill yet another person. Regarding quarrels, claims the Chatam Sofer, the Sages teach us that the principle of chazaka does not apply. No matter how long an argument has persisted, no matter how many times given individuals have proven their inability to resolve their differences and get along peacefully, one may never assume that an irreversible pattern has been established. When it comes to harmonious relationships among people, we must continue to work and seek resolution.

The Torah Temima (Bamidbar 17:5) points out that there are two ways to understand why machaloket might be forbidden:

If the verse in indeed understood as prohibiting machaloket, the question may be raised: what is the nature of the prohibition? One might view the prohibition as expressing an inherent flaw in any situation of machaloket, seeing it as a wholesale ban, without taking into account its ramifications. However, one may also understand that it is not inherently bad, but it is prohibited because of what it might lead to. After all, situations of dispute often bring out the worst in people, and at times they can develop into feuds that no longer resemble the original cause of dispute.

There are those who claim that religion is the source of all wars, noting the many different holy wars fought throughout the centuries. However Rabbi Dr. Michael Avraham, in his Hebrew book "God Plays Dice" (Yedioth Ahronoth Publishing, 2011), points out that this claim is an oversimplification if not an utter falsehood. While it is true that there exists ideological violence towards nonbelievers, this has nothing to do with religious belief. Some of the most dangerous men in history such as Hitler and Stalin were not religious men; nevertheless, they had deep convictions that lead them to the most deadly campaigns. Beliefs must be dealt with properly in order to have positive results out of strong convictions, not dangerous ones.

In fact, a more serious analysis of the Talmudic passage indicates that it is not only machaloket which is significant, but how it is waged.

The Mishna's Distinction

The Mishna's distinction between a controversy conducted le-shem shamayim and one conducted not le-shem shamayim lends itself to a number of questions. Regarding the heavenly dispute, the Mishna speaks of both sides of the dispute, Hillel and Shammai, while regarding the unholy dispute it only mentions "Korach and his company." Why not mention the other side, Moshe and Aharon?

The Malbim explains the distinction (Bamidbar 16:1):

Our Sages wished to point out that in a heavenly cause, both sides are, in fact, united by one purpose: to further unselfish, divine ends. However, in a controversy pursued for unholy ends, for personal advancement or the like, even those who have come together on one side are not really united. Each is governed by his own calculations of what he stands to gain and is ready to cut the other's throat if it will serve his interests.

He goes on to express that this is exactly the nature of the union of Korach and his comrades. Korach was fighting for the priesthood, the members of the tribe of Reuven were vying for the rights of the firstborn, and the two hundred fifty men were of the opinion that their individual prestige and distinction was reason enough to award them the priesthood despite their lack of hereditary claims to it.

The Noam Elimelekh (Likkutei Shoshana) adds that as a general rule, one of the ways to know if a dispute is le-shem shamayim is to identify if the individuals who are joined together for a common cause are in general agreement with each other or seem to be opportunists joining the same bandwagon of dispute in order to succeed in attacking a common enemy.

In our next lesson, we will delve into a deeper understanding of the prohibition of machaloket by furthering our analysis of the nature of Korach's dispute with Moshe and Aharon and the distinction provided by the Mishna between their dispute and that of Hillel and Shamai.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 18: The Enduring Truth of Proper Machaloket

In last week's lesson we began to develop an understanding of the prohibition of entering into machaloket, dispute or controversy. We noted that the concept of machaloket is not at all foreign to the religious life of a Jew. In fact, it is often viewed as an essential part of the spiritual battle to reach a truthful understanding of the Torah. In fact, the Mishna in Avot differentiates between two different types of dispute: machaloket le-shem shamayim, which is viewed positively; and machaloket she-einah le-shem shamayim, which is forbidden and destructive.

To better understand the distinction between positive and negative disagreements, we will take a second look at the statement, analyzing its language and its components, against the backdrop of a passage celebrating the manner of dispute which characterizes Talmudic study.

The Talmud in Kiddushin (30b) expounds a verse in Tehillim (127:5), explaining:

What is "with enemies at the gate?" Rabbi Chiya bar Abba said: “Even a father and son, a teacher and student, who are involved in Torah at one gate become enemies to each other, but they do not move from there until they become close friends, as it says (Bamidbar 21:14): ‘the gift at Reeds’ — rather than ‘at Reeds’ (be-sufa), read: at its end (be-sofah).”

The Talmud interprets the verse in Tehillim, “He shall not be put to shame when he speaks with his enemies at the gate,” as referring to the study of Torah. Why does the verse refer to scholars as enemies? This is explicated by the verse in Bamidbar (21:14), which states: "This is the book of the wars of God, the gift (vahev) at Reeds and the wadis Arnon." The Talmud homiletically reads suf (reeds) as sof (end). As Rashi (ad loc.) explains, “vahev” is associated with ahava, love: thus, the divine wars concerning books lead, at the end, to love. Arguments about Torah, in other words, ultimately increase the closeness of the participants. Here, the Talmud seems to celebrate a real battle to understand the truth of Torah.

With this in mind, let us return to the text of the Mishna.

Any dispute that is for the sake of Heaven is destined to endure; one that is not for the sake of Heaven is not destined to endure. Which is a dispute that is for the sake of Heaven? The dispute between Hillel and Shammai. Which is a dispute that is not for the sake of Heaven? The dispute of Korach and all his company. (Avot 5:17)

The Mishna's distinction between a controversy conducted le-shem shamayim and one conducted not le-shem shamayim raises a number of questions. Regarding the holy dispute, the Mishna speaks of both sides of the dispute, Hillel and Shammai, while regarding the unholy dispute it only mentions "Korach and his company.” Why not mention the other side, Moshe and Aharon?

Secondly, the language of the Mishna is rather difficult: it seems to indicate that the difference between the two disputes is whether the dispute will ultimately endure or not. A machaloket which endures seems to not be a good thing, so why would the Mishna look at lastingness as a positive attribute?

Thirdly, is there anything to be gleaned from the Mishna's reference to Hillel and Shammai in particular, who only argue about a handful of matters, rather than the academies they founded, Beit Hillel and Beit Shammai, which argue about hundreds of issues?

Understanding Korach

To better understand the Mishna's lesson we must take a deeper look at the nature of Korach's rebellion, as told in Bamidbar 16-17. Understanding the Korach episode is important for a number of reasons. It is the biblical basis for the Talmudic mandate "Ein machazikin be-machaloket," "We do not hold on to controversy." (See our previous lesson.) It is also the archetypical case provided by the Mishna for a dispute waged with unholy motives. Understanding the episode will help us uncover the root causes of these types of disputes and enable us to identify an unhealthy argument as it is forming. Secondly, understanding the context may help us determine what aspects should be considered forbidden because they lead to the destructive consequences which his rebellion met.

The commentators debate the motives that lie behind Korach's rebellion. The sources seem to present different motives for the disagreement, some focusing on greed and personal ambition, others focusing on religious differences with Moshe. Indeed, in Reflections of the Rav by Rabbi Abraham R. Besdin, he dedicates a chapter (XIII, p. 139 ff.) to Rav Joseph B. Soloveitchik's view of Korach's revolt, "The 'Common-Sense' Rebellion against Torah Authority."

In fact, a look at the text reveals that Korach and his entourage include a motley crew of individuals with different causes. Korach is joined by prominent Reubenites, as well as two hundred and fifty leaders of Israel. Their claims even seem to have some noble intentions, as they declare to Moshe and Aharon (16:3): "You have gone too far, for the entire company is holy, and God is in their midst. Why are you setting yourselves above God's congregation?"

However, Moshe's response reveals that their real qualms relate to Aharon's priesthood: "Although He brought you and all of your Levite brethren close, you seek the priesthood as well." Midrash Tanchuma offers some political and financial context for his objections, as Korach views himself as rightful heir to the leadership of Levi (ch. 1) and contests Aaron's right to the tithes and other gifts set aside for the priests (ch. 3).

Furthermore, the Abarbanel (ad loc.) points to another grievance the Reubenites have: the tribe of Yehuda (under Aharon's brother-in-law) has assumed leadership in the encampment in the desert. Nevertheless, they unite with Korach and his 250 nobles for the common cause of challenging the authority of Moshe and Aharon.

Rav Tzadok Ha-Kohen of Lublin (Peri Tzaddik, Parashat Korach) provides a fascinating approach to the nature of Korach's controversy. The idea that all Jews are holy and should have equal access to a relationship with God is indeed correct, and this will be achieved in the future when all the righteous will stand around the Garden of Eden in a circle, equidistant to God at the center (Taanit 31a).

He adds that even though Korach addresses these claims with ulterior motives, the controversy is written in the Torah because there is future truth to the claim, “for the entire company is holy, and God is in their midst," though the time is not yet ripe for it.

Certainly if Korach's claims are valid, at least on some level, then the story not only surrounds the motives for the dispute, but also the way in which Korach conducts the argument. His accusations and unwillingness to discuss matters thoughtfully also express his lack of proper motivation. Even a noble motive is to be discounted if the battle is not fought properly.

These dual aspects of Korach's villainous behavior, the motive and the manner, also appears in an understanding of the verses. The episode begins with the words, “And Korach took” (16:1). What exactly does he take? Commentators offer explanations which relate the terminology to the impetus for Korach's rebellion as well as to the manner in which he wages it.

The Yerushalmi (Sanhedrin 10:1) explains that it refers to the preceding passage (15:38), which speaks of the obligation to include “a cord of tekhelet” (sky-blue wool) in the fringes upon a four-cornered garment. Korach, according to this tradition, takes a garment made entirely of tekhelet and challenges Moshe: should such a garment require an additional cord of this material as well? Korach uses this question as the basis for his attack on the credibility of Moshe and Aharon as divine lawgivers.

One of the other ideas presented by a number of commentators is that “And Korach took” refers to the methods Korach uses. He gathers together all of the individuals with personal feelings against Moshe and Aharon in order to stage his rebellion. He does not argue in good faith, but carefully orchestrates a revolution.

Return to the Mishna

With these insights into Korach's rebellion in mind, let us return to the Mishna to gain a deeper understanding of forbidden machaloket.

One possibility is that Korach and his henchmen may have somewhat righteous motives, but their manner of doing so is battle for the sake of battle, devoid of lofty motives. The other general approach to Korach's rebellion speaks of the improper motivations garbed in religious devotion.

In Rav Elchanan Sorotzkin’s Lemaan Achai Ve-reiai he provides a beautiful explanation of why Korach is the archetype for disingenuous dispute. After all, the Jews sin in the desert more than a dozen times! He explains that the Mishna feels no need to address petty quarreling over mundane matters such as food and water. Such arguments need no comment. It is specifically those arguments waged under the pretense of being "le-shem shamayim" that the Mishna feels compelled to address. The story of Korach serves as the classic example of a machaloket waged out of impure motives under the guise of sincerity; thus, it is particularly this type of controversy which the Mishna warns us about. It is specifically regarding disputes over religious issues that we have to be utterly certain that all intentions are truly le-shem shamayim.

In fact, Korach's motives and manner may also impact our understanding of the verse which is cited as the source for the Talmudic mandate “Ein machazikin be-machaloket,” namely, “That he be not like Korach and his company” (17:5).

In truth, there are a number of possible alternative explanations of the verse, some of which are espoused by the different biblical commentators. The Ramban understands the verse as a prohibition of challenging the institution of the priesthood, as Korach does.

After analyzing the story of Korach, it is indeed possible to limit the prohibition to one of the possible motives or manners recorded above. Why is the verse then so vague regarding the prohibition to "be not like Korach," without specifying which aspect of his behavior is included in the prohibition?

One may explain that the generality is in fact quite useful. The verse is indicating that despite all the possible motives for Korach's rebellion, some of which might even be righteous, engaging in a machaloket is so detrimental that it cannot be permitted unless there is no possibility of undisclosed motives. Every negative aspect of Korach's behavior is included in the prohibition, as a machaloket requires complete and total purity of motive and method; any possible deviation can ruin the most lofty causes.

The context of the prohibition is also significant for learning how to deal with dispute. For instance, Rav Zalman Nechemya Goldberg (Moriah 169/170, 62-72) notes that the prohibition compels us to learn from the actions of Moshe. Not only does he not initiate a dispute; instead, he dispenses with his honor in order to effect reconciliation, even though it is not his fault.

Shammai and Hillel

On the other end of the spectrum, analyzing the debate between Shammai and Hillel provides insight into the proper form of disagreement. In several places, the Talmud describes the positive aspects of the disputes between the students of their academies. The issues at hand in their debates are very serious, but as the Mishna notes (Yevamot 1:4, Eduyot 4:8): “Though these forbid what those permit and these invalidate what those validate, Beit Shammai does not refrain from marrying women of Beit Hillel, nor Beit Hillel of Beit Shammai.” The Talmud (Yevamot 14b) eloquently spells this out:

Although Beit Shammai and Beit Hillel are in disagreement on the questions of rivals, sisters, old bills of divorce…. Beit Shammai does not, nevertheless, abstain from marrying women of Beit Hillel, nor Beit Hillel of Beit Shammai. This is to teach you that they show love and friendship towards one another, thus putting into practice the verse (Zekharya 8:19) “And love truth and peace.”

The Talmud (Eruvin 13b) relates an anecdote from Rabbi Abba stated in the name of Shemuel:

For three years there was a dispute between Beit Shammai and Beit Hillel, the former asserting, "The law is in accordance with our view," and the latter asserting, "The law is in accordance with our view." Then a Heavenly voice emerged and declared: "These and those are the words of the living God, but the law is in accordance with Beit Hillel."

The passage goes on to ask why the law is in accordance with Beit Hillel if both express Torah views:

Since "these and those are the words of the living God," why does Beit Hillel deserve to have the law accord with their view? Because they are kindly and modest: they study their own views and those of Beit Shammai, and they even go so far as to mention the views of Beit Shammai before theirs.

Though their debates are fierce and have serious implications, their disputes never become personal. Their machaloket is le-shem shamayim not only in motive, but in the manner in which it is waged. They maintain their motivation even in the heat of disagreement, rejecting the others' views but not their personalities.

Maintaining composure during a dispute also allows one the chance to reconcile by listening to the other side and honestly hearing the reasoning, e.g. in the discussion of a Talmudic text and the debate over its proper understanding.

This is not necessarily common. The deciding factor is often one's willingness to accept a proof for the other's position, especially the readiness to bring the other a support when the other has not discovered it independently.

In fact, a fascinating suggestion is raised by Rav Kalonymus Epstein in Maor Va-shamesh (Parashat Korach). He proposes that the Mishna specifically chooses Shammai and Hillel, despite their noble manners, rather than their students, is because it is almost impossible for the second generation of a dispute to remain committed to the truthful motives that began the debate. How difficult it is for students not to include feelings of the preeminence of their teacher over others while conducting a debate!

This idea is unfortunately apparent in many multigenerational religious disputes. Though the original authorities may have differed over real issues, their students and successors tend to mix in their personal feelings, as they are often indoctrinated into one understanding without giving any credence to alternatives.

Silence and Silencing in the Wake of Machaloket

With this in mind, it is readily apparent that even a machaloket with noble motives is hard to keep pure. For this reason, the most logical approach to a machaloket, when possible, may be silence, as expressed by Rav Nachman of Breslov.

Know that through conflict, i.e. argument, upstanding people entertain the thoughts of the wicked; in other words heretical thoughts seize them because of this. The rectification for this is to hand over the conflict to God, so that God may fight the battle. Through this, one nullifies the aforementioned thoughts of the wicked…

In the Talmud (Yevamot 96b) we learn: "It once happened that a dispute in the study reached the point at which a Torah scroll was ripped due to their anger…Said he: 'I would not be surprised if this place becomes a temple of idolatry!'" Thus, dispute opens the door to idolatry and heresy, as it is written (Tehillim 140:3), "They devise evil in their hearts, all the time stirring up wars." By means of wars, i.e. argument, they think up evil in their hearts and come to wicked thoughts, namely heresy, as explained above.

The rectification for this is to hand the conflict over to God, so that God may fight the battle. This is silence — one must be silent before them and must rely on God alone to fight on one's behalf, as it is written (Shemot 14:14), "God will fight for you, and you will be silent." By means of this silence, evil thoughts of heresy are nullified and one's own thoughts are elevated. As we are taught, "Be silent; this is how it has arisen in My thought" (Menachot 29b) – through silence, thought is elevated, as explained above. (Likkutei Moharan Kama 251)

According to Rav Nachman's view, dispute is extremely dangerous for two principal reasons.

Firstly, it creates a place for the heretical views of others to seep into one's thoughts, and it also opens the door to the danger of pride. Because the line between noble disagreement and improper dispute is sometimes very thin, the remedy for machaloket is silence.

Silence obviates all of the possible dangers of machaloket. For this reason there are also a number of allowances reserved for one who tries to silence machaloket. For instance, the Yerushalmi (Peia 1:1) quotes Rabbi Shemuel bar Nachman in the name of Rav Yonatan as saying that it is permissible to speak ill of those who perpetuate strife, which Rabbi Akiva Eger (Gilyon Ha-Shas, ad loc.) limits to the purpose of silencing the dispute. (See also Sefer Chafetz Chayim, Hilkhot Lashon Ha-ra 8:8.)

Endurance

These ideas about perpetuating strife may be relevant to the terminology of the Mishna. The distinction between righteous and improper machaloket is which is destined to endure (sofah le-hitkayem; literally, its end is to stand). What could be positive about the perpetuation of a machaloket?

One approach of the commentators is to reinterpret the terminology. In Rav Shimon Vanunu's anthology Avot Mi-shulchan Rabboteinu, Rav Yechiel Mordechai Gordon explains that the Mishna means that any machaloket which is for the sake of Heaven will stand still and will not expand to other issues. A machaloket which is not for the sake of Heaven, however, will not stand still; instead, it will attract new individuals and spread to other venues and people.

One also may add that the assessment of a machaloket is affected by its long-term implications and goals. The Rambam writes at the end of Hilkhot Chanukka (4:14): "The entire Torah is given for the sake of Peace, as the verse states regarding the Torah, 'Its ways are the ways of pleasantness and all its paths are peace' (Mishlei 3:17)." If the goal of the Torah is peace, then one of the goals of the dispute should also be to bring out the sense of peace.

Similarly, Rav Shelomo Zalman Auerbach (quoted by Rav Shimon Vanunu in Avot Mi-shulchan Rabboteinu) notes that the disputes in Avot 5:17 are fundamentally comparable, just distinct in the righteous intentions of the former. He explains that the reason for this is that any machaloket is inherently bad, as the Mishna concludes (Uktzin 3:12): "God found no better vessel for holding blessing than peace." This is especially true regarding the learning of Torah; after all, the Torah was given when the Jewish people were unified: "They united themselves here with one heart" (Mekhilta, Shemot 19:2). The only reason to permit a machaloket for the sake of Heaven is that it has the potential to ultimately increase unity. Specifically through this machaloket, each participant's attachment to the Torah is revealed and is strengthened. This attachment forges a common bond between the disputants, thus leaving them close friends.

Rav Moshe Feinstein possibly goes one step further. In Iggerot Moshe, OC 4:25, he offers a fascinating exposition of Moshe's dialogue with God at the Burning Bush. He explains that Moshe is worried about how the people will resolve religious disputes. Essentially, he distinguishes between two different types of machaloket. Disagreements regarding mundane matters arise due to human failings and are to be disavowed. However, in spiritual matters, dispute is often necessary in order to reach truth. When a dispute is not le-shem shamayim, it is a result of human weakness, the lack of the proper motivation for serving God, and therefore there is no value to the dispute.

At most, only one side is correct, and therefore it is proper that the machaloket be quelled quickly, rather than lasting.

On the other hand, Rav Moshe contends that disagreements in the spiritual realm are an inherent part of the very nature of Torah. It is an expression of revealing divine wisdom in human parameters. The language of machaloket is the only language available to express the multifaceted nature of celestial wisdom. For this reason, even two divergent opinions can both express the words of the living God; for this reason, in fact, it is necessary for the machaloket to continue, le-hitkayem, because no single opinion can truly express the multidimensional heavenly truth.

Obviously, this can only be done if one maintains honesty as to the cause of the dispute. The Yad Ha-ketana (De'ot 10) sets out a litmus test:

One must find in his heart no ulterior motive and experience no happiness, no sadness and no pride, nor any personal benefit to oneself.

The manner in which the argument is fought is also significant. One must maintain the dignity of the other side. (See Rav Chayim Shmuelevitz's Sichot Musar, 76.)

Kiddushin 30b

One might offer another explanation of the Mishna's endurance based on the aforementioned passage, Kiddushin 30b. The Talmud explains how the learning process involves a battle where one's beloved can become an "enemy" as long as in the end there is love. This occurs when a dispute cannot be silenced, because the resolution is necessary to properly continue.

Rashi explains the Talmud's homiletic interpretation of the verse in Bamidbar as referring to a war that is waged through books, i.e. in debates between Torah scholars. Its end (sofah) is always amicable and affectionate.

A careful look at the Talmud's terminology seems to echo the text of the Mishna, which also speaks of an end: "sofah le-hitkayem." Rav Ovadya of Bartenura's commentary on Avot 5:17 may help us understand this.

Rav Ovadya of Bartenura initially interprets the terminology of "sofah le-hitkayem" as referring to a happy resolution for those involved in the dispute, unlike Korach's band, which was lost and swallowed up. However, he then adds another explanation:

I have heard explained that "its end" refers to the purpose that was sought from it. In a machaloket for the sake of Heaven, the purpose and the end that is sought in the machaloket is to know the truth, and this purpose will be upheld… as it was clarified by the machaloket of Hillel and Shammai that the law is like Beit Hillel.

However, concerning a machaloket that is not for the sake of Heaven, the desired purpose is the pursuit of power and the love of victory. This purpose will not be upheld, as we find by the machaloket of Korach and his congregation. Their goal was the pursuit of honor and power, and in the end they found the opposite.

Based on this explanation of the Mishna, one may reinterpret the Talmud's exposition of ahava at the sof. When the machaloket is driven by a love of truth, it serves as a necessary vehicle for clarification as well as a means of achieving an understanding of the multidimensional divine wisdom.

To this end, a machaloket over books and understanding God, driven by the common love of truth, may at one point be fierce, but it is fought with love and its desired result is love. The love of truth and the love of the Torah are ultimately the same.

Since the Torah is the embodiment of peace and love for others, understanding it allows us to gain a greater picture of the words of the living God, which endure forever.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 19: Ahavat Chinnam — A Communal Outlook

In the previous lessons, we have examined the dangers of sinat chinnam (baseless hatred) and machaloket (controversy). As we noted, hatred may have a reason, but the question is whether it is always halakhically justified (see lessons #15-16). If so, one who learns how to take part in a dispute without feeling hatred is praiseworthy.

A number of more recent sources stress the need to develop an intense love of one's fellow Jew in order not to arrive at sinat chinnam, even when involved in machaloket. Understanding the nature of this love and the way in which positive experiences of machaloket are supposed to contribute to feelings of love amongst the Jewish people is integral.

Does It Exist?

We will begin with a quote attributed to Reb Shlomo Carlebach in order to investigate whether his insight has any backing in the various sources that discuss these issues. He is quoted as saying that:

Everyone knows the holy Temple was destroyed because of sinat chinnam… If it was destroyed through baseless hatred, it can only be rebuilt through ahavat chinnam.

In truth, the term ahavat chinnam is rather new and does not appear in early sources. In fact, a search of all the works in the Bar Ilan Responsa Project reveals only one source at all referencing the term. If sinat chinnam is a common term, why wouldn't its antonym appear?

The simple reason for its absence is that there is always a good reason to love a fellow Jew. While there are clear limitations on the license to hate a fellow Jew, there never is a lack of a basis for loving another Jew.

In fact, even in instances in which it is permitted to hate another, there may be a level of love that must always remain, as we discussed in lesson #16. A necessary outgrowth of loving God is caring for His creations, and it is an expression of the character of a Jew who walks in the footsteps of Avraham. As the Netziv explains (see Year 1, Lesson 19), even though he hated Sedom, Avraham still cared about its citizens' welfare and prayed for them.

If so, is there any room for the term ahavat chinnam?

In truth, the concept of ahavat chinnam as expressed here is actually found earlier, in the works of Rav Avraham Yitzchak Ha-Kohen Kook (Orot Ha-kodesh 3:323-324):

If we were destroyed, and the world destroyed along with us, by sinat chinnam, then we may return and be rebuilt, and the world rebuilt along with us, by ahavat chinnam.

His son, Rav Tzvi Yehuda (Li-ntivot Yisrael 2, 222), explains the intention of the term ahavat chinnam. It is not meant to be “baseless love” in the negative sense, but love without any ulterior motives — a love emanating from a basic understanding of the Jewish people:

This ahava is not dependent on anything. It is like God's love for the Jewish people, which is an eternal covenant. Ahavat chinnam is not about the aspiration to attain an added level of divine service or to do a good deed. Ahavat chinnam comes when there are no personal advancements to be won. This ahava exists regardless of any shortcomings in the beloved and without any conditions that have to be met. Even with all of the deficiencies and imperfections in people, ahava for them must be total, as the verse (Zekharya 8:17) states: "And let none of you devise evil in your hearts against his fellow." There may be great differences among personalities; there may be great disagreements in study; there may be great debates over the right thing to do. Nevertheless, true ahava transcends all of this and surrounds all of the children of Israel. This is the eternal love of God for His people.

Rav Tzvi Yehuda continues that this ahava is also significant in that it binds the nation together and allows their combined power to accomplish so much more.

A similar idea is indeed found in Rashi's comments (based on Torat Kohanim, Bechukkotai 1:2) on a verse in Vayikra (26:8) describing the great achievements of the Jewish people in war if they adhere to the word of God:

Five of you will pursue a hundred, and a hundred of you will pursue ten thousand, and your enemies will fall by the sword before you.

Rashi is bothered by the mathematical jump from five pursuers to a hundred. Since five will pursue a hundred, this means that each Jew will pursue twenty enemies.

But is this calculation correct? Therefore, should Scripture not have written here: and a hundred of you will pursue two thousand? But there is no comparison between few who fulfill the Torah and many who fulfill the Torah.

Thus, a unified Jewish people is an exponentially stronger Jewish people. It is not at all difficult to understand why baseless hatred could destroy the Temple, and it clear how loving other Jews under all circumstances can indeed deliver great things for the nation as a whole. Ahavat chinnam doesn't mean that one is to love another for no reason at all, but that one doesn't need a specific reason to do so. Anyone with a deep understanding of what it means to belong to the Jewish people needs no additional reason to love a fellow Jew.

The need to distance oneself from evildoers is the basis for permission to hate evildoers (see lesson #15). This distance aims to prevent one from learning from others involved in detrimental behavior.

In truth, Rav Kook (Iggerot Re’iya 2, p. 187) is quick to warn that love is dangerous if applied too openly and without caution:

Regarding the souls of the non-righteous, one may lack the depth of knowledge and subsequent insight to distinguish between the inner aspect of holy treasure in them and the polluted side of their free will, which surrounds their inner souls like the thorns which surround a rose.

Now, should one attempt to bring them close to belief, one could be greatly damaged, God forbid, and learn from their deeds, becoming attached to their evil side. One is obligated to keep a distance from them, and the Almighty will place in his heart a feeling of enmity and a desire to keep away so that these people won't ruin him.

This fear of the destructive consequences of closeness to evildoers does require anyone who might be influenced to keep his or her distance, sometimes even expressed as hatred. However, the lesson of ahavat chinnam teaches that one should always try to keep the big picture in mind, reminding oneself that these are Jews who have strayed from the path; rather than disown them, we must hope for their return.

Rav Tzvi Yehuda attempts to bring proof to the concept that one should maintain feelings of love even for those who have distanced themselves from the Torah. He points to Avot 1:12:

Hillel says: "Be of the disciples of Aharon: love peace and pursue peace, love the creations and attract them to Torah."

Rav Tzvi Yehuda (ad loc.) comments:

Is this speaking about people who are close to Torah or those who are far away? Obviously, there is no need to draw close one who is near. Rather, Hillel refers to those far away; he instructs us to love people who are distant from Torah. However, the Mishna doesn't tells us to love people in order to bring them close to Torah, but rather to love them and afterwards bring them close to Torah. The main point is to love; from this, they will naturally come close to Torah.

In short, what Rav Kook seems to be advancing is a communally conscious outlook, which enables one to rise above petty differences with individuals in order to achieve the greater good. The concept of community is significant in that it gives the Jewish people an identity above and beyond that of individuals. Being part of a community is a sanctifying experience.

Rav Soloveitchik's Covenantal Community

Rav Yosef Dov Ha-Levi Soloveitchik stresses the importance of individual performance, placing less emphasis on the community. Nevertheless, he is not oblivious to this unique concept. In his essay, "The Community," he writes:

The community in Judaism is not a functional-utilitarian, but an ontological one. The community is not just an assembly of people who work together for their mutual benefit, but a metaphysical entity, an individuality; I might say, a living whole. In particular, Judaism has stressed the wholeness and the unity of Knesset Israel, the Jewish community. The latter is not a conglomerate. It is an autonomous entity, endowed with a life of its own. We, for instance, lay claim to Eretz Israel. God granted the land to us as a gift. To whom did He pledge the land? Neither to an individual, nor to a partnership consisting of millions of people. He gave it to the Knesset Israel, to the community as an independent unity, as a distinct juridic metaphysical person. He did not promise the land to me, to you, to them; nor did He promise the land to all of us together. Abraham did not receive the land as an individual, but as the father of a future nation. The Owner of the Promised Land is the Knesset Israel, which is a community persona. However strange such a concept may appear to the empirical sociologist, it is not at all a strange experience for the halakhist and the mystic, to whom Knesset Israel is a living, loving, and suffering mother.

The personalistic unity and reality of a community, such as Knesset Israel, is due to the philosophy of existential complementarity of the individuals belonging to the Knesset Israel. The individuals belonging to the community complement one another existentially. Each individual possesses something unique, rare, which is unknown to others; each individual has a unique message to communicate, a special color to add to the communal spectrum.

The Rav is speaking of the halakhic category of knesset Yisrael, the Israelite congregation as a corporate entity greater than the sum of its parts. In Temura (15b), the Talmud deals with the status of an ownerless sin-offering. Generally, such an offering serves to expiate one's offense, but what if the owner dies after the animal has been designated but before it has been offered? Normally, the animal can no longer be brought, but if the animal was designated as a public sin-offering, it is irrelevant what happened to the one who designated it, because "the community cannot die." The Rav explains that "the existence of the community as a metaphysical unity surpasses the physical existence of its individual members."

Rav Saadia Gaon declares: "The unifying factor which makes us a nation is our connection to Torah." In his essay "Torah and Humility," Rav Soloveitchik advances some of the ramifications of this communal outlook on the kedusha (holiness) of the relationship between the Torah and the Jewish people.

The Bach explains that the blessing we recite in the morning, "la-asok be-divrei Torah" (to engage in the words of the Torah), is more embracing than "li-lmod Torah" (to learn Torah). The berakha, recited by all, including the great scholar, is not for the esoteric intellectual experience of Torah, but rather for the exoteric love of Torah and for the kedusha that results. The entire Jewish community is a Torah community, and hence a holy one, including both the aristocrat of mind and spirit, and the simple anonymous individual. "Torah tziva lanu Moshe, morasha kehillat Yaakov." The Torah is the inheritance of the entire community of Israel…

Kedushat Ha-Torah is based on the certainty that all the congregation of God is holy, that all can achieve sanctity. The Rambam writes that the Torah guarantees that the Jews will repent and come closer to God. The humble, generous ben Torah must have confidence and faith in Klal Yisrael, the Jewish community as a whole. He cannot belong to a sect, concerned only with itself. Every Jew has the capacity for kedusha and a desire for sanctity, even if he is unaware of it, and none shall be expelled. We shall never give up on a single Jew, we have faith in "the lost in the land of Edom and the oppressed in the land of Egypt," the assimilated and the downtrodden, even as we believe in the words of the prophet, "Peace, peace, says God, to the far and the near, and I shall heal them."

Communal Responsibility

Understanding the Torah's communal outlook is essential for understanding numerous laws which place tremendous importance on communal involvement. The Yerushalmi (Berakhot 5:1) states in reference to one who misses the proper time for prayer:

One who is involved with the needs of the congregation is comparable to one who is involved in Torah study.

The Rema in his Responsa (83) notes this passage and says:

One who is involved with the needs of the congregation is comparable to one who is involved in Torah study, which is greater than all other commandments.

Similarly, in the Bavli, the Sages have harsh words for one who separates from the community. Ta'anit 11a states:

Our Rabbis taught: “At a time when Israel is immersed in distress, if one separates from them, the two ministering angels who accompany a person come and place their hands on his head and say: ‘This man, so-and-so, who has separated himself from the community, let him not see the consolation of the community."

Why is focusing on one's individual needs viewed so negatively? Doing so expresses a totally misplaced outlook, a lack of understanding of the unity of the Jewish people. There may be differences between individuals, but knesset Yisrael is one unified whole. This idea may in fact by the terminology used to define the Jewish people as opposed to the other peoples of the world. In Bereishit 12:2-3, God promises Avraham: “I will make you into a great nation… All the families on earth will be blessed through you.” The Torah seems to differentiate between the Jewish people — they are a nation, but the other peoples are families. Similarly, “one nation in the land” (II Shemuel 7:23) is interpreted by the Alshikh as an expression of this fundamental distinction. The Jews are one unified people, incomparable to other nations. (See also Year 1, Lesson 30.)

Rav Yehuda Ha-Levi echoes this idea in Sefer Ha-Kuzari (III, 19):

If the individual, however, neglects his being part of the whole, that is to say, his obligation to act on behalf of the welfare of the community of which he is part, and decides to retain any benefit that he may achieve for himself alone, he sins against the community, and more against himself. For the relation of the individual to the community is as the relation of the single limb to the body. Should the arm, in case bloodletting is required, refuse to relinquish its own blood, the whole body, the arm included, would suffer. It is, however, the duty of the individual to bear hardships, or even death, for the sake of the welfare of the community. At the very least, he must consider his being part of the whole, so that he will always give his portion and not neglect it.

Love of Community and Individuals

Sometimes, the love of community may eclipse one’s love of family and even one’s own identity. The Torah (Devarim 20:8) includes the following instruction concerning combat: “Who is the man who is afraid or faint-hearted? Let him go and return to his house.” The Rambam (Hilkhot Melakhim 7:15) explains that the Jewish army has no need for a person whose heart is not brave enough to withstand combat. He explains:

Once a soldier enters the throes of battle, he should rely on the Hope of Israel and their Savior in times of need. He should realize that he is fighting for the sake of the Oneness of God's Name. Therefore, he should place his soul in his hand and not show fright or fear; he should not worry about his wife or children. On the contrary, he should wipe their memory from his heart, removing all thoughts from his mind except the war.

How can one be expected to forget his family when fighting a war?

Rav Kook (Iggerot Re'iya 3, p. 258) explains that, when fighting a war, one has the unique opportunity to work completely on behalf of his people; thus, he loses his individual identity. He ceases to care for his individual family because he is fighting on behalf of his people. In fact, the whole idea of going out to fight a battle is putting oneself in the line of fire for "saving the Jewish people from an enemy who is approaching." This is a lesson in selflessness that the Jewish warriors throughout the generations and the Israeli soldiers of today can teach all those who do not physically take part in the protection of the nation. (See Rav Zvi Tau, Le-emunat Iteinu, Vol. 4, p. 24-26, for Rav Kook's explanation of the debate between the Chinnukh and Minchat Chinnukh about going out to war when there is danger.)

In fact, Rav Kook goes one step further, analyzing the praise which the Sages have for those who are silent when attacked (see lesson #14). He explains that this is not due to the undesirability of feeling personal pain when mistreated; rather, the love of one's people and their unity should be so important to one that he or she is capable of forgoing personal pain by focusing on the bigger picture.

The Ahava to Help Others

Ahavat chinnam recognizes not only love and concern but also the willingness to correct another, even when doing so is unpopular. In truth, reproving a misguided friend is one of the greatest acts of love, though it is seldom viewed in this manner. It is actually quite curious that regarding natural disasters or overpriced merchandise, people are generally happy to be warned that they are going in the wrong direction, but when it comes to spiritual matters, people often feel the opposite. The initial knee-jerk reaction of most people is to hate those who try to improve their behavior; however, this is highly erroneous. The wise King Shelomo dedicates numerous verses (Mishlei 10:17, 12:1, 15:10) to informing us that dislike of rebuke is liable to lead one into a very dangerous tailspin. Shelomo powerfully expresses the connection between love and rebuke (ibid. 3:11-12):

My son, do not despise God's discipline and do not resent His rebuke, because God disciplines those He loves, as a father the son he delights in.

The well-known Peter Principle states: "Employees tend to rise to their level of incompetence." Those who have no real chance of advancement are given the opportunity to continue with their less-than-perfect performance. On the other hand, those individuals who have the chance of real success are often corrected and even rebuked. While the experience is often uncomfortable, this is a sure sign of being believed in and cared for.

The Sages are not oblivious to people's abhorrence of rebuke (see Shabbat 89b regarding the hatred that begins at Mount Sinai and Pesachim 49b regarding the hatred the ignorant have for scholars). While they required that it be done carefully and with concern, they were unwilling to forgo this great expression of love. In a modern expression of King Shelomo's advice, one who hates honest givers of rebuke must also hate dentists and surgeons. (See also Tamid 28a, as well as La-reiakha Kamokha by David Ariav, "Tokhacha," page 188.) Arakhin 16b mentions the love Rabbi Akiva had for Rabbi Yochanan ben Nuri after the latter reproved the former numerous times. This is supported by the verse (Mishlei 9:8):

Reprove not a scorner lest he hate you; reprove a wise man, and he will love you.

This love is ahavat chinnam: the willingness of the rebuker to care for another even while discharging the unpleasant responsibility of reproof and the corresponding love of the recipient. The one who accepts rebuke embraces proper character traits. (See Rabbeinu Bachya's commentary to the beginning of Parashat Nitzavim.) Such an individual is truly able to grow in Torah, as Avot 6:6 lists "love of rebuke" as one of the 48 characteristics necessary for acquiring Torah.

If so, the ahavat chinnam necessary for rebuilding the Temple has two contrasting elements. On the one hand, one must maintain a communal outlook even when disagreeing with others on important issues. On the other hand, one must be willing to reprove others even when this is uncomfortable.

In order to deepen our understanding of the communal aspect of rebuking others and the differences between various individuals, next week we will take a look at the obligation of rebuke and the concept of mutuality.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 20: Arevut and Tokhacha

As we saw last week, one of the greatest expressions of love is to help those who have transgressed to repent. The Torah explicitly requires that one who notices another's improper behavior must rebuke the sinner. This obligation is found in the Torah immediately after the prohibition to hate another Jew. In addition, it is followed by a cryptic statement. The verse states:

You shall certainly rebuke your comrade, and you shall not bear sin on his account. (Vayikra 19:17)

The Talmud in Arakhin 16b interprets this in the following way:

From where do we know that one who sees in his neighbor something unseemly is obligated to rebuke him? It is stated: "You shall certainly rebuke."

Before explaining the ramifications and the halakhic distinctions regarding the obligation to rebuke others, known as tokhacha, we must understand the nature of the responsibility. In last week's lesson we identified an essential part of loving one's fellow: the willingness to perform the uncomfortable task of helping someone realize his or her mistakes. More than a mere act of love, rebuking a fellow Jew who is straying from the path is characterized by the Rambam as a natural extension of the Torah's mandate to care for one's fellow Jew. The Rambam sharply criticizes one who lacks concern about what is happening in society, focusing only on his own spiritual needs (Sefer Ha-mitzvot, Positive 205):

He has commanded us to rebuke the sinner or one who wishes to sin and to prevent him from doing so through speech and reproach. It is unfitting to say: "I will not sin. If someone else wishes to sin, what does it have to do with me? His issue is with God." This is the opposite of the Torah. We are commanded not to transgress and not to allow other members of our people to transgress, and if someone tries to transgress, we are obligated to rebuke him and bring him to repent.

The Rambam thus sets out that one's concern for the Jewish people's spiritual wellbeing is paramount, which creates uncomfortable situations and questions. At what point must one waive personal needs and object to others' actions despite the awkwardness?

First, let us return to the verse which serves as the source for rebuke. In lesson #14, we saw a disagreement as to whether the individual to be rebuked is one who has personally wronged the rebuker or one who has been seen violating a biblical commandment. Defining the subject and object of the verse will clearly shape our understanding of the final clause, "And you shall not bear sin on his account."

As indicated in lesson #14, a simple approach is to apply this clause to one who ignores his obligation to prevent another from abusing a third party: either one rebukes or one bears sin. Under these circumstances, one's responsibility is clear.

As the injured party continues to act as if nothing is wrong, the offender continues with his or her behavior, unaware of its ill effects.

The commentators who follow this approach understand the verse as teaching us that one who fails to reprove another will be held accountable for the sin. Onkelos, the Targum Yerushalmi and the Ibn Ezra all interpret it as follows:

You must surely rebuke, or else you will be held accountable for your comrade's sin.

To what degree a person will be held accountable must be analyzed, but the bottom line is that they understand the verse to explicitly state that one can be punished for another's sin if one fails to provide rebuke.

Rabbeinu Yona (Shaarei Teshuva 3:59; see also 72, 196) goes one step further by listing "And you shall not bear sin on his account" as an additional prohibition, violated by one who fails to confront sinners with reproof.

Rav Elchanan Wasserman (Kovetz He'arot, Yevamot 48:10), explaining the view of the Tosafists, states that one who enables another to perform a sin is not viewed merely as a passive accessory, but rather as an active partner in the sin.

Indeed, the Talmud is replete with examples of cases where one who stands idly by and doesn't rebuke another is viewed as having personally sinned. Shabbat 55b states as much regarding Chofni and Pinechas, the notorious children of the High Priest Eli.

How can the failure to rebuke a sinner be viewed as harshly as actually committing the crime?

This verse, which speaks of the responsibility to rebuke a sinner, becomes more profound in light of another verse towards the end of Vayikra, in Chapter 26, a unit itself often called the Tokhacha (as is the corresponding passage in Devarim 28). This unit details the various curses which will befall the Jewish people if they fail to adhere to God's commandments. Vayikra 26:37 states:

They will stumble each man over his brother, as if before the sword, even when there is no pursuer.

The simple understanding of the verse, as Rashi points out, would indicate that when trying to escape, they will fall over each other while running in confusion. However, the Talmud (Shevuot 39a) learns from this verse a concept similar to the one seen above. It expounds this verse as follows:

"They will stumble each man over his brother" — due to his brother's sin. This teaches that all Jews (kol Yisrael) are guarantors (arevim) for one another (zeh ba-zeh).

The continuation of the passage limits the responsibility to a case where one could have protested and perhaps prevented another from sinning but did not do so. Nevertheless, this derivation teaches us the obligation and its philosophical underpinnings: each Jew is an arev, bearing arevut, mutual responsibility, for the actions of all fellow Jews.

In fact, the term arevut has great significance. An arev, a guarantor, promises to pay back another's loan if the other fails to do so. Using the term in the context of one Jew's obligation for another's sin would seem to indicate that all Jews are guarantors for the obligations of other Jews.

Before dealing with the specifics of the obligation to rebuke, we will analyze the Torah's outlook regarding one's responsibility and arevut for fellow Jews. What is the source of this responsibility and what are its ramifications?

This concept of arevut has both positive and negative ramifications. Regarding the negative ramifications, we have seen that one can be responsible for another's sins; however, there is also a positive side of the coin. This concept is also used as the source that each Jew has a responsibility to be concerned about other Jews' observance of mitzvot. Thus, we find in Rosh Hashana (29a) that a person can make a blessing on behalf of another individual, even though the former has already fulfilled the obligation.

The Source of the Responsibility

There are a number of texts which discuss the source of this responsibility, which may reflect differences of opinion as to its nature. Alternatively, one may understand that there are different levels of arevut which came into existence at different points in history.

The Mekhilta explains that this arevut began with the preparations for the giving of the Torah, as "Israel encamped opposite the mountain" (Shemot 19:2). The Mekhilta comments on the singular phrasing used in this clause, which is unusual, indicating that "They united themselves here with one heart," without the machaloket, the disagreement, disputes and discord, of other encampments. The Mekhilta then uses the same phrase, citing Rabbi, in the next chapter (20:2):

This tells the praise of Israel: standing at Mount Sinai to receive the Torah, they united themselves here with one heart to accept upon themselves the Kingship of Heaven joyously. Furthermore, they committed themselves to mutual responsibility.

The term used, mashkon, literally refers to security put down for another when one serves as the guarantor of a loan. The Mekhilta continues by defining the nature of this mutual responsibility.

God revealed Himself to them to make a covenant not only about the revealed things, but about the hidden things as well, as it says (Devarim 29:28), "The hidden things belong to Lord our God, but the revealed things apply to us and to our children forever: that we must fulfill all the words of this Torah." But they said to Him, "We are only willing to make a covenant concerning the revealed things, not the hidden things. Otherwise, an individual may sin privately, and the whole community will be held responsible!"

In fact, the Talmud (Sanhedrin 43b-44a) analyzes arevut in terms of the covenant of Mount Gerizim and Mount Eval, upon entering the land of Israel. The Torah (Devarim 11 and 27) describes a covenant of mutuality to be made upon these two mountains, involving the pronouncement of blessings and curses regarding the respective fulfillment or violation of various commandments. Moshe goes on (Devarim 29) to explain that the covenant is one binding upon future generations, concluding (v. 28):

The hidden things belong to Lord our God, but the revealed things apply to us and to our children forever: that we must fulfill all the words of this Torah.

The Talmud expounds thusly:

This point is disputed by Tannaim: “The hidden things belong to Lord our God, but the revealed things apply to us and to our children forever: that we must fulfill all the words of this Torah.” Why are the words “to us and to our children” and the first letter in “forever” dotted?

To teach that God did not punish for hidden things, until the Israelites had crossed the Jordan — this is the view of Rabbi Yehuda. Rabbi Nechemya said to him: “Did God ever punish for hidden things; does not the Torah say, ‘forever’? Rather, just as God did not punish them for hidden things [ever], so too He did not punish them for revealed transgressions until they had crossed the Jordan.”

Rabbi Yehuda explains that after the crossing of the Jordan and entering into the covenant at Mount Gerizim and Mount Eval, there was mutual responsibility for hidden sins. The dots that are found in the Torah over certain letters indicate an exception. In this context, we see that there is a distinction between the period prior to crossing the Jordan and the period afterwards.

Let us set aside the various ramifications of this responsibility for the moment. It is clear that our sources indicate that "the revealed things apply to us and to our children forever." Thus, the Jewish people share mutual responsibility for one another's actions. It is also interesting to note that there are at least two moments in Jewish history which witnessed this new acceptance of arevut: the Giving of the Torah and the entrance into the Land of Israel.

The points in history of accepting mutual responsibility are at Sinai and at Gerizim and Eval. The Torah and the Land of Israel, we may thus see, are legacies which tie the Jewish people to each other.

The Nature of this Arevut

This arevut carries with it a number of halakhic ramifications, but it also helps us develop a new philosophical outlook on the connections between Jews. Being responsible for another means that one can help the other fulfill his or her obligations because “kol Yisrael arevim zeh ba-zeh.”

This idea is stated in an extreme form by Rav David Tevele b. Moses Rubin (1794-1861), best known for his magnum opus on Jewish civil law, Nachalat David. In his collection of sermons, Beit David (ch. 6), he writes:

Division and disunity among the Jewish people is absolute heresy… The fact of the Unity of God obligates the entire holy Jewish nation to be unified in love and brotherhood, to be bound together, conjoined as one man, without any disunity, just as the Creator is one… So too, the Jewish people, whose collective soul emanates from this source of unity, must unite and cleave one to another, in a degree of unity beyond that of the body, which is made up of numerous independent organs. The unity of the holy Jewish nation testifies to His blessed Unity. For this reason, the sin of causing discord is clearly understood to be absolute idolatry… One who does so testifies that he has no portion in the God of Israel.

Similarly, the Rambam (Hilkhot Teshuva 3:11) rules:

A person may separate himself from the community even though he has not transgressed any sins. A person who separates himself from the congregation of Israel and does not fulfill commandments together with them, who does not take part in their hardships or join in their fasts, but rather goes on his own individual path as if he is from another nation and not this one, does not have a portion in the World to Come.

One who disconnects himself from the Jewish people essentially disconnects himself from God.

Accepting Differences

The proper understanding of achdut (unity) and arevut is vitally important; these concepts, if misunderstood, may actually lead to the opposite result. In fact, sometimes our desire to create "unity" in its most extreme forms actually breeds divisiveness. While achdut means unity, a very similar word, achidut, means uniformity. If the call for achdut becomes a call for uniformity, it often leads to disunity. The need for a unified national front does not mean that there should be no differences among people. To this end, sometimes our desire to live in a certain way actually leads to accusations against those who conduct themselves otherwise.

What is the genuine Jewish outlook? Different strokes for different folks are fine as long as there is a united cause. The Jewish people are made up of twelve tribes which together form one nation. This complexity is part of the wonderful makeup of the Jewish nation.

A nice expression of this idea is expressed by Rav Yaakov Kamenetsky, author of Emet Le-Yaakov and Iyunim Ba-Mikra. Chumash Ateret Rashi (Bamidbar 2:2) cites him as questioning the chronology of the tribal banners. Why are these mentioned only at the beginning of Bamidbar? Why wait until after the lengthy descriptions of the building of the Mishkan (Tabernacle)?

He explains that each banner represents the uniqueness of each tribe. Breeding uniqueness and tribal spirit is very important, but only if a preexisting, unifying cause binds everyone together. Only after the Mishkan has been finished and all the tribes are encamped together around the unified goals and messages embodied in the Mishkan can there start to be a development of tribal unity, fostering distinctive strengths. Individuality is important, but only if there is a higher cause and goal allowing a place for unity.

By the same token, as long as the overall unifying goal and mission are maintained, sometimes separation may actually be the greatest expression of achdut. In their biography, Reb Yaakov: The Life and Times of HaGaon Rabbi Yaakov Kamenetsky (Mesorah Publications, 1993), Yonason Rosenblum and Noson Kamenetsky cite Rav Yaakov's support for splitting congregations: certain synagogues fraught with dispute should divide, he suggested, rather than attempt to stay together in unfeasible circumstances. This division may create a healthier communal relationship, enabling those with different outlooks on public prayer, all under the rubric of Halakha, to live together in peace and harmony. This is actually a greater fulfillment of achdut, because unity is accomplished by recognizing the different strands among the wonderful tapestry of tribes which make up the Jewish people. As long as a common Mishkan is created, this unity is inviolable.

This may help us understand why arevut is invoked particularly at the moments of accepting the Torah and coming into the Land of Israel. As long as the Jews have a common goal and a common mission, they can embrace unity and mutual responsibility, even as they set out for different communities and alternate paths. The values which bind the Jewish people together outweigh the geographic distance, and understanding this allows for a truer form of achdut, in which everyone raises his or her own unique flag, while surrounding the same Mishkan housing the same tablets from Sinai.

Similarly, Rav A.Y. Kook expounds a statement of the Zohar (Mishpatim 98a) decrying that which "begins with unification and ends with separation" in a manner that is rather unique considering his inclusive worldview. Rav Kook advances a separatist approach in order to create unity, explaining that attempts at social integration between sectors with completely different languages and religious aspirations would be spiritually and socially harmful. However, as he explains, separatism is merely a means of achieving true achdut:

This is the inheritance of God in all matters of holiness – separation for the sake of unification, the opposite of crude generalization, which speaks nobly about uniting everything into one package, and thus loses all spiritual glory and majesty. In the end, the darkening of life dims the light of clear thought, and the crude, unique love of every creation becomes stronger and poisonous, to the point that everything separates and the entire world moves like a drunk weighed down by sin. The "other side" begins with unification and ends with separation; the side of holiness starts with separation and ends with unification. (Orot Ha-kodesh 2:439)

Rav Kook illustrates his view with a number of analogies, including the separation between Israel and other nations and the distinctions between a kohen and an average Jew.

In short, while it is true that kol Yisrael arevim zeh ba-zeh and the Jewish people must be unified, we must recognize the differences among Jews and not force everyone to walk the same walk or live in the same place.

Different Perspectives

In fact, as we saw in lesson #17, part of the beauty of the Torah-true community is that it leaves room for well-intentioned disagreements a real machaloket le-shem shamayim. (However, see there about the need to be careful that one's true intentions are righteous.) This might also be part of the basis for the Talmudic statement (see there) that even though we may clearly accept one rabbinic opinion as binding, "these and those are the words of the living God."

This idea is stated beautifully in the Arukh Ha-shulchan's introduction to Choshen Mishpat. He is explaining why the Torah is referred to (Devarim 31:19) as shira (song).

The debates of Tannaim and Amoraim and Geonim in fact represent the truth of the living God. All of their views have merit from a halakhic perspective. In fact, this diversity and range constitute the beauty and splendor of our holy Torah. The entire Torah is called a song, the beauty of which derives from the interactive diversity of its voices and instruments. One who immerses himself in the sea of Talmud will experience the joy that results from such rich variety.

The Torah is a harmonious symphony enriched by the diversity of its instruments and variations as long as it bears the singular message of the word of God. As long as the Jewish people remain united in their ideals, they can express their ideas differently.

In truth, there is a fear that room for diversity will become an ideal in its own right and replace the desire for a genuine connection to the Torah. However, the opposite approach, which paints all of the Torah in simple white and black, leaves no room for a machaloket le-shem shamayim and erases the symphonic nature of the Torah.

This idea of the beauty in the multiple outlooks of Torah is explained by Rav A.Y. Kook as the deep meaning of a statement that is part of our prayers but is sometimes hard to comprehend.

The Talmud (Berakhot 64a) states:

Torah scholars increase shalom (peace) in the world.

Some wags have commented that this line is evidence for a Talmudic sense of humor, as scholarly fights are numerous and harsh.

Rav Kook, however, sees this statement of the Sages as entirely sincere:

There are those who mistakenly think that world peace cannot be built except by forming one universal model of opinions and character traits. With this understanding, when they see that the scholarly search for truth naturally leads to diverse opinions on matters, they conclude that scholars are actually causing dissension, the opposite of peace. However, the truth is not so: genuine shalom cannot come to the world except through the catalyst of increasing peace. This is to say that specifically when scholars present their various views and outlooks, one can see these diverse opinions coalesce into a more complex and complete expression of the whole picture… (Ein Aya, Berakhot 361)

Thus, shalom may be achieved only when we have an outlook that is shalem, complete and comprehensive. Recognizing the various viewpoints together can bring us to a Godly outlook that is broader than that which any single scholar can independently discern. The Jewish outlook recognizes that unified does not need to be, and indeed should not be, uniform. We truly are an indivisible whole, full of individual strengths and views that together produce the symphony of the Torah's shira.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 21: Tokhacha Part 1

Tokhacha (Rebuke) in Modern Times

In last week's lesson we discussed the concept of "kol Yisrael arevim zeh ba-zeh," the mutual responsibility of each Jew for every other. In fact, this principle is a clear expression of the Torah's outlook, which defines chesed not only as performing acts of kindness on behalf of others but also as taking interest in others and not living a self-centered life (as we explained in Lesson 1). However, this concern for others can put one in difficult situations, particularly when one sees others acting improperly. The knee-jerk reaction is often to pretend that one does not see, to shirk the duty of reproving the perpetrator. Nevertheless, the call of chesed requires one to take action, though this action may take different forms under different circumstances.

The first question to ask is this: who is the victim of this improper act? Actions which are performed against the onlooker personally or which may negatively affect the onlooker may sometimes be treated differently than actions which are unrelated to the witness.

Certainly in the situations where one is not directly affected, the easiest thing to do would often be to let it go, to pretend that one has not seen anything. This would help one avoid the uncomfortable situations of confronting others. However, the Torah guides us towards a life of chesed, taking interest in others' actions. This idea may require the proffering of constructive criticism as an act of love.

The concept of a mitzva to reprove, rebuke or constructively criticize is often hard to comprehend in the modern milieu. Today, "Am I my brother's keeper?" (Bereishit 4:9) the feeble response of Kayin to God after slaying his brother, is often viewed by modern man as a model code of conduct. The current attitude of "Live and let live" dovetails with the view that the only limit to be placed on anyone's actions is to the extent that they negatively affect others.

The Talmud (Tamid 28a) propounds a contrary outlook:

Rabbi taught: "What is the straight path that a person should travel? He should love rebuke, for at times when there is rebuke in the world, pleasantness comes to the world, goodness and blessing come to the world…"

To appreciate the concept of tokhacha in the contemporary climate, we must understand its nature. Modern attitudes not only make it more difficult to give rebuke, they also make it more difficult to accept rebuke. The fountain of love from which rebuke is supposed to spring is utterly foreign to contemporary culture, and so we must analyze the mitzva from the beginning.

In truth, close to two millennia ago, in Talmudic times, there was already a feeling that the two sides necessary for making tokhacha effective were no longer to be found (see later), but the mitzva still applied, despite the difficulty.

The fact that tokhacha may not be appreciated by the recipient should not be the cause for its abandonment; instead, we must seek to explain why the Torah in fact views it as so good and necessary.

The Basic Questions

In order to gain a better understanding of the mitzva of tokhacha and its implications in our modern milieu, we will have to investigate the mitzva from its sources. A number of important questions will help guide us through the process.

Firstly, what is the nature of the mitzva of rebuking others, and under what conditions is it required? Is rebuke restricted to one who violates an explicit commandment, or does it extend to other cases, such as one who has a bad attitude or character?

Secondly, is rebuke required even if one is mostly or even one-hundred percent certain that the potential recipient will fail to listen? What are the implications for understanding the nature of this mitzva? Can rebuking someone who won't listen be indicative of another aspect of the mitzva, beyond returning a transgressor from the mistaken path? If so, what could that aspect be?

Thirdly, what attitude should the rebuker have while rebuking another? What attitude should he have to those who fail to listen to the rebuke or who even come to hate the rebuker in the process?

Fourthly, in general, can one forgo the obligation to rebuke if one feels it will undermine the aim of returning the sinner to the proper path in an alternative way? If so, will this have modern-day ramifications in a rebuke-intolerant society?

The Source

As usual, we will start from the beginning and trace the halakhic process in order to arrive at a means of understanding. Some of the issues related to the verses have been discussed at greater length in previous lessons, and we will therefore reference them here succinctly. In Parashat Kedoshim, in the section of the Torah delineating the mitzvot that lead to a life of holiness, the Torah states (Vayikra 19:17-18):

Do not hate your brother in your heart. You shall certainly rebuke your comrade, and you shall not bear sin on his account. You shall not take vengeance or bear a grudge against your countrymen, and you shall love your fellow as yourself. I am God.

The verse is written in the context of how to deal with one's fellow Jew. As we saw earlier (see Lesson 14 and Lesson 20), there is a difference of opinion among the commentators as to who is eligible for rebuke: is it only one who has personally offended the rebuker or violated a commandment? This question has implications for understanding the second half of the verse, which advises one to “not bear sin.” This concluding clause may be understood in one of two ways, depending partly upon the previous question. It may be the reason that one must notify another who has wronged him or her, for otherwise the sinner will not know to change the behavior; alternatively, it may be a warning: one who fails to rebuke another will be held personally culpable for the latter’s violations.

The Talmud also offers another explanation for the conclusion of the verse (which we dealt with at length in Lesson 10), referring to the manner in which one should fulfill this mitzva, not addressing one's failure to do so.

The Talmud (Arakhin 16b) learns from the above verse the obligation of tokhacha as well as the prohibition to do so in a way that will embarrass another.

From where do we derive that one who sees something reproachable about his companion should rebuke him? It is said, “You shall certainly rebuke” (hokheiach tokhiach). How do we know that if one rebukes him and he does not accept, one must rebuke him again? It says “tokhiach” — nevertheless. One might think that the obligation of rebuke applies even if the other’s face pales; the Torah therefore states, "You shall not bear sin on his account.”

The Talmud derives the repeated obligation from the double language of the verse, “hokheiach tokhiach,” which literally means: “rebuke, you shall rebuke.” The obligation might then be seen as infinite, which is why the Talmud then explains that there is a limit: “if the other’s face pales.” The prohibition to embarrass someone during rebuke is certainly understandable, but it also begs a question. In order for the constructive criticism to succeed, it must be done with sensitivity. Embarrassing another in the process would be self-defeating. However, there is also a tremendous innovation in the Talmud's understanding that this verse also acts as the source that it is forbidden to embarrass others. Despite the fact that one is performing an obligation, returning a sinner to the proper path, doing so is prohibited when done in a manner that will cause embarrassment — not only because it will probably be less successful, but because there is no warrant to embarrass another in the process.

In fact, the Alshikh (ad loc.) explains “and you shall not bear sin on his account” as the logical link between rebuke in v. 17 and the issues of love and revenge in v. 18:

Offer rebuke in a way which will be acceptable rather than enraging. Should he get mad, do not take revenge regardless; however, if you succeed, you shall love him as your fellow.

The Keli Yakar offers a similar explanation:

The Torah places the mitzva of tokhacha within the verse "Do not hate your brother in your heart," for when love is found amongst fellow Jews, and people are honestly concerned with the needs and wellbeing of their neighbors, they will rebuke their fellows so as not to allow them to fall into sin. However, at a time when Jews hate each other, one will not rebuke the other; instead, one will do the opposite: flattering the other, saying "You did right," "You have done nothing wrong", while one’s true sinister intent is to allow the other to ultimately fail to live up to his potential. Doing so is an expression of hatred, of one who desires the downfall of his fellow Jew.

Unfortunately, this bad trait has become widespread amongst us since the days of the destruction of the Second Temple due to sinat chinnam, and it has not left us… Hopefully God will remove our heart of stone from amongst us (cf. Yechezkel 36:26).

As the Keli Yakar indicates, rebuke is not a sign of negativity but a sign of love, showing that one is really concerned about another. The prohibition of embarrassing another in the process is an expression of the desired outcome: changing the behavior of the recipient and developing the concern of the rebuker.

"Hokheiach Tokhiach”

Let us return to the original verse and its double formulation, "hokheiach tokhiach et amitekha." Understanding this term will help us grasp the positive elements of this mitzva.

The Malbim (ad loc.) differentiates between tokhacha and the similar concept of musar, which appears in Devarim 11:2 and elsewhere in Tanakh. He explains that musar is moral counsel, offered by one who is greater and specifically focused on improving the other's future behavior. Tokhacha is the opposite. It is privately bringing to the other's attention via proofs, hokhachot, that the latter's behavior in the past has not been perfect. (Even in English, the terms "prove" and "reprove" are related.)

Thus, in the Malbim's view, tokhacha is not focusing on how one's behavior can be changed; it is helping one to realize the faults in his or her actions.

In Ha-ketav Ve-hakabbala, Rabbi Yaakov Tzvi Mecklenburg quotes the Zohar (Kedoshim, p. 86), which states that the rebuke is threefold: "hokheiach," the imperative, tells us that the original rebuke must be in private; "tokhiach," the second person future, tells us that intermediate stage is among friends; as a last resort, we find "et amitekha," public rebuke.

Furthermore, Rav Mecklenburg maintains, the fact that the Torah uses this terminology indicates that one must take into account the other's feelings when performing rebuking. For this reason, indirect tokhacha is best.

If the party who needs to be rebuked is very shy or easily insulted, the rebuke should not be addressed to him confrontationally. Rather, the subject should be discusses in his presence and that of others, without his being addressed at all directly. In the course of such a conversation, it may be pointed out that anyone who acts in such a manner would be regarded as sinful. God is considerate of a person's dignity and self-esteem, even when he has committed a sin.

Essentially, beyond the prohibition at the end of the verse, the language of the Torah stresses the outlook one must have while rebuking another. The next element of the verse stresses a similar idea.

"Et Amitekha"

A number of commentators note the interesting formulation, "hokheiach tokhiach et amitekha." This turns the recipient into the direct object of the action, rather than the indirect object, le-amitekha. The verse thus is translated "You shall certainly rebuke your comrade," rather than: You shall certainly give rebuke to your comrade. Rav S. R. Hirsch (ad loc.) explains:

In the vast majority of cases where it appears in Scripture, the word "hokheiach" refers to bringing someone to the recognition of an unpleasant fact about himself, to explain to him that he has committed an intellectual error or that he has strayed morally… "Hokheiach… et" means to bring someone to an awareness of himself, to bring him to self-awareness.

Rav Mecklenburg also notes this distinction, building off an alternative definition of "et," with:

It is noteworthy that the Torah is most sensitive to the feelings of the rebuked party. This may be inferred from the use of the word "et" in front of the word "amitekha," indicating that the rebuked person views himself as if engaging in a dialogue with himself… By writing the word "et," the Torah alludes to the effect that a properly administered rebuke has on the party concerned, i.e., that he will confront his alter ego and derive the benefit of what he has been told.

By implying that at the time of the rebuke, the rebuker is including himself with the recipient in some manner, he is likely to achieve the desired effect. By not making it apparent that one is convinced of the wrongdoing of the recipient, the chances of one's words of rebuke having the desired effects are enhanced. By presenting the fault one criticizes as an inexcusable act, one would achieve the opposite of what one intends to achieve, i.e., one would embarrass the party and anger him, put him on the defensive, even encourage him to deflect attention to the rebuker's own faults, which appear to him as greater than that which one criticizes in him.

He continues with some practical suggestions to increase the odds of the inquiry being successful, summing up:

Only by approaching the whole subject of rebuke with the utmost sensitivity may one hope to accomplish what one sets out to do.

The Torah is not only calling upon us to get involved in others' actions; it is advising us as to how to do so successfully.

"Amitekha"

The Meshekh Chokhma (ad loc.) offers the following:

One is not to rebuke someone for failing to uphold standards that are meritorious but not required, as one may then be considered supercilious, raising oneself above others. Therefore, regarding matters of strict law, one may not rely on the excuse of avoiding superciliousness; rather, one must ensure that the others repent.

The Or Ha-chayim offers an interesting explanation as to why the Torah uses the term "amitekha" (your comrade) rather than "achikha" (your brother). His words also provide insight into how misguided rebuke can actually backfire.

By rebuking the average Israelite, you will prevent him from hating you, so that the righteous will not be punished for his share in the guilt of the wicked. Failure to rebuke, however, will make the individual who is Torah-observant an accomplice in the guilt of the sinners who have not been rebuked. We have proof of this in Yechezkel 33:9, where the prophet is told that because he has warned the people, he himself will be saved and not share their fate.

The rebuker should not insinuate that his or her behavior is impeccable; quite the contrary, the rebuker should demonstrate that his or her intentions are primarily to show the recipient the proper path.

Both the Keli Yakar and Rav Hirsch view the terminology of the verse as referring to the aforementioned rationale for concerning oneself with another's actions and being willing to comment.

The Keli Yakar says that the verse limits tokhacha to amitekha, those who might accept it, and he continues to delineate three groups (the wicked, the fools, and the mockers) concerning whom there is no obligation, as they despise rebuke and will not accept it. The Keli Yakar adds that this dovetails with the concluding clause, "and you shall not bear sin on his account."

The language of "and you shall not bear sin on his account" implies that failure to rebuke will result in the sin being borne by you, for "kol Yisrael arevim zeh ba-zeh."

One who acts as a guarantor for a loan and sees that the borrower is wasting money fears being held responsible due to his guarantee, and he will therefore rebuke the borrower; so too, the arevut for a fellow Jew should motivate in rebuking a sinner. After the rebuke, one can no longer be held responsible for his fellow's transgression, as the strict code of justice will not allow one to suffer for his fellow's actions. Only when one has the ability to protest and fails to do so will he be held responsible. A parable often cited in this context is that of a passenger on a ship drilling a hole under his seat. The fellow passengers yell at him: "We are going to sink!" The driller's response, "No, water will only enter into my area," will not be accepted. The whole ship will sink together.

The Keli Yakar adds that "and you shall not bear sin on his account" means that all the Jewish people will lose due to each one's sins; therefore, tokhacha is a sign of love and affection, rather than wishing for another's downfall.

Rav Hirsch similarly remarks that the Torah's concern for another who is taking spiritual missteps expresses its communal outlook.

The mitzva of tokhacha is based on arevut, the principle that all Jews are responsible for one another as regards the fulfillment of mitzvot. If this mitzva were to be realized in practice, it would transform the moral aspect of the entire world. However, it cannot be realized in full unless moral awareness has spread throughout all layers of society. This is an exalted level, one which our Sages lamented centuries ago had not been attained. The fulfillment of the mitzva depends upon the readiness to accept reproof. If each is obligated to reprove the other, each must also be ready to accept reproof from the other….

Indeed, the person to be reproved is called by Scripture "amitekha." This teaches us that, in reproving him, we should not show the slightest trace of superiority. He should be made to feel that we regard him as our comrade, our equal in everything. After all, he has the same right to reprove us. Duty alone — the mitzva — compels us to reprove him.

The various commentaries seem to clearly indicate the dual nature of tokhacha. On the one hand, it is meant to be an effective means of conveying one's dismay at another's transgressions. On the other hand, it must be done in a way that shows brotherhood and expresses common concern.

Accepting Tokhacha

The goal of tokhacha is to create a means of communication between one who has committed a wrongdoing and one who has experienced it or witnessed it. A society in which one is overly interested in others' behavior is not healthy or desired, but one in which people are willing to help others who have difficulties expresses the unique Jewish call of chesed. This also will allow for situations in which one who is confronted may explain the behavior and remove misunderstandings. A society which also calls for one to be dan le-kaf zekhut (judge others favorably) requires that the observer not automatically conclude that there has been wrongdoing. Therefore, the communication afterwards can be a two-way street.

While the Torah urges the rebuker to be cautious not to hurt the recipient's feelings, successful tokhacha also requires the willingness of the other side to listen. The Malbim explains that one of the conditions necessary in order to give rebuke is the ability, in turn, to receive rebuke. Rebuke optimally will create a dialogue regarding improving behavior, creating a flow of ideas between the participants.

Only one willing to listen to the comments of others is able to initiate the dialogue. The ideal tokhacha will create a chain reaction of talking and listening, expressing care and concern, predicated on the willingness to improve.

For this reason, the mitzva of tokhacha is mirrored by the mitzva to accept it wholeheartedly. On the practical side of things, developing an attitude or reputation that one is not interested in tokhacha may remove the obligation from others and simultaneously act as a practical impediment, preventing others from pointing out one's faults before they become completely engrained.

Some view accepting tokhacha willingly as the fulfillment of a biblical mandate. In Parashat Ekev (Devarim 10:16), the Torah states:

You shall cut away the barrier of your heart, and you shall no longer stiffen your neck.

The Ramban (ad loc.) explains:

Your hearts should be open to know the truth, not as you have done until this day…

Others, among them the Semak (9) and the Bahag (Negative 176), explain that one who fails to listen to tokhacha violates the concluding phrase of the verse, "and you shall no longer stiffen your neck."

Most amazingly, Rabbeinu Yona (Shaarei Teshuva 2:12) explains a halakhic ruling of the Talmud (Bava Kamma 85b) in light of the importance of tokhacha: if one blinds his fellow, he must pay only for the eye; if one deafens his fellow, he must make full restitution, as if he had killed the victim. Why? Rabbeinu Yona explains that this is because the ear is the most important body part, as it enables one to hear rebuke from others and perfect one's behavior. He goes so far as to say (ibid. 10) that at the point that one accepts another's rebuke and decides to reform, the sinner is immediately transformed into a new individual.

Listen well, surrender yourself, and return in repentance when you are admonished by sages and those who criticize you. Take each word of criticism to heart without exception. By doing that, you will go from darkness to great light in an instant. For if you listen and internalize… repent and take the words of those who criticize you to heart… your repentance will take effect, and you will become an entirely different person. In fact, the very moment you accept these words in such a way in your mind and take them to heart, you will earn the merit and reward of all the mitzvot and admonishments.

So search hard for those who would offer you criticism from that day on and learn from whoever will teach you…

In next week's lesson, we aim to answer the questions we began with, taking our newfound appreciation of the mitzva of tokhacha into the modern milieu.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 22: Tokhacha Part 2

In last week's lesson, we analyzed the Torah's description of how to give tokhacha, how to constructively criticize another who has transgressed. In this week's lesson, we will deal with the important questions of what types of actions require rebuke and whether this tokhacha should always be given. If there is a legitimate reason to believe that one's comments may not change the behavior of the perpetrator and may even be counterproductive, is tokhacha still called for?

What Situations Obligate Rebuke

The verse obligating tokhacha is not specific as to what types of violations require comment. The commentators on the verse speak of two different scenarios: either one has been affected by the actions of another or one who has witnessed another transgressing. Being offended by another's actions is seemingly dependent on the particulars of each case, whatever causes one to feel hurt; but it is the definition of a transgression which must be defined more concretely. Is it only severe violations that require rebuke, or does any transgression occupy this level?

While logic might limit the need for rebuke to outright violations, the sources seem to expand the obligation beyond that level. The Talmud in Arakhin (16b) speaks of unseemly behavior.

From where do we derive that one who sees something reproachable about his companion should rebuke him? It is said, “You shall certainly rebuke your comrade.”

The Talmud doesn't speak of an outright violation, but rather unseemly behavior. Furthermore, the Talmud Berakhot (31a) analyzes Eli's rebuke of Channa thusly:

“He said to her: ‘How long will you be drunk...’” (I Shemuel 1:14) — Rabbi Elazar said: “From here we derive that when one sees something improper about his fellow, he should rebuke him."

It is important to note that the source of obligation here is Eli's interaction with Channa; it is not explicitly learned from an imperative in the verse. Thus, it remains unclear as to whether this obligation is an explication of the biblical mandate "You shall certainly rebuke” or a separate post-Sinaitic obligation taught by the Prophets. Nevertheless, Tosafot in Berakhot (ad loc. s.v. Davar) are explicit in stating that this source includes any unbefitting conduct, even if it is not an explicit violation:

This refers to a case in which there is no violation of a Torah prohibition, for in any case in which there is a violation of a Torah prohibition, it is obvious, as it is written: "You shall certainly rebuke."

According to Tosafot, the Talmud is not talking about a case in which there is a clear violation of Torah law, as this is governed by "You shall certainly rebuke your comrade."

Similarly, the Rambam explicitly states in Hilkhot De'ot 6:7 that tokhacha is required even for one who is setting out on a bad track:

If one observes that a person has committed a sin or is pursuing a path which is not good, it is a duty to bring the one in error back to the right path and point out to him that he is wronging himself by his evil actions, as it is said: "You shall certainly rebuke your comrade."

The phrase "a path which is not good" is a bit vague, but considering the case of Eli's berating Channa for public intoxication, despite the lack of an explicit prohibition against this, it would seem to include actions that might lead to sin.

Requiring tokhacha even for implicit violations would seem to be in line with our lesson of last week. Tokhacha is an expression of care for a fellow Jew's wellbeing. One who really cares about another is called to action whenever the other is slipping or beginning to behave in a manner not in consonance with his or her spiritual potential.

In truth, this discussion, as well as all of the difficult questions involving when rebuke is called for, may relate to an inquiry of HaRav Aharon Lichtenstein regarding the nature of the mitzva of tokhacha.

Nature of the Mitzva

In a fascinating article, HaRav Aharon deals with an important question regarding the nature of the obligation. Is the mitzva of rebuke an interpersonal mitzva, bein adam le-chavero, or an obligation bein adam la-Makom, between man and God? Is it rooted in one's desire to save his or her fellow Jew from destructive behavior, or in the obligation to defend God's honor whenever His word is violated?

Certainly, the requirement not to embarrass the recipient of rebuke takes into account the feelings of the sinner. However, this does not mean that the impetus is not actually God's honor; the interpersonal aspect would enter into the picture not as the source, but as an additional component.

One ramification of this question might be the previously posed query of what actions require rebuke. If the obligation is to react to sin, it may only apply to an act that has the status of an actual sin. If, however, we are obligated by this mitzva to set others on the right path in life, one must help another correct even improper behavior (like drunkenness) and character traits.

A second related issue may be the all-important question of whether one is obligated to rebuke one's fellow when there is reason to believe the admonishment will be ignored. If it is an interpersonal obligation, then logic may dictate that one should refrain from commenting if it will not be heeded. After all, besides possibly putting a strain on one's friendship, making the other aware of the nature of the act will change the individual from an ignorant perpetrator to a deliberate one.

Let us take a look at the sources.

When One May be Ignored

Regarding one's obligation to rebuke another under circumstances in which it is not clear the latter will listen, there is a great confusion amongst the sources. A number of the Talmudic texts seem to equate the need and desirability of tokhacha with its successful results, while others seem to require tokhacha under all circumstances in which wrongdoing is found. Making sense of the texts is left to the Rishonim, while the halakhic authorities codify the practical law. We will trace the basic discussion but focus on the implications for understanding the nature of tokhacha.

The Talmud (Shabbat 55a) states:

Rav Zeira said to Rav Simon, “The master should rebuke the household of the Exilarch.”

He replied, “They will not listen to me.”

He answered, “Even if they will not accept rebuke from you, rebuke them nevertheless."

Though Rav Simon initially thinks it unnecessary to rebuke the Exilarch, the political head of Babylonian Jewry, when his call would not be heeded, Rav Zeira teaches him otherwise. This means that one who is capable of rebuking must continue to do so even when it is ineffective. Who knows if it will be effective? As for when a person may cease rebuking another, the early Amoraim (Arakhin 16b) argue, but the point is very far.

To what point must one rebuke? Rav says, “Until one is hit;” Shemuel says, “Until one is cursed;” Rabbi Yochanan says, “Until one is scorned.”

The simple meaning of the text is that one is obligated to continue rebuking until one is hit, cursed or reprimanded.

These sources seem to make clear that one should always rebuke, even though there is no possibility that the words will be accepted; one may only cease if physically assaulted or cursed.

In contrast, the Talmud in Yevamot 65b states that one is actually obligated to refrain from tokhacha if it will not be effective:

Rabbi Ilaa further stated in the name of Rabbi Elazar son of Rabbi Shimon: “Just as one is commanded to say that which will be heeded, so is one commanded not to say that which will not be heeded.”

Rabbi Abba said: “It is an obligation, as it is said (Mishlei 9:8), ‘Reprove not a scorner, lest he hate you; reprove a wise man and he will love you.’"

Along the same lines, the Talmud in Beitza 30a sets down a principle that one should allow those unknowledgeable in their actions to continue if they won't accept rebuke. It is mentioned in the context of the rabbinic prohibition of dancing and clapping on Shabbat.

Yet today we see people doing this, and we do not take them to task… Here also: Let Israel go on their way; it is better that they should err in ignorance than deliberately.

The Talmud continues there with a discussion regarding the cases in which this principle applies, originally entertaining the idea that withholding rebuke in this context is limited in scope to a rabbinic prohibition, while a biblical violation would obligate one to rebuke the sinners. However, it concludes otherwise:

But it is not so, for whether it is biblical or rabbinical, we do not tell them anything; indeed, the additional time of Yom Kippur is a biblical requirement, yet people eat and drink until dusk and we do not say anything to them.

This Talmud deals with three different cases to which the principle applies: the rabbinic prohibition of clapping or dancing on Shabbat, a rabbinic prohibition to sit at the edge of an alleyway which has a side post on Shabbat and the biblical requirement to start one's fast on Yom Kippur before sunset. This source would seem to indicate that at least when a person sins unintentionally and is expected not to accept rebuke, one should prefer not to confront the sinner, as this may lead to intentional sin.

As we saw last week, ineffective rebuke often leads to the exact opposite result, reinforcing within the sinner the desire to continue in sinful ways. Understandably, that might be the rationale behind the principle not to rebuke if it won't be effective.

The contradictory sources inspire a great deal of discussion by the Rishonim. There are two primary approaches in the Rishonim: those who limit the obligation to effective rebuke, with some exception, and those who stress the obligation to rebuke under almost all circumstances. Understandably, this dispute may reflect two fundamentally different ways of understanding the essence of the mitzva, as per Rav Lichtenstein's distinction.

Only Effective Rebuke

The Semag (11) maintains that one is forbidden to proffer rebuke if it will not be accepted, in line with the passage in Yevamot. The Chinnukh likewise writes (Mitzva 239):

Nevertheless, the Sages have also said that if one sees that his rebuke will not have any effect ... he is not obligated in this mitzva towards such a person. This is what they meant when they said, “Just as it is a mitzva to say something that will be accepted, so it is a mitzva to stay silent if his words will not be accepted,” because such a situation brings shame to the one rebuking and no benefit to the one receiving rebuke.

This understanding would explain Arakhin 16b, obligating rebuke until one is hit, cursed or scorned, as referring to a situation in which there is still a possibility that the listener will eventually pay attention to the rebuke.

This approach is readily understandable if the goal of the mitzva of rebuke is to help others better themselves. In certain situations of doubt, one may continue to rebuke, but if it is clear that the rebuke will be ineffective, it is better to be silent.

Opinions Regarding the Need to Protest

A different approach is offered by the Nimukei Yosef (Yevamot 21b, Rif) and formulated nicely by the Yere’im (223), who limits the concept of refraining from rebuke when it will prove ineffective to those who sin unwittingly, not those who do so knowingly:

If it is clear to the rebuker that they will not listen to him and they are sinning unknowingly, it is better to keep quiet, as we say in Beitza...

But as for those who sin willingly, even though one increases his culpability, for he now sins after being forewarned… one must rebuke him, even though he will not be receptive.

The Yere'im explains that even when the rebuke will not benefit one's fellow, it is necessary as an act of protest, indicating that one must not remain apathetic to sin.

Various Rishonim who comment on the issue offer various distinctions. Some distinguish between cases in which one knows for certain that the rebuke will not be heeded and cases in which this is doubtful (see Tosafot Arakhin ad loc. s.v. Af); others differentiate between the mandatory first act of tokhacha and subsequent acts (Ritva, Shabbat ad loc.), or between individuals and the community (ibid.).

In fact, there is sufficient room to understand that there is a dual nature to the mitzva of tokhacha. There is certainly an aspect of tokhacha rooted in helping one's fellow improve his or her behavior, and this aspect should take into account its efficacy. In addition, at times one must react to sin, expressing disapproval and even protesting, even though the rebuke itself may prove ineffective.

The Normative Halakha

The Rema in Orach Chayim (608:2) differentiates between different instances regarding the obligation to rebuke. He comments on the statement of the Mechabber that one need not offer reproof to those unknowledgeable individuals who eat right up to nightfall before Yom Kippur, for fear that they will continue to do so knowingly. The Rema adds:

The same applies to all forbidden matters: we say that it is better that they should err in ignorance than deliberately. But this is only when it is not stated explicitly in the Torah, even though it is by Torah law. If, however, it is stated explicitly in the Torah, we must object. If a person knows that his words will not be heeded, he should, in the case of community-wide wrongdoing, offer rebuke only one time, but he should not rebuke many times, since he knows that he will not be heeded. In the case of an individual, however, he is obligated to reprimand until he is struck or cursed.

The Rema differentiates between explicit sins and non-explicit ones regarding when one is permitted to remain silent. This distinction can be understood based on the view of the Rashba (Beitza 30a), who explains that the reason explicitly-stated commandments are treated more severely is because one cannot consider them unintentional.

Secondly, the Rema distinguishes between the case of an individual and that of the community, understanding that the passage in Yevamot applies only to the community. Rav Lichtenstein offers an explanation of the Rema's distinction based on the question we posed above. He explains that one may view the initial rebuke as relating to that element of the mitzva of rebuke between man and God, whereas the subsequent rebuke stems from the interpersonal aspect of the mitzva. Since rebuke will not help, there is no reason to continue reprimanding after the initial rebuke. The initial rebuke is not meant only to change and reform the sinner, but rather to avoid remaining silent in the face of the sinful behavior that surrounds one.

One must develop a balance between protesting sin and being an effective comrade. Understanding modern man's dislike for rebuke requires us to further understand how to help others improve their ways.

Limitations of Tokhacha

Despite the explicit obligation codified by the Rema regarding the obligation to proffer rebuke for a matter explicitly mentioned in the Torah as a form of protest even if it will not be adhered to, the Chafetz Chayim points out that we may not be able to act that way in our days.

In Bei'ur Halakha (OC 608:2), he cites a number of limitations:

It is reasonable to say that the ruling of the Rema, which states that for something written explicitly in the Torah we are obligated to protest, applies only to infrequent sins, but for people who reject religious observance completely – for example, those who violate Shabbat in public or eat non-kosher food specifically in defiance of Halakha — such people are excluded from the term "amitekha," and one is not obligated to give them reproof.

The Chafetz Chayim understands that even the aspect of protest as part of the mitzva is limited to those who are in the category of "amitekha," "your comrade" — those who are interested in keeping the Torah but might slip at some point. Even though they may do so intentionally, they are not interested in being wicked. He cites support for this ruling from Tanna De-vei Eliyahu (ch. 18), which is quoted in short by the Vilna Gaon. He explains that one should not rebuke another who will only hate one for doing so (Adderet Eliyahu, Kedoshim 19):

The word "amitekha" is meant to include someone who is your comrade in mitzvot but exclude someone who is wicked and will only hate you for your rebuke, as the verse states "Reprove not a scorner, lest he hate you; reprove a wise man, and he will love you."

This understanding essentially limits the concept of tokhacha to explicit sins committed by those who are liable to accept rebuke. The Chafetz Chayim himself debates the need to rebuke one who sins out of an inability to control desires while having no explicit interest to defy the Torah.

If so, one can understand the limited applicability of tokhacha to certain parts of society. In truth, rebuke in our day and age raises a couple of other issues as well.

Rebuking Modern Man

As we noted earlier, in the Talmudic era, some already considered rebuke anachronistic. The Talmud (Arakhin 16b) teaches:

Rabbi Tarfon said, "I wonder if there are any in this generation who are able to give rebuke…"

Rabbi Elazar son of Azarya said, "I wonder if there are any in this generation who are able to receive rebuke."

If no one knows how to give rebuke, should the mitzva still be practiced? If the obligation is for the benefit of one's fellow, one could imagine forgoing it if it would only prove detrimental.

However, if one views rebuke as an obligation of protest, one can imagine doing so even with the knowledge that it won't succeed in changing the other's practice; regardless, one will succeed in making it clear that this behavior is not in consonance with what God wants. This might explain the statement of the Chokhmat Shelomo (605), who writes:

If [the sin was committed] in public and there is a possibility that others will learn from the sinner, one should protest the transgression of even a rabbinic law.

One might also view the rebuke as beneficial — if not for the individual who has sinned, then at least for the wider audience who witness the actions.

In truth, there might be an alternative form to the mitzva of tokhacha, the focus of which is not primarily rebuke but rather education. In the Shitta Mekubbetzet (Beitza ad loc.), we find:

The Ritva z"l said that one of the great Ashkenazic rabbis testified that his rabbis in France, among them the Ri and the Maharam of Rothenburg, said that [the rules of tokhacha] only applied in the generation of the rabbis of the Talmud. However, in this generation, where we are lenient in many matters, it is fitting to make a fence for the Torah. [Therefore] we should protest and exact fines even for transgressing rabbinic mitzvot so that people should not commit either unknowing or willful sins.

Rav Hirsch and Modern Tokhacha

In our contemporary climate, giving and receiving rebuke are much more difficult; indeed, the attitude of love which rebuke is supposed to be viewed with (see Lesson 19) is utterly absent.

Rav S. R. Hirsch, witnessing the beginnings of Reform Judaism, points out an important distinction between cases in which one should be silent for fear others won't listen to and cases in which one must nevertheless speak up. He explains that the biblical mandate to avoid embarrassing another in the process of rebuke and the Talmudic principle of ignorance being preferable to deliberate violation are both limited. In addition to the Rambam's differentiation between interpersonal offenses and ritual sins (for the latter, one is allowed to embarrass the perpetrator), he adds another distinction:

In our opinion, the ruling applies only to reproof at the time of the commission of an offense; at most, it applies to special appeals to those who commit offenses. The ruling does not mean, however, that it is forbidden to teach Torah to a wide audience and to instruct people in regard to the forbidden and the permitted. On the contrary, these are the duties that are incumbent at all times upon all teachers of Torah, especially if adherence to the law suffers due to widespread ignorance.

He brings support from the text of the Talmud, which specifically mentions a limitation on reproof at the time of committing an offense, then continues:

To interpret otherwise is to say that whenever people become habituated to sin because of ignorance, one may not rectify the situation by teaching Torah. How absurd! Were this true, the Torah would gradually become irrelevant.

Then he quotes the Ritva's remark that this caveat applies only when Torah observance is widespread and offenders are few; otherwise, one must raise objections.

In a fascinating article, HaRav Yehuda Amital adds that the mitzva of tokhacha is equally inapplicable for unaffiliated Jews, because one who doesn't accept the divinity of the Torah will not be moved by exhortation, and specifically regarding them it is "proper to refrain from things which will not be heeded."

Nevertheless, taking Rav Hirsch's lessons to heart, we need not be silent amidst an ignorant world. Tokhacha must have long-term goals, rooted in an educational system that will be able to slowly edify those who are unknowledgeable. One might say that our protest will be accomplished by being committed to the word of God and uncompromising in our own individual observance, but in our dealings with others, we will model our actions after the insightful words of the Rashba (Responsa 5:238):

Be aware that a soft-spoken word shatters bones, and different ways will clear a path before the people to remove obstacles from them. Therefore, one must progress from the easy to the difficult and not attempt the entire package all at once. These words are directed towards the intentions of the heart…[Our Rabbis] have already shown us good and clear counsel, as it states in Avoda Zara (15a)… that Rabbi Yehuda intended to uproot the entire practice, and therefore he uprooted it slowly, bit by bit.

Furthermore, you should know that it is impossible to deal with all people equally. Recall that David, our king, decided to overlook the misconduct of Yoav and Shimi, even though they deserved death, for to everything there is an appropriate time, and ignoring something sinful is occasionally a positive commandment, and everything must be measured by the needs of the hour...

The Rashba states that even though, generally speaking, it is improper to ignore the behavior of a sinner, at times it is a mitzva, if the situation so requires. The Rashba says further:

And if silence, employed to ultimately yield positive results, is occasionally ineffective, the use of force will only engender the opposite.

The Rashba seems to be saying that even if the strict letter of the law requires tokhacha, often a more thought-out, long-term approach will be more efficacious. This method was employed by Rav Yisrael Salanter in France, where an extended educational effort about the importance of Shabbat replaced outright protest.

There is nothing more difficult than knowing when the mitzva is to say something and when the mitzva is to be silent. While protest is sometimes called for, at other times we must develop a more proper and modulated balance.

In our day, many of those who leave the path of Torah are doing so more to express their lack of connection rather than their lack of knowledge; they are aware that what they are doing is wrong in the eyes of the committed. For those who lack commitment, even an act of protest might be ineffective. If so, then the modern expression of the mitzva of tokhacha is often not through rebuke but rather through kiruv, drawing others close by outreach and inspiring others. In the next lesson, we aim to expound on the basic mitzva to help others in spiritual need, specifically those who are weighed down by religious confusion.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 23: Te'ina & Perika Part 1

In the previous lesson, we discussed the obligation of tokhacha, rebuke, and its place in modern society. The once-mandatory forms of protest have become ineffective, irrelevant and even counterproductive, according to a number of authorities, especially when addressing those elements of society which reject the Torah's binding authority altogether. The obligation of tokhacha still exists, but one must exercise forethought in order to handle it properly.

How to deal with others who are in need of spiritual guidance and assistance can be better understood against the backdrop of the obligation to physically help others in need, which specifically includes those individuals which may be classified as one's enemies.

Shemot 23:5 presents the mitzvah referred to as perika, unloading, which obligates one to assist his fellow – even his foe or archrival – in unloading cargo from his animal. The Torah states:

If you see your foe's donkey lying under its load… you must certainly help him.

Similarly, Devarim 22:4 discusses the complementary obligation, te'ina, which requires one to help load another's animal:

Do not look upon your brother's donkey or ox falling along the road as you ignore them; you shall certainly lift with him.

Thus, the Torah equates the treatment of one's "foe" with that of one's "brother". Though we will see an alternative explanation of the source in Shemot, as stated in the Talmud, the simple understanding is that we are dealing with individuals towards whom one lacks the full feelings of brotherhood. This understanding is found in the Mekhilta de-Rabbi Yishmael, which analyzes the previous verse, delineating a similar obligation, returning lost animals: "If you come across your enemy's ox or donkey going astray, you must certainly bring it back to him."

Rabbi Natan said: "What is the implication of the phrase 'your enemy'? If he strikes your son or quarrels with you, he becomes a temporary enemy."

Similarly, the Rashbam (ad loc.) explains the phrase simply: "The text describes the reality." Often it is hard to help another if one has reason to dislike this individual, yet the Torah commands otherwise.

If so, on the simple level, one is commanded to help even an enemy in need. While this point, namely that the responsibility to help another in need is so basic that it applies to all Jews, is certainly worthwhile in its own right, the Talmud uses it for another purpose.

The Talmud (Bava Metzia 32b) discusses the situation of somebody who simultaneously encounters perika and te'ina: one person experiences difficulty loading his animal while another is struggling to unload. Who should be assisted first?

The Talmud explains that one should first assist the person unloading his animal, due to the factor of tzaar baalei chayim, animal discomfort. The concern for alleviating the pain of the animal bearing the load gives precedence to the person unloading his animal, which is currently in pain.

The Talmud, however, states an exception to this rule. If one is faced with a choice between loading his foe's animal and unloading his friend's animal, the former takes precedence. The issue of tzaar baalei chayim is set aside "in order to subdue the evil inclination."

This understanding is very much in consonance with the explanation (ad loc.) of the Malbim. The Malbim notes that there is a grim fact that not everyone succeeds in fulfilling the Torah's directive not to hate another Jew in one's heart. Though no Jew should have these feelings towards the individual in need; the Torah acknowledges the reality but guides us as to how to change it. The Torah requires one to overcome instinctive dislike and resentment towards the individual in need, which will hopefully eventually lead to a newfound closeness between once-bitter enemies.

This is also backed by the Midrashic statement (Mekhilta de-Rabbi Shimon bar Yochai, ad loc.) that the purpose of this mitzva in this context is to recreate feelings of brotherhood. Helping an enemy in a time of need is an act which allows people to realize that their petty fights are of slim significance in comparison to the multitude of ties which bind the Jewish people together.

This may also be in line with the rather strange introduction of the mitzva of perika in the Torah, "If (ki) you see." The word "ki" has a number of meanings, and one may explain it simply as "whenever". However, there is a problem with this understanding, as the full verse reads, "If you see your foe's donkey lying under its load and you refrain from helping him, you must certainly help him." What does this mean? This is probably the reason why Rashi (ad loc.) explains "ki" differently.

"Ki" here means "perhaps," which is one of the four possible definitions of the word "ki." The verse therefore means: "Perhaps you may see your foe's donkey lying under its load — will you refrain from helping him?"

Nechama Leibowitz (Studies in Shemot, p. 430) explains that Rashi is addressing the possibility that one may be tempted to withhold assistance from foes in need. Thus, the Torah unequivocally states: "You must certainly help (azov taazov) him."

If so, the Torah is repudiating the negative impulse to abandon those in need due to personal enmity.

This is also in consonance with the commentary of Rav Avraham ben Ha-Rambam, who explains the verse thusly:

In other words, if your anger or sense of grievance compels you to withhold your assistance from him, do not yield to it; rather, help him unload, in spite of yourself.

"Azov Taazov"

In truth, this is also relevant to a proper understanding of the concluding phrase of the verse, "Azov taazov immo," "You must certainly help him." Usually, the term "azov" refers to leaving or abandoning something, and its placement in this verse is rather surprising.

Rashi understands it as a call to help the individual, in accord with our earlier understanding. He explains that "azov" may be alternatively defined as "help", as it is used elsewhere in Scripture. Other commentators, however, differ.

Onkelos explains:

Leave completely all that is in your heart against him.

In other words, one is commanded to let go of the past and help another in need. One must not use another's poor treatment of him or her as a justification for reacting in kind when the other is in distress.

Nechama Leibowitz (op. cit. pp. 432-3) points out that the obligation is not only a moral injunction to help an enemy in need; it is also practical guidance, showing one how to feel brotherhood and eradicate the hatred from one's heart. When one finds a lost article, one is obligated to return it when the owner comes looking for it; however, in this case, one is obligated to run and help from a distance when the need arises. Secondly, this obligation requires cooperation between the putative enemies, and it will generally bring about the removal of the discord. Indeed, the final word "immo" literally means "with him" or "alongside him". Thus, the Chizkuni (ad loc.) explains:

The word "immo" expresses the simple reality that it is impossible for one individual to remove the load from the animal singlehandedly; rather both must work, each one relieving the load from one side of the animal.

The two individuals, previously at odds, must exchange words, and the enmity is likely to be dissolved. As the Midrash (Tanchuma Yashan, ad loc.) relates:

"You have established uprightness" (Tehillim 99:4) — R. Alexandroni said: "Two donkey-drivers who hated each other were travelling along the same road. The donkey of one of them fell down. The other saw it but passed him by. After he had passed by, he said: 'It is written in Scripture, "If you see your foe's donkey lying under its load… you must certainly help him."' Immediately, he went back to help him with the load. The other began to think things over and said: "So-and-so is evidently my friend and I didn't know it.' Both went into a roadside inn and had a drink together. What led to their making up? One of them looked into the Torah. This is the meaning of the verse: "You have established uprightness."

This is seemingly the meaning of the Ramban's comment on the verse in Devarim:

It says here "your brother" as opposed to "your enemy" and "your foe," in order to teach us to do this, remembering the love and brotherhood and forgetting the hatred.

It is clear that these mitzvot relate not only to animals; they help resolve quarrels between people. In fact, the Alshikh interprets the text as obligating one to help specifically with the intention of aiding the hated individual in a time of need, looking the owner in the face, rather than merely thinking of the animal and its pain.

The extreme concern the Torah shows about tzaar baalei chayim is noteworthy; however, the Torah instructs us that this should pale in comparison to the significance of helping another human in need, even an enemy, which takes precedence.

"Immo"

The mitzva of perika raises a significant question about assisting others. The Talmud states that one is obligated to help an animal struggling under its load even if the owner is not around. However, the term "immo" in the verse is expounded by the Talmud to indicate that if the owner is present but sits on the side, relying on others to do the work, then one is not obligated to help. The Talmud (Bava Metzia 32a) states:

If he went and sat down and said: "Since the commandment is upon you, if it is your wish to unload, unload," one is exempt, as it is said: "Immo."

This caveat doesn't apply if the owner is sick or elderly and unable to do the work alone, but it certainly applies when the able-bodied owner isn't interested in trying to help himself or herself. (When the animal is in pain, one may nevertheless remove the load to relieve the animal's distress, but one then has the right to demand payment for doing so).

Since this specific principle, limiting the obligation to help to circumstances when the owner takes the initiative, is stated in regards to perika, one must determine if it is limited in scope to its original source or is applicable to all cases of beneficence and gemilut chasadim. The Me'iri (Kiddushin 8b) seems to have doubts about this matter; however, the Keli Yakar (Vayikra 19:6) clearly states that the Torah mandates that one help only those who do not choose to rely on others. The Torah wants people to help, but it doesn't allow for unreasonable demands for assistance. In fact, the Keli Yakar uses this verse as a response to those who act in this manner.

This provides a response to the few poor of our people who impose upon the public and refuse to do any work, even if they have the ability to do so, or to engage in another activity which will enable them to sustain their families, while complaining that they are not given enough to satisfy their needs. Indeed, God commanded only "Azov taazov immo." The poor person must do everything within his power to help himself. If, despite that, he cannot afford to support himself, then every Jew is required to support him, to encourage him, and to give him enough to provide whatever he is lacking…

Rav Aharon Lichtenstein, in his essay "The Responsibilities of the Recipient of Charity," notes that the Me'iri is the only authority among the Rishonim to discuss this matter, which allows for some latitude regarding this question.

The Meiri's words are instructive in and of themselves, but in light of the silence of the rest of the Rishonim and Posekim, they do not negate the fact that our problem has not been exhaustively discussed in the primary halakhic sources. This silence has left us room to investigate the matter. Specifically, it has left room for a discussion which is based on the halakhic foundations of gemilut chasadim, and which by its very nature will bring under consideration the moral and ethical dimension of the issue. It is precisely this dimension which is problematic, for our problem is rooted in a clash of values. On the one hand, there is the mitzva of gemilut chasadim, with all the halakhic and social obligations that it involves, which demand of the benefactor maximal assistance. On the other hand, there is a demand, perhaps no less legitimate, to reduce the help and sharing of the burden. This demand has at least three components – one related to the limitations of the benefactor, and two connected to the welfare of the recipient.

Rav S.R. Hirsch expresses a similar idea concerning the verse in Devarim. He notes that the Talmud differentiates between the requirements of te'ina and perika. While one is obligated to help one remove the load from his animal for free, without requesting pay, he is allowed to ask for compensation when he assists in loading the animal. The distinction he notes is that "perika serves to save someone from monetary loss; te'ina serves to assist someone in carrying out an objective."

Only assistance rooted in preventing another's loss must be done for free; even then, this is true only provided that the assistance does not keep one from his or her normal occupation and earning a salary. The idea of asking for money while helping another might rub one the wrong way, but Rav Hirsch explains its importance.

These halakhot are deeply characteristic of Jewish law's outlook on the fulfillment of the duties in society. Jewish law does not subscribe to that extravagant zeal which demands complete self-abnegation as a general rule in communal life and which equates virtue with self-sacrifice. Jewish law does not accept such a philosophy, for it could never become a universal standard. If indeed it were to be put into practice, it would spell the end of social commerce… The universally binding Jewish social principle accords full moral validity to man's need to provide for his own existence and independence. At the same time, however, the Law demands that, in addition to, and simultaneously with, seeing that our own needs are met, we cooperate, with equal seriousness, in attending to and assisting in the preservation of our neighbor's property and the furtherance of his endeavors.

The Jewish outlook is a practical one which accords significance to one's own personal property and rights of ownership but requires selfless assistance to others. Similarly, one who requests assistance from others must understandably fulfill personal obligations before making requests of others.

Two Forms of Modern Day Perika

The mitzvot of te'ina and perika may, at first glance, seem to be of little significance in a non-agrarian society. Those who do not heap their loads on animals will have less cases of tzaar baalei chayim, obviating many cases of perika. While certainly those who work with animals will sometimes need assistance, there are modern day applications which affect everyone. While some may not load animals, they certainly may load themselves. When one witnesses elderly (or young) individuals struggling with a load, one has an opportunity to lend a hand. Similarly, watching individuals coming from the supermarket or the like trying to maneuver carrying a number of bags in their hands is an opportunity to fulfill the mitzva of te'ina. One with a large vehicle who notices another's small car weighed down with a disproportionate load has a similar chance to fulfill this mitzva.

In truth, understanding the nature of the mitzva provides numerous other opportunities for its fulfillment. The Chinnukh (Mitzva 80) explains that the root of this mitzva is to teach man rachmanut, compassion for others.

At the root of this precept lies the purpose of teaching our spirit the attribute of compassion, which is a noble character trait. There is no need to say that we are duty-bound to take pity on a man who is suffering bodily pain; however, this mitzva teaches that even if he is only pained by the loss of his possessions and goods, we are still required to have compassion upon him and rescue him.

The compassion exemplified by one who helps another should not be restricted to the common examples of loading and unloading animals in biblical times. For good reason, the Arukh Ha-shulchan (CM 278:8) makes very clear that the obligation extends beyond merely helping another to load and unload his animals; this would include helping rescue a carriage from mud or fixing its wheel.

Though the examples cited by the Arukh Ha-shulchan do not include help with car trouble, clearly the same principles of assistance would apply to cars in our day and age. One who witnesses another Jew on the side of the road with engine trouble or a flat tire would seemingly be required to fulfill the mitzva of te'ina.

In truth, there is a well-known means of finding friendly roadside assistance: keeping one's tzitzit out when stuck on the side of a road with a nonmoving vehicle. Stories abound of non-Jews who keep a pair of tzitzit in the car in case they are stranded.

Nevertheless, one's initial reaction may be to presume that in most situations one cannot be of help. However, I would like to share two stories — providing not halakhic guidelines but mere food for thought.

The first is contemporary and personal. Late one summer night, as I and two friends drove from the mountains of upstate New York to the city, it became clear that one of our tires wasn't doing its job. We pulled over and discovered that the tire was completely unusable. One of my friends suggested that despite the late hour, everyone should make sure to have his tzitzit out. Sure enough, a few minutes later, a recently-married couple whose car was fully packed stopped. They knew nothing about cars; they did not even have room to take anyone back in their car; still, they decided to stop to at least lend moral support. In fact, they did far more than that, as they had candy on hand, which gave us a boost, as well as a cell phone (something uncommon at the time), which enabled us to call for assistance. I have often wondered: what caused this couple to stop for us, and what did they think they could do to help? Their assistance definitely acts as a catalyst for me to do the same when faced with similar situations, but the ultimate answer to this question may be found in a classic tale, a Chasidic maaseh.

The rebbe known as the Holy Jew (Yehudi Ha-kadosh) of Peshischa told the story of the time he was leaving the city of OpatÃ³w (Apta) and came across a carriage full of goods that was stranded. The farmer who stood beside it noticed the rebbe and asked him for assistance in lifting the carriage. The Yehudi Ha-kadosh said, "I am incapable of doing so," to which the farmer responded, "You are capable but don't want to help." The farmer's words struck a chord with the rebbe, who agreed to try to help. After finding some wooden boards they succeeded in lifting the carriage. The rebbe then asked the farmer why he had accused him of being unwilling rather than unable to help. The farmer explained that he knew implicitly that the rebbe could help if he wanted to. The Yehudi Ha-kadosh then asked, "How did you know?" The farmer responded, "Do you think I was placed in your path for no reason?"

The simple words of the farmer, underscoring the divine orchestration which enables one Jew in need of assistance to find his fellow, should remind us that often we may be able to be more helpful than we realize.

In next week's lesson, we hope to identify another form of modern-day perika and te'ina: beyond the understandable need to help others with their physical loads, assisting others with their spiritual loads is no less significant.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 24: Te'ina & Perika Part 2 — Spiritual Burdens

In last week's lesson, we dealt with the biblical obligation of helping others in need, as seen through the prisms of the mitzvot of te'ina and perika, loading and unloading animals, found in Shemot (23:5) and Devarim (22:4) respectively. As we saw, the Arukh Ha-shulchan extends these obligations beyond the responsibility to merely help another load or unload; to the best of one's ability, one must assist others in any case where they require physical assistance.

However, the obligation may be expanded even further. It is rather interesting that the Torah chooses to teach the laws of perika specifically regarding a "foe" — literally, one who is hated. In last week's lesson, we dealt with the Talmud's exposition that such an individual is given precedence over one's friend. Fascinatingly, the Talmud teaches that the basis for disliking this individual is not caprice or some minor offense, but rather because he or she has committed an act which demands hatred.

The Talmud (Pesachim 113b) discusses the law applying to an individual whose unseemly behavior has been witnessed by only one person, noting the contradiction between the two verses, that of the prohibition of hating another Jew and that of the positive mitzva of perika:

Said Rabbi Shmuel bar Rav Yitzchak: "It is permissible to hate him, as it is said. 'If you see your foe's donkey lying under its load.'" Now which foe is meant? Shall we say a non-Jewish foe? It was taught: "The foe of whom they spoke is a Jewish foe, not a non-Jewish foe." Hence, it obviously means a Jewish foe. But is it permitted to hate him? Surely it is written, "Do not hate your brother in your heart" (Vayikra 19:17)! Again, if there are witnesses that any Jew transgressed, all agree that he should be hated! Why is this particular person singled out? Hence it must surely apply to such a case where he has seen something indecent in him. Rabbi Nachman bar Yitzchak said: "It is a duty to hate him, as it is written (Mishlei 8:13), 'God's commandment is to hate wickedness.'"

The Talmud here determines that when the Torah speaks of helping one's "foe" to unload an animal, it refers specifically to a case wherein one has, on some earlier occasion, seen the animal's owner willfully commit a Torah violation. The Torah forbids hating one's fellow Jew; undoubtedly, then, the Torah speaks here of somebody who has knowingly betrayed the Torah and thus rightfully earned the dislike of devout mitzva-observers. It is specifically such a case, the Talmud concludes, to which the Torah refers in presenting this obligation to assist one's foe in unloading his or her animal.

Tosafot (ad loc. s.v. She-raa) are bothered by the seeming inconsistency between two laws. As we saw in our previous lesson, helping one's foe load is given precedence over helping one's friend unload "in order to subdue the evil inclination," even though the latter's animal may suffer in the meantime. Why must one be helpful to him, even at the expense of tzaar baalei chayim, if the desire to hate is positive? In Lesson 15, we dealt with Tosafot's answer to this question and its implications for understanding the nature of the prohibition of hating another Jew.

What concerns us now is the following question: why does the Torah formulate the obligation of assistance to another Jew specifically in the context of an individual who is hated for his or her transgressions and non-observance?

The Rambam cites this law, exploring the ambivalent relationship towards “the hated” (Hilkhot Rotzeiach 13:14):

The "foe" mentioned in the Torah is not a member of the gentile nations, but rather a Jew. How can a Jew be hated by a Jew? Surely, it is written: "Do not hate your brother in your heart"! The Sages explain that an example is one wherein he alone saw him committing a transgression, and he admonished him, but he did not turn away from sinning. Thus, there is a mitzva to hate him until he repents and turns away from his wickedness. But even if he has not repented yet, if one sees him in panic because of his cargo, it is a mitzva to unload and reload with him, instead of leaving him inclined toward death, lest he tarry because of his money and be brought to danger. For the Torah shows concern for the souls of the Jewish people, both the wicked and the righteous, for they are attached to God and believe in the fundamentals of our faith.

Though the Torah may permit hating the estranged Jew in order to maintain a proper spiritual distance, it expresses care and concern for all Jews, so much so that the sinner receives precedence.

Missing the Point of the Halakha

At some points, it may prove difficult to maintain the balance between distancing sinners and helping them when they are in need. Rav Aharon Lichtenstein in “Communal Directives for Centrist Orthodoxy” tells the story of his encounter young boys who were only familiar with part of these laws.

A few of years after I moved back to Yerushalayim, I was once walking with my family in the Beit Yisrael neighborhood, where R. Isser Zalman Meltzer used to live. For the most part, it consists of narrow alleys. We came to a corner, and found a merchant stuck there with his car. The question came up as to how to help him; it was a clear case of perika u-te’ina (helping one load or unload his burden). There were some youngsters there from the neighborhood, who judging by their looks were probably ten or eleven years old. They saw that this merchant was not wearing a kippa. So they began a whole pilpul, based on the gemara in Pesachim (113b), about whether they should help him or not. They said, “If he walks around bareheaded, presumably he doesn’t separate terumot u-ma’asrot, so he is suspect of eating and selling untithed produce. . .”

I wrote R. Soloveitchik a letter at that time, and told him of the incident. I ended with the comment, “Children of that age from our camp would not have known the gemara, but they would have helped him.” My feeling then was: Why, Ribbono shel Olam, must this be our choice? Can’t we find children who would have helped him and still know the gemara? Do we have to choose? I hope not; I believe not. If forced to choose, however, I would have no doubts where my loyalties lie: I prefer that they know less gemara, but help him.

Rav Lichtenstein's words stress the important of not losing sight of the point of each mitzva. Though the depiction of a “foe” requires maintaining distance as if one hates him, the need to help him is stressed in these mitzvot, as expressed powerfully by the Rambam: "For the Torah shows concern for the souls of the Jewish people.” This requires assisting hated individuals despite their distance. In the process, one will hopefully show them this love and concern.

Spiritual Perika

With this in mind, we may now turn to a second question: why does the Rambam use such descriptive language about the love we are to have for the foe when we help him with his load? After all, we are bidden to assist him physically, but the Rambam states that “the Torah shows concern for the souls of the Jewish people.” As one helps another with cargo, where is the Jewish soul in need?

The answer may be found in of the teachings of Rabbi Nachman of Breslov and his student, Rabbi Natan. Rabbi Nachman explores not only rachamim, compassion, but rachmanut, kindheartedness, a trait of sensitivity to pain and compulsive kindness. He begins by pointing to a verse (Yeshayahu 49:10) which connects the trait to leadership: "For with compassion for them he will lead them." Rabbi Nachman explains that rachmanut must be used properly, as its misuse can have serious repercussions. From showing clemency to the wicked to giving a crying baby a chocolate milkshake, softheartedness can lead to disastrous results. One must properly calibrate his or her sympathy in order to determine the appropriate level and form of rachamim for every individual.

He continues that Moshe Rabbeinu was the one who shepherded his people with the proper balance of compassion, putting aside his own personal glory and focusing on the needs of his flock. This is how one must define true compassion. Rabbi Nachman writes:

The essence of compassion is employed when the Jews, the holy people, succumb to sin, God forbid. There is no greater display of compassion than this, for all the terrible suffering in the world is considered nothing in comparison to the heavy burden of sin, God forbid. For when Israel succumbs to sin, God forbid, it is a very heavy burden, one that is impossible to bear. "[For my sins have risen above my head] and like heavy cargo, they weigh me down." (Tehillim 38:5).

All who understand Israel's holiness and origin, discerning their spirituality and refinement, know that sin is utterly foreign to Israel… Therefore, all suffering in the world is considered no burden in comparison to the heavy burden of sin… Thus, the essence of compassion is to help release the Jewish people from sin.

This is why whenever Jews succumbed to sins, Moshe Rabbeinu, may he rest in peace, would sacrifice himself for them and pray for them… as they are incapable of bearing sin's heavy burden.

Rabbi Nachman then continues on a rather lengthy description of the fundamental importance of daat (knowledge), which serves two purposes: freeing one from sin and allowing one to discern the exalted level of the Jewish people and the extreme pain sin causes to their soul. By its very nature, true rachmanut requires daat, the understanding of how to be properly compassionate.

Rabbi Natan refers to these teachings of his rebbe in his description of the mitzva of perika. He explains that what causes this individual to be hated is reason for his or her load being too heavy to bear. The chamor (donkey) mentioned in the verse refers to the chomer, the earthly physicality, which clouds a person's judgment and weighs one down. This individual carries a big load of transgressions, which as Rabbi Nachman teaches, weighs one down more than anything else, for a Jew does not have the strength to carry his or her sins alone. Rabbi Natan (Likkutei Halakhot, CM, Perika U-te'ina 4) writes:

This mitzva alludes to one… who sees his foe's chamor… the chomer, physicality, of one who is becoming hated through the commission of sin, who is unable to carry the burden… The Torah commands in this situation not to bypass this individual; rather, one must try to help and bring this individual closer, to raise up he whose burden is weighing him down, to love him (not hate him)… to judge him favorably… and raise him up from his iniquity… The essence of this mitzva of helping him with his burden is love.

Essentially, Rabbi Nachman and Rabbi Natan teach that true compassion requires understanding what an individual truly needs and the proper way in which to give it to him. When one sees another engrossed in sin, one must realize that the individual is carrying a burden that is too heavy, and one's responsibility is to help alleviate the pain. For this, rachmanut is necessary. While this is an essential character trait for leaders, each Jew who wants to help fellow Jews must inculcate it as well. It starts with the realization of the burden of sin being the greatest weight one can bear, and it continues with recognizing the root of the problem and how to solve it. The same way that one's chamor can be burdened, one's soul may be weighed down. A Jew can be adversely affected by the load of chomer, physicality.

Sometimes it is hedonism and consumption which burdens a soul, leaving an individual incapable of dealing with what is bothering him inside. A person like this needs te'ina, to be loaded with wisdom and insight. The Jew may be assisted by learning about the importance of Torah and helping out others, as well as by becoming aware of the painful effects of a self-engrossed life. Such an existence is not only devoid of time and care for others; it is essentially empty of all that defines one's true self. Rachmanut dictates that this individual needs spiritual te'ina.

On the other hand, there are people who are well-aware of the pain they are caused by their sins, who live a very guilt-ridden existence because of them. Their burden of sin so greatly weighs down upon them that they are unable to see the good in anything, especially themselves. These people need perika to put things in perspective, understanding the power of repentance. Secondly, they are in desperate need of an alternate form of te'ina, being loaded with love from their fellow Jews.

Only who is truly compassionate knows how to strike the proper balance between magnanimity and might, when to lighten the load and when to increase it. Moshe Rabbeinu, as Rabbi Nachman points out, had these exceptional characteristics, and while it is tremendously difficult to live up to his example, all Jews share the responsibility toward their fellows.

Sometimes, one may notice another who feels dissatisfied but is entangled in the trapping of his or her environment. An individual such as this needs simultaneous perika and te'ina, first shrugging off the pained outlook and then embracing a healthy understanding of Jewish tradition. One thing is clear: the Jewish soul doesn't like the burden of being hated, of committing acts which belie its inner calling.

Indeed, this may provide an answer for Tosafot's question. When one sees an individual who has earned enmity by sin standing by his or her overburdened donkey, one must be cognizant of what is really going on. It is not the donkey that is in trouble, but the person. Though the owner notices the animal's distress, his or her own escapes notice, so that the misguided behavior continues. Though the Torah requires that the passerby help the donkey, its primary focus is not the pain of the animal as much as the pain of the owner; therefore, the Torah demands that one must help the owner as well. When the committed Jew assists with the load, this demonstrates care and concern for the wayward owner, despite their religious differences.

The pious passerby cares for the owner and the owner's needs and lovingly wants to help. This is the Torah's lesson: as the Rambam says, "the Torah shows concern for the souls of the Jewish people."

For this reason, the Torah requires that one help the hated individual first, in order to subdue this individual's heart, for though the animal of the beloved is in pain, the foe is personally in pain. Worst of all, this individual doesn't realize the predicament. By helping the foe first, one may subdue the heart of this individual, demonstrating that the words of the Torah are righteous, and God cares about even those who do not think of Him.

The Essential Mitzva of Kiruv

In Lesson 15 we saw that despite the fact that the Torah allows one to hate evildoers in order to maintain a healthy distance, the Torah's message in this verse is, as Tosafot say, to prevent this from becoming personal; instead, one must strive to bring those in error closer, a process called kiruv. We also noted that a number of authorities believe that even the basics of the once-permitted hatred are inapplicable in our modern milieu. Indeed, the context of the verse here teaches that despite our need to distance ourselves from sinners, we must come to their assistance, aiding them physically and spiritually.

Furthermore, the common method of dealing with evildoers in the times of the Mishna and Talmud is not applied in our day. This obligation expresses itself in a completely different manner.

In the third chapter of Hilkhot Mamrim, the Rambam distinguishes between different types of non-observant Jews: those who were born into a righteous tradition and later rebelled and those who were born uncommitted and were never taught in the proper manner. He reserves the harsh methods of dealing with evildoers to those who have openly rebelled. In the second paragraph, he describes those who are called "deniers of Torah," who are treated harshly, while in the third paragraph, he explains that their children are to be treated differently.

The children of these errant people and their grandchildren, whose forebears led them away and who were born among these Karaites and raised according to their conception, are considered to be children who have been captured and raised by them. Such a child may not be eager to follow the path of mitzvot, for it is as if he is compelled not to. Even if later he hears that he is Jewish and sees Jews and their faith, he is still considered as one who was compelled to shun observance, for he has been raised according to the mistaken path. This applies to those who we mentioned, who follow the erroneous Karaite path of their ancestors. Therefore it is appropriate to motivate them to repent and draw them to the power of the Torah with words of peace.

The Rambam's conclusion is to focus one's efforts on bringing the "captured" child, i.e. one has been brought up without any Jewish education, back to Judaism, drawing them closer to the power of Torah.

While the Rambam's teaching would seem to indicate that only Jews born unaffiliated should candidates for kiruv, while those who have opted out of a committed lifestyle should be treated harshly, others have pointed out that this is no longer the case in our day.

The Chazon Ish, known for his staunch opposition to secularism, nevertheless embraces all Jews in his writing. He does not classify the non-observant as apostates and explains why they are not to be treated harshly in our day, but rather to be brought closer. He writes (YD 2:16) that the harsh treatment of apostates dictated in the Talmud:

…applies only at a time that the providence of God is revealed to all, when miracles are apparent and abound and there are heavenly voices heard; when the righteous of the generation live an openly providential life and the deniers of God are particularly driven by tremendous desire for sin. Then, obliterating the wicked was essential… but in our days of hidden providence, when numerous Jews are unconnected to tradition, attempting to obliterate the wicked would not be a means of fixing Jewish society but rather further destroying it, because it will be viewed as destructive and hateful. Our whole goal in dealing with sinners is to repair the world and improve it, so the former mode of practice is no longer applicable. Instead, we must return them to God with tremendous love and uphold them with the rays of the Torah's beauty as much as we possibly can.

In our day particularly, with an understanding of the dire straits of many Jewish communities and the alarming statistics of assimilation and intermarriage, there is a new call for kiruv.

In next week's lesson, we will trace the interpersonal obligation to inspire Jews towards a newfound closeness with God.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 25: The Dual Love of Kiruv

What is Closeness?

In last week's lesson, we dealt with the spiritual components of the mitzvot of te'ina and perika, loading and unloading: namely, helping someone who is spiritually hampered by the overwhelming weight of sin. This understanding of the obligation to assist another in need presumes that there is an interpersonal mandate to help another Jew regain spiritual balance and direction no less than there is a requirement to help one who is in physical distress.

The attempt to help others in the spiritual realm is often referred to as kiruv rechokim, literally, bringing those who are distant closer to a life of spirituality. In truth, there are those who take issue with the term kiruv, as it presupposes that we may determine, based upon outward signs of mitzva observance, who indeed is close and who is far from God. However, it is the default term.

The ideal of being karov (close) to God is clearly a noble one. Indeed, everyone may benefit from trying to get closer to God. The verse (Devarim 30:2) states: "This matter is very karov to you, in your mouth and in your heart, that you may do it." "This matter" is identified either as the study of Torah (Rashi) or the practice of repentance (Ramban). Any attempt to enable others to feel this closeness and benefit from a greater perception of God is an act of kiruv. One who is able to sincerely call out to God in earnest prayer merits this closeness: "God is karov to all who call Him, to those who call him sincerely" (Tehillim 145:18).

Thus, kiruv is a fundament obligation. Judaism is not a missionizing religion; in fact, it is avidly against actively going out to convert others to its faith. Nevertheless, it stands for calling out in the name of God, welcoming those who seek Him. This encompasses reaching out to those who are within the faith and those who are unable to understand God, inspiring them to become better acquainted with it.

Helping others improve their religious observance is the fulfillment of a ritual obligation to God; however, beyond this dutiful responsibility lies the most basic of interpersonal obligations. There are individual commandments which are pertinent to the discussion, but they are rooted in the concept of ahava, love. True love of God, coupled with the earnest affection for fellow Jews, requires helping others to gain or sometimes regain a connection to the Holy One. In order to understand kiruv, first we must understand this ahava.

Love of God and Love of a Fellow Jew

The first verse we teach to a child is Devarim 6:4:

Hear (Shema) O Israel, Lord is our God, Lord is one.

Shema is supposed to be recited a minimum of twice a day, morning and evening, expressing the Jew's acceptance of the kingship of God. It also identifies Him as "our God", concerned with us. However, though this is one of the most intimate declarations of the Jew, it is formulated not as a personal affirmation but as an announcement. It opens with "Hear O Israel," and the message is the following: let the truth of God's oneness and kingship be broadcast to the world; let all Jews hear that God is One and true.

Why can't we keep our ideals to ourselves? Why must we burden innocent bystanders with our convictions? Though one might view this as pushiness and unnecessary religious coercion, it is actually a great display of love. Sharing the most wonderful truth with others is the most sublime act of dual love, love of man and love of God.

Indeed, the following verse sets down the mitzva of loving God. Its placement next to the cardinal declaration of our faith makes it paramount, and the following verses underscore this: our love for God knows no bounds. It is something we must keep in mind constantly, in our mouths, upon our arms, beside our doors.

You shall love Lord your God with all your heart and with all your soul and with all your means.

God not only wants us to fulfill His commandments but to recognize His greatness and love of us and to love Him in return. This mitzva of loving God is directed to each individual, but as the Talmud explains, its proper fulfillment requires influencing others to love Him as well. The Talmud (Yoma 86a) teaches:

“You shall love Lord your God” — this means that the name of Heaven should become beloved through you.

[This means that] one should read [Scripture], study [Mishna] and serve Torah scholars, and his dealings with people should be conducted in a pleasant manner. What should people say about him? "Fortunate is his father who taught him Torah; fortunate is his teacher who taught him Torah. Woe unto people who do not learn Torah. This person who learned Torah — see how pleasant are his ways, how refined are his deeds!" Regarding him Scripture says: “[God] said to me, ‘You are My servant, Israel, through whom I am glorified’ (Yeshayahu 49:3).”

The Talmud describes that by acting appropriately, the Torah scholar causes a kiddush ha-shem, sanctifying the name of God before all who witness the scholar's exemplary behavior.

The Talmud continues that the opposite is true for those individuals who study Torah but act in a way that turns others off from a life of Torah: they not only distance themselves from God, they simultaneously profane God's name in the eyes of others.

Loving God is more than an obligation: it means recognizing His goodness. If one would not want a friend to be misrepresented and disliked, certainly one should feel so regarding God. In Mesillat Yesharim (Ch. 19), Rav Moshe Chayim Luzzatto explains:

When you like someone very much, you cannot simply stand by and allow others to beat him and insult him. When necessary, you do whatever you can to help. The same is true for one who really loves God. You cannot stand by and allow others to desecrate His name and violate His commandments.

The love which lies at the basis of the desire to inspire others regarding the truth of God is not only rooted in our divine love. The "great principle of the Torah," according to Rabbi Akiva, is the mitzva of loving our fellow Jews as we would ourselves (Torat Kohanim, Kedoshim 4:12). A basic act of love is helping others maximize their lives. Sharing with others the joy of a connection to God, bringing them closer to what is inherently close to them, is one of the best ways to accomplish this.

Similarly, the Maharal notes (Netivot Olam II, 50, Ahavat Reia) the connection between loving God and loving one's fellow man:

For this matter of love for people is also the love for God. One who loves another loves all which the other does. Thus, when one loves God, it is impossible not to love His creations. And if a person hates mankind, it is impossible to feel love for God who created it.

The Baal Ha-Tanya (Likkutei Torah, Taamei Ha-mitzvot, Vayikra 19:18, quoted in Rav Aryeh Kaplan's Reaching Out) indicates that the commandment to love one's neighbor as oneself also generates communal responsibility, unifying all Jews in one greater whole. He relates this to the confession which is found in our liturgy.

Every single Jew is like an individual limb of a body. This is the reason for the responsibility that every Jew bears for every other Jew who sins. It is for this reasons that my master, the Ari, would recite confession for every type of sin, even those which he had never committed. He said, "Even though a person may have never committed a sin, he must seek forgiveness and recite his confession." It is for this reason that the wording of the confession is in the plural, "We have sinned," not "I have sinned."

The reason for this is that all Jews collectively form a single body. Therefore, even if an individual has never committed a particular sin, he should confess it anyway, for if another Jew has committed this sin, it is as if he himself has done so. It is also for this reason that the confession is written in the plural.

The Codified Commandments

In his Sefer Ha-mitzvot, the Rambam codifies this connection, making clear that this is not an aggadic statement, but a halakhic one. He mentions this in the context of the positive commandments to love God and to sanctify his name. Regarding the former (3), he writes:

Our Sages also said that this mitzva includes calling out to all mankind to serve G-d, exalted be He, and to believe in Him. This is because when you love a person, for example, you praise him and call out to others to draw close to him. So too, if you truly love G-d — through your understanding and realization of His true existence — you will certainly spread this true knowledge that you know to the ignorant and the foolish.

Thus, the Sifrei says: "'You shall love Lord,' i.e. make Him beloved among the creatures as your father Avraham did, as it is written, 'The souls that he made in Charan' (Bereishit 12:5)."

The Sifrei means to tell us that Avraham, as a result of his deep understanding of G-d, acquired love for G-d, as the verse testifies, "Avraham, who loved Me" (Yeshayahu 41:8). This powerful love therefore caused him to call out to all mankind to believe in G-d. So too, you shall love Him to the extent that you draw others to Him.

The Rambam identifies love of God with spiritual inspiration of one's fellow Jew. Loving God requires recognizing the truth of God's existence, and the beauty of one whose life is rooted in eternity. True love of God recognizes God's care for His creations, Jew and non-Jew alike; thus, one must spread the truth of God so all His creations may benefit from it.

The Rambam adds that to live a life of Torah sincerely, one must be driven by a commitment of love to God, acting in a way that will cause others to love God as well. Doing so sanctifies God's name. In fact, Avraham, the quintessential lover of God, is described repeatedly (Bereishit 12:8, 13:4, 21:33) as calling out in God's name. Thus, all those who act with similar love and devotion are sanctifying God's name.

The mitzva of sanctifying the name of God (9), which at times requires martyrdom, also contains a similar element:

This mitzva requires us to publicize the true religion to the masses. This must be done without fear of retribution, to the extent that even if a powerful tyrant tries to force us to deny G-d, exalted be He, we may not obey him. We must rather unquestioningly submit to death, not even allowing him to think that we have denied G-d, exalted be He, even if we still maintain belief in Him in our hearts.

This obligation to sanctify the name of God at some points requires submission to death, but the ideal is accomplished through living a life dedicated to Torah, acting as ambassadors for the God we love. Doing so allows others to see, through one's example, the greatness of a Torah-based life. Similarly, the Sefer Ha-charedim (1:9) explains how the mitzva of loving God involves a call to kiruv:

The commandment "You shall love Lord your God" also includes a responsibility to talk to others about the Torah and speak convincingly, until one brings the love of God into their hearts.

The Spiritual Need

This mandate is mentioned elsewhere, including in the Talmud and the writings of the Rishonim.

Chovot Ha-levavot (Shaar Ahavat Hashem 6) states:

You should know, my brother, that a believer may attain the utmost limit in the improvement of his own soul in his devotion to God, even approaching the level of the prophets as far as their personal virtues, their praiseworthy conduct, their effort in serving God, and their pure love for Him are concerned. Nevertheless, such a person's merits would not equal those of one who guides others to the right path and directs the wicked back to the service of the Creator. Such a person's merits are multiplied according to theirs, every minute of every day….

If a person rectifies his own soul, his merits are much less. One who rectifies both his own soul and the souls of others, on the other hand, multiplies his merits according to the merits of everyone whom he rectifies before God.

Elsewhere, Chovot Ha-levavot (Shaar Ha-bitachon 4) counts inspiring others as a necessary endeavor in order to merit the World to Come:

A person's good deeds alone do not make him suitable for the reward of the World to Come. G-d considers him suitable only because of two other factors in addition to his good deeds. The first is that he teaches others about the service of G-d and guides them in doing good… The second is God's kindness and beneficence…

The famed Rav Shlomo Wolbe, in a powerful speech from November 2000 (available at: http://www.kiruv.com/articles/338/rav-wolbe-ztls-vision/), cites this passage as an awesome declaration of the importance of reaching out to others. He actively calls upon those who dedicate their lives to Torah study to devote time to this important endeavor, stating that no one can be excused from the obligation.

Similarly, in another powerful speech (recorded in the final chapter of Rav Aryeh Kaplan's Reaching Out), Rav Moshe Feinstein discusses the need for each individual's involvement in reaching out to others, elaborating upon the necessity of balance between focusing on one's own personal growth and tending to the needs of others. He uses the example of the tithe customarily given to charitable causes from one's income; similarly, he argues, one should tithe his or her spiritual time in order to avoid becoming self-centered. (See Year 1, Lesson 30.)

Now that we understand the nature of love and its connection to kiruv, we must turn to the trailblazers from our past. What can we learn from them today? In next week's lesson, we will examine Avraham's love for both God and man as well as Aharon's educational path in this regard.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 26: The History and Centrality of Kiruv

In last week's lesson, we saw various sources indicating that reaching out to others spiritually (kiruv) is a fulfillment of the commandments to love loving God, to love one's fellow man and to sanctify the name of God.

Indeed, the Rambam takes special note of Avraham's commitment to this ideal. If we go back in time, we find that spiritually uplifting others has been a basic tenet of Jewish tradition from the moment of its inception — and for good reason, as it is a very fundamental religious obligation. Even before the Torah is given, Avraham is driven by a love of God to embrace his obligation to all mankind.

In fact, the Torah repeatedly mentions that Avraham "called out in the name of God" (Bereishit 12:8, 13:4, 21:33; continued by Yitzchak, 26:25).

The Talmud (Sota 10a) explains this call:

Do not read "And he called;" read "And he had others call" — this means that Avraham motivated others to become aware of God and call out to Him.

Indeed, the Rambam views this as so essential that he opens Hilkhot Avodat Kokhavim in Mishneh Torah not with halakhic material, but with history, his understanding of Avraham's path to God and his commitment to impart it to others. He describes the slippery slope towards idolatry that mankind slowly fell into, and Avraham's awakening (1:2-3):

The wise men among them would think that there is no God other than the stars and spheres for whose sake, and in resemblance of which, they had made these images. The Eternal Rock was not recognized or known by anyone in the world, save some individuals: Chanokh and Metushelach, Noach, Shem and Ever. The world continued in this fashion until the pillar of the world - the Patriarch Avraham - was born.

After this mighty man was weaned, he began to explore and think. Though he was a child, he began to think throughout the day and night, wondering: How is it possible for the sphere to continue to revolve without having anyone controlling it? Who is causing it to revolve? Surely, it does not cause itself to revolve. He had no teacher, nor was there anyone to inform him. Rather, he was mired in Ur Kasdim among the foolish idolaters. His father, mother and all the people [around him] were idol worshipers, and he would worship with them. [However,] his heart was exploring and [gaining] understanding. Ultimately, he appreciated the way of truth and understood the path of righteousness through his accurate comprehension. He realized that there was one God who controlled the sphere, that He created everything, and that there is no other God among all the other entities. He knew that the entire world was making a mistake. What caused them to err was their service of the stars and images which made them lose awareness of the truth. Avraham was forty years old when he became aware of his Creator.

When he recognized and knew Him, he began to formulate replies to the inhabitants of Ur Kasdim and debate with them, telling them that they were not following a proper path.

This describes Avraham's personal evolution, coming to recognize God in a world that had almost entirely forgotten Him. However, the Rambam does not stop there. Working off the abovementioned verses as well as complementary Midrashic sources, the Rambam details Avraham's travels and his attempts to influence the world through kiruv, sharing with them the eternal truths he had come to know. Avraham does this even under the threat of death.

He broke their idols and began to teach the people that it is fitting to serve only the God of the world, to Him [alone] is it fitting to bow down, sacrifice and offer libations, so that the people of future generations would recognize Him. Thus, it is fitting to destroy and break all the images, lest all the people err through them, like those people who thought that there are no other gods besides these. When he overcame them through the strength of his arguments, the king desired to kill him. A miracle was performed for him, and he left for Charan, where he began to call in a loud voice to all people and inform them that there is one God in the entire world and it is proper to serve Him. He would go out and call to the people, gathering them in city after city and country after country, until he came to the land of Canaan and called out, as the verse (Bereishit 21:33) states: "And He called there in the name of Lord, the eternal God." When the people would gather around him and ask him about his statements, he would explain to each one of them according to their understanding, until they turned to the path of truth. Ultimately, thousands and tens of thousands gathered around him. These were the men of the house of Avraham. He planted in their hearts this great fundamental principle, composed texts about it, and taught it to Yitzchak, his son. Yitzchak also taught and advised others. He also taught Yaakov and appointed him as a teacher…

One of the Midrashic sources for this approach relates to the verse (Bereishit 12:5) which states: "He took his wife Sarai, his nephew Lot, all the possessions they had accumulated and the souls (nefesh) they had made in Charan, and they set out for the land of Canaan, and they arrived there." How does one "make" souls? The Midrash (Bereishit Rabba 39:21) comments:

These are the converts they made. Avraham would convert the men and Sara would convert the women.

Based on this famous interpretation, it is complimentary in the circles of those involved in kiruv to describe one as "boreh nefashot rabbot," "creator of many souls," a term applied in our liturgy to God Himself!

The Raavad (Hilkhot Avodat Kokhavim 1:3) is puzzled by Avraham's lonely position. Why does only Avraham confront the idol worshippers? After all, as the Rambam himself mentioned, there were other great men, such as Shem and Ever, who knew the truth as well. Why did they not protest?

Rav Yosef Karo, in his Kesef Mishneh (ad loc.), explains that indeed this is the defining characteristic of Avraham:

Avraham called out and publicly proclaimed belief in one God. Shem and Ever, on the other hand, only taught the ways of God to their students, but they did not push themselves to go out and proclaim it publicly. It is for this reason that Avraham is greater than they.

Many Midrashic sources and many classical commentators note a similar distinction between Avraham and Noach. The Zohar (Vayera 106a), for example, notes that “Noach remains silent, saying nothing and seeking no mercy” when God informs him of impending destruction, unlike Avraham, who argues with God immediately.

Though each is righteous, Avraham merits special attention because Avraham attempts to influence the entire world and save everyone, while Noach focuses on himself and his family. We may explain this by way of a parable. Surviving in a cold environment may be accomplished in one of two ways, either by putting on a coat or by lighting a fire. One who is focused on personal needs will put on a coat, but one who wants to provide heat and warmth for others as well will light a fire.

It is understandable that Avraham is driven by the desire to share his understanding of God with others, as Avraham is described by the prophet Yeshayahu (41:8) as the quintessential lover of God.

The Rambam elsewhere (Hilkhot Teshuva 10:2) describes true love of God by citing Avraham's example.

One who serves Him out of love occupies himself in the Torah and the mitzvot and walks in the paths of wisdom for no ulterior motive, not because of fear that evil will occur, nor in order to acquire benefit. Rather, he does what is true because it is true, and ultimately, good will come because of it. This is a very high level which is not merited by every wise man. It is the level of our Patriarch Avraham, whom God describes (Yeshayahu 41:8) as "Avraham, who loved Me," for his service was only motivated by love. God commands us to do so, as Moshe states (Devarim 6:5): "You shall love Lord, your God." When a man will love God in the proper manner, he will immediately perform all of the mitzvot motivated by love.

Avraham's dedication to this principle is even more remarkable in light of what he gives up in order to do so. While he certainly has more to learn in Charan, he dedicates his life to influencing others. The Chatam Sofer notes this and comments on its implications.

The Chatam Sofer's son and student, Rav Shimon Sofer (in Pittuchei Chotam, Introduction to Responsa Chatam Sofer, YD), expresses the greatness of Avraham Avinu in this fashion, elaborating on Rav Yosef Karo’s abovementioned comment.

In truth, even before him there were unique individuals who knew God and desired knowledge of His ways. Who was greater than Chanokh? He… was lifted up to become like one of the heavenly host who stand before the King to minister to him. We do not find that the earthly elements of Avraham Avinu, may he rest in peace, became that purified.

However, it was not on account of any deficiency or lacking of his soul that Avraham did not reach this level… For he understood in his wisdom that God does not desire that man only perfect his soul, leaving the people of his generation behind, a brood of sinful men who provoke God to anger, as happened to the generation of Chanokh and the Generation of the Flood. This experience taught him that it is better for a person to give up a little of the perfection of his soul in order to increase the glory of God, reducing the number of those who rebel against Him and increasing the number of those who serve and know Him.

Rav Shimon Sofer goes on to describe how God seeks out those who influence others, even if by doing so they fail to reach the greatest of heights. (A complete translation of the introduction, which is recommended reading, can be found at http://www.kiruv.com/articles/74/chasam-sofer-on-responsibility; see Year 1, Lesson 29 for the halakhic discussion regarding these ideas.)

Were the great of every generation to concentrate on perfecting themselves to the exclusion of others, only one in a million would achieve perfection. The bulk of society would remain in a state of corruption. The world would be destroyed by the wickedness of its inhabitants and God's purpose in creation would not be fulfilled.

In truth, the path followed by Avraham should be seen to be the obvious one. To realize this, one has only to consider the soul. The soul is the Godly dimension within us and prior to joining the body, it is conversant with the deep secrets of Heaven. Once in this world, however, it is trapped in a body which blinds it to the truth. Why did God do this? Why did He deprive it of its high level? What benefit does the soul have from finding itself trapped in the lowly body?

The answer is that only in this trapped condition, where its light is dimmed, can it develop closeness and similarity to its Creator. This is done by giving, by influencing others, starting, obviously, with its own body. The soul can raise the body to a level which would be utterly impossible for a body without a soul. In its original state the soul was incapable of giving, only of receiving. Now, it may be "trapped" in the body, but the soul has someone to influence: its own body. This will be the greatness of the soul and its achievement, for only by giving will it develop.

In the same way as the soul is only fulfilled by influencing the body, so is the human being only fulfilled by influencing others. That is why the Torah commands us to teach our children, to teach our students, to guide the misguided. These commandments tell us that a person will not fulfill the purpose of creation if he only perfects himself but ignores others.

In truth, Rav Sofer's call to follow in the footsteps of Avraham's love-driven campaign is understandable, as the verse in Yeshayahu refers to the Jewish people as "The seed of Avraham who loved me." As his children, we are bidden to walk in this same path of love.

Bringing Others Close to the Torah

Kiruv is rooted in love of God and one's fellow Jew; it requires walking in the path of Avraham, calling out to all of mankind, teaching the world about God. Avraham sets the stage of Jewish history, as God declares:

For I have known him to the end that he may command his children and his household after him to keep the way of God, to do righteousness and justice, to the end that God may bring upon Avraham that which He has spoken to him. (Bereishit 18:19)

Avraham's greatness lies in his commitment to educating his progeny, who will maintain the chain of tradition, to follow the way of God. We are bidden to continue on his path, as expressed in this verse.

Avraham's initiative was calling out in the name of God, but this was not a static endeavor; it evolved through the generations, bringing us to another paradigm, that of Aharon.

The Mishna tells us to continue in Aharon's path, by bringing others close to the Torah. The basic directive of kiruv seems to emerge from this source, Avot 1:12, which advises us:

Hillel says: "Be like the students of Aharon, love peace and pursue peace, love people and bring them close to the Torah."

The Mishna clearly connects the ideal of "loving people" with kiruv, as we discussed in the previous lesson. The commentators discuss the exact relationship between the two.

As they note, the ability to influence others positively is rooted in a sincere feeling of love for others; Aharon's example of kindness is the model to follow.

Rav Tzvi Yehuda Ha-Kohen Kook (Torat Eretz Yisrael, p. 89) stresses the need to be driven by love:

Is this speaking about people who are close to the Torah or those who are far away? There isn't a need to bring a close person near. Rather, Hillel's intention is to refer to those far away. He instructs us to love people who are distant from Torah. However, the Mishna doesn't tells us to love people in order to bring them close to the Torah, but rather to love them and afterwards bring them close to the Torah. The main point is to love, and due to this, they will naturally come close to the Torah.

Other Mishnaic commentators go further. Rav Chayim of Volozhin (Ruach Chayim) argues that because kiruv itself is an act of love, it should be pursued even when in the short term it may lead to some conflict:

One must love mankind and bring them closer to the Torah. This is true even though it sometimes happens that attempting to bring another close to the Torah has detrimental consequences, such as leading to quarrels… for fear of lost income or the like… Nevertheless, love mankind and bring them closer to the Torah, for this is the ultimate act of love one may show for another. Afterwards, when God is happy with man's actions, He will ensure that even his enemies will make peace with him…

According to the Me'iri, Aharon's success in kiruv was made possible by the high esteem which the people held him in. Rabbeinu Yona comments that Aharon's love for others caused him to try to solve others' quarrels, something that people who lack true love for others may not be willing to get involved in. Furthermore, when he approached individuals who had sinned, he did so with such love that they were taken aback: how, they felt, could they continue to sin if someone as great as Aharon held them in such high regard? Aharon's loving personality and exemplary character allowed him to influence others positively.

The Vilna Gaon (in his commentary to Mishlei 10:20) points out that in order to influence others, one must follow Aharon's example, choosing kind words rather than insults.

The righteous person comes with pleasant, gentle words and draws a person to the Torah. Everybody then wants to follow this righteous person.

The idea of bringing others closer to the Torah is usually focused on those who seem to be distant from it, those who are defined as rechokim. However, in truth, while kiruv is most noticeable when applied to rechokim, the same holds true for just about everyone. Anyone can benefit from getting a little closer to God and His Torah.

The Shela (Shaar Ha-otiyot, Kedusha) indicates this, defining the idea of kiruv as helping individuals, including ourselves, to come closer to the Torah by raising the level of sincerity in observance of the mitzvot. We might say that this is a solid source for the term known as kiruv kerovim, bringing those who are already close even closer to sincerity in their observance.

How can kiruv be done in a personally uplifting manner? What are its explicit obligations? These questions will have to wait until next week.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 27: The Sources for the Kiruv Obligation

In the previous two lessons, we have focused on the loving nature of reaching out to others and the historical precedents for bringing them closer to God. Besides the sources already quoted, there are a number of interpersonal mitzvot which lie at the heart of the obligation.

One of the biggest proponents of kiruv was none other than Rav Yisrael Meir Ha-Kohen Kagan, better known as the Chafetz Chayim. Though his name is often associated with the concept of purity of speech or his halakhic masterwork Mishna Berura, he also called for a movement of epic proportions to return lost Jews. His Chomat Ha-dat delineates four basic sources for this endeavor, which are binding upon all.

The first source of obligation is what we discussed in the initial lesson. One is required to assist others actively to recognize God's goodness and to appreciate His name and that of the Torah, based on the mitzvot of ahava, of loving both God and one's fellow man, as well as the mitzva of kiddush ha-shem, sanctifying the name of God. The mitzva of kiruv is rooted in love, recognizing that at times one shows true love of God by foregoing personal growth in order to ensure that the overall goal of God's name being sanctified is achieved.

Arevut and Tokhacha

The second obligation is rooted in one's responsibility for others, arevut, as discussed at length in Lesson 20. The Chafetz Chayim explains that the dictum of “kol Yisrael arevim zeh ba-zeh” teaches that the Jewish people are to be viewed as one organism; therefore, any part of the body that is deficient will by definition affect everyone.

The Chafetz Chayim explains that one who is careful to keep the laws of Shabbat but is not involved in influencing others to do so will be called to task in the future. He will be viewed as a Sabbath desecrater for allowing others to sin.

A similar understanding appears in Reishit Chokhma, by Rav Eliyahu de Vidas (Shaar Ha-yira 14):

It is written (Devarim 32:9), "For God’s people are His portion; Yaakov, the cord of His inheritance." This indicates that all Jewish souls are bound to one another like a braided cord, and are, therefore, united together with no separation.

When you shake one end of a taut rope, the entire rope vibrates. This is the meaning of the verse (Bamidbar 16:22) "One man sins, but You rage at the entire congregation!" This also explains the case of Akhan, the reason being that "all Jews are guarantors for one another."

Furthermore, the Chafetz Chayim views tokhacha as an explicit mitzva obligating one to help others improve their spiritual practice. The Rambam explicitly states in Hilkhot De'ot 6:7 that even observing one's friend walking in a way that is not good obligates one to offer reproof:

If one observes that a person has committed a sin or is pursuing a path which is not good, it is a duty to bring the one in error back to the right path and point out to him that he is wronging himself by his evil actions, as it is said: "You shall certainly rebuke your comrade."

In fact, the Chafetz Chayim writes that in the future not only will one be held accountable for failing to help others spiritually, but these others will actually accuse whoever forgoes this obligation of negligence.

The Right Hand and the Left

One might add that even in this noble effort which is rooted in love (see Lessons 21-22), one must be careful to ensure that this act is one of kiruv. Whenever one may attempt to influence others in any way, one always runs the risk of actually turning them off. If one does so, one will not only fail to achieve the desired results; one will actually accomplish the opposite. The Talmud (Sota 47a, Sanhedrin 107b) offers some practical advice for offering constructive criticism.

Our Rabbis taught: “One must always ensure that the left hand pushes away as the right hand brings close — unlike Elisha, who pushed Gechazi away with two hands, and unlike Yehoshua ben Perachya, who pushed his student away with two hands.”

Thus, the weaker hand, the left, is the one used to distance the sinner, while the right hand, the stronger one, is to be used to bring the other close. (See Maharsha, Sanhedrin ad loc.) The Talmud adds that even great men like the prophet Elisha and the sage Yehoshua ben Perachya went too far in distancing their pupils who had strayed, causing these disciples to fail completely.

Indeed, the Abarbanel (Devarim 33) notes that the concluding portions of the Torah, describing what will befall the Jewish people in the future based on whether they obey God or unfortunately fail to do so, provide a model of this conduct: the right hand must bring close, as one must focus primarily on the good and assure that there will be a positive end.

The Alshikh is very fond of this lesson and includes it numerous times in his various commentaries. In his commentary to Shir Ha-shirim (2:6), he explains that this is the meaning of the verse: "His left hand is under my head, and His right hand embraces me."

Israel says: “Even when I am in exile, God has not forsaken me. Though He pushes me away with His left hand, He draws me close with His right. ‘His left hand is under my head and His right hand embraces me.’”

The Alshikh further expounds the biblical language, noting that instead of using the simple phrase tachat roshi, under my head, this verses chooses to use the phrase “tachat le-roshi,” which literally means “under to my head.” This indicates that even though Israel metaphorically feels distanced by the left hand, we recognize even this as an act of love.

This teaches us that even the suffering is beneficial to us. God acts like a doctor who administers a blood test. Though this may be painful, it is necessary for the patient's health. Similarly, we must suffer in order to cleanse our soul of the filth of the evil inclination.

Rav Immanuel Ricchi, in his Mishnaic commentary Hon Ashir, examines the dictum in Avot 1:7: "Do not attach yourself to the wicked." He explains that one may not join an evildoer, but one also must not distance such a person completely. One must distance with the left hand while using the right to bring the wicked closer to the true path.

A number of contemporary halakhic authorities (see Yabbia Omer, OC 15:6; Meshaneh Halakhot 9:216) endorse this mindset for anyone involved with kiruv. However, this does not answer one simple question: how can one try to help change others' behavior without turning them off?

In this regard, we may refer to a story of Rav Chayim Ozer Grodzinski, a younger contemporary of the Chafetz Chayim (recorded by Shmuel Himelstein in Wisdom & Wit, published by Mesorah Publications in 2003). He was once approached by a young Jew who had forgone observance; after receiving a draft notice, he approached the great sage to beseech his assistance in escaping the deadly Russian draft.

Rav Chayim Ozer fully understood that one of the purposes of drafting Jews was to eliminate their Jewish observance, so he asked the youth how he felt his Shabbat observance would be hurt in the army. The youth looked down and admitted that in truth it had been some time since he had observed Shabbat. Rav Chayim Ozer continued to attempt to gage the youth's level of observance, only to find out that along with Shabbat, the youth had abandoned eating kosher food, wearing tefillin and praying.

At this point, the youth was convinced that Rav Chayim Ozer would not only refuse to give him a blessing but would severely reprimand him: how dare he ask for a blessing when he was entirely unobservant! However, Rav Chayim Ozer merely sat there in tears and delivered the following remark: "I can only hope the Russian army will be as disappointed with you as I am."

The youth was beside himself. What did the statement of Rav Chayim Ozer meant? His doubts were resolved when he soon after received a completely out-of-the-ordinary letter from the draft office. The Russians were disappointed in his abilities and had no interest in conscripting him.

The words expressing Rav Chayim Ozer's hurt alongside his concern had been fulfilled. However, after hearing Rav Chayim Ozer's message, the youth decided to dedicate his life to observance.

The Interpersonal Sources

The Chafetz Chayim points to a third set of obligations: those interpersonal mitzvot that require one to help others physically. One is obliged to return another's lost article, and one is forbidden to stand idly by as another's blood is spilled; thus, one is required to assist others in times of distress. Though the focus of the Torah upon another's lost object or a threat to another's life, it obviously would require the same type of action on behalf of an individual in spiritual danger. These interpersonal mitzvot, according to the Chafetz Chayim, clearly express one's spiritual obligations to others.

In fact, the Chafetz Chayim is not the originator of all these ideas, though he is extremely eloquent in presenting them. The Chafetz Chayim's comments are based on an understanding that the various interpersonal mitzvot requiring one to save others' lives and care for their possessions clearly would obligate no less when others are faced with spiritual losses. Rav Yitzchak Berkowitz quotes a number of earlier sources that are understood similarly. This idea is actually found in Rashi's commentary to Devarim 23:9, when he explains (based on Sifrei 252) why the Torah forbids descendants of converts from the nations of Ammon and Moab from ever marrying native-born Jews, while it allows grandchildren of converts from Edom and Egypt to do so. He relates this to the complicity of Ammon and Moab in the Baal Peor incident, in which Israel was led into an orgy of sin.

Thus, you learn from here that someone who causes a person to sin does worse than one who kills him, for one who kills him, kills him in this world, whereas one who leads him to sin removes him from this world and the World to Come. Therefore, Edom, who came forth against them with the sword, is not rejected, nor is Egypt, who drowned them. These, however, who caused them to sin, are rejected.

In fact, a number of early commentators write that these interpersonal mitzvot mandate spiritual assistance as well. The Shela (Parashat Kedoshim) states:

The prohibition of standing idly by (Vayikra 19:16) is entailed because kol Yisrael arevim zeh ba-zeh. Now, if we are required to save the physical body, we certainly are equally responsible to save the soul, i.e. if we see others involved in sin, we must save them.

In Minchat Chinnukh (139:4), Rav Yosef Babad points out that bringing others back to the proper path involves a fulfillment of a few interpersonal mitzvot.

Besides fulfilling the commandment "You shall certainly rebuke your comrade," one also fulfills the commandment "You shall not stand idly by the blood of your fellow." This commandment requires that we save someone whose life is in danger — for example, through drowning. Bringing another back to Torah is no less significant.

Furthermore, one also fulfills the mitzva of returning another's lost article (Devarim 22:1): "You shall return them to your brother." As our Sages teach us (Bava Kamma 81b), this commandment also requires us to restore a person's life and health. Therefore, if one can save a person from sin, which involves a loss of both body and soul, one certainly has the responsibility to save him and bring him back to the right path.

In truth, there are those who take issue with this understanding (see Rav Saadia Gaon's Sefer Ha-mitzvot, Positive 28) and limit these specific obligations to their context of physical assistance. However, the copious sources cited indicate that the need to reach out to others is essentially not only an obligation bein adam la-Makom but one bein adam le-chavero.

The Curse

The Chafetz Chayim cites a fourth obligation for kiruv rechokim, based on the verses in Parashat Ki Tavo concerning the ceremony to take place at Mount Gerizim and Mount Eval. The final line to be recited is the following:

"Cursed be he who does not uphold the words of this Torah, to fulfill them." And all the people shall say, "Amen!" (Devarim 27:26)

The commentators differ as to the meaning of this imprecation. Rashi explains this verse as a general declaration to uphold the entire Torah:

Here, Moshe included the entire Torah, and they accepted it upon themselves with a curse and an oath.

The Ramban writes an alternative understanding based on the Yerushalmi, which understands the verse as related to one's communal responsibility:

In the Yerushalmi, Sota (7:4), I saw a question regarding the verse: "Is the Torah falling that it must be held up? …Rabbi Shimon ben Chalafta says, “This is the earthly court,” for Rav Yehuda and Rav Huna said in the name of Shemuel, “It was concerning this matter that Yoshiyahu tore his garments and said, ‘It is incumbent upon me to uphold.’” Rabbi Asi says in the name of Rabbi Tanchum bar Chiya: “One may study the Torah, teach it to others, observe and perform its mitzvot; nevertheless, if one has the capacity to strengthen it among the public and does not do so, he is also included in this curse.”

The Ramban continues by explaining the ramifications of his understanding.

The Sages thus expound the verse’s reference to upholding the Torah as binding upon the royal house or the princes, who have within their power to uphold and enforce the observance of Torah against the wicked who nullify it. Even if one is a perfectly righteous person in his own deeds, but he has the ability to strengthen the observance of Torah against the wicked who nullify it and does not do so, he is cursed.

Though the Ramban limits the scope to powerful community leaders, such as King Yoshiyahu (see II Melakhim 22:11, II Divrei Hayamim 34:19), the last opinion in the Yerushalmi would actually seem to include anyone who is able to do so. There is keeping the Torah, which is extremely important, but there is still a curse for one who doesn't "uphold the words of this Torah” by helping others observe them.

The Chafetz Chayim understands that anyone who occupies a position in which one may help others has already accepted the obligation to do so with the force of a blessing and a curse. Obviously, the tremendous potential blessing should be an equal, if not greater, impetus than the curse designated for one who fails to live up to this promise.

A Time for Action

An understanding of the importance of fulfilling these various mitzvot and responsibilities, one may often wonder why indeed it seems that many fail to live up to these obligations. The most basic reason for lackadaisical observance of kiruv is the mindset that one is not fit to take part in this endeavor. Clearly, one must be cognizant of the possible dangers of negative influence (see Mikhtav Mei-Eliyahu, Vol. I, “The Influence of One's Surrounding”). However, there are other reasons given as well.

The Chafetz Chayim uses an analogy to address this question, one of a small town on fire. All the citizens run to the local water source, forming a bucket brigade to extinguish the fire. One man goes into hiding and doesn't involve himself. When confronted afterwards, he explains that he is not a trained fireman, and the public should rely on professionals. His neighbors respond: “When there is a contained fire, then we can rely on the firemen, but when the entire town is burning, everyone must take action.”

This is the view of the Chafetz Chayim, writing at the beginning of the 20th century, before the assimilation that is so common in our day became rampant. He felt that the whole town was burning; can anyone familiar with the modern statistics state otherwise?

Rav Aharon Lichtenstein, in a seminal and passionate speech, questions whether those who are not involved in this endeavor are indeed dubious of their ability to be helpful or are rather less concerned than they should be. He cites the Purim story in the Scroll of Esther, in which Mordekhai informs Queen Esther of the impending decree regarding the annihilation of the Jewish people. Esther seems to be more concerned with Mordekhai's appearance than the plight of her people. She is understandably afraid to approach the king to try to avert the decree, as approaching the throne room without invitation is a capital crime. Mordekhai seems to ignore this, accusing her of the most cowardly weakness due to lack of concern.

"Do not imagine that you will escape in the royal palace from all the Jews. For if you will remain silent at this time, relief and salvation will arise for the Jews from somewhere else, and you and your father's house will perish. Who knows, perhaps for the sake of a time like this you came to join the royalty?" (4:14).

Rav Lichtenstein explains the gravity of Mordekhai's accusation.

Behind the apparent timidity lies apathy. If you really cared, if you considered your own soul to be at stake, would you be able to say, "For a whole month I have not been called to the king"? Is this how someone talks when she believes that her nation is in danger? Is this the response of someone who cares?

Someone who really cares, someone whose consciousness is deeply rooted in the collective experience of Am Yisrael, someone whose destiny is bound up with that of the nation, disregards any consideration of danger or possible anger on the part of the king. In fact, such a person doesn't even have to disregard these thoughts - they don't even enter her mind. Such considerations arise, whether consciously or subconsciously, out of a perception that everyone else may perish, but I will manage to save my own skin.

In the Scroll of Esther, there is a happy ending. Queen Esther takes Mordekhai's words to heart and puts her life on the line to save the Jewish people. That is the turning point of the book, and the "young, passive, powerless Esther faces her moment of truth, and she prevails. She passes the test. And it is now that she rises to her full height and reveals herself- not just in title, but in essence - as Queen Esther."

Rav Lichtenstein describes powerfully this message and then questions whether our modern predicament is any different:

Such was Esther's redemption then. And the same applies to us today. We are all, to some degree, Esther. Each of us, for whatever reason, has doubts as to his ability to accomplish. We, too, are hesitant: "What, we're going to achieve all that? We're going to save Am Yisrael? I'm going to put a stop to assimilation? Little me? I'm just a youngster; I can achieve only little: a little bit in my neighborhood, a little bit in a youth group, a little bit in the family. But to start a revolution? To determine the future of a nation? To avert an evil decree? Little me?"

…Today too, everyone knows that Am Yisrael is in grave danger. There is danger of assimilation, danger of mixed marriages, danger of people losing their way, danger of being cut off from roots and values. Can it be that only you can't see it? As if this information is hidden somewhere? Is there any difficulty involved in obtaining the statistics on Jewish education in Israel and in the diaspora?

Someone who cares enough can get his hands on the figures: sixty percent of Jews in the diaspora are being lost! And the situation here in Israel is nothing to be excited about. A person is quite capable of finding out, if he's interested enough, the number of students who "drop out" of the national-religious system!

…This is the real question. If you understand the situation - and there is no reason or excuse not to - then you hear the cry that emanates from every part of the country, from every corner of the globe, expressed in the spiritual dangers surrounding us and threatening us on every side. Someone who cares knows what is going on, and once he knows he must ask himself: What significance does this knowledge have for me? To what extent does it cause me pain? To what extent do I identify with world Jewry, in fasting and prayer? To what extent is my spiritual world structured such that Knesset Yisrael and its dangers are on one side and I, with my considerations and private plans, am on the other?

Like Esther, we will all have to ask ourselves the question when the time comes… What will be our answer then? More importantly, what is our answer today?

Reflected Light

Though the contemporary need to act must be desperately felt by every Jew, one who attempts to reach out may become dejected if these attempts fail to yield apparent results.

There are those who recognize the importance of this endeavor but are turned off by failure, feeling that they have not done any good, that their words have been rejected or dismissed. In truth, while this mindset is understandable, it is often unjustified. One never knows when his or her words may impact another; moreover, these words may impact the speaker, without his or her notice.

Two Chasidic teachings may help us deal with this form of discouragement. First is the teaching regarding the beginning of Shema. The Torah (Devarim 6:6) states: “And these matters shall be on (al) your heart." “On your heart” seems to be an odd choice of phrasing; why not the more intimate “in your heart”? The Chasidic masters explain that essentially, all a teacher can hope to accomplish is to let his words reach the surface of the heart, as it were. They may be met with fierce opposition, and the words may not succeed in penetrating the heart. However, by putting the words on one’s heart, one ensures that the second something happens which causes the heart to open, the words will be right there to enter immediately.

Secondly, there is also a great benefit in speaking to others about deep spiritual concepts with the aim of influencing them. Rabbi Nachman of Breslov writes (Likkutei Moharan 184):

When people speak about religion, both direct light and reflected light are generated. When you discuss Godliness with a friend, the information that he receives from you is direct light. What you gain (from your own words) through him is reflected light.

Sometimes you can speak to a person about Godliness, and your words aren't accepted. Still, you yourself can be motivated by your own words. Your words literally bounce off from your friend, and are reflected to you. This is very much like a rubber ball. The reason why a ball bounces from a stone wall is because it cannot penetrate it. Similarly, when the other person refuses to accept what you tell him, your words are reflected to you. You yourself can then be influenced by your own words. These same words may not

have had any effect at all on you if you had spoken them to yourself. But when you express them to someone else, and he is not influenced, they are reflected to you. You can then be motivated by your own words.

As a person who is a friend of a man of two baalei teshuva, two individuals who were influenced by kiruv rechokim, I can attest to you that a few nice, caring words offered by individuals who were reaching out helped bring about a transformation in my friends parents' lives, in turn setting the stage for this little lesson being written today.

Thank you for allowing me to share this with you!

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 28: Netira

One of the most complicated aspects of interpersonal relations is developing the strength of character to deal with individuals who have wronged one. Beyond natural feelings of dislike towards the aggressor, one is often tempted to get some payback; as the English proverb goes, “Turnabout is fair play.” Even if one succeeds in holding back from actual vengeance (nekima), it feels only natural, at least, to countenance one’s holding a grudge (netira). What does the Torah have to say about this type of behavior?

On the one hand, the desire for revenge may simply be a character flaw built into man's nature, an animalistic tendency which can bring no good; after all, as another saying goes, two wrongs cannot make a right. On the other hand, there is certainly room to view revenge as a necessary means of teaching evildoers that their antics will not be tolerated. Indeed, dealing with one's persecutors may be understood in terms of the biblical epigram, "An eye for an eye” (Shemot 21:24, Vayikra 24:20). This educates wrongdoers: by hurting others, they ultimately hurt themselves. Certainly, we might expect holding a grudge to be acceptable, as this guarantees that the malefactor’s misdeeds won't be easily forgotten.

The Torah's outlook on the proper response to personal offenses is therefore completely fascinating. Under normal circumstances, the Torah forbids taking revenge or even bearing a grudge, classifying these actions as harmful. At the same time, there are exceptions to the rule and God Himself is seen as an avenger. Understanding both aspects can allow us to grasp the Torah's definition of nekima, as the translation "revenge" does not do it justice.

Initially, the Torah seems to state unequivocally that any form of grudge-bearing or vengeance is prohibited:

Do not hate your brother in your heart. You shall certainly rebuke your comrade, and you shall not bear sin on his account. You shall not take vengeance or bear a grudge against your countrymen, and you shall love your as yourself. I am God. (Vayikra 19:17-18)

Previously (see Lesson 14), we noted that a number of commentators view these verses as dealing with the spirit that should prevail in relations bein adam le-chavero when one feels wronged. The verses educate man how to effectively deal with someone who has wronged him or her. Verse 17 states that, first and foremost, one must not let concealed hatred flare up inside; rather, one must confront and reprove the malefactor, without causing any undue embarrassment.

According to this understanding, verse 18 discusses how one should proceed if previous attempts at reproof and reconciliation have failed. The verse states that one must not take revenge or even bear a grudge; rather, one must love all Jews. This understanding is expressed by Rav S.R. Hirsch:

The preceding verse teaches that if a person feels that someone has wronged him, it is his duty to reprove him verbally. Our verse now teaches and demands of the offended party something that is most difficult: Even if his reproof turned out to be fruitless, he may not take revenge; what is more, he must purge from his heart the remembrance of the wrong that was done him, even if the other has done nothing to conciliate him.

The Natural Urge

The natural urge for nekima and netira is expressed very powerfully by the Ramchal in Mesillat Yesharim (Chapter 11):

Hate and revenge, too, are very difficult for man's spiteful heart to escape, for in view of his being extremely sensitive to insult, and suffering great anguish because of it, revenge, being the only thing which will put him at rest, is sweeter than honey to him. Therefore, if it is within his power to abandon the urging of his nature and to overlook the offense so as not to hate the one who ignited hatred within him, nor to take revenge against him when the opportunity to do so presents itself, nor to hold a grudge against him, but to forget the whole affair and remove it from his heart as if it had never occurred — if he can do this, he is strong and courageous. Such conduct is easy only for the ministering angels among whom the aforementioned traits do not exist, not for "dwellers in houses of clay whose roots are in dust" (Iyov 4:19). But the King has decreed, in perfectly lucid language, requiring no interpretation: "Do not hate your brother in your heart ... You shall not take vengeance or bear a grudge against your countrymen."

The Ramchal considers it a natural urge, almost impossible to overcome, to forgive and forget wrongs. He notes that it is an angelic quality to be able to treat the offender as if nothing has been done. He goes on to say that the means of overcoming this attempt of the evil inclination to ensnare man may be found in the concluding passage of the verse.

The evil inclination progressively inflames the heart and constantly seeks to leave at least some trace or memory of the wrong. If it is not successful in leaving a strong reminder it will attempt to leave a weaker one. For example, it will tell a person, "If you wish to give this man what he did not want to give you when you were in need, at least do not give it to him graciously." Or, "If you do not want to hurt him, at least do not do him a great favor or offer him valuable assistance." Or, "If you want to go so far as to be of great help to him, at least do not provide this help in his presence." Or, "If you have forgiven him, do not renew your acquaintance with him and do not become his friend; it is enough that you do not show yourself to be his enemy. And if you want to go so far as to befriend him, at least do not show him as much friendship as of yore."

All such suggestions are among the intrigues of the evil inclination, by which it attempts to ensnare a person's heart. To counteract this, the Torah states a general, all-embracing principle: "You shall love your fellow as yourself" — "as yourself," with no difference whatsoever; "as yourself," without distinction, without devices and schemes; literally, "as yourself."

In order to succeed at developing this holy response and to be able to withstand the natural urge for nekima and netira, we must first understand what they are and the outlook the Torah is trying to impress upon us.

The Definitions of the Prohibitions

The two injunctions mentioned in the verse would seem to imply that there are two separate prohibitions: a prohibition against taking revenge, nekima, and a prohibition against bearing a grudge, netira. The Talmud (Yoma 23a) differentiates between the two terms:

What is revenge and what is bearing a grudge? If one said to his fellow: "Lend me your sickle," and he replied "No," and tomorrow the second comes [to the first] and says: "Lend me your ax," and he replies: "I will not lend it to you, just as you would not lend me your sickle" – that is revenge. And what is bearing a grudge? If one said to his fellow: "Lend me your ax," and he replied "No," and tomorrow the second comes and says: "Lend me your garment," and he replies: "Here it is. I am not like you who would not lend to me" – that is bearing a grudge.

The examples provided by the Talmud indicate that this verse prohibits not only a negative response to one who has refused to lend and now asks for a favor in return, but even an affirmative response coupled with a snide remark.

The Talmud provided examples of these two behaviors, and the commentators seek to define them and identify their unique characteristics. The Ramchal (ibid.) provides a concise distinction:

The difference between taking revenge and bearing a grudge is that the first refers to the withholding of a good from one who kept some good from him or injured him in some way, whereas the second refers to the interpolation, within a worthy act towards one who has wronged him, of some reminder of that wrong.

Rav David Tzvi Hoffman distinguishes between nekima and netira based upon the immediacy of the response. Nekima is immediate vengeance, while netira is nursing hatred in one's heart while awaiting a later opportunity to take revenge.

Similarly, Rav Hirsch explains that the word netira is derived from the same Hebrew root as the word matara, target.

The meaning of netira then is to concentrate on a specific point for a long time in order to strike it maliciously… to harbor resentment and bear a grudge.

What is particularly interesting is the type of nekima which is prohibited: not only is vigilante maliciousness proscribed, but even the mere refusal to lend out a tool is beyond the pale. The impulse to repay ungenerosity in kind may be understandable and even acceptable to many of our minds, but the Torah forbids it. Why is this?

Moreover, the examples in the Talmud raise a number of questions. Firstly, why does the Talmud focus only on the second individual's response, ignoring the first individual's refusal? Secondly, the items to be borrowed change from one case to the next — does this asymmetry have any deeper significance?

Regarding the first question, the Chizkuni explains:

You may ask: why is only the second individual is condemned and not the first, despite his unwillingness to lend to his comrade? After all, seemingly the second individual had good reason to refuse, as he was not given permission to borrow initially, while the first individual refuses without any explanation.

One may answer that the first refuses to lend his tool merely out of miserliness; he cannot bear to part with his sickle. Now, the Almighty doesn't force a man to lend his implements out against his will. However, the second individual would have lent him if not for the fact that his hatred drives him to seek vengeance. Thus, it is hatred that motivates him to do this. Therefore, the Holy One, Blessed be He says, "Let the love which you have for him overpower the hatred you feel, and let peace come to the world."

The Chizkuni's comment is mind-blowing. The Torah does not obligate one to lend out tools and, therefore, while it may be unfriendly to do so, one cannot be faulted for refusing to do so. However, one who doesn't mind lending tools out generally but refuses in a given case due to harboring resentment violates a prohibition!

As for the second question, concerning the items being requested, the Malbim explains that the examples are to be taken in sequence. Reuven asks Shimon for a sickle, and Shimon refuses. The next day, Reuven vengefully refuses to lend Shimon an ax. When, on the third day, Reuven asks Shimon for a garment, Shimon may not bear a grudge by telling Reuven off. Nechama Leibowitz (Studies in Vayikra, p. 361) cites an interesting explanation as well.

A number of questions also arise based on the Torah's formulation of these two prohibitions. It is interesting to note that netira, bearing a grudge, is mentioned in the Torah after nekima, though it would seem that netira is a far less severe means of dealing with frustration at another's misbehavior. Why is the verse constructed in this manner? Furthermore, are these two completely separate prohibitions, or is there some case in which one who violates the prohibition of nekima also violates the prohibition of netira? Finally, why are these two prohibitions stated in the same verse that concludes with the all-encompassing directive, "You shall love your fellow as yourself" — what is the connection?

Regarding this last question, a number of answers have been offered. The Alshikh explains that the prohibitions of revenge and grudge-bearing emerge from the positive commandment to love one's fellow as oneself. One would not want to be harmed by a grudge or act of vengeance, so instead of responding maliciously, one must show love to others. He adds that even the individual who honestly feels that he has never wronged another human being should pay heed to the concluding words of the verse, "I am God." Certainly we have all, at some point or another, not done what God has asked of us, and just as we would not want Him to bear a grudge or take revenge, neither should we.

The Or Ha-chayim explains that the Torah connects loving one's fellow with these prohibitions in order to indicate that it is God's wish that we relate to our fellow Jews with the same love that we have for ourselves. As he explains it, the grudge-bearer's remark indicates that he still harbors resentment against his fellow. The Torah tells us that the reason we must not bear a grudge is "I am God." This means that the unity and harmony of individual Jews enhances God's unity. This is all rooted in the Kabbalistic concept that all Jewish souls are branches of the Holy Name of God. This cause is so essential that even when grudges may be justified, they must be avoided at all costs, because the unity of Jewish souls is so powerful.

A deeper understanding of these prohibitions will hopefully provide some insight in answering the other questions as well.

Understanding the Prohibition of Netira

What is wrong with grudge-bearing? Why is it improper to feel resentment towards a malefactor? After all, one has no intent to harm the other; one merely seeks to avoid helping the other who has done wrong.

It may in fact be that bearing a grudge is not prohibited unless one openly expresses the feeling. The Talmud's example of netira involves speech: “Here it is. I am not like you who would not lend to me.” What is the actual definition of the prohibition of netira? Is it nursing within one's heart a mindset of disgust, even if one never openly expresses it; or is it acting on it, not allowing the other to forget the original misdeed? Moreover, is it prohibited due to its inherent nature, or does the Torah forbid it because of what it may lead to?

A number of commentators seem to clearly indicate that the prohibition of netira applies to bearing a grudge in one's heart, even if it is not openly expressed. The Rashbam (Vayikra 19:18) distinguishes between the two terms in this exact manner:

“You shall not take vengeance” — to repay evil with evil; “or bear a grudge” — even in your heart. Rather, overcome your inner feelings.

Rabbeinu Yona (Shaarei Teshuva 3:38) seems to explicitly deal with this issue.

Who is bearing a grudge? One who responds "I am not lending to you, and I am not like you, as you didn't lend to me in the past.” However, the punishment is not for the words spoken, but rather for bearing a grudge in one's heart.

He indicates that the essential prohibition is in one's mindset, which one’s words merely reveal.

The Rambam (Hilkhot De'ot 7:8) seems to understand the prohibition of netira as a prohibition rooted in developing a mindset that might lead to nekima.

So too, one who bears a grudge against a fellow Jew violates a prohibition… One should eradicate the thing from his heart and not bear a grudge. For as long as one nurses a grievance and keeps it in mind, one may come to take vengeance. Therefore, the Torah emphatically warns us not to bear a grudge, so that the impression of the wrong shall be obliterated and no longer remembered.

The Rambam indicates that grudge-bearing on its own would not be so bad if not for the fact that nursing grievances is liable to lead one to take revenge. Nevertheless, the Rambam does tell us that bearing a grudge is forbidden even if not expressed in speech.

The Chinnukh (Mitzva 242) echoes this and adds that any recollection is within the prohibition:

We are forbidden to keep in our heart any ill-feeling over the harm that another Jew had done to us. Even if we should resolve not to repay him through actions for his deeds, the mere remembrance of his sin in the heart is forbidden us.

All the opinions cited above seem to indicate clearly that the prohibition of netira may be violated even through thought. However, they might disagree on the question of whether it is to be viewed negatively on its own or only as presaging material vengeance.

An alternate understanding is offered by Rav Avraham Yitzchak Ha-Kohen Kook. He deduces (Mitzvat Re'iya, p. 98) from the Talmudic language that bearing a grudge is a normal feeling deeply imbedded in man's subconscious; therefore, the natural grudge that might appear in one's heart is not to be viewed as forbidden. (At the same time, Rav Kook does expand on the relationship between nekima and netira, as we shall see below.) Nevertheless, even if the element of speech is integral, nonverbal shows of grievance may still be forbidden (as may be indicated in the abovementioned passage from Mesillat Yesharim).

Rav Avigdor Nebenzahl (Sichot, Vayigash) explains that the mere memory of someone else's action is not the basis of the prohibition. In fact, there are many mitzvot which require us to remember something, but there too the focus is not upon the physical memory, but the willingness to act based on that memory. Recalling another's misdeed is not prohibited; it is the willingness to "remember" the act when the other asks for help that is forbidden.

Based on the above, we may say that the natural emotional memory and grudge that one holds is allowed; it is the cultivation of these feelings as a reason to treat the other differently or to remind the other of the misdeed in a time of need that is in fact prohibited.

The Relationship between Nekima and Netira

The Rambam indicates that netira is prohibited for fear it might lead to nekima. The Yad Ha-ketana, however, disagrees and views netira as an independent prohibition: netira is prohibited because the bearer essentially declares that insignificant prior bad acts will forever separate these two individuals, engendering constant feelings of hatred within society.

The Yad Ha-ketana even states that keeping the grudge in one's heart is actually more severe than expressing it with words. The prohibition is violated even in silence, whenever one fails to forget the act another has done. However, by doing so without voicing one's feelings, one also violates "Do not hate your brother in your heart," which refers to unexpressed enmity. By the same token, because it is the inner feeling of hatred that is forbidden, one violates the prohibition immediately when feeling the grudge, even if one is never asked to lend in return. Secondly, because the subject of the prohibition is the hatred and not the speech, one who rebukes another who has refused to lend while lending an item will not violate any commandment; on the contrary, the lender fulfills the mitzva of tokhacha.

Above, we cited the view of Rav Avraham Yitzchak Ha-Kohen Kook that bearing a grudge in one's heart is not a violation of the prohibition. However, Rav Kook adds that even though the natural feeling of being upset is not forbidden, this does not mean that the focus of the prohibition is taking revenge or making snide comparisons. In fact, these actions are prohibited because they will actually lead to a corrupted mindset where one continues to harbor negative feelings and bear grudges. Interestingly, Rav Kook understands that the primary prohibition is actually a negative mindset, which seems to be more closely aligned with netira. This question is also related to the abovementioned question: is netira an attitudinal prohibition, independent of taking revenge; or is it a precursor to revenge, contained in every act of vengeance?

We may even distinguish between the prohibition of revenge and that of bearing a grudge based on the question cited above: is action necessary? We may understand, following the view of Rav Kook, that the natural feeling of bearing a grudge is not prohibited; the injunction is only violated when the feeling is expressed through speech.

On the other hand, the feeling of revenge, the intention to act, is sufficient to violate the prohibition of nekima.

Self-Control

It seems much easier to understand how one can succeed in overcoming feelings of nekima; one may merely feel anger while having the resolve not to act upon it. Netira, however, is independent of physical action; indeed, according to most sources, one violates the prohibition even by harboring the grudge inside. How may one succeed in not only forgiving, but forgetting as well? As we saw above, the Rambam advises (Hilkhot De'ot 7:8):

One should eradicate the thing from his heart and not bear a grudge. For as long as one nurses a grievance and keeps it in mind, one may come to take vengeance. Therefore, the Torah emphatically warns us not to bear a grudge, so that the impression of the wrong shall be obliterated and no longer remembered.

The Rambam informs us what must be done, but how may one succeed in removing the temptation to act in this manner?

The Yerushalmi (Nedarim 9:4) explains that the means of overcoming one's natural inclination to take revenge or bear a grudge requires a new outlook on the Jewish people as a whole.

It is written, “You shall not take vengeance or bear a grudge against your countrymen” — how is this to be done? If a man was cutting meat and the knife entered his hand, would the injured hand retaliate by cutting the other hand?

One who follows this approach and views the Jewish people as a whole knows that any act of revenge is essentially hurting oneself as well. (This seems to dovetail with the comment of the Or Ha-chayim quoted above.)

This explanation might actually be insinuated in the verse. Rav Hirsch points to the unusual term “your countrymen,” literally: children of your people. Rav Hirsch explains:

To strengthen this command, Scripture reminds the offended party of the offender's identity: the offender is one of the children of his people… The fact that the offender is from his people should suffice to remove from one’s heart any vengeful feelings. After all, “your people” is God's people. It is to this national community that God refers when He says, “I will take you for me as a people” (Shemot 6:14). At that time, He transformed Israel into His people. And from then onward, His dominion has been revealed in His community through the relationship between its members. They are the ones who are to magnify God's glory and establish His throne on earth. God has dominion over our land, our possessions and our legal claims. Hence, He commands us regarding the sabbatical year and the prohibition of taking interest… By fulfilling these commandments, we submit to Him in helping one another. God wishes also to have dominion over our feelings. Hence, He has forbidden us to take vengeance or bear grudges. We are obligated to offer the most difficult sacrifice of submission: we must subordinate our feelings to God's Will and remove from our hearts any feelings of revenge and resentment.

Indeed, forgetting another's negative behavior is difficult and can be likened to a sacrifice. However, the cathartic feeling that accompanies doing so paves the way for a unified Jewish people and a society where people can easily forget each other's mistakes and focus on the good that binds us.

In next week's lesson, we will take a fresh look at the prohibition of nekima, taking revenge.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 29: Nekima (Revenge)

The Introductory Questions

In last week's lesson, we introduced the prohibitions of netira and nekima, bearing a grudge and taking revenge, respectively. We pointed out that the prohibited revenge is not limited to vigilantism and violence; it includes the mere refusal to lend items to another due to a prior similar act. While we have dealt with the prohibition of bearing a grudge at length, the injunction against taking revenge, nekima, must be dealt with in more depth.

The most important issue is what exactly is to be included under the proscription of nekima. Are all forms of revenge to be treated equally? In fact, in this lesson we will quote some opinions that limit the prohibition greatly. If this is the case, what does this mean about the Torah's desire to maintain peace and harmony?

Understanding the Prohibition

Is nekima a technical prohibition or a fundamental one? A given act may be forbidden even though on its own it may not be objectionable, for fear that it may lead to something worse; such an act would be classified as a technical prohibition. A fundamental prohibition is one in which the act is forbidden because it is inherently extremely objectionable. Even if the prohibition of nekima is to be viewed as fundamental, is the act of retribution fundamentally prohibited, or is the Torah really concerned with the destructive mindset of one waiting for the right moment to take revenge?

In last week's lesson, we saw that the Talmud (Yoma 23a) defines the prohibition of nekima as the refusal to lend out a tool to one who has previously refused to do so. It seems self-evident that this passage does not mean that the only type of prohibited nekima is refusing to help another with one's property. Notably, the Sifra (Kedoshim 2:4) uses the same examples, but it introduces them differently. Instead of “What is revenge and what is bearing a grudge?” the Sifra asks: “How far does the power of revenge extend?” and “How far does the power of bearing a grudge extend?” This seems to indicate that even though these prohibitions extend to speech, certainly much more severe forms of vengeance would be included as well.

Indeed, this might lead one to understand that the Torah is focused on developing a healthier mindset towards the minor offenses of others; it is not truly fearful of things getting out of hand.

A number of commentators focus their explanation of the prohibition on the negative mindset that seeking revenge can develop in a person. The Torah’s aim is to educate man as to what is truly important in life and what is not worth agonizing about.

The Rambam's Rationale

The Rambam (Hilkhot De'ot 7:7) speaks of the attitude of one who seeks revenge and the unnecessary anger that interpersonal disputes can cause.

Even though it is not punishable by lashes, it is a very bad trait. Instead, a person should be forgoing of his rights as regards all mundane things, for men of understanding consider all these things as vanity and emptiness which are not worth seeking revenge for.

However, at the end of the next law (8), the Rambam identifies netira as being the root cause of taking revenge. One who is able to avoid bearing a grudge will not come to avenge himself or herself. The Rambam there concludes by advancing a practical benefit of this behavior.

A person who acts in this manner violates the prohibition against bearing a grudge. One should eradicate the thing from his heart and not bear a grudge. For as long as one nurses a grievance and keeps it in mind, one may come to take vengeance. Therefore, the Torah emphatically warns us not to bear a grudge, so that the impression of the wrong shall be obliterated and no longer remembered. This is a proper quality which permits a stable environment, trade, and commerce to be established among people.

Evidently, the Rambam is not oblivious to the positive societal benefits of a society free of revenge. However, the focus of the prohibition is the negative mindset one displays.

This idea of the Rambam, that vengefulness demonstrates undue care for mundane matters, is also expressed by the Keli Yakar (Vayikra 19:18). He writes:

Nekima and netira are [the manifestation of] negative character traits, for it is not proper to seek revenge upon any person from among “your countrymen.” Ostensibly, revenge is sought for injury to your body or your possessions, but these things are not so treasured and important to justify taking vengeful action… for physical infractions, God does not want man to take revenge.

The Keli Yakar continues with a parable. A child at play builds a structure, and another person comes along and demolishes it. The screaming child wants to wreak vengeance upon the wrecker, but the parent realizes that the incident is insignificant. Similarly, God sees many things which anger us, which we often consider to be of utmost importance, but from God's standpoint, as long as they don't injure a person spiritually, they should be overlooked.

The Keli Yakar's explanation provides a rationale for understanding that the desire to take revenge reveals that one’s priorities are in the wrong place. What is particularly astounding regarding his approach is that he declares all physical slights as unimportant and not worthy of any grudge or act of revenge.

The Chinnukh (Mitzva 241) also provides an explanation for the prohibition based on one's mindset, though he differs from the previously cited views, arguing that all insults and injuries really originate with the One above, and, therefore, it is futile to take action against humans below.

We are prohibited from taking revenge upon another Jew. This applies to a case in which a Jew has harmed or inflicted pain on another in any manner, so that the common custom would be to pursue he who was wronged them unceasingly until they have paid him back for his evil action or until they have given him pain as he had given them. The Torah forbids us to do so by saying, "You shall not take vengeance…"

At the root of the precept lies the purpose that a man should know and reflect that whatever happens to him, good or bad, is caused to him by God; nothing which happens to man by any person or by a brother can occur without God willing it so. Therefore, should another inflict pain or suffering on him, let him know in his soul that his bad deeds have caused God to will this result upon him, and let him not set his thoughts to take revenge from him. Indeed, the perpetrator is not the primary cause of his trouble, since it is God that brought it about. Thus, King David said, "So let him curse, for God has told him" (II Shemuel 16:10); David attributed the matter to [his own] sin, not to Shimi ben Gera.

Though the Chinnukh's focus is on the attitudinal problem, he also concedes that there is a societal benefit as well.

Moreover, there is another great benefit resulting from the precept: to stop contention and remove hate from people's hearts. And when there is peace among people, God makes peace for them.

Forbearance: The Power to Shun Grudges and Revenge

In Lesson 12, we learned about one's being maavir al middotav, acting with forbearance towards those who have done him or her wrong. We also discussed Rav Soloveitchik's definition of the halakhic view in his Catharsis: man is purified by displaying the might to control one's emotions and withhold one's natural urges. In fact, the Rashbam (Vayikra 19:18) explains the verse as a mitzva to be maavir al middotav when one has been wronged.

The most basic practical question is the following: is there any mechanism to ingrain within a person the power to resist the emotional tendency to bear a grudge and take revenge? After all, the mere realization that bearing a grudge is forbidden may prove insufficient, much as one may want to try to forgive and forget. Rav Avigdor Nebenzahl (Jerusalem Stone, page 328) remarks:

We are neither required nor expected to forget the wrongs done to us. We are forbidden to act in response to them or to allow them to affect negatively our relationship with the person involved.

Rav Nebenzahl explains that the individual who represents this forbearing capacity more than any other is Yosef, in his dealings with his brothers. Yosef clearly remembers his brothers' actions, but his greatness lies in his ability not to act on this memory. (See his analysis ibid. in which presents a number of rationales for how Yosef found the inner strength of character to forgive the brothers who threw him into a pit and led him into more than twenty years of exile from his family.)

Limitations on the Prohibition: Personal Insult

So far, we have seen rationales behind the Torah's prohibition of nekima which would readily explain a blanket prohibition of taking revenge in any and every situation, while, according to the Keli Yakar, it is only financial or physical damage which is to be forborne, not spiritual attacks. The Talmud in Yoma, however, seems to place a number of possible limitations on the prohibition, some related to the nature of the grievance which serves as an impetus for revenge, others focused on the individual who chooses to take revenge.

But before we turn to the Talmudic limitations, we should note that from the biblical source itself, it is clear that not every time that one is harmed by another must he or she be forbearing and just let it go. The Ramban (ad loc.) points out that this prohibition does not apply when there is room for due process according to the law:

Our Rabbis have already explained that the matters of taking revenge and bearing a grudge apply only to cases in which there is no monetary indemnity… For in a case where his fellow owes him money, because of damage that he caused him or for similar reasons, one is not obliged to let his fellow go free. On the contrary, he should sue him before the court and receive payment from him… How much more so is this true in capital cases! One must be vengeful and bear a grudge towards him until the blood of his brother shall be redeemed by a court that will render judgment according to the laws of the Torah.

The Ramban cites the case of the blood redeemer, the kinsman of a blood redeemer who is mandated to avenge his relative's death by calling upon the court system to mete out punishment. Essentially, the Ramban classifies the courts as the permitted means of taking revenge. (See also Lesson 13, where we noted the Chinnukh's opinion that during the heat of an attack, one is permitted to respond, though this may not be the optimal reaction.)

However, the Talmud (Yoma 22b-23a) seems to open up room for revenge even outside of the courts. The Talmud addresses Rabbi Yochanan's statement in the name of Rabbi Shimon ben Yehotzadak: "Any Torah scholar who does not avenge himself and bear a grudge like a serpent is no true scholar." Ostensibly, this would contravene the verse prohibiting nekima and netira. The Talmud responds with a startling answer: "That prohibition refers only to monetary affairs," citing the passage which we saw last week, which applies nekima and netira to physical items, tools and clothing. Regarding situations where one is personally offended, on the other hand, there is no prohibition; in fact, a Torah scholar is obligated to take revenge. (In our next lesson, we will examine this concept at length.)

The Talmud's statement seems to put our understanding of the prohibition in a completely new light. Relegating the prohibition to monetary matters seems to require an entirely new analysis of the basis of the prohibition. It is quite understandable that neither the Rambam nor the Chinnukh cite Rabbi Yochanan's ruling, indicating that they may, in fact, not view it as normative law.

In fact, it is interesting to note that the Chinnukh chooses to quote the aforementioned passage from the Sifra, which seems to use the example of refusing to lend items as a novel case included in nekima; surely personal offenses would be included! The Chinnukh writes:

These are the words of the Sifra: How far does the power of revenge extend? If one asked another "Lend me your sickle…." With regards to such cases, it says "You shall not take vengeance." All similar cases are included as well.

He might have understood the Sifra's view as arguing with that of the Talmud, with the former's opinion being that there is no difference between monetary matters and personal offenses.

Similarly, the Minchat Chinnukh (ad loc.) notes that the Rambam does not mention any permissive ruling regarding nekima for personal offenses.

In truth, the Rambam mentions no explicit prohibition regarding personal offenses (arguably the Chinnukh concurs). It may very well be that they too accept the limitation but for some reason choose not to mention it.

Rav Avraham Yitzchak Ha-Kohen Kook (Mitzvat Re'iya, page 98) posits that even the Rambam accepts the limitation, but he chooses not to mention it openly so as not to give people the license to be permissive in regards to nekima even in cases in which it is clearly prohibited.

Others in fact try to find sources where the Rambam might indeed refer to this distinction, while still others attempt to explain why the Rambam might reject it. The Rambam's son, Rabbi Avraham, in his responsa (Maaseh Nissim 13), cites an alternative text of the Talmud which differentiates between mundane matters and Torah matters. Regarding any form of mundane matters, be they monetary or personal, the prohibition applies, while regarding the honor of God (such as when a Torah scholar is disgraced), the prohibition does not apply.

Save the Rambam and the Chinnukh, almost all other Rishonim seem to accept Rabbi Yochanan's dictum, indicating that the prohibition of nekima is limited to monetary matters. This opinion is accepted explicitly by the Semag, Semak, and Rabbeinu Yona. In fact, the Yere'im explains the reason why we should understand the verse in this manner. He makes reference to the exegetical principle that we must interpret and analyze laws based on their context. He adds that the various interpersonal laws stated in the surrounding verses primarily concern monetary matters; therefore, the prohibition of nekima should presumably be understood in this context. However, he does add that even though the examples cited by the Talmud specifically address lending physical items, there is no good reason to limit them to these cases. Since the Torah does not give these examples, they are not absolute, but revenge should be forbidden only in similar cases, i.e. monetary offenses.

In his Mishna Berura (OC 196:4), Rav Yisrael Meir Ha-Kohen Kagan quotes this view of the Yere'im that all monetary matters are included in the prohibition, not only lending and borrowing. Though it would seem that he would also accept the reasoning of the Yere'im that revenge for personal insults is not forbidden, his statements elsewhere seem to indicate otherwise.

The same author, in his Sefer Chafetz Chayim (Introduction, Negative 8-9) writes that even though most commentators accept the Talmudic exception for personal insults, nevertheless, because the Rambam and the Chinnukh (as well as the Ritva) seem to rule otherwise, this is a matter of doubt concerning a Torah prohibition, and therefore it must be treated stringently.

Practical Ramifications of the Nature of the Prohibition

This approach to the prohibition also may affect the question of its scope. If the reason for the prohibition is that seeking revenge encourages negative character traits, there is reason to believe that no affront, even a personal offense, should be sufficient license to damage one's character.

Secondly, the Chinnukh's reasoning regarding accepting life's vicissitudes, even if brought about through the acts of another, as being divinely ordained should hold true for personal insults. In fact, the verse quoted by the Chinnukh explicitly makes reference to King David's reaction to a personal insult!

As we mentioned, in Sefer Chafetz Chayim, Rav Kagan rules that we must treat these biblical prohibitions stringently. In The Right and the Good (p. 112), Rav Daniel Feldman cites a number of possible ramifications regarding the scope of the prohibition that might be dependent on its fundamental nature.

For instance, is the prohibition of nekima violated if one attempts to take revenge but for some reason fails to reach the targeted party?

There might be other circumstances under which the opinion of the Rambam and the Chinnukh might actually turn out to be more lenient and permissive of nekima. For instance, can one take monetary "revenge" on behalf of a third party? For instance, if one witnesses an individual refuse to lend another his ax, can one afterward refuse to lend him a sickle, in order to show him that it is unpleasant when one doesn't lend. The Rambam and Chinnukh might allow this, as this is not an act of personal score-settling but rather moral education; on the other hand, the Yere'im would probably forbid such an act, as there is not sufficient reason to withhold beneficence.

In practical terms, though a number of commentators seem to ban taking revenge of any sort, even after personal insults, the concept of nekima as an outright violation under all circumstances seems to be difficult to accept.

The Yad Ha-ketana's Approach

The Yad Ha-ketana provides a fascinating outlook into this mitzva by calling into question the very assumption that vengeance is to be viewed negatively. He notes that such an approach would contradict numerous mitzvot which are seemingly aimed at exacting retribution from those who have sinned. Requiring a robber to pay double and punishing perjured witnesses with the exact punishment they intended to deliver to the defendant are acts of vengeance, so why should they be permitted and nekima forbidden? Furthermore, he wonders how it is that the first individual who refused to lend his article is not faulted, while the one who refuses in return is in violation of a negative commandment. Lastly, he asks, if indeed nekima is a rotten act, how can a Torah scholar who is bidden to live a more righteous life be required to be vengeful and grudging like a snake?

The Yad Ha-ketana uses these questions as a platform for a fresh look at the prohibition. There is no prohibition of using the courts as a means to punish an evildoer, even to the point that the measure of punishment is sometimes akin to nekima. The prohibition is limited to cases in which one is not required to proceed in a specified manner, despite the fact that there is a clear, proper way to act. This is the example provided by the Sages.

In cases where the first party refuses to lend his tools, this act is improper, but it doesn't violate an explicit commandment. In such an instance, one should not only avoid causing physical harm in retribution; on the contrary, one should be forgiving and help the offender, even in the precisely reversed situation. Doing so will ensure that society gets along well and does not let every little disagreement spiral into major problems.

The beauty of the Yad Ha-ketana's explanation is that he uses all his questions as pointers that the prohibition is very different than originally understood, The Torah forbids nekima specifically because the first individual was not obligated to do anything, and therefore there is no reason to hate this individual for the refusal. Doing so is paying unnecessary attention to an act which the Torah says should not be taken to heart, and any refusal for the sake of revenge would be an act of sinat chinnam and destroy the fabric of society.

By the same token, when an actual sin is performed by the first party, there is no prohibition of nekima. For this reason, he explains the Talmud's statement that one can take revenge for a personal insult. That individual has sinned, and therefore there is no prohibition of nekima. However, still it is proper for one to be maavir al middotav and to forgo the anger.

However, in the case of a Torah scholar who has been embarrassed publicly, the Talmud states that he is obligated to be as vengeful and grudging as a snake, as the aggressor party has violated a mitzva and disgraced the Torah. Any acceptance by the scholar would be tantamount to degrading God’s honor. Still, after the other party repents, one must be willing to be forbearing and accepting.

The Yad Ha-ketana adds just one question which he fears may destroy his whole approach. The basic claim of his understanding is that the prohibitions of nekima and netira apply when responding to initial acts which were permissible, though perhaps improper. However, he notes, refusing to lend tools is in fact forbidden, if done out of callousness and begrudging envy; he cites a number of sources which indicate the impropriety of refusing to lend out one’s items to another. This being the case, how can one limit the prohibition of nekima to responding to a mean but not forbidden act?

The Yad Ha-ketana explains that certain actions and mitzvot cannot be defined in a short, concise manner because their application is dependent on the unique circumstances of each and every case. The failure to lend out one's possessions is not an outright act of sin, but it may qualify, depending on the circumstances. One may have a very good reason for refusing to lend out an item, but the act is forbidden when done out of callousness. Since the responding individual is unable to judge the true reason for the first party's refusal, the responder is completely forbidden from bearing any type of grudge or taking any form of revenge.

Next week, we will conclude this topic and our series for this year.

Ethics of Interpersonal Conduct Part 2
By Rabbi Yosef Ben David

Shiur 30: The Positive Aspects of Vengeance

In our last lesson, we examined the prohibition of nekima, taking revenge. We noted that the Talmud presents an opinion accepted by a majority of commentators that the prohibition is limited to cases of monetary damage and does not include personal insult. Despite this explicit limitation, the Chafetz Chayim concludes that one should not be lenient. We concluded the lesson with a presentation of the Yad Ha-ketana's understanding. He points out some of the instances of permitted nekima and limits the prohibition to responses to uncomfortable acts which are not outright prohibited. Notwithstanding the exceptions to the prohibition and those who seek to limit its application, the overwhelming conclusion is that nekima is a bad thing, though at times it may be permitted as a necessary evil.

However, other sources seem to have a permissive attitude towards nekima, some even defining it as a Godly trait.

The Revenge of a Talmid Chakham

Last week, we referred to the following passage (Yoma 22b-23a):

Rabbi Yochanan said in the name of Rabbi Shimon ben Yehotzadak: "Any Torah scholar who does not avenge himself and bear a grudge like a serpent is no true scholar." But surely it is written: "You shall not take vengeance or bear any grudge"! That prohibition refers only to monetary affairs… And not personal grievance? But it has been taught: “They may be humiliated, but they do not humiliate; they may hear their disgrace, but they do not reply; they act out of love and rejoice amidst suffering. Of them, Scripture says (Shofetim 5:31): ‘But they that love Him are like the sun rising in its might.’”

Thus, the Talmud explicitly states that in certain situations taking revenge and bearing a grudge may be viewed in a positive light. Though in instances of personal insult a scholar has the right to take revenge, it is proper to be forbearing if the other individual asks for forgiveness. If not, one may wreak vengeance like a serpent, until the other is ready to ask for forgiveness.

The Rambam does not mention this exception to the rule in his discussion of the prohibition of nekima (Hilkhot De'ot 7:7-8), but he does mention it in Hilkhot Talmud Torah (7:13) as part of the mitzva of giving honor to Torah scholars. Nevertheless, the Rambam seems to try to limit its application:

Even though a Torah sage may place a person under a ban of ostracism for his honor, it is not praiseworthy to become used to this practice. Instead, he should turn his ears from the words of the common people and not pay attention to them, as Shelomo wisely said (Kohelet 7:21) “Also, do not pay heed to all the words that are spoken.”

This was the practice of the pious of former generations. They would hear their shame and not answer; furthermore, they would pardon and forgive whoever insulted them. The great sages would take pride in their pleasant deeds, stating that they never issued a ban of ostracism or excommunication for their honor. This is the admirable path of the sages.

The above applies when the spurning or shaming occurs in private. However, if one spurns or embarrasses a sage in public, it is forbidden for the sage to forgo his honor. Indeed, if he does so, he is punished, because disrespect of the Torah is involved. Instead, he should seek vengeance and maintain enmity over the matter like a serpent until the offender requests to be pardoned. Then, he should forgive him.

Similarly, the Semag (Negative 12) rules that a scholar is required to take revenge if embarrassed publicly; an ordinary individual is permitted to do so, but it is not recommended.

With regards to regular individuals who are not scholars who quarrel with their friends, even though there is no prohibition against taking revenge in this case, nevertheless it is a pious attribute to forgo the right to take revenge, as the Talmud (Yoma 23a) says that one who forgoes the right to retribution is cleared of all his sins.

In the Heat of a Fight

Commentators point to a second exception: during the heat of an attack. In this case, the Chinnukh (338) writes:

We can learn this point, that we are permitted to respond to a fool, as the Torah permits us, when someone comes stealthily breaking in, to act first and kill him. For there can be no doubt that one is not obligated to endure injuries from the hand of his fellow; rather, he has the right to save himself from the other's hand. Likewise, [he may save himself] from the words of the other's mouth, filled with cunning and deceit, by any means through which he may rescue himself.

Nevertheless, there is a certain group of people whose kindly piety is of such a high degree that they would not wish to accept this ruling for themselves, to answer their calumniators any word, for fear that anger may overcome them, and they might unburden themselves unduly in the situation. Of them the Sages of blessed memory said: "They may be humiliated, but they do not humiliate…"

This idea is backed by the Chafetz Chayim (Introduction, Negative 8-9):

It is correct reasoning that at the moment when one is being insulted it is beyond the capabilities of human nature to be as an immovable rock if one is not among those whom God has blessed with unusually holy traits, as the Chinnukh writes. However, after his initial anger subsides, the Torah prohibits him to arouse this anger by taking revenge or even by bearing a grudge, rather, after a short time has passed since the incident, he should remove its memory from his heart.

The cases in which one is permitted to take nekima do not present a new outlook on nekima as a whole; they are still limited in practice, as we are told that one should ideally avoid vengeance. Still, as the Yad Ha-ketana notes, there are numerous mitzvot which are seemingly aimed at exacting revenge from the perpetrator. Moreover, some verses in Tanakh speak of vengefulness as not only a positive attribute, but an essential part of God's character. For example, Nachum opens his book with the declaration (1:2):

God is a zealous and avenging God. God is avenging and is full of wrath. He takes revenge on His adversaries and bears a grudge towards His enemies.

The Talmud (Berakhot 33a) posits that whatever is mentioned in between two names of God is commendable. If so, asks the Talmud:

Shall we say that revenge is great, as it appears between two divine names, "A God of vengeance is God" (Tehillim 94:1)? Rav Elazar responded: "Indeed, where revenge is necessary, it is a great thing."

This idea that the vengeance is great indicates that the simple understanding of revenge as a cruel tool completely antithetical to the Torah's philosophy is in fact incorrect. As the Talmud indicates, nekima has its place; though it is not to be used all times, when called for, it is in fact great. Why would that be?

Turning to the Torah itself, we find an interesting passage towards the end of Bamidbar (31:1-3), where the Jews are told to avenge an injustice.

God spoke to Moshe, saying: "Wreak the Israelites' vengeance upon the Midianites; after, you shall be gathered to your people." So Moshe spoke to the people, saying, "Equip from your midst men for the army, and they will be upon Midian to put God's vengeance upon Midian."

The Sifrei (Mattot 157) comments that Moshe's mention of the revenge being on behalf of God, even though God Himself speaks of it as being "the Israelites' vengeance," is actually an expression of his greatness:

This is in praise of the righteous, who do not depart this world until they take vengeance on behalf of Israel; this is the vengeance of He Who brought the world into being.

Here, the Midrash seems to laud one of Moshe's final acts in this world as an act of revenge. How can it be considered an act of the righteous? Isn't it prohibited? Furthermore, the same passage explains the change in language of God's command and that of Moshe based upon the relationship of God and the Jewish people. God views the honor of the Jewish people as akin to His honor, and vice versa. The Sifrei thus explains that Moshe told the Jewish people:

This is not the vengeance of flesh and blood, but of He Who brought the world into being, as it says, "God is a zealous and avenging God."

So is vengefulness a positive thing or not?

One option is to say that nekima is a positive act when associated with God. God needs to use revenge at some times to maintain justice in society, to teach the world that crime doesn't pay. Man, when commanded by God as Moshe was, may use revenge, but otherwise it is off-limits. But why is this so? After all, we are commanded to model ourselves after God, and if God acts with vengeance as a righteous act of justice, why shouldn't we do the same with anyone who acts unjustly towards us?

The Chizkuni (Vayikra 19:18) addresses this issue and explains the distinction based on a fundamental difference between man and God:

"You shall not take vengeance" — for anger will overpower you; God, however, is able of controlling His anger…

Essentially, the Chizkuni seems to be indicating that were we able to control our anger and limit our revenge to what is necessary we would be capable of emulating God in this regard.

The Maharal explains that it is only in terms of acts of kindness that the mitzva of walking in God's ways is applicable, not regarding nekima or the like.

To better understand the positive aspects of vengeance, as employed at times by God, and how it impacts our understanding of the prohibition, we must analyze the story of King David and Shimi ben Gera.

In last week's lesson we saw the rationale of the Chinnukh (Mitzva 241) as to why vengeance is forbidden:

At the root of the precept lies the purpose that a man should know and reflect that whatever happens to him, good or bad, is caused to him by God; nothing which happens to man by any person or by a brother can occur without God willing it so. Therefore, should another inflict pain or suffering on him, let him know in his soul that his bad deeds have caused God to will this result upon him, and let him not set his thoughts to take revenge from him. Indeed, the perpetrator is not the primary cause of his trouble, since it is God that brought it about. Thus, King David said, "So let him curse, for God has told him" (II Shemuel 16:10); David attributed the matter to [his own] sin, not to Shimi ben Gera.

Thus, David recognizes as he flees across the Jordan that he is ultimately to blame for the sad turn of events; Shimi is merely an instrument of God's vengeance. Nevertheless, David's final words, addressed to his young son Shelomo, are the following (I Melakhim 2:8-9):

"Behold, there is with you Shimi son of Gera, the Benjamite, of Bachurim, who cursed me with a grievous curse on the day when I went to Machanayim; but he came down to meet me at the Jordan, and I swore to him by God, saying, 'I will not put you to death by the sword.' Now therefore hold him not guiltless, for you are a wise man; and you will know what you ought to do unto him, and you shall bring his agedness down to the netherworld in blood."

David's final words order Shelomo to take revenge on those who wronged him, even though the end of one's life is usually a time when people make amends and forgive others, rediscovering brotherhood and comity. Why does David choose to act quite differently? David's last will and testament is nothing short of glaringly perplexing.

Immediately after, in the next verse (10), we read about King David's death:

David slept with his fathers, and he was buried in the city of David.

In truth, David's last will speaks of two different forms of retribution. One is rewarding the children of Barzillai the Gileadite (who supported him in his final flight), while the other is administering justice to his nephew Yoav and to Shimi.

Rav Chaim Shmuelevitz (Sichos Mussar: Reb Chaim's Discourses, Mesorah Publications) dedicates an entire lecture to the theme of "great is vengeance," explaining that we are only perplexed by David's behavior because we do not comprehend what vengeance really is, focusing merely on its simple and savage forms of lashing back at adversaries.

While King David seeks vengeance at death's door, Rav Chaim notes, the Talmud (Sanhedrin 102b) tells us that another biblical character does so from the other side, as the spirit who deludes King Achav (see Melakhim I 22:19-21) is the spirit of the murdered Navot, seeking revenge. Evidently, even disembodies souls may seek vengeance. Rav Chaim Shmulevitz explains that the concept of disembodies vengeance indicates that revenge is not a physical need, but a spiritual one. He states:

Nekama in its real form is an act of spiritual character and essence. It is a sentiment of the soul rather than a coarse reaction to the body... It is an intrinsic part of the world of the spirit, making Navot and Dovid willing messengers to carry out the requisite nekama; not as a private act of vendetta, which has no place in the Heavens, but rather to show the world that the wicked are eventually punished for their wrongdoings. (Sichos Mussar, pp. 116-118)

He adds that proper vengeance is a manifestation and realization of justice in this world. True vengeance can bring unparalleled heavenly honor, showing that there is an ultimate Judge and that justice is eventually carried out. This vengeance could essentially be carried out by anyone; however, it is usually the injured party that is the most keenly aware of the need to do so.

This element of justice makes vengeance equally applicable to reward and punishment (see Berakhot, ibid.) because vengeance is a means of setting the score straight, for the positive or the negative. Therefore, David at the end of his life involves himself in ensuring that justice will be served, both by making sure those who had gone unpunished in the past would now receive their due and that those who had not been properly rewarded would be rewarded.

This also explains the tremendous reward Pinechas receives for his act of zealotry, killing Zimri and Kozbi (Bamidbar 25). However, in order for revenge and zealotry to be positive, it must be done with the proper mindset. The sole motive for which vengeance is allowed is to allow the manifestation of Divine retribution. If the motivations for revenge include any self-interest, such as a desire for personal vengeance, one may very well be a murderer. Pinechas could therefore not ask for permission from a court (Sanhedrin 82a); one must be driven purely by the cause, and even so, an act of zealotry is only permitted in three instances (ibid. 81b).

This also explains why, for his act of revenge and violence, Pinechas is rewarded with a covenant of peace and priesthood (Bamidbar 25:12-13); in essence, he was not acting out of vengeance, but the same cause which defined his grandfather Aharon: loving and pursuing peace.

The basic reason for advancing a positive view of vengeance is the fallout in a world where it seems that crime pays. In such a place, God's word is trampled over and over, and those who trample seem to be living with immunity from God's law. Such a world obscures God's nature as a judge and puts pressure on those who are tempted to abandon His call. There are those who are liable to get the wrong notion and feel that God is in fact incapable of helping them. When God's honor is avenged, this is a call to understand that He is present and He will have the last word. Elsewhere, the Ramban (Devarim 7:15-16) notes how misplaced mercy can actually be destructive: "Through the mercy of fools, all justice is lost." Nekima means using what is necessary to remind the world that God calls the shots.

When Applicable

If we now return to the case of King David, we can understand his final act on this planet. David leaves the world as he sets the score straight, showing the world that justice always has the final word. But why does David wait until the end of his life to act in this manner? It is David himself who refuses to punish Shimi immediately and waits until his final moments to do so. What happened to the idea of Shimi being an instrument of God?

This question leads us to the essence of vengeance. Both actions of David, his original refusal to take revenge and his ultimate application of it can be understood in light of the sources we have already quoted. While vengeance is great when used properly, it is almost impossible for flesh and blood, driven by passion and anger, to commit an act of vengeance completely for the sake of Heaven, without any self-interest. King David was honest with himself, and though he knew that Shimi deserved punishment for his cursing, it could not be for the personal insult but because he was cursing the anointed of God. King David therefore applied the general prohibition of vengeance and explained its rationale. When one is unable to be directed by the desire for justice, one must focus on the evil done to him as part of God's plan and not seek to exact justice from the evildoer.

Nevertheless, David, as a king, had to be cognizant of the fact that Shimi's act was not only a personal insult to him but also an act against God that might cause others to think that crimes go unpunished. Therefore, David waits until the end of his life. When he has absolutely no personal vendetta at stake and can focus on the greatness of revenge for the restoration of justice, David gives the order. At this point, King David can leave the world with an act of Godliness, achieving what the Chizkuni defines as normally impossible, a human act of divine revenge.

The Ultimate Revenge — Positivity

If the great King David felt incapable of exacting retribution for the proper reasons during his lifetime, we should probably be honest with ourselves and realize that we too must necessarily fall short. However, if we are not capable of real, honest revenge, what can we do?

Psychologically, taking revenge or even bearing a grudge is ultimately allowing someone else's actions to occupy one's mind. Since vengeance is almost impossible to fulfill properly, the most positive act of revenge might actually be improving one's character and personality. The Orechot Tzaddikim (Ch. 8) advises:

Beware of taking revenge in ways that stem from feelings of cruelty. However, if you indeed wish to take revenge on your enemies, do so by working on developing your positive attributes and follow in the path of the upright. In so doing, you will be taking revenge from your enemy, for he will be distressed when he sees your pleasant manner and your good reputation, and he will be dismayed to hear good reports about you. If, however, you take cruel steps as revenge, then your enemy will rejoice over your shame and disgrace and in so doing, he takes revenge on you.

The Torah is not oblivious to the base inner emotional cruelty in man, and therefore it seeks to replace cruel vengefulness with the opposite type of behavior. Eventually, one may replace bitter vengefulness with the sweet revenge of proper conduct and a good name. One may hope that this will actually allow the other individual to realize that positive behavior always beats out negativity.

This lesson is the last one for the current VBM session; with God's help, the series will continue for its third and probably final year. We have tried to articulate the centrality of interpersonal mitzvot in the overall context of Judaism in a way that also expressed the depth of these mitzvot and themes. The various interpersonal directives not only guide our behavior; they constitute the philosophical underpinnings of a sublime, holy tradition.

These lessons have focused on developing an elevated character which is able to deal with the various trials and tribulations in life while displaying total control. At the same time, we focused on how to deal with other members of society, even when treated by them with contempt.

Fortunately, the Torah expresses its commitment to providing the guidelines for religiously-driven interpersonal perfection in numerous contexts, enabling one who decides to study the subject matter to gain indispensable knowledge in this essential enterprise. However, the volume of material has made it difficult to delve into all the interpersonal, moral and ethical issues that I might have wished to discuss.

Next year's lessons will deal with various topics that have not been covered, from truth-telling to tale-bearing and everything in between. We will also try to find a framework and a model for inculcating these elements and those already discussed within ourselves, supporting a life of interpersonal precision with Torah-based ethics. I hope to meet you again then.

About the Author



Rabbi Yosef Netanyahu Ben David

The Rosh Yeshiva grew up in San Diego, California and learned in Yeshivat Torah Emet as a talmid of Maran Hagaon Harav Chaim Pinchos Scheinberg zt"l. He received Semichah from Rabbi Aaron Gartner, Rav Yaakev Agavir. For twelve years, he taught and inspired talmidim in various yeshivas who still have a very close connection with him today. Patient and determined, the Rosh Yeshiva always believed in every bochur. He is a sought out speaker worldwide. He is also the Rov at the Kav Halacha Beis Hora'ah, and the author of Ethics of Interpersonal Conduct (Halacha) and The Jewish Halacha Series.

The Rosh Yeshiva devotes his entire life to the success of every bochur, always concerned about their spiritual and physical well-being. Here every bochur is unique and is encouraged to reach his full potential. With constant encouragement, overflowing love, and infinite patience, every bochur is nurtured and developed to be an accomplished ben-Torah. Yeshiva Beit David is a yeshiva designed for post-high school students looking for a focused yet relaxed atmosphere in which to grow. Our warm, down to earth Rebbeim are ready to help you have a productive, enjoyable and inspiring year. The yeshiva aims to give boys an authentic and honest Torah Hashkofa with, exceptionally dedicated rebbeim in an atmosphere that exudes warmth and tremendous simchos hachaim This is handed over not just through exciting and interactive Shmoozen and vaadim but with a living example of the Rosh Yeshiva and Rebbeim. A major part of this enterprise is to encourage a genuine understanding of spirituality which begins with making G-d a real and important part of our lives.

Personal Growth

Each boy is able to grow with his own personality and characteristics without suppression of his traits, interests and most importantly sense of humour. The Yeshiva views each boy's individuality as a blessing to be nurtured. An inquiring, questioning mind is highly regarded in the Yeshiva. Outlets, tiyulim and activities are built into the semester to ensure that each boy remains well-rounded, healthy and productive. Here every bochur is unique and is encouraged to reach his full potential. With an emphasis on retaining a thorough knowledge of every sugya and completing the masechtah, the bochurim are trained to set goals and to reach them at all costs. Character development and interpersonal relationships are a key area in the bochurim's growth as they are carefully molded to be the future leaders and role models of Klal Yisroel.

Hanholo

The qualification for being on the Beit David hanhola is primarily a commitment to care for and nurture a boy as if he were one's own child. As a result the Rebbeim take a very broad and devoted approach to their role providing support and guidance on every possible front. This includes ensuring a boy is settled, happy with accommodation, socially integrated, engaging in his preferred outlets, balanced in his learning. Whether it be on major issues or the finest details in learning or extra-curricular matters. The Rosh Yeshiva Rabbi Yosef Netanyahu Ben David makes every effort to give every bochur a loving and caring environment, and gives every bochur a chance to learn with him individually. Through his love and sensitivity for every bochur who enters the yeshiva, he builds every bochurs self-esteem, enables them to make and accomplish goals, and to succeed in Torah and in building exceptional middos.