Ethics of Interpersonal Conduct
Part 3
Yeshiva Course

By Rabbi Yosef Ben David

Volume Eight

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Ethics of Interpersonal Conduct Part 3 – Yeshiva Course
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Shiur #01: The Connection between Kedusha and Tzedaka

A New Year

As we enter the third and what will probably be the final year of this series on the ethics of interpersonal conduct, let us consider the upcoming topics for study. In particular, I would like to focus on a theme which we have seen over a number of lessons and add to it based on some additional sources. This idea will be a guiding light in our continued study of mitzvot bein adam le-chavero, the interpersonal commandments.

As we have seen over the past two years, the interpersonal mitzvot are central to one's search for a life of holiness (kedusha), not mere secondary commandments that pale in significance to one's ritual obligations to God. Ethical conduct is part and parcel of a life of kedusha. However, reiterating the point does not suffice, as it must be developed further.

In fact, as we have mentioned in the past, one of the longest lists in the Torah of interpersonal mitzvot is Chapter 19 of Vayikra, the first half of Parashat Kedoshim, which opens with the directive (v. 2), “Kedoshim tihyu,” “You shall be holy.” The Jewish people must model their behavior after that of God and sanctify themselves — not through various ritual laws which deal with the seemingly holiest aspects of Judaism, but by fulfilling their interpersonal obligations to each other.

Evidently, the Torah is teaching us that not only are certain interpersonal acts mandated by God; in fact, a life of holiness requires one to adopt and embrace proper interpersonal behaviors. Thus, the call of “Kedoshim tihyu” is a call to become holy through reaching interpersonal perfection, among other things.

This command of “Kedoshim tihyu,” which links interpersonal perfection to a life of holiness, is not the first time that the relationship between sanctity and divinely-ordained ethical behavior is mentioned, although it makes the point very clearly and undeniably. This dual call, which permeates numerous passages in the Torah, in fact, dates back to the patriarch Avraham.

Avraham's Unique Dual Mission

In a recently printed essay from the writings of Rav Joseph B. Soloveitchik (Abraham's Journey, p. 93), a new understanding of Avraham's exceptional mission comes to light. In Parashat Noach, after two episodes of universal sin and punishment, that of the Flood and that of the Tower of Babel, God "forsakes the idea of spontaneously and instantly redeeming man. He supplants spontaneity with a deliberate, well-planned, gradual educational gesture."

Rav Soloveitchik explains that this educational endeavor is worthwhile because anyone can ultimately succeed in ascending the mountain of God; "it is only a question of speed

and tempo. Man cannot be changed overnight; he must slowly learn to live in peace and justice with his fellow man. For this he needs a guide."

God is man's first teacher, through His six commandments to Adam and subsequently giving a seventh to Noach, but humanity repeatedly sinks into degrading behavior. Therefore, God decides that there must be a human being who will assume the duty of educating mankind, a person who will perfect the world by acting as a covenantal teacher. This is the meaning of God's call to Avraham, "Walk before Me and be perfect" (Bereishit 17:1), which is essentially a call to Avraham to take part in the most sublime of tasks: to partner with God in perfecting and ennobling man.

What is the message which Avraham is meant to teach mankind? The Torah notes two distinct objectives, but a deeper analysis reveals the intrinsic connection between the two. In every place where Avraham goes, he calls out in the name of God and builds an altar. This expresses his covenantal undertaking, emphasizing the holiness of commitment to the ways of God, educating mankind about the seven mitzvot binding upon all of humanity.

There is, however, a second mission as well. When God describes why it is that He will inform Avraham of the impending destruction of Sodom, which many understand as the justification of Avraham's being chosen altogether, He states (Bereishit 18:17-19):

And God said, "Shall I hide from Avraham what I am doing, seeing that Avraham shall surely become a great nation and all the nations of the earth shall be blessed in him? 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 (tzedaka u-mishpat), to the end that God may bring upon Avraham that which He has spoken to him."

Avraham is called upon because of his commitment to executing righteousness and justice as well as his commitment to guarding the way of God, what we might describe as kedusha, following the divine example of holiness. Now, one might read this description of Avraham as explicitly referring to two independent objectives. The verse doesn't identify keeping the ways of God with doing righteousness and justice; instead, it specifies both elements:

To keep the way of God, to do righteousness and justice…

It is this calling which embodies Avraham's mission and the message that Avraham must impart to his progeny and to mankind: firstly, living a life of kedusha by following the ways of God; and secondly, teaching mankind the ethics of interpersonal conduct by practicing righteousness and justice.

However, Rav Soloveitchik (op. cit. pp. 106-7) adds that though it is commonly understood that these two ideals are separate and distinct, they are actually more connected than one might think:

It is commonplace to say that the ideal of tzedaka u-mishpat is related to relations between man and his fellow man, bein adam le-chavero, while the term kedusha refers to the specific relationship between God and man, bein adam la-Makom. This is erroneous. The norm of kedusha is all-inclusive. It embraces the total structure of human activity. In fact, when the Torah speaks of being holy and enumerates the areas where one is called upon to exercise kedusha, most of them are bein adam le-chavero. Indeed, the altar upon which one has to sacrifice his own selfish interests in order to realize the demand for kedusha is much larger than the altar built by the person concerned only with tzedaka u-mishpat.

After citing examples of such conduct, Rav Soloveitchik describes the need to sacrifice one's own dignity and pride in order to help someone in distress. This reflects the kedusha aspect of interpersonal conduct, and fulfilling it is an experience which brings one closer to God. These modes of behavior must go beyond the mere application of tzedaka u-mishpat. "Serving one's fellow man is eo ipso the most sublime service to God."

By the same token, one is not only able to practice tzedaka u-mishpat towards one's fellow man; this pertains to one's relationship with God as well. God created a world in which man may, by his behavior, chart the course of the future. Therefore, man's righteous actions, as it were, are the exercise of tzedaka with regard to God, allowing Him to bestow greater kindness upon the world.

It is this dual message of kedusha and tzedaka u-mishpat which God calls upon Avraham to teach the world. The Jewish people, his progeny mentioned in the verse, are to continue Avraham's mission by realizing that a commitment to living these virtues and educating humanity about their necessity is a partnership with God to reform mankind. It may take time until this message is heard and heeded, but its inner truth is so palpable that "no matter how slow the process, Abraham will finally emerge victorious and everyone will bow to God" (p. 112).

The Jewish system of values, carrying this message of Avraham, must continue to include both elements, underscoring that holiness and interpersonal greatness are one and the same.

The Implications

The implications of this outlook, which merges the search for holiness with a life of tzedaka u-mishpat, affect one's overall attitude toward the study of Jewish ethics while simultaneously leaving an imprint on every individual mitzva as well. The interpersonal mitzvot serve not only to ensure proper conduct between different people but to elevate one's entire personality in the process. Therefore, the mitzvot themselves, some of which we have studied and others which we hope to study this year, are not limited to dictating do's and don'ts; they have a spirit of their own. This is the element of kedusha, which permeates their essence and determines their unique characteristics.

For this reason, a commitment to Torah is synonymous with being committed to the needs of one's fellow Jew.

Rav Yehuda Amital (Sicha for Parashat Toledot, 5769) points to Rabban Yochanan ben Zakkai as the epitome of such a commitment. As the Jewish leader at the time of the fall of the Second Temple, he has the opportunity to ask the Roman leader Vespasian for three things, as recorded in the Talmud, Gittin 56b. His first requests focus on the need to continue the Jewish tradition of Torah learning and leadership, so that even after the destruction of the Temple, their legacy might continue: "Give me Yavneh and its wise men, as well as the dynasty of Rabban Gamliel." However, he next asks for "a doctor who will heal Rabbi Tzadok," who had fasted for the welfare of the Jewish people over the course of decades, leading to a serious deterioration in his health. Rav Amital notes how Rabban Yochanan ben Zakkai's care for the bigger picture, a safe haven for continued Torah study and leadership, does not cause him to forget the pains of the individual. Rabban Yochanan ben Zakkai understands that the pursuit of sustained kedusha and Jewish religious life must come alongside the care for every individual as well. This proves his greatness.

Asham Gezeilot: Sin against Man, Trespass against God

This message is repeated a number of times in the Torah, but a particularly striking passage is that of the asham gezeilot, Vayikra 5:20-26.

The asham, or guilt-offering, is brought by one who has committed very specific offenses, as part of the process of repentance and restitution, the first of which is me'ila, trespass or misappropriation, taking consecrated property. The Torah introduces this (ibid. v. 15) by stating: "A person may commit a trespass, sinning inadvertently with God's holy things." The final case, however, relates to various instances where one unlawfully has his fellow Jew's property and swears falsely as part of denying his obligation to return it.

Nevertheless, the Torah characterizes this act of withholding another's property unjustly as another form of me'ila against God:

A person may sin and commit a trespass against God, by lying to his comrade regarding a pledge, a loan, a robbery (gezel), or through the defrauding of his colleague; or he may find something lost and lie about it; or swear falsely about any of the sinful things a person may do.

Essentially, the Torah lists six instances of trespassing against a neighbor's trust and property, yet it characterizes such an offense not by the harm it may cause others, but as an act of me'ila against God.

Thus, the first time me'ila appears in the chapter, it refers to one who misappropriates consecrated items belonging to the Temple. This clearly constitutes an act of trespass against the holy, but where is the divine trespass in lying and taking an oath to deny the legitimate monetary claims that one's colleague has against him?

Evidently, the Torah is informing us that such an act of treachery against a fellow Jew is considered an act of divine betrayal. In fact, it is specifically here, regarding these crimes, that the Torah terms it not only as an act of me'ila but me'ila against God.

A possible approach is to associate the diverse elements of the atonement process with the different facets of the crime. One who transgresses by denying money owed to another is only obligated to bring this offering if he backs up his claims with a false oath. In addition to the offering, he also must restore the property, plus an additional twenty percent.

One might reason that an individual who has done so has perpetrated two separate transgressions. The first, against one's comrade, is forgiven after returning the money with the added fine, but, the second, a sin against God via one's false oath, is only atoned for through the bringing of the asham.

This understanding may suit us well in disconnecting our transgressions against our fellow man from treachery against God, but the language of the Torah itself, as well as explicit remarks by the Sages and the commentaries, indicates otherwise. In fact, the language of the verse itself states this explicitly: the treachery against God is the crime against one's fellow man, as the false oath is only mentioned three verses later, in verse 24. This is probably what leads the commentaries to understand that the severity of the crime lies not only in the false oath, but in the initial act of betrayal towards one's fellow Jew.

Rav David Tzvi Hoffman adds that the terminology of me'ila, used to describe the severity of the crime, is used in the contexts of moral sins against man, but not in similar cases

of false oaths. Evidently, the me'ila against God here is the very act of depriving one's comrade of his rightful property.

The Meshekh Chokhma explains that the oath here is not the focus of the crime, but a compulsory action that someone trying to deny his debt must perform "in order to confirm his words and to release himself from his fellow litigant." He has no intention to desecrate God's name, and therefore he may bring an offering even if he takes the oath with the willful intention to lie, as he merely does so to get away with his monetary crime against his colleague, and therefore he is taken to task primarily for his interpersonal offense and not for his false oath.

Consider the language of the Midrash (Sifra 12:22):

Rabbi Akiva says: "What is the meaning of 'a trespass against God'? Loans are customarily made… when backed up with documents and witnesses. Consequently, when one of the parties retracts, he disavows the witnesses and the legal contract. But he who deposits an object in his fellow's safekeeping and wishes to do so in secret only allows the third party (God) to be aware of his dealings. Therefore, when the keeper denies any knowledge of the matter, he is simultaneously disavowing the Third Party."

Rav Levi (Bava Batra 88b) cites this verse to prove that stealing from one's colleague is treated more severely than stealing from God and misappropriating Temple property. Could it be that crimes against one's fellow man are treated more harshly than crimes against God?

The Torah may take such a hardline approach specifically because this offender fails to recognize that he has simultaneously committed a heinous crime against God while wronging his brother. One who feels that there is no need for human morality, what we might term tzedaka u-mishpat, in his search for kedusha fails to realize that the two go hand in hand. One who thinks that a commitment to ritual and a tendency to harm others are not mutually exclusive will actually come to use a false oath to back up his statement, defying God's knowledge of the situation in the process. Therefore, the Torah classifies this behavior as a trespass against God which will lead to total religious confusion.

Rav S.R. Hirsch states this in no uncertain terms:

Any dishonesty in the relations between man and his fellow is considered a breach of trust against God. God is the Third Party mentioned in the Midrash. He always acts as an unseen third party that is present wherever a man has business dealings with another, even if no other witnesses are present. For God is the guarantor of honesty between men. Here in our case, this Guarantor is invoked as a witness when one man makes a false denial to his neighbor. Hence, this is not just trespass; for the offender here pledges his priestly character, his relationship to God, as surety for his honesty; and when this priestly character is exposed as a hollow mask, this is full-fledged me'ila.

How can this crime be rectified? Mere offerings are not sufficient; one must placate the victim as well. This seems to be why the Torah requires that one first return the principal which he stole; only afterwards can he attempt to atone for his sin through the offering.

This idea is explicit in the Mishna (Bava Kamma 9:12):

He who brought his guilt-offering before making restitution has not complied with the law.

The Seforno makes note of this in his commentary: the offering atones only if the injured party has first been compensated and appeased. This is very understandable, as one who would try to bring an offering without restitution would be committing a terrible act of

twisted morality, displaying a total misunderstanding of his crime. His crime against his fellow man is deemed by God as an act of me'ila against Him, so failing to right the wrong to one's fellow man leaves no room for fixing his relationship with God.

In the first chapter of his book, Yeshayahu criticizes the disconnection between interpersonal conduct and ritual service, naming some of the causes for the impending destruction of the First Temple. God scorns offerings which are brought by the oppressive and the corrupt, as no one can hope to develop a close relationship with God while disregarding the dignity of his fellow human beings.

Trespass against Oneself

Beyond the treachery against one's fellow man and God, one who acts in this manner also transgresses against one's own self and character. The Tiferet Yisrael reasons that this notion is part of the basis for the extensive obligation of a repentant thief to go to the ends of the earth to return even the smallest sum of money. The Mishna (ibid. 5) states:

If a man robbed his fellow of the value of a peruta and swore falsely to him, he must take it to him even as far as Media.

The Tiferet Yisrael explains that the Mishna specifically refers to Media in order to emphasize that even though the injured party is in an affluent country, where gold and silver are plentiful as stones, and he is not in need of the almost worthless peruta, still it must be returned.

This might be partly based on the recognition that the robber's acts, besides harming another, have an extremely detrimental effect on his own personality as well, as it is written:

If iniquity be in your hand, remove it far away, and let not wickedness dwell in your tents. (Iyov 11:4)

This passage is particularly relevant at the end of Parashat Vayikra, which primarily deals with sacrifices. The entire book of Vayikra is classically known as torat kohanim, the law of the priests, yet only a small portion of it seems to deal directly with the rites of the sacrifices and other domains which are related to priesthood. In fact, a large number of the interpersonal mitzvot are taught in Vayikra. How do those relate to priesthood?

An alternative explanation is that the kohanim of torat kohanim are not the biological ones, the descendants of Aharon the High Priest, but the entire Jewish people, who are called at Sinai "a kingdom of priests and a holy nation (goi kadosh)" (Shemot 19:6). Jewish priesthood is not expressed merely by the offerings, which are the domain of the Aaronic family, but a whole life of holiness. Being a goi kadosh, a holy nation, involves one's interpersonal conduct as well. This is Jewish priesthood, carrying the message of Avraham: kedusha and tzedaka must go together, as this dual commitment is the one road to holiness in the eyes of God.

The Kedoshim Connection

The six forms of dishonesty incurring the asham gezeilot are primarily rooted in mitzvot recorded in Parashat Kedoshim, the portion which teaches us how to be holy, in a large part through inculcating the behavior and the message of interpersonal sanctity.

In this year's lessons, we will begin with the interpersonal mitzvot we have not yet discussed in Parashat Kedoshim, as we seek to uncover the aspects of divine morality

manifest in one's interactions with one's fellow man. It is our sincere hope that doing so will allow us to walk in the footsteps of Avraham, on the path to priesthood and holiness.

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Shiur #02:
The Order of Kedoshim and the Connection between Shabbat and Parents

The Recipe for Holiness

As mentioned in the introduction to this series, we will begin our discussion by analyzing the various interpersonal mitzvot contained in the nineteenth chapter of Vayikra, the recipe for fulfilling the mandate in its heading (v. 2): "You shall be holy (kedoshim tihyu), for holy am I, Lord your God." In order to gain a deeper appreciation of the process, we will look at the general structure of the chapter and how these mitzvot of kedusha (holiness) fit into it.

It truth, all mitzvot have inherent holiness and sanctify their performer, as the text of the standard blessing for mitzvot indicates:

The source of all blessing is You, God… Who has sanctified us with His commandments, and commanded us to…

However, this chapter is uniquely direct. It begins with verses guiding the Jewish people to follow in the footsteps of God by being holy. This general commandment is followed by a potpourri of mitzvot, unrelated to each other.

As pointed out in a wonderful article by Rav Reuven Taragin (www.vbm-torah.org/parsha/30kedosh.htm), the chapter is comprised of two parallel units, each of which is made up of three sections. Both units begin with mitzvot bein adam la-Makom (between man and God) and conclude with mitzvot bein adam le-chavero (between man and his fellow), followed by a general reference to the observance of chukkim, decrees. In between the sections is a part that discusses both kinds of mitzvot, which serves as a bridge between the other two sections.

The following parallel sections make up the framework of Chapter 19:

A) Verses 3-10 and verses 23-31 speak primarily of mitzvot bein adam la-Makom.
B) Verses 11-14 and 32 act as transitions to the two sections dealing with bein adam le-chavero (verses 15-22 and verses 33-37).

In order to appreciate the parallelism, it is necessary to look at all the verses in depth, but even without doing so, the juxtaposition of interpersonal and ritual obligations in the context of holiness makes it very clear that both these elements are necessary for achieving kedusha. But why are these specific mitzvot mentioned as part of the recipe for holiness? Were they just chosen as examples of interpersonal and ritual obligations, or is adherence to these particular mitzvot a path to holiness? Our analysis of these mitzvot throughout the series will deal with this question.

In fact, another instance wherein we see the bridging of the ritual and the interpersonal obligations of man is the Ten Commandments. Rav Levi in the Midrash (Vayikra Rabba

24:5) explains that the mitzvot found in Parashat Kedoshim resemble the mitzvot recorded in the Ten Commandments:

Rav Chiya taught: “This passage was spoken in congregation, because the majority of the elements of the Torah are dependent on it.” R. Levi said: “Because the Ten Commandments are included in it.”

Both of these statements stress the importance of this chapter, and we will see how this is revealed in the text.

The Division within the Chapter

Understanding this concept of holiness requires careful examination of the chapter. One element which is repeated throughout the chapter is the Tetragrammaton, which appears again and again after numerous mitzvot in the chapter.

In fact, as noted in the article above, the sections of the chapter are not only parallel in general content but in the name of God used in the different sections as well. In the first sections dealing with mitzvot bein adam la-Makom every phrase concludes with the phrase "I am God" or "I am Lord your God." In the transitional sections the conclusion is "your God, I am Lord." In the section dealing with interpersonal mitzvot, the conclusion "your fellow, I am God" appears.

The repeated mention of the name of God after the various mitzvot in this chapter is noted by Rav S.R. Hirsch as well, who views the various references to God in the chapter as a means of creating a backdrop for the different aspects of holiness. The verses that end with "I am Lord your God" (2, 3, 4, 10, 25, 31, 34, 36) divide the chapter into distinct groups and the verses that conclude with the phrase: "I am God" (12, 14, 16, 18, 28, 30, 32, 37) subdivides these groups into different paragraphs.

Rav David Tzvi Hoffman also notes the division into fifteen paragraphs, each ending in "I am Lord your God" or "I am God" and attempts to explain its significance. (See Nechama Leibowitz, Studies in the Weekly Parasha, p. 273.)

Without getting into the nitty-gritty, suffice it to say that the Torah is laying down groups of principles which will help one foster a deeper connection to our God and allow one to adequately fulfill the directive that opens this fundamental chapter:

Speak to the entire assembly of the Israelites and say to them, “You shall be holy, for holy am I, Lord your God.”

The Specifics of Section One

With this in mind, we will first devote our attention to the first section of mitzvot detailed in the chapter in order to see what lessons in interpersonal holiness we can glean from it. Rav Hirsch notes that the mitzvot that appear through verse 10 conclude with the name of God three times, dividing the introduction into three pillars of holiness, as he writes (ad loc.):

The pillars of our sanctification consist of three basic principles: parents and the Sabbath (v. 3), the purity of our conception of God (v. 4) and the purity and social productivity of our relationship with God (vv. 5-10)

This first section pillar of holiness is rather surprising. These concepts are familiar but seemingly unrelated.

Every one of you shall revere his mother and his father, and you shall keep my sabbaths; I am Lord your God. (v. 3)

What could be the connection between these two mitzvot, and why are parents and Sabbath a principle of holiness at all?

In truth, as mentioned above, there is a parallel between the mitzvot recorded here regarding holiness and those which form the Ten Commandments. The Rashbam (ad loc.) notes that the connection between the way one interacts with his parents and the way one should observe Shabbat is already mentioned in the Ten Commandments. There too, we have remembering Shabbat as the fourth commandment and honoring one's parents as the fifth commandment. The fact that they are grouped together in these two places indicates that there is a deep connection between them. But what could that be?

Furthermore, the reiteration of these concepts in the context of holiness serves to add another element. As noted above, v. 3 parallels a later line, v. 30: “You shall keep my Sabbaths and revere my sanctuary; I am God.” In verse 3, the commands to revere and to keep are mentioned regarding one's parents and the Sabbath respectively, and in verse 30 regarding the sanctuary and the Sabbath. The lesson seems clear: while the Ten Commandments introduce the Jewish people to the concepts of remembering Shabbat and honoring one's parents, the directive of kedusha requires adding the elements of observance and reverence. It is these elements that evidently define the heightened relationship with God that kedusha demands, and it is this that must be explained.

The Ramban speaks of the added element of reverence here, but the Yere’im (Ch. 410) underscores it more clearly: just as the Torah connects observing the Sabbath with reverence for the Temple and reverence for one’s parents, it teaches that the idea of reverence applies to Shabbat as well. One must not only safeguard Shabbat, but revere it as well. The Yere'im defines this mitzva to mean that "a person should reflect (on how) to honor and observe, and to be afraid of it."

The understanding of the Yere'im highlights the fact that our chapter of kedusha specifically adds an element of reverence, to three things we already know to be significant: Shabbat, parents and the Temple. Why is reverence so significant for holiness?

The Juxtaposition of Shabbat and Parents

Let us take a moment to discuss the connection between respect for one’s parents and the Sabbath.

The placing of reverence for one's parents next to keeping Shabbat and the mention of reverence for the sanctuary alongside keeping Shabbat have halakhic implications. The Sages derive from these juxtapositions that one must observe Shabbat even if his parents ask him to desecrate it and that it is forbidden to build the Temple on Shabbat.

Thus, the Midrash (Sifra, ad loc.) writes:

Alternatively, “Every one of you shall revere his mother and his father” — one might think that if his father or mother tells him to transgress one of the commandments stated in the

Torah, he should listen to them. Therefore, the Torah says, “And you shall keep my sabbaths” — you are all obligated to honor Me…

One might think that building the Temple would supersede the Sabbath; therefore, the Torah says, “You shall keep my Sabbaths and revere my sanctuary.”

The Sages explain that although parents are accorded extra special treatment, their heightened position is still surpassed by that of God, whose final word surpasses that of any human, including parents.

Yet, while this lesson is important, logically any mitzva could have been used to teach this lesson. What is the connection between Shabbat and God's will being paramount over the will of one's parents?

The Connection between Shabbat and Parents

Rav Hirsch (ad loc.) explains how these mitzvot educate one to fulfill the mission statement of being holy.

Revering one’s mother and father and sanctifying the Sabbath educate the Jew to the holiness of life, from the day he is born to the day he dies. This reverence for parents is the first step toward sanctity…

Parents convey to their children not only physical existence, but also the Jewish mission. They transmit to the next generation Jewish history and the Torah’s God-given status. Hence, it is not the good that parents do for their children, but the mission given to the parents concerning their children, which is the basis of the mitzva of honoring parents. He who honors his father and his mother honors God and His revelation in history and in the Torah.

Rav Hirsch continues that this chapter of kedusha teaches the child to subordinate his will in order to train himself towards self-control, as one of the most important elements of holiness is the ability to restrict one's urges and desires in order to achieve a higher calling.

The Alshikh here begins his commentary by explaining the need to connect the directive of being holy with revering one's parents:

This is God’s message to man: I commanded you to become holy in order to secure eternal life in the World to Come. However, before you focus yourself on a life of holiness in order to achieve eternity, realize that your father and mother brought you into life in this world. Though it may be temporary, it is this life that gives you the ability to merit eternity. Therefore, do not be ungrateful; revere your biological parents.

The Alshikh continues by explaining that the connection between these two mitzvot emanates from the very nature of the beginning of each life, as Kiddushin 30b states: “There are three partners in a person: God, his father and his mother.”

The Torah selects Sabbath observance as the example to demonstrate that obedience to God has overriding priority because the parents, having contributed two thirds to the creation of the human being, might claim that they are entitled to a greater share of their children's obedience than God. One answer why this is a spurious claim is that even the parents’ contribution to the child's life, i.e. the physical part, consists of material originally created by God. He, having created the first human, is essentially the creator of all three

parts of man. Now, God does not need a partner for anything; rather, He graciously allows the parents to join Him.

The Alshikh adds:

Since the Shabbat is the symbol of God having created the universe out of nothing, the Torah, by mentioning Shabbat observance immediately after the commandment to revere one's parents, provides the rationale for why God's commandments supersede any demands parents may make on their children. The Torah is reminding us here that both we and our parents are duty-bound to recognize his primacy.

As explained in Parashat Bereishit, the relationship of the Shabbat to the universe is like the relationship of the soul to the body. A physical universe could not exist, could not endure, without the spiritual infusion called Shabbat. Similarly, the two thirds of a person contributed by one's parents would be meaningless without the last third contributed by God, namely the soul, the spiritual essence of man.

The Keli Yakar takes a similar tack. He explains that respect for one's parents is the expression of gratitude towards those who bring one into the world, and Shabbat reminds us that the world and everything in it have been created by God, Who is therefore our parent as well (and it is for that reason that in the event of a clash, His will takes precedence over honoring one's parents).

In Along the Maggid's Journey, pp. 65-66, Rabbi Paysach Krohn records a beautiful story about Rav Moshe Feinstein which echoes this idea. Reb Moshe was once approached by a noted mathematician whose son wished to continue learning Torah after his high school education instead of immediately embarking on a career path.

The father said: "I am a mathematician, and I would like my son to enter the same field. I know that you would prefer that he continue his Torah studies, but the rabbis teach: 'There are three partners in a person: God, his father and his mother.' You represent God's point of view: that my son should remain with his Torah studies, but my wife and I don't feel that way. We want him to go to college, and we are a majority of two-to-one. Doesn't the Torah say (Shemot 23:2), 'Follow the majority'?"

Reb Moshe's response was fascinating, as he smiled at the father and said, "Your arithmetic is incorrect. Let us think of the partnership in your son as nine shares. God has three-ninths, and you and your wife have three-ninths each. But God is a part of each of you as well, so you can speak for only two-thirds of your own self; the other third belongs to God.

"Therefore," explained Reb Moshe, "three-ninths of your son, which is God's share, votes for him to remain in learning. One-third of both you and your wife – the part which is God's – also want him to learn. If you add it all together, you have five-ninths in favor and only four-ninths against. Thus, the majority rules, and he should continue in yeshiva."

The General Lesson

The Alshikh also understands this point as leading to the next line in this chapter:

Now, one might argue that since the Torah commands us to respect and obey our parents in spite of the limited role they have in our existence, we should also respect and revere other agents of God, e.g. forces of nature such as the sun, etc. Therefore the Torah warns us in the next verse: "Do not turn to idols" — you must not have any

reverence or even regard for other so-called deities, because "I am Lord your God," exclusively.

Rav Hirsch explains that the mention of Shabbat here reminds us that "Parents have been appointed to be emissaries of God's will, and for this purpose alone has authority been invested in their will. Naturally, then, the parents' will must retreat before God's will." Furthermore, he explains, there is a pedagogical point:

Shabbat serves as an example; when a child sees his parents observing Shabbat, he learns to make obedience to God preeminent.

Rav Hirsch also notes another distinction between the formulation of the Ten Commandments and that of our chapter: Shabbat and respect for one's parents are referred to in the former in the singular, while here the verse mandates reverence for parents and keeping Shabbat in the plural. He explains:

It is not only individuals who must fulfill these two fundamentals of Jewish morality; rather, they are to leave their imprint on the whole Jewish national character. Because of them, God becomes our God; through them, our homage to God is made manifest. They are two pillars of the holiness of Jewish life. As long as these pillars are in place, there is a basis for our very relationship to God, and God says of us: "I am Lord your God." Experience too teaches us that when one of these pillars falls, the other falls also.

Based on this analysis, it would seem that the Torah is teaching the Jewish people that while holiness requires the proper treatment of one's fellow man, the failure to realize that God is the source of mankind and that His directives are preeminent is a falsification of the concept of true sanctity.

God created the Shabbat, which is not only a holy day which attests to Divine creation, but a reminder that the entire world has purpose, as man was placed in a world that was "very good" (Bereishit 1:31). God could therefore "rest," while giving man the mission of living by the ideal of holiness not just one day a week, but at all times and in all endeavors.

The perfection of the Divine creation may sometimes be hard to comprehend, but these twin mitzvot help us realize it. Treating one's parents, God's partners in creation, properly and observing the weekly reminder of Shabbat are meant to serve as the cornerstones of one's recognition that God lies behind his own birth and that the world was created for a purpose. Remembering that God's will and His commandments take precedence opens the door for a life of holiness, as described in the rest of the chapter.

In next week's lesson, we will start analyzing interpersonal holiness one mitzva at a time, beginning with the sacred mandate of revering one's parents.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #03: Where Kavod Meets Mora

In last week's lesson, we discussed the general structure of Parashat Kedoshim's first chapter (Vayikra 19). As we have seen, the introductory verse to the commandments of holiness mentions two mitzvot: revering one's parents and safeguarding Shabbat.

Every one of you shall revere his mother and his father, and you shall keep my sabbaths; I am Lord your God. (v. 3)

While classifying revering one's parents as an interpersonal obligation, a mitzva bein adam le-chavero, is quite logical, there is a clear difficulty involved in this assumption. In the previous lesson we noted that the first section of this chapter details mitzvot bein adam la-Makom, ritual commands, so why would mora (reverence) for one's parents be here?

In fact, this chapter of kedusha seems to place a great deal of emphasis upon the concept of reverence, as it details the requirements of mora of one's parents, mora of the Sanctuary, and according to the Yere'im, mora of Shabbat as well. What does mora add, and why is it specifically found here in the chapter of kedusha, holiness?

Honoring One's Parents

The mitzva of honoring one's parents is given center stage in the Ten Commandments, of which it is the fifth.

Honor your father and your mother; so that your days may be lengthened upon the ground that Lord, your God, gives you. (Shemot 20:11)

When the Ten Commandments are repeated in Devarim, the description is somewhat more elaborate:

Honor your father and your mother, as Lord, your God, has commanded you; so that your days may be lengthened and so that it shall be good for you upon the ground that Lord, your God, gives you. (Devarim 5:15)

While kavod is well-known, mora has been accorded much less discussion. In the Oral Torah, the Talmud in Kiddushin records at great length the many facets of the mitzva of honoring one's parents, but mora gets only a short mention. Nevertheless, it does seem to reflect a certain degree of novelty and importance.

Since our primary focus is uncovering the elements of kedusha latent in the interpersonal mitzvot in Parashat Kedoshim and there is already a wealth of material written regarding the obligation to honor one's parents, we will limit our discussion of this mitzva, focusing on that which will help us understand, by comparison and contrast, the nature of mora.

Distinguishing between Kavod and Mora

The Talmud (Kiddushin 31b) states:

The Rabbis taught: “What is meant by honoring parents? Honor means serving food and drink, helping them get dressed, welcoming them when they enter and escorting them when they leave the home.”

Essentially, honoring is tending to one's parents physical needs. Mora is defined there differently:

The Rabbis taught: “What is meant by revering parents? Reverence means neither standing in his customary place, nor sitting in his seat, nor contradicting his words, nor passing judgment over his father’s opinion.”

At first glance, the difference would seem to be that kavod requires tending to the physical needs of one's parents, while mora requires one to give added respect to one's parents, treating them differently than one would treat anyone else, even the best of friends.

The first law forbids sitting in a parent's seat. The simple understanding is that doing so would indicate viewing oneself as on par with the parent. Therefore, the halakhic authorities ban all similar acts.

Along the same lines, one must not contradict one's parents, or even validate their opinions, as that would seem to be equating one’s own opinion to that of the parent. Similarly, one should not refer to parents by name.

These laws emphasize the care and caution one must employ when dealing with one's parents.

Still, the following question remains: how do the obligations of mora relate to the obligations of kavod? Let us consider the scope of each mitzva.

The Scope of the Obligation of Kavod

The Talmud tells us that kavod includes the aforementioned actions of tending to one's parents physical needs. While the mitzva of kavod clearly includes other similar actions and requires that one fulfill parental requests that will benefit them and provide them with direct physical pleasure, it is not clear whether obeying their wishes under any and all circumstances, such as fulfilling a general request or demand of theirs, is included. A number of authorities do include this in the mitzva of kavod, while others do not.

An interesting understanding is presented (ad loc.) by the Sefer Ha-mikna. He explains that kavod requires taking care of one's parent's needs when one has not been asked to do so. However, whenever a parent makes any request of a child, even of physical need, it automatically is subsumed under the category of mora, not kavod. This requires a child to heed all parental requests, and it is treated with greater severity than kavod. (See also Sefer Ha-charedim 5, 2 and Mahari Bei Rav, Responsa of Rabbi Akiva Eger 1:68)

In fact, we will see that a number of sources seem to indicate that the obligation of mora is more expansive than that of kavod.

Thus, the Seforno writes (Vayikra 19:3):

This verse teaches us that honoring one's parents should not be done in an arrogant manner, even though one honors them by supplying them with food, drink, and clothing. Indeed, our Sages say: "One can give his father pheasant to eat and yet be driven out of the world" (Kiddushin 31a). Rather, one must honor them as one would honor superior people who are due reverence.

Obligation of the Heart

This Talmudic statement cited by the Seforno indicates that these mitzvot may require not only action, but a proper attitude as well. Though one may serve the finest delicacies to one's parents, he may forfeit his right to exist! Rashi explains that one who shows resentment while serving a parent will be punished. Tosafot cite the Jerusalem Talmud (Peia 15c).

The story is told of one who regularly served his father pheasant. One time his father inquired, "How are you able to obtain this delicacy on a regular basis?" The son responded, "What do you care, old man? Just keep grinding and eat," as if to say: just keep chewing and keep quiet.

While the Talmud denounces resentment and disrespectful speech while tending to the needs of a parent, a number of sources seem to require an emotional connection as well. For instance, the Sefer Charedim states that one must have feelings of love and affection as well:

"Honor your father and your mother" — this honor applies to one's feelings and emotions as well as actions. If one displays honor for parents only in speech and deed, he shows that in reality he considers them to be lowly people and honors them only because God says so. Rather, he must develop an attitude wherein he sees them as truly great and honorable people, and this is the main aspect of honoring parents. Once one has developed this attitude, it will be easy for him to honor them sincerely in his speech and action as well. (1:35)

The Zohar praises "the son who looks after his father and mother and who loves them more than his own self, to the point that he would be willing to give up everything he had if only to do the will of his parents and to serve them." This depiction teaches us that our Sages understand that the obligation to honor one's parents includes loving them. And this follows logically, for doesn't the Midrash teach that honoring one's parents is a debt that one owes them for all that they have done for him? If so, part of that debt is the obligation to love one's parents intensely, as they love him, instead of feeling that they are a heavy burden or a bother. (9:37)

Although the Talmudic descriptions of kavod and mora detail the actions required of a child, this does not seem to encompass the entirety of the obligation.

In fact, the emotional component of mora may help us understand the dispute as to whether these requirements apply even in private. The Taz (YD 240:2) and Arukh Ha-shulchan rule that even in total privacy one may not occupy the parent's seat, even if no one else, including the parent, will see.

The Ein Yaakov (Kiddushin 31a) further explains that refraining from sitting in a parent's seat is viewed as mora rather than kavod because an onlooker may have no way of knowing the significance of avoiding a given chair; therefore, it is God alone who knows the true intent in one's heart.

The Rav, Rabbi Joseph B. Soloveitchik, makes note of the inner dimensions of these mitzvot as well, explaining that kavod and mora consists of two components, outward action and inward experience. Although one might fulfill the dictates of proper conduct without acting out of a spirit of good will, the mitzva requires more. There is an additional aspect, the motivation behind one's deeds; this raises one's act from a technical discipline to an experience, rendering it sincere and meaningful action.

At the level of honoring, action becomes the agency through which the inner commitment of child to parent speaks, and the formal relationship turns into ultimate relatedness, mechanical distance into spiritual closeness, and the separateness of two personae is supplanted by an existential union. (Family Redeemed, p. 128)

Thus, the Rav explains, a wealthy child who provides all the parents' needs without feeling attached to them will only fulfill the outward component; conversely, a child who lacks material means but is committed to his parents in every way possible may only fulfill the inward experience. One may love his parents yet act out in ways showing them disrespect, failing to fulfill the outward obligations of mora but holding true to the inward experience. On the other hand, one may show them tremendous honor and reverence, while missing all aspects of feeling, thereby fulfilling only the outward component. Obviously the goal is to merge one's outward action with the inner experience.

The Rav also notes that the Torah uses kavod to describe taking care of the needs of one's parents, even though taking care of others is subsumed under the category of tzedaka; this proves that kavod involves a deeper connection. For that reason, the Talmud (Kiddushin 30b) notes that the term kavod is used in describing one's relationship with God, Who certainly requires no assistance: "Thus the Torah compares the honor due to parents to that due to the Omnipresent."

In order to understand the nature of these mitzvot, we must identify the underlying rationale of these mitzvot, concerning which there is a wide range of opinion among Jewish thinkers.

The Rationale for Special Treatment of One's Parents

The question must be asked: why are parents accorded such special treatment? After all, regarding all people there is a mitzva of loving one's fellow. If so, everyone should be treated with the utmost respect. Yet this mitzva goes far beyond the general requirements of love. Why?

The most basic understanding for the special honor that must be accorded to one's parents is the principle of hakarat ha-tov, gratitude, which is a major foundation of the Torah. This concept of gratitude is not to be taken lightly. In Chovot Ha-levavot (3, introduction), R. Bachya ibn Pakuda traces all religious and ethical feeling to the experience of gratitude. Awareness of grateful indebtedness is a core of our religious and moral thinking.

Most parents (though there are notable exceptions to the contrary) provide endlessly for the needs of their children. Parents open up their wallets and their hearts to their children, staying up to all hours of the night and thinking constantly about what they can do to better their children's lot. While this is often forgotten in the hustle and bustle of everyday interactions, a parent's job is one of the hardest, and it is deserving of a significant degree of gratitude.

This idea is expressed by a number of commentaries, among them the Chinnukh (33):

At the root of this mitzva lies the thought that it is fitting for a man to acknowledge and treat with loving-kindness the person who has treated him with goodness. He must not be a scoundrel, an ingrate who turns a cold shoulder — for this is an evil quality, utterly vile before God and mankind. It is incumbent upon a person to realize that his father and mother are the cause of his being in the world; hence, in the truest sense, it is proper for him to give them every honor and benefit that he can, since they brought him into the world and then, too, labored through many troubles over him while raising him.

The Chinnukh seems to clearly state that what lies at the base of this mitzva is gratitude. What is interesting about this reasoning is that the concept of gratitude is a very logical concept, seemingly applicable to all of humanity. Indeed, the Talmud (loc. cit.) uses the story of a non-Jew to illustrate this mitzva.

They asked of Rabbi Eliezer: "How far does the mitzva of honoring one's father and mother extend?"

He answered them: "Go and see what one idolater in Ashkelon did for his father! His name was Dama son of Netina, and it once happened that the sages wanted to stones for the Ephod from him, for a profit of six hundred thousand [gold dinars] — Rav Kahana says: eight hundred thousand — but the key was under his father's head, and he did not disturb his father.

While it is pleasant to see how someone was willing to forgo a fortune so as not to wake up his father, it seems a bit strange that the Talmud relates an anecdote about a non-Jew. A non-Jew may certainly excel in gratitude, but doesn't the placement of honoring one's parents in the Ten Commandments indicate that there is a unique element in this mitzva for Jews?

Furthermore, the commentators (ad loc.) point out that the way in which he honored his father might not be in line with Halakha at all. (See Year 1, Lesson 10 for an in-depth discussion of this passage).

Indeed, according to some sources, the mitzva of honoring one's parents was given at Mara (see Daat Zekenim and Ramban, Shemot 15:25), prior to the giving of the Torah, serving as an introduction to the Jewish faith and its obligations. But what is uniquely Jewish about honoring one's parents?

Let us see what the Chinnukh goes on to write:

After an individual has successfully integrated these feelings of gratitude and appreciation for his parents, he will be able to ascend to a higher level: that of appreciating what God has done for him. God, after all, is the ultimate Source of each man and all of his forefathers, all the way back to Adam. God brought him out of the womb and into this world, provided his needs throughout his life, gave him a working body and gave him an intellectual, knowledgeable and insightful soul. Without this intelligent soul, he would be like a horse or a donkey, with no understanding. One should contemplate how indebted he is to God and how great is his obligation to make sure to serve Him properly.

Thus, honoring one's parents is intimately connected with one's relationship to the Divine; it can be classified as a true mitzva bein adam la-Makom.

Difficulty of this Mitzva

Nevertheless, a number of sources stress the difficulty of fulfilling this mitzva properly. For instance, the Jerusalem Talmud (loc. cit.) records:

Rabbi Tarfon's mother went to her courtyard to take a walk on Shabbat, so Rabbi Tarfon went and placed his two hands under her feet, and she walked on them until she reached her bed. One time Rabbi Tarfon became ill, and the sages came to visit him. His mother said to them, “Pray on behalf of my son, for he conducts himself with exceptional honor towards me.” They said to her, “What does he do for you?” and she relayed this occurrence to them. They said to her, “Even if he were to do this act thousands upon thousands of times, he would not approach one half of the honor that is stipulated in the Torah."

Why is this mitzva so demanding? On a simple level, the difficulty stems from the essential obligation which is very expansive, as one can never finish with the mitzva; there will always be needs that arise and remain unmet.

Moreover, due to the tremendous gratitude one must have towards one's parents, the obligation is almost endless. In fact, in Judaism, as the Rav writes, hakarat ha-tov "signifies not only the duty of repaying a favor received but an act of recognition and axiological appraisal, a value judgment, a feeling of being indebted and a sense of obligation as well… Gratitude means going out of ourselves toward the thou, placing ourselves in a unique relation to our benefactor, and letting him share with us our most precious possession — ourselves." (Family Redeemed, pp. 140-141)

The extent of gratitude is so expansive that one can never fully feel that he or she has done all that is necessary. However, there would seem to be some other deeply-seated psychological rationales for why the mitzva is so difficult. People often find it very challenging to admit their limitations and vulnerabilities. Coming to terms with the fact that one’s life is owed to someone else may be exponentially more problematic.

Ours is a generation that takes a step back before acknowledging any sense of indebtedness, especially when it might be viewed as entitling another to express an opinion on one’s way of life. Properly acknowledging the role of parents in one’s life might be viewed as license for them to make decisions on one’s behalf. After all, they gave birth, they changed the diapers and they spent the money on clothes and education.

Essentially, we may say that the difficulty of hakarat ha-tov in general is magnified when one considers the overwhelming debt owed one’s parents.

Something Deeper

While these reasons may explain why the mitzva is so difficult for the child, they don't necessarily explain why the obligation is so expansive. Why was Rabbi Tarfon's behavior insufficient?

Furthermore, the placement of the mitzva among the Ten Commandments and of the mitzva of mora at the beginning of Kedoshim, when considered along with the expansive obligations that each requires, may point to another element in this mitzva.

We have certainly come a long way in our understanding of this mitzva, but to really plumb the depths of this obligation, we will have to wait for the next lesson.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #04: The Godly Element within Parental Care

In last week's lesson, we noted that although the mitzvot requiring special treatment of one's parents express gratitude, there is an additional element as well, a uniquely Jewish message of respecting parents. This may help explain the placement of the mitzva of kavod in the Ten Commandments and the placement of mora at the beginning of Kedoshim. These are two foundational texts, and what we find in them has clear significance. Furthermore, the magnitude and extent of the obligation demand that we seek a fuller understanding of this mitzva: specifically, God's role in the parent-child relationship.

A Godly Element

The Talmud (Kiddushin 30b) states:

The Rabbis taught: “There are three partners in a person: God, his father and his mother. When one honors his father and mother, God says, ‘I consider it as if I live among this family and they show Me honor.’"

The Talmud (ibid.) goes so far as to equate the honor one should accord one's parents with the honor due to God:

The Rabbis taught: “It is written, ‘Honor your father and your mother,’ and it is also written (Mishlei 3:9), ‘Honor God with your resources.’ Thus the Torah compares the honor due to parents to that due to the Omnipresent."

Evidently, honoring one's parents is connected to revering God. In light of these sources, a number of commentaries maintain that beyond the element of gratitude, this mitzva promotes developing a proper relationship with God through one's parents.

The First Half of the Ten Commandments

Rav Yosef Albo, in his monumental work Sefer Ha-ikkarim (Book of Fundamental Principles), notes (Book III, Ch. 26) that the Ten Commandments were given on Two Tablets because they embrace two classes of mitzvot. The first five address one's acceptance of God and one's relationship with God, while the second five regard how one must relate to his fellow man.

The Ten Commandments were placed on the Two Tablets to show that these two classes of commandments are distinct and that both are necessary for human perfection: one for perfection of the man as an individual, and one for his perfection as being part of the state.

What is interesting according to this explanation is that the fifth commandment, honoring one's parents, is found on the first tablet, placing it amongst the other mitzvot relating to

one's relationship with God. Rav Albo is quite aware of this; in fact, he explains that that is indeed the nature of the commandment. He compares this to a king who appears once before his subjects and later relies on the elders among them to transmit that experience to their children. So too, God having revealed himself to mankind at Sinai, relies on the parents to impart the knowledge of this national revelation to their children. If the younger generation does not respect their forebears, they may mistake their lack of seeing God for proof of His nonexistence.

There is no way of escaping such folly except by submitting to parents and receiving their instruction, for the parents will inform their children that they were slaves… Hence, so that the rule of the king and the benefit he conferred upon them through redeeming them from slavery may not be forgotten, the children of every generation must obey their parents and accept their instruction. Hence the fifth commandment teaches respect for tradition, by way of teaching children to follow the tradition of their fathers… as one cannot conceive the truth of the past without being obedient to the tradition of the fathers and the wise men of one's religion.

Thus, to a certain degree, God does not only collaborate with one's parents in order to create a child as a physical being with a spiritual essence; He must continue to partner with one's parents in order to ensure that future generations will be aware of the spiritual tradition they have been born into.

A similar idea is mentioned by the Keli Yakar (Shemot 20:12), who also notes that the name of God appears only in the first five commandments, further indicating that the mitzvot in the first half of the Ten Commandments focus on one's relationship with God.

This mitzva concludes the first five commandments, which discuss honoring God. It is for this reason that in these first five commandments it says "Lord, your God," whereas there is no mention of God in the last five commandments, which discuss obligations between individuals. Although honoring one's father and mother is essentially an obligation between people, it is also related to God since there are three partners in [the creation of] a person: God, the father and the mother. If I respect my father and mother who are the ones who created my physical body – which will eventually wither and die – how much more I should honor my Father in Heaven, who grants me the superior component, my eternal soul!

Although the Keli Yakar focuses on the fact that proper treatment of one's parents by definition requires proper treatment of God as well, Rav S.R. Hirsch (ad loc.) captures the idea originally presented by Rav Albo regarding one's obligation to his parents as being essentially a means of knowing God.

The Exodus from Egypt and the Giving of the Torah are the two foundations on which the nation of Israel is built. It is they that serve as the basis for our submission to God as the Ruler and Master of our destinies and lives. These two events are historical facts, and we know them and recognize them to be historical truths. However, the only guarantor of their truth is tradition, and the basis for tradition is the faithful transmission to children by their parents and the willing acceptance of it by the children from their parents… It emerges from this that respect for one's parents is the precondition for the eternity of the Jewish people. Through the father and the mother, God imparts to the child not only his basic existence, but the link to the Jewish past that enables him to be a Jew… They transmit to him the lessons of Jewish history and the teachings of Torah, so that he too will bequeath them to his children when the time comes… Indeed, the role of parents in Jewish life is pivotal, and for this reason the Torah assigns it a place of prominence by declaring in the Ten Commandments, "Honor your father and your mother."

Bridging Two Worlds: Relating to God and Relating to Humanity

While these commentators note the placement of this mitzva in the first of the Two Tablets, it is also significant in that it is the fifth and final mitzva in this group, the one that is immediately followed by the various interpersonal mitzvot that are found on the second tablet.

While one's relationship with one's parents may reflect and be built upon one's relationship with God, it is still essentially an association with fellow human beings. The way in which one treats one's parents is liable to reflect both on one's relationship with God as well as one's connection to others.

This idea may form the basis of the Ramban's explanation (Shemot 20:12) of the verse in the Ten Commandments mandating kavod for parents. He explains why this mitzva appears after the ritual obligations:

Having finished mentioning one's obligations towards the Creator Himself, He now commands us regarding the treatment of fellow created beings. He begins with the father, for in relation to his offspring, he is akin to a creator, being a partner with Him in the forming of the child. God is our first Father, and the male who begets us is our last father. For this reason, God says (Devarim 5:15): "Honor your father and your mother, as Lord, your God, has commanded you." This means: just as I have commanded you concerning My honor, so do I command you concerning the honor of those who have joined Me in your formation. The Torah does not even describe the honor one must accord their parents for it may be derived from the honor we must show our first Father, Blessed be He… The Sages have already said that honoring parents is likened to honoring God.

Thus, parents play an essential role in teaching their progeny the proper way to serve God, but perhaps more important is their role in testifying to God's existence, as stated by Rav Yosef Albo above.

Remembering the Experience at Sinai through the Parental Chain

Furthermore, let us consider the Moshe's warning about Sinai (Devarim 4:9-10), also known as Chorev:

Only beware for yourself and greatly beware for your soul, lest you forget the things that your eyes have beheld and lest you remove them from your heart all the days of your life. Rather, make it known to your children and your children's children, the day that you stood before Lord your God at Chorev, when God said to me: "Gather the people to Me and I shall let them hear My words, so that they shall learn to fear Me all the days that they live on the earth, and they shall teach their children."

The Ramban (ad loc.) explains the nature of this mitzva to recall the Sinai experience and to impart it to one's children in every generation:

This is meant to be a negative commandment, warning the Jewish people neither to forget the revelation at Sinai nor to remove it from our hearts; rather, we must convey it to our children.

He further charges in the form of a positive commandment that we should inform all our children, from generation to generation, of everything that happened.

The Ramban continues by arguing that there is tremendous benefit to be gained by fulfilling this commandment. In fact, God ensured that one could cast no doubt upon the veracity of the Torah by teaching the entire people as a whole, instead of just teaching

Moshe, even though Moshe was known for his signs and wonders. This national revelation allows the Jewish people to hear a "first-hand account" of Sinai, through the tradition handed down by parent to child in every generation.

When we shall also transmit the matter of the revelation to our children, they will know that the thing is true without doubt as if all the generations had seen it, for we would not testify falsely to our children to cause them to inherit "vanity and things wherein there is no profit" (Yirmeyahu 16:19). They will not doubt at all the testimony we will give them; instead they will believe with certainty that all of us saw it with our eyes, and likewise they will believe all that we tell them.

Essentially, the Ramban maintains, an entire nation would not lie to their children as they tell them the events which they witnessed at the Giving of the Torah. Therefore, when they impart the instructions to their children and educate them to live their lives based on its teachings, the truth of God and the Torah will be an eternal part of Jewish tradition. God collaborates with parents in the formation of a soul, and they partner with Him to impart to future generations the tradition of Godliness which is at the heart of Jewish life.

With this in mind, it is very understandable why according proper respect to the generation of the parents also ensures that this message is retained.

In fact, as we noted in two lessons ago, this connection between revering God and revering parents may also be connected to revering Shabbat, as an example of the principle that under all conditions, God's law must be maintained. The Meshekh Chokhma explains that the mitzva of reverence "involves also the revelation at Sinai and the law Moshe received from God which have been handed down through the generations, from father to son; without filial respect and trust, the Torah would disappear from Israel. This mitzva could therefore be deemed to be of overriding importance, even in relation to Shabbat, and therefore the Torah must teach us that under no conditions does reverence for one's parents outweigh His commands."

This idea of connecting the special treatment accorded to one's parents with their part in transmitting the Jewish tradition is captured in a well-known story told of Rabbi Yaakov Kamenetsky:

On a flight back to the United States from Israel, Rabbi Yaakov Kamenetsky was accompanied by his son Rabbi Avraham Kamenetsky and by one of his granddaughters. Sitting in the next seat to Reb Yaakov was one of the heads of the Histadrut (the Israeli labor federation). The two discussed many issues, among them difficult passages in Tanakh, throughout the flight. All the while Reb Yaakov's son and granddaughter came regularly to see if he needed anything. Reb Yaakov's seat-mate couldn't contain his amazement. "Rabbi," he said, "I rarely see my grandchildren, and certainly do not enjoy that type of relationship with them; I don't think I ever would receive such loving treatment from my children and grandchildren. Tell me, Rabbi, what is the secret of your close connection with your family?"

Reb Yaakov replied, "For those who believe in Darwin and his theory of random evolution, every successive generation is more refined and developed than its predecessors. Why, then, should the young honor the old? However, in our tradition, every earlier generation is closer to the Sinai experience and the source of our specialness as a people. My children and grandchildren look up to me because it is through me that they have a connection to our people." (Rabbi Moshe Lieber, The Fifth Commandment, p. 25)

With all these sources in mind, we can return to some of our original questions. While gratitude is an essential element of these mitzvot, it is only a portion of the overall picture.

As we have seen, the placement of honoring parents in the Ten Commandments puts it at the culmination of the section of ritual mitzvot and as the bridge to the interpersonal ones. The parental role is the one most directly related to that of God, and honoring one's parents allows one to truly worship the Almighty.

In fact, based on these sources, it is very understandable why the mitzva of mora appears in Kedoshim. This mitzva is essential for understanding how God's holiness is immanent in our very existence.

Before we look at the halakhic ramifications of these different elements, let us consider the view of the Rav, Rabbi Joseph B. Soloveitchik.

Three Elements: Pragmatic, Ethical, Ontic

The Rav (Family Redeemed, pp. 130-147) notes that there are three different motifs that are bound with the mitzvot of parental care. First, there is the pragmatic: the Torah recognizes the helplessness of an individual in terms of his inability to remain self-sufficient his entire life. For this reason, one basis of all mitzvot bein adam le-chavero is the interdependence of individuals. The Torah is not embarrassed to recognize man's utilitarian nature: just as without parental care a child is helpless, so too without the care of the child as the parent ages, the elderly will be left without the wherewithal to care for themselves. Although the rules of parental treatment are moral, they are not divorced from the fact that they promote the interests of the doer. One who takes care of his parents will in turn be cared for by his children in his time of need.

This pragmatic element recognizes that God created man as a needy being who cannot gratify all his physical drives without employing the help of others. The basis of chesed is the utilitarian's realization that to be charitable is practical and useful. (See Year 2, Lesson 1; viz. Family Redeemed, pp. 134-137.) God created the need for a society of individuals dependent on each other. Therefore, He charges all with interpersonal duties, in order to ensure that these needs are met.

Thus, honoring and revering parents is rooted in a realization, the selfish awareness that just as the child cannot make it through infancy and youth without his parents, they need him in their period of infirmity, just as he will need the assistance of his children in his elder years.

However, there is a second element to the utilitarian motif, that of ethical idealism. The recognition that parents take care of the needs of a child may lead to one of two responses. As mentioned, on the pragmatic level, the child may realize that everyone needs help at times, and therefore it is worthwhile to care for others in order to receive the same treatment in one's time of need. However, this recognition may also inspire a completely different response, an unselfish display of gratitude towards those who have cared for one over the course of many years.

To this end, the child must feel indebted to his parents for all their selfless care on his behalf in a way that recognizes a new ontic perspective: "The self is not the exclusive property of the person himself. The benefactor contributed to the development of myself, my talents, abilities and skills, possibly more than myself…"

With this in mind, it is possible to understand the tremendous importance that the Torah places on the kavod of one's parents as denouncing narcissism. One must realize that all achievements, as great as they may be, involve others who help one bring out them to fruition.

Simultaneously, the concept of gratitude teaches that "no action, inward or external should be exclusively I-directed. Any concern for oneself points at the same time toward the other." As one embraces his dependent nature, his focus is not on the first element, that we all need each other's help at some time or another; rather, one he feels his incompleteness without others. Therefore, one will generally desire to help and repay those who have made him who he is. Gratitude therefore involves awareness of others.

Thus, being grateful towards parents expresses one's awareness of their role in his creation, in the literal sense of the word; that recognition requires care and concern on the part of the child.

While the utilitarian motif exists, it is only a part of the obligation. In fact, there are times when this element is utterly absent, as an individual may not have the opportunity to raise children of his own, while one is bound to help parents even if they were not caregivers to the infant and the child.

The general mitzva of loving one's fellow as oneself (see Year 1, Lessons 28 and 29) mandates the prevention of harm and the commission of good for another. Above and beyond that, it requires that one do for another whatever one might do for himself. Nevertheless, there are limits, as the Talmud (Bava Metzia 62a) teaches:

Two are travelling on a journey, and one has a canteen of water; if both drink, they will [both] die, but if one only drinks, he can reach civilization. Ben Petura said, "It is better that both should drink and die, rather than that one should behold his companion's death," until Rabbi Akiva came and taught: "'And your brother shall live with you' (Vayikra 25:36) — your life takes precedence over his life."

Rabbi Akiva deduces that the obligation of tending to others applies only after taking care of one's own life.

This dispute is cited in the Talmud regarding the obligation of loving one's fellow that applies to all Jews: "your life takes precedence." Regarding a parent, however, the obligation goes even further. One cares for a parent's needs even when their needs have not been met, as they put the needs of their parents before their own needs. This obligation is not only rooted in the first two motifs of the self-interest of kindness and the Jewish ideal of gratitude; it recognizes the parents' part in the formation of one's personality, as well as the higher calling that the parents' existence imparts to him.

This third element requires a union of love, ontic oneness with one's parents; this leads to devotion indistinguishable from one's self-preservation.

These three motifs express the complex underpinnings of this basic requirement. Nevertheless, as we have noted previously, there are in fact two mitzvot here, kavod and mora, honor and reverence. How do they relate to each other? Is there a difference between showing respect to one's parents out of gratitude and doing so out of a realization of their partnership with God? These are the questions which we hope to answer next week.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #05: The Holiness of Mora

The Ramifications

In last week's lesson, we saw a number of sources which point to God's collaboration with parents in the creation of a child as the reason for the extra respect towards them which the child must show. This stands in contrast or in addition to the reason for the mitzva provided by the Chinnukh: the need to show gratitude for everything one's parents have provided.

Now we may ask the following question: is the special honor to be accorded to one's parents an interpersonal mitzva, requiring an added show of gratitude, due to the great care parents have provided for their children; or is the mitzva of honoring one's parents essentially a ritual obligation, wherein the parents are the conduit for honoring God?

This question is not merely academic, but one with halakhic ramifications. Different conclusions in specific cases may help us shed light on the distinction between these two rationales and the nature of this mitzva.

Two Types of Waiving

Let us consider the issue of mechila, waiving. Halakhically, mechila may refer to forgiving a debt, forgoing one's honor or forgiving someone for an offense. How is mechila applicable when it takes the form of waiving parental rights of respect and deference?

If showing kavod is an interpersonal mitzva directed at one's parents, then logically a parent should be able to forgo this honor. On the other hand, if honoring one's parents is a ritual obligation, a mitzva bein adam la-Makom, wherein the parents are merely the address of the obligation as a means of showing honor to one's heavenly Parent, then logic would dictate that the parents aren't capable of waiving this, as the honor is not really due to them but due to God.

The Talmud comments on this issue (Kiddushin 32a):

A father who has waived his honor, his honor is forgone.

The fact that the Talmud states explicitly that a parent can remove the obligation of a child to honor him seems to be unequivocal proof that the mitzva of kavod is an interpersonal mitzva, due to the debt of gratitude owed to one's parent.

However, this is not necessarily true. A number of commentaries argue that this principle derives not from the fact that parents own their honor, as it were, but from the following concept: "fulfilling the desire of a person is the way to honor them." (See Shulchan Arukh Ha-rav in a different context, 128:60.) Even if the honor is ultimately due to God, the way to express kavod is by deferring to the parents' wishes. If one's parents are fully capable of dressing or feeding themselves and the child insists on doing these actions for them

out of a sense of obligation, this is not an act of kavod, because the parent doesn't want it. Therefore, the Maharam Schick and others say no proof can be brought from the father's right to forgo his honor, as even if honoring one's parents is a mitzva bein adam la-Makom, it would still be dependent on the parents' wishes.

Furthermore, a number of Rishonim point out that even if the father forgoes his honor, it is still proper to honor him as much as possible (Tosafot Ha-Rosh ad loc.) and to treat him with a modicum of respect. For instance (Ritva ad loc.), the child may not rise for the parent upon seeing him, but the child should at least rise slightly when the parents comes close. (See also Shitta Mekubbetzet, Bava Metzia 32a, s.v. Od.)

The question regarding a different type of mechila is also discussed in this context. The Rambam (Hilkhot Teshuva 2:9; see Mishna Yoma 8:9) codifies that Yom Kippur, as well as the standard process of repentance throughout the year, only serve to absolve a person of sins between man and God, but not of those between man and his fellow. In order to atone for the latter, an individual must first right the wrong by either making restitution for the loss or fixing the damage caused, and then one may proceed to obtain verbal forgiveness from his fellow.

If we classify honoring parents as a mitzva bein adam la-Makom, then if one doesn't wrong his parents but is too busy to show them the proper honor, would he be obligated to repent to God only or must he also ask his parents for forgiveness?

The Minchat Chinnukh (33) actually entertains the possibility that one might only need to repent to God, as the parents are only the object of this mitzva bein adam le-chavero. However, logic dictates that here as well, even if the parents are only the object, failure to satisfy their wishes is defined as violating this mitzva, and their forgiveness must be sought when one has been deficient in honoring them.

What Type of Parents?

Logically, one may also assert that the reasoning behind the mitzva should determine whether everyone's parents must indeed be honored. If gratitude is the basis, the mitzva may be applicable only to parents who deserve to be thanked. Nevertheless, in some cases, it appears that the mitzva pertains even to parents who have been deficient in their parental responsibilities.

This may be evidence that the source of the obligation is not gratitude; however, some view it as an indication that both elements of the mitzva in fact exist: the mitzva of kavod is both a mitzva to honor one's parents for what they have done and to use their stature as a means of recognizing and connecting to God, our Heavenly Father. For instance, the Meshekh Chokhma (Devarim 5:15; see also Vayikra 19:3) takes note of the peculiar lengthy language that describes the mitzva of kavod when recorded in the second description of the Ten Commandments. There the Torah sates:

Honor your father and your mother, as Lord, your God, has commanded you; so that your days may be lengthened and so that it shall be good for you upon the ground that Lord, your God, gives you.

The Meshekh Chokhma begins by explaining that this indicates that one must honor their parents even if their parents have abandoned them and are not deserving of excessive gratitude. Then he continues:

Amongst the Jews there is another basis for respecting parents, for they raise their children to achieve "true" success by transmitting to them the mitzvot and the Jewish tradition from generation to generation…Therefore [the Torah] says that even if one's

father did not transmit to him the correct traditions, he should still honor him "as Lord, your God, has commanded you" – for you [who were present at Mount Sinai] are in a generation where the children also heard directly from God and do not require their parents' tradition, as you heard the Oral Law directly from Moshe. Yet, despite this, "Lord, your God, has commanded you" to honor your father and mother.

The divine connection mandates a level of honor even for ostensibly undeserving parents (though the exact parameters are beyond the purview of this discussion).

However, the Talmud (Bava Kamma 94b) states that if a man steals an animal and he then dies, his children must return the stolen animal to preserve their father's honor, but only if the father had repented before his passing. As the Tur (YD 240) notes, this seems to be compelling evidence that one need not honor a parent who is sinful. How is it, then, that the Rambam rules (Hilkhot Mamrim 6:11) that the mitzva of kavod applies even to one whose parents are sinners?

Rabbi Mordechai Willig explains that the Rambam only requires honoring sinful parents during their lifetime, as one can only prove from the Talmud that no obligation exists towards sinful parents after their death. How does this relate to our two rationales? Gratitude might understandably be limited to a parent's lifetime, but recognition of a parent's collaboration with God applies even after death, as long as the parent was a true partner with God and lived an ultimately righteous life. (See http://www.torahweb.org/torah/2000/parsha/rwil_lechlecha.html)

Similarly, one might be free from obligation of servicing a parent's needs if the parent is already cared for by others, as this is akin to waiving parental rights. Nevertheless, the Rambam (op. cit. 11) rules, regarding an elderly parent, that one should ideally care for the parent personally, and only if unable to do so, may one employ another. This ruling may be based on the fact that showing gratitude by ensuring that a parent's needs are met may be accomplished through another, but paying respect to one's parents as partners with God should, at least preferably, be done personally.

Kavod versus Mora

While there are sources that indicate that kavod of one's parents actually entails both these elements, there is room to advance this idea one step further: perhaps the two different mitzvot of parental care are actually rooted in these two different motifs. As noted, a child carries two responsibilities to his parents, kavod and mora, honoring and revering.

The Talmud (Kiddushin 31b) states:

The Rabbis taught: "What is meant by honoring parents? Honor means serving food and drink, helping them get dressed, welcoming them when they enter and escorting them when they leave the home."

The Rabbis taught: "What is meant by revering parents? Reverence means neither standing in his customary place, nor sitting in his seat, nor contradicting his words, nor passing judgment over his father's opinion."

While the placement in the Torah of the mitzva of kavod might to point us in the direction of focusing on its ritual content, the nature of the obligation pushes us in the opposite direction. The nature of kavod requires one to tend to one's parents' physical needs. The most basic background for the mitzva is the debt of gratitude one has towards one's parents; just as they provided physically for their child, the child should do the same for

them. True, honoring one's parents may also include an element of recognizing the parental role in transmitting the tradition; however, the focus of the mitzva is the gratitude displayed to these transmitters. For this reason, the Talmud can learn the obligation of honoring one's parents from the behavior of the non-Jew from Ashkelon, Dama ben Netina, whose devotion to his father prevents him from waking his father even at the cost of a major potential windfall. The grateful nature of kavod is understood by all of humanity.

Understanding that the mitzva of kavod addresses the physical needs of one's parents makes it difficult to view it as a means of deepening our relationship with God. It would appear to be an interpersonal mitzva of gratitude. The mitzva of mora, however, goes beyond this. For this reason, we may entertain the idea that although kavod is rooted in gratitude, coupled with an appreciation of God's place in the family, mora is the mitzva of revering the partners in one's creation, focused on God, the third partner in the birth of a child. By revering the first two tangible partners, one recognizes where one comes from, expressing the appreciation one has for God as well.

While kavod is placed at the epicenter of the Ten Commandments, mora also has a place of pride, as the first mitzva mentioned in Parashat Kedoshim. Evidently this mitzva is a guiding force in elevating a Jew to the level of kedusha. In order to live in this world a life of holiness, one must be cognizant of one's origins and realize the potential for kedusha there.

While kavod leads one to embrace the Jewish ideal of gratitude, mora brings an additional element, connecting through one's parents to the third partner in one's creation, God Himself.

The Talmud (ibid.) records:

Whenever Rav Yosef heard the footsteps of his mother, he would say: "Let me rise because the Divine Presence is coming."

While the mitzva of kavod ensures we take care of our parents' needs, mora reminds each and every member of the Jewish people to know his or her place. Indeed, the child may one day collaborate with the divine if God is generous enough to grant that child the gift and responsibility of becoming a parent.

Frame of Reference

Understanding mora as underscoring the connection between one's parents and God might also explain why it is found in Parashat Kedoshim.

The Or Ha-chayim (Vayikra 19:3) explains how the mitzva of "Kedoshim tihyu," often associated with maintaining control regarding forbidden sexual unions, relates to the commandment to revere one's parents. He cites the Sages' tradition (Sota 36) that Yosef was able to resist the temptation of Potiphar's wife because a vision of his father's face appeared before him. It was his father and all he symbolized that allowed Yosef to retain his holy inner character at the critical moment of extreme temptation. The Or Ha-chayim writes:

I have heard it said in the name of Kabbalists (Kav Ha-yashar, ch. 2) that the image of one's father's face strengthens the forces of sanctity within his child and helps him resist becoming a victim of temptation involving sexual abominations.

One's parents are the conduit through which they come to be knowledgeable about tradition and committed to its teachings. Therefore, one tempted by sin, especially regarding an illicit relationship, should try to use the image of one's parents to remain true to their ideals. The Or Ha-Chayim goes on to say that this is also a factor in the shame a parent may feel when a child leaves the spiritual path of tradition.

Rooted in the Divine Relationship

Rav Soloveitchik notes that the added element of mora may be understood in light of the Rambam's codification (loc. cit. 7) of the Talmudic delineation of the obligations of kavod and mora.

To what degree does the mitzva of honoring one's father and mother extend? Even if one's parents take his purse of gold and throw it into the sea in his presence, he should not embarrass them, shout, or vent anger at them. Instead, he should accept the Torah's decree and remain silent.

To what degree does the mitzva of fearing them extend? Even if one was wearing fine garments and sitting at the head of the community, if one's father and mother came, ripped the clothes, struck him on the head and spit in his face, he should not embarrass them. Instead, he should remain silent and fear the King of kings who commanded him to conduct himself in this manner. Were a mortal king to decree something which would cause him even more suffering, he would not be able to move a limb in protest. Certainly, this applies when the command emanates from He Who spoke and caused the world to come into existence as He desired it.

While both obligations express an advanced degree of care and concern, there is a clear difference between them. A parent's wasting a child's money might be unpleasant, but under certain circumstances the child might resort to similar acts and would waste his own money without a sufficient reason; therefore one must continue to honor one's parents in such a case. However, the obligation of mora applies even when parents completely embarrass a child, even though one would never knowingly subject himself to utter humiliation.

Rav Soloveitchik explains the distinction. Kavod recognizes equality, treating another in the manner one would expect to be treated. The mitzva of mora goes one step beyond, requiring not only equal love but preferential treatment, not only tolerance of the whims of a parent but patience and perseverance while dealing with a parent who has completely lost control and the ability to discriminate between right and wrong. This mora involves sacrifice, self-denial for the sake of the parent, serving him with an unqualified commitment, even suffering on his behalf.

The mitzva of mora means not only equality, but "reverence, which in turn expresses itself in self-giving to the parent, in placing him above myself, in assessing my relatedness to him as something sacred and indispensable for my own being, in experiencing a unique dependence upon him which can only be understood if placed within a metaphysical transcendental realm" (Family Redeemed, p. 152).

The only question left is the following: what is the reason for such selfless devotion? As we noted above, the requirements of kavod, while extreme, are understandable: one must love another as oneself, so demanding that a child do for his parents whatever he might want for himself is logical, even if in the current situation he would have chosen something else. However, Rav Soloveitchik notes, this concept of reverence involves a selfless care almost incompatible with human existence, as it itself is borrowed from the religious realm.

In truth, although we have been translating "mora" as reverence, it is also the term used to express fear. When describing one of the emotions man is supposed to have in relation to God, the Torah says:

Lord your God shall you fear, Him shall you serve and in His name shall you swear. (Devarim 6:16)

The commentators note that there are at least two different types of fear or reverence one must experience in their relationship to God.

The first is fear of punishment, expressed by the Rambam in his Sefer Ha-mitzvot (Positive 4):

He has commanded us that we are to fear Him and that we are to venerate Him, so that we may not by like those unbelievers who walk in the stubbornness of their hearts and in a spirit of contrariness. Instead, we are to live in fear of His punishment at all times.

However, there is also a second level of mora, awe of the exalted and majestic. This is the experience wherein one is not only cognizant of the power of God to punish, but rather "the feeling of awe arising from one's encounter with the infinite, mysterious, unknowable, and wholly other." It involves an awareness of something far beyond the human experience. This is described by the Rambam elsewhere (Hilkhot Yesodei Ha-Torah 2:2): when one obtains a glimpse of God's greatness, one realizes the gap between his lowly self and the infinite. "When he ponders these matters, he will recoil affrighted and realize that he is a small creature, lowly and obscure… standing in the presence of Him Who is infinite in His knowledge…"

Regarding one's relationship with God, both elements of mora are involved. However, man is not supposed to live in fear of his parents, only awe. This involves a relationship of admiration, profound adoration and awe. This is the meaning of revering one's parents, as they arouse within one's soul a craving, a longing, a deep fearful love, a tremor and a great joy.

This is an inner relationship, rooted not in the realm of interpersonal relationships but in the transcendental realm of a higher consciousness, by which we become aware of the mystery of being. It enables the realization that when in their presence, one does not only stand beside one's parents, but one feels his absolute dependence on a Higher Being. How does one reconcile the varying concepts of reverence? The Rav writes (loc. cit. p. 155):

The answer is implicit in the question and has already been suggested: the mora relationship to a parent must not be torn out of the context of relations to God. There is a secret unity beneath the surface diversity. Relationships and relatedness to a parent hides in its essence man's longing and craving for God; there is a final oneness in our surrender to parent and God. In fearing the parent, one stands in awe and tremor before God himself, before the "Before," the source of his existence; in giving parents respect and reverence one adores and worships God.

This distinction explains nicely why mora is placed in Parashat Kedoshim: to be holy and come close to God, reverence for one's parents is essential. This dovetails with a point made by the Shulchan Arukh Ha-Rav (128) in a different context, regarding the kohanim, the priestly descendants of Aharon. He explains that they may waive the honors due to them, but not elements of their kedusha. Kavod, as mentioned earlier, is dependent upon the will of the one being honored, and the honoree may waive this entitlement because one pays homage to an individual best by fulfilling the individual's wishes. However,

elements related to kedusha brook no mechila, for the holiness of the individual is not dependent upon that person's whim.

Similarly, parents may waive their kavod, as that is due to them as an interpersonal obligation; however, the option of mechila is not applicable to that which mandated as mora. This appears in Parashat Kedoshim as the first mitzva of kedusha, indicating that it reflects the reverence we must show to God. It is a way of expressing the kedusha that the partners in our creation share, bequeathing us our spiritual legacy. We hope that the parent-child relationships amongst the Jewish people will serve to impart the message of holiness that only the mitzva of mora can convey.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #06: Respecting Elders and Scholars

The Placement of the Mitzva

In our previous lessons, we discussed various issues related to the honor and reverence one must accord one's parents; in this lesson, we will take a look at what seems to be a parallel mitzva later in the same chapter of Vayikra (19), mandating similar treatment for elders and scholars.

In lesson two, we discussed the structure of this chapter, the first half of Parashat Kedoshim, and we noted that the chapter seems to be comprised of two parallel units, each of which is made up of three subsections. Both units begin with mitzvot bein adam la-Makom and conclude with mitzvot bein adam le-chavero, and a textual bridge between them discusses both kinds of mitzvot — namely, verse 32, which we will analyze in this lesson:

You shall rise before the aged and show favor to an elder, and you shall fear your God; I am God.

The root of mora, referring to reverence, awe or fear, appears four times in this chapter. Twice it refers to a mitzva to show reverence — towards one's parents in v. 3 and towards the sanctuary in v. 30 — and twice it appears in the conclusion of the verse "And you shall fear your God; I am God" — here and in v. 14, regarding mistreatment of the blind or the deaf.

We discussed v. 30 in our second lesson this year, but v. 32 is also something of a parallel to the command of revering one's parents: once again, we honor God by showing deference to our elders and teachers. A second fascinating parallel is the opening "Do not turn to [idolatry]," which appears twice in the chapter, in verses 4 and 31, immediately after the mitzvot of revering parents and of revering the sanctuary respectively. Furthermore, the fact that the phrase "and you shall fear your God" appears twice in the chapter, first regarding the physically handicapped and then regarding the elders and the scholars, indicates that God is very interested in the way we treat all members of society, from the most unfortunate to the most venerable.

Similarly, the Seforno notes that verses 33-34, which come after the mitzva of favoring the elderly, speak about the importance of treating converts fairly. He explains that this is an essential part of holiness.

After he commanded regarding the honor that must be accorded to the holy ones, he commanded that one must not scorn the weaker members of society.

What exactly does the verse mandate? "You shall rise before the aged and show favor to an elder" includes two actions: kima, rising to one's feet, and hiddur, showing favor or veneration. Is there a difference between "the aged (seiva)" and "an elder (zaken)?"

Defining Aged and Elderly

Although both terms are used to refer to senior citizens, there may be a difference between the two. The Talmud (Kiddushin 32b) actually quotes three opinions in a beraita regarding the proper interpretation of the verse. The first opinion seems to state that both parts of the verse refer to an elder, as the word zaken indicates that one must only rise for an elder who is also a scholar.

The rabbis taught: "'You shall rise before the aged' — I might think even a zaken ashmai, so the verse states, 'an elder,' and 'an elder' means only a sage, as it states (Bamidbar 11:16): 'Gather Me seventy men of the elders of Israel.'"

Who is this zaken ashmai? Rashi (ad loc.) explains that it refers to a guilty old person, an evildoer. Tosafot, on the other hand, are unwilling to accept the notion that one could even entertain the possibility of standing for an evildoer, and therefore they explain the word ashmai to mean "empty," referring to an ignoramus.

The second opinion cited is as follows:

Rabbi Yosei the Galilean says: "A zaken is this one (zeh) who has acquired (kana) wisdom, as it states: 'God has acquired me at the beginning of His course' (Mishlei 8:22)."

The Talmud later explains that the distinction between these two opinions is the case of a youthful scholar: the first opinion would not require rising for such an individual, but Rabbi Yosei does.

The beraita concludes by citing a third opinion, that of Isi ben Yehuda, who understands the verse to be referring to two separate individuals.

Isi ben Yehuda says: "'You shall rise before the aged' — this includes all old people."

The Rif understands that Isi ben Yehuda holds the only relevant factor to be old age, but Rashi disagrees, explaining that either old age or learnedness is sufficient to command respect. The Shulchan Arukh rules in accordance with Rashi, indicating that there are two relevant factors that call for special respect and honor: age and wisdom.

In the final analysis, we are left with three views that are quoted in the beraita. The first opinion mandates honor for an elder who has acquired wisdom while Rabbi Yosei the Galilean adds young scholars as well and Isi ben Yehuda requires one to stand for either an elder or a sage.

We must try to understand this third opinion, which the Talmud ratifies.

What Does This Mitzva Entail?

What exactly is kima, and what exactly is hiddur? The Talmud (ibid. 33a) cites a beraita indicating that kima requires rising in the presence of an elder once he gets within four cubits. Rashi, in his commentary on the Torah, explains that hiddur prohibits standing in an elder's place or sitting in his seat, speaking in place of him or contradicting him.

Ostensibly, since the aged and the elder are two different people, we might apply kima only to the former and hiddur only to the latter; however, the Talmud understands that their juxtaposition indicates that there is a connection between the two of them, and one should practice kima and hiddur for both.

Interestingly, the Aramaic translations of the verse point in two different directions. Both Targum Onkelos and Targum Yonatan render “seiva” as “learned in Torah,” while “zaken” is explained as “an old person” by the former and “a sage” by the latter. The Ramban points out that the Talmud’s conclusion is that “seiva” includes any senior citizen, even an ignoramus, and even a young scholar is entitled to hiddur. Rabbeinu Bachya explains that according to Targum Yonatan, seiva includes all who have mastered the Written Torah, while a zaken is one who has mastered the Oral Torah.

Although according to Onkelos the verse still requires special treatment for both elders and scholars, he reverses the Talmudic definitions. The difference might be at what age one is deemed an elder.

The Mishna (Avot 5:21) states:

A sixty-year-old is elderly; a seventy-year-old is aged.

This would indicate that between sixty and seventy, the term zaken is applicable. The Shulchan Arukh (YD 244:1) rules in accordance with our passage, stating that one must stand only for a seventy-year-old. Obviously, one doesn't have to card an individual to prove his exact age before standing, certainly in light of the rule of being stringent when it comes to biblical law.

The Connection and Distinction

At the end of the day, all require one to stand for elders and scholars. Theoretically, these two obligations might be seen as two separate mitzvot, but most of the authorities who enumerate the 613 commandments regard them as one. Why is this?

Rabbi Yochanan rules like Isi ben Yehuda and requires standing for elderly non-Jews, indicating that the term seiva includes them as well; he remarks (ibid.): “How many experiences have befallen these elderly non-Jews in their lifetimes!" Rashi explains that they must have experienced numerous miracles throughout their lives, and this is reason enough to show them honor. The Talmud notes that others do not require rising for elderly non-Jews but do support according them extra respect, lending a helping hand directly or indirectly. These scholars seem to believe that there is reason to treat elderly non-Jews honorably, but it is not part of the mitzva per se.

Some Rishonim (e.g. Semag, 13) have a different version of the text indicating that even Rabbi Yochanan would not stand for elderly non-Jews out of a sense of obligation but rather because he feels it essential for maintaining peace with one’s non-Jewish neighbors.

The Rambam (Hilkhot Talmud Torah 6:9) rules that one must treat elderly non-Jews with additional honor, but there is no need to stand for them. The Kessef Mishneh explains that the Rambam understands this to be a biblical obligation; nevertheless, it is limited in scope, unlike the deference for Jewish elders which requires kima and hiddur.

Tosafot (32b s.v. Mai), however, disagree, seeing Rabbi Yochanan’s practice as non-biblical in nature. Most Rishonim seem to agree that there is no biblical obligation to stand for an elderly non-Jew, and some, like the Bach, explain the Rambam in the same way.

There is, however, another way to look at the picture. The Chinnukh explains the underlying theme in the mitzva in a way that unifies the two parts of the verse (Mitzva 257):

This reason lies at the root of the precept: the main point of man's existence in the world is for the sake of wisdom, so that he will become aware of his Creator. It is therefore fitting for one to honor those who have attained wisdom; other may thereby be moved to try to attain wisdom as well. For this reason Isi ben Yehuda rules that even an uneducated old man is included in this precept: it is right to honor him, because in his great number of years he has seen and recognized a bit of the workings of the Eternal Lord and His wonders…

Essentially, this is a mitzva to accord respect to those who have attained wisdom. Some may have attained wisdom through life experience, as Rabbi Yochanan explains regarding elderly non-Jews, and some may have done so even in their youth through acquiring the ultimate wisdom of the Torah. The Chinnukh adds that the old person still must not be a confirmed sinner, as "he has deprived himself of honor," by showing that he has not acquired any of the wisdom that his life experience should have imparted. The mitzva calls for honoring wisdom by venerating those who are identified with it.

In fact, the Alshikh explains that the way in which one treats the elders and the aged is meant to have an impact on the individual, improving one's character and level of devotion. The conclusion of the verse, "And you shall fear your God," is a necessary outgrowth of connecting with scholars and learning from their ways, as one who respects wisdom will want to acquire it.

Distinguishing Between the Two Parts of the Mitzva

Ultimately, though hiddur and kima apply to both seniors and scholars, the Or Ha-chayim says there is still a difference between them. Perhaps it may be enough to rise momentarily for the aged, but one must remain standing longer for wisdom, as spiritual maturity rates a degree of recognition greater than that accorded for mere physical old age.

Rav S.R. Hirsch, in his commentary on the verse, also seems to recognize this distinction, although he echoes the Chinnukh. Rav Hirsch notes that seiva refers to the white hair of old age, whereas a zaken shows maturity in wisdom and intellectual accomplishment, as seen in Mishlei 16:31.

He who honors seiva honors experience; he honors the natural human perception which matures through the repeated events of life and nature. He who honors elders honors wisdom; he honors the understanding of life and nature that is obtained through God's Word. For God's word reveals the Divine source and purpose of life and nature; this lends significance to our mission. We must pay tribute to both: the clear and circumspect human intellect, which matures through experience, and the spirit of God, which proceeds from the Torah. And whenever we find them, in the aged and in the wise, we are to show homage by honoring and rising.

This, he notes, stands in opposition to the previous verse, which forbids consulting soothsayers, who try to subjugate nature with dark forces. The path of kedusha is the path of wisdom and maturity.

Indeed, the Meshivat Nefesh, in his commentary on the Torah, notes the lack of symmetry: seiva, after all, is a general term, which does not seem to jibe with zaken, an individual elder. One might explain that that is the exact difference between a senior and a sage. The sage deserves honor personally, as he has toiled, and therefore his accomplishments, not his age, are the determining factor, proving his successful inculcation of Torah. On the other hand, a senior has experienced things by dint of surviving in the world. Achieving seiva is a passive experience, and therefore the honor

one accords to a senior citizen does not redound to that individual's credit but is attributable to the concept of seiva and the wisdom that old age brings.

This idea is stated explicitly by the Keli Yakar, who notes that the reason the Talmud sets aside the literal definition and defines zaken as a scholar, is because the obligation of hiddur for a zaken is greater than that of kima for an aged person. The only way to explain this is to understand that although both words are similar, the passive wisdom of the seniors cannot be compared to the accomplished wisdom of the scholars, which calls for extra special treatment.

In fact, one might argue that even though the honor due a scholar is greater, he would be able to forgo his honor, while a senior citizen would not be able to do so, as the honor accorded to the former is due to personal merit, while the honor due the latter is on account of the wisdom of seiva in general.

Respecting Elders

Although respecting seniors might be of secondary importance when compared to honoring scholars, but the Torah still accords it special significance. The Midrash (Bereishit Rabba 65:9) states:

Rabbi Yehuda ben Shimon said: "Avraham asked for old age, pleading before God, 'Sovereign of the Universe, when a man and his son enter a town, people don't know whom to honor, but if You crown the father with the appearance of old age, they will know whom to honor.' The Holy One, Blessed be He, said to him: 'You have asked well, and it shall begin with you.' From the beginning of the book until here, old age is not mentioned, but when Avraham arises, the appearance of old age is granted to him: 'And Avraham was old, well advanced in years' (Bereishit 24:1)."

The Or Ha-chayim notes that this request of Avraham may lie be at the heart of the obligation.

We may also take our cue from Bereishit Rabba, where we are told that Avraham asked to look old in order that he might be distinguished from his son Yitzchak, who resembled him greatly, as it says, "And Avraham was old." This is why it says, "You shall rise before the aged" and in this way you will "show favor to" the Elder, i.e. Avraham, of whom it is written, "And Avraham was old," because it was by his hand that this was made to happen.

Unfortunately, in modern society, the elderly are often looked upon as being hopelessly behind the times; they are often the last ones to be treated with respect. The Torah declares otherwise: a life of kedusha requires recognizing the wisdom of the elderly. We must learn from their experiences and their lessons of the past lest we be foolish enough to repeat their mistakes.

Although the simple understanding of the mitzva is essentially to rise for seniors, it would include showing respect to them by listening to their advice and respecting their life experiences. Indeed, it may encompass not using their first names unless asked to do so, as well as expressing willingness to help them in whatever they may require. Most importantly, it regards showing interest in their lives.

This verse should always be foremost in our minds when we encounter the elderly: "They shall still bear fruit even in old age; they shall be fresh and fragrant" (Tehillim 92:15). This is the greatest blessing, following in Avraham's footsteps.

The Hiddur of This Mitzva

The religious import of this mitzva is expressed nicely in a fascinating incident recorded about Rabbi Aryeh Levin, known the Tzaddik of Jerusalem, in the book Chavalim by Chaim Be'er. The author recounts how he encountered Reb Aryeh as he was hurrying to purchase a beautiful etrog for the holiday of Sukkot. Reb Aryeh asked the seller if he had found him an etrog, and after being handed one, Reb Aryeh quickly took it, without even looking, and rushed out of the store. One of the onlookers, who had noticed this out of the corner of his eye, followed Reb Aryeh out of the store and asked him in disbelief.

"Can it be that every God-fearing Jew spends an extensive amount of time searching for the nicest etrog as if it were a precious jewel, but you just take the first one they give you just like that?"

Reb Aryeh smiled and said that the question was indeed a very good one. Nevertheless, he explained:

"There are only two mitzvot in the Torah concerning which the Torah speaks of hiddur. One is the mitzva of etrog, as the Torah says: “You shall take for yourselves the fruit of a favored tree” (Vayikra 23:40); the other is taking care of the needs of the elderly: “Show favor to an elder.” Most Jews go above and beyond the call of duty in the way they search for the hiddur of the etrog, but little old me — I decided to pursue hiddur in the mitzva of helping the elderly."

Reb Aryeh then apologized to his questioner, telling him that he would not be able to continue the conversation properly, as he was on his way to a seniors’ home to visit a childless old man who had no one to care for his needs.

The author mentions how he was left speechless by this man, small in physical height, but of enormous presence in moral greatness. Does the forgotten mitzva of hiddur of the elderly not deserve as much attention as the hiddur of the etrog?

In the next lesson, we will try to appreciate more of the precious nature of the honor due to Torah scholars.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #07: Honoring Torah Scholars

The Holy Message

In last week's lesson, we began discussing the mitzva in Parashat Kedoshim of treating senior citizens and Torah scholars with utmost respect. The Torah states (Vayikra 19:32):

You shall rise before the aged and show favor to an elder, and you shall fear your God; I am God.

The verse calls for kima, rising in the presence of seiva, old age, and according hiddur, extra honor, favor or deference, to a zaken, an elder

We noted that the Talmud and Shulchan Arukh rule in accordance with the opinion of Isi ben Yehuda (Kiddushin 32b), who understands that this verse essentially states two obligations: rising for the aged and showing favor to the scholar. As the Chinnukh explains, the underlying principle is that we must show respect to those who possess wisdom.

The placement of this mitzva in Parashat Kedoshim demonstrates how proper interpersonal behavior enhances one's kedusha (holiness). The Torah calls for us to recognize the knowledge of the aged and the learned. The proverbial little old lady who needs help crossing the street is not merely an individual in need, but a possessor of wisdom; thus, one must admire her while being thankful for the opportunity to assist her. Through internalizing the call to treat others with respect, one can develop a new perspective about people, esteeming their wisdom born of life experience and Torah study. Simultaneously, one may develop a newfound commitment to a way of life directed towards attaining greater enlightenment.

In fact, the second verb in the verse, "Ve-hadarta," is quite significant. Ha-ketav Ve-hakabbala points out that the root, which appears in numerous verses throughout Tanakh, is very similar to its Aramaic cognate, hadar, which refers to retracing one's steps, retreating and reversing course out of fear. After proving this assertion from numerous sources, he states:

As to the instruction of the Torah, "Ve-hadarta," the Talmud explains that hiddur is neither to sit in the chair of a venerable person nor to contradict what he says. At first glance, one may be inclined to ask the following question: what prompts the Sages to transmute a positive commandment into a negative commandment, telling us what not to do to a zaken? However, the reason the Sages do this is precisely because the meaning of the word "Ve-hadarta" is to retreat from something. Therefore, in line with this basic meaning, the Sages illustrated the practical meaning of the commandment by telling us what to refrain and retreat from, i.e. not to be forward enough to sit in his chair and not to be arrogant enough to contradict him.

As Ha-ketav Ve-hakabbala explains, “Ve-hadarta” means to take a step back. Now, hiddur also means glorification, but, the essence of the mitzva is not the outward action but the inner feeling. These prohibitions impress upon an individual the need not to be presumptuous. “Youth is wasted on the young,” according to the famous quote attributed to George Bernard Shaw, and impetuous young people often think that their elders are has-beens who find it difficult to keep up with the times.

The Torah tells us to withdraw a bit — to see age not as a sign of weakness, but as a sign of strength. If one takes a step back before mischaracterizing elders, one will also be able to take many steps forward and go out of his way to accord them the honor they deserve.

The Scholar and His Calling

It is here, however, where we must draw a distinction between the two types of individuals the verse calls to esteem. The aged must be appreciated and cherished; however, old age is not always attainable. Old age is a gift from God, which many of the greatest individuals in our history did not receive; nevertheless, it is their eternal life in the next world which ultimately counts. While we honor those who are elderly, appreciate their wisdom from experience and hope we will be given the same opportunity, we can only hope to be like the elderly when we grow old; we cannot emulate them now. The mitzva calls for appreciating individuals whose wisdom is a result of the length of their days and their life experience, which is born of circumstance.

The honor due the Torah scholar is different. One need not only sit, or in this case stand up for them, on the sidelines; one may try to be like them. While the Chinnukh notes the bond between these two groups, the Keli Yakar notes the difference between them. The honor that must be accorded the scholar is certainly greater, as it is honor due to him for his own personal achievements, not due to his age or other outside factors. This is the language of Rabbi Yosei the Galilean (ibid.): "A zaken is this one (zeh) who has acquired (kana) wisdom.” The hiddur is due not only to the level of scholarship, but to the toil in the act of its acquisition.

This distinction is echoed in a slightly different context in a responsum by Rav Moshe Feinstein (Iggerot Moshe, OC II, 34). He explains that the honor due to a Torah scholar is greater than that due to a kohen (priest), as the scholar’s status is the result of personal achievement, while being a kohen is the result of an accident of birth. Essentially, the honor due to a kohen is due to the priestly family of Aharon, rather than the individual.

In fact, the word seiva refers to the white hair of old age. However, sometimes those who dedicate their life towards attaining wisdom look much older than their years. According to the Mishna (Berakhot 1:5), which we recite from the Passover Haggada annually, Rabbi Elazar ben Azarya states: "Here I am like a seventy-year-old man." The Talmud explains (Berakhot 27b-28a) that he was only eighteen years old, but so that he might look distinguished among the elderly scholars, his hair turned as snowy white as if he were seventy.

Our discussion adds a twist. As we saw in the previous lesson, the Shulchan Arukh rules that “seiva” includes everyone from age seventy and up. A septuagenarian deserves honor for the wisdom of experience, but a young scholar, even one who is eighteen, deserves honor due to the wisdom he has acquired and toiled to attain, "like a seventy-year-old man." (See also the Keli Yakar’s commentary on our verse).

An old friend of mine studied under Rav Avraham Shapira zt"l (1914-2007; chief rabbi, 1983-1993) during the latter’s final years, and he related to me a story that I will now

retell. (Though the specifics may not be accurate, the idea behind them remains valid.) One day my friend asked Rav Shapira which later commentaries one should study. Rav Shapira proceeded to ask him what he had studied already. When my friend could only list a couple of things he had read through partially, Rav Shapira said, “No I am asking you which ones you have read cover-to-cover.” Embarrassed, my friend had nothing to say. Rav Shapira continued and asked him: “How old are you?” “Twenty-one.” Rav Shapira said: "You are twenty-one and don't have a single gray hair on your head. How can that be? When I was your age I had a full head of gray hair, but I had also learned through many later commentaries cover-to-cover. Evidently, the two go hand-in-hand."

My friend, who later married into Rav Shapira's family, told me that at that moment a new realization came upon him. Rav Shapira was not the great man he was, the former chief rabbi of Israel and a celebrated rosh yeshiva, because of his brilliance, but rather because he worked hard to attain it. It wasn't because he knew which commentaries to study, but rather because he went and studied them, all of them, cover-to-cover. In the process he had gained the stature of a seventy-year-old man, towering above others with wisdom, and he even looked the part.

Not all will have prematurely gray hair, and some may even look young when old; nevertheless, the honor due to a scholar is the result of the arduous process of acquiring Torah wisdom.

Fear and Reverence in This Mitzva

Our verse concludes: "And you shall fear your God; I am God." What is the meaning of this statement?

The Midrash (Bamidbar Rabba 15:17) relates that Rav Abba Ha-Kohen bar Pappa would always avoid crowds, lest he trouble them by causing them to rise. When he mentions this to Rabbi Yosei be-Rabbi Zevida, the latter reprimands him, explaining that he would be doing them a great favor by having them rise before him, because this would lead them to the fear of God, as indicated by our verse.

The contact with a Torah scholar can be a life-changing moment, as the verse states: "Your eyes shall see your teachers" (Yeshayahu 30:20). Elisha transforms his life after coming into contact with Eliyahu (see I Melakhim 19:19-21 and the end of The Lonely Man of Faith). Reish Lakish gives up being a bandit in order to become a student of Rabbi Yochanan (Bava Metzia 84a). Jewish history abounds with numerous leaders who had no intention of being in a leadership position but were transformed, encouraged and inspired by contact with the great individuals in our nation.

Showing hiddur to a great scholar can be a transformative experience, and many individuals go out of their way to encounter the righteous scholars of the generation, even just to see them. With this in mind, it is understandable that the Or Ha-chayim, in his commentary on this verse, offers a number of explanations which interpret this mitzva as a call for one to attain his spiritual stature in the utmost. He cites the Talmudic teaching (Yevamot 50) that koma, akin to kima in the verse, refers to one's spiritual height. One merits living out the years allotted if one follow God's commands. Therefore, the verse essentially states: if you wish to reach a good old age, attain the spiritual height you are meant to attain. He continues:

The verse challenges us to develop to our full spiritual potential as much as it directs us to display honor for people who have attained old age… The way to head off the frequent side-effects of aging is kima, to rise to one's spiritual stature…

The words “And show favor to an elder” may even allude to one's own old age; our Sages (Sukka 53a) are on record as saying about themselves: "Hail to our youth which does not shame our old age." They referred to the kind of old age in which one can recall an exemplary life led, with no skeletons in one's closet. The Torah therefore advises youngsters to lead the kind of lives now that will never cause them to be ashamed in the future of their younger years.

We not only stand for the scholars and allow their characters to have an effect on us, we also realize that following their lead in the way we live our lives will allow us to be proud in our golden years of our youth.

The understanding that the honor due to a scholar is because of personal achievement would also seem to be the focus of the Talmud's discussion of whether a scholar can waive his honor (Kiddushin 32a).

Rav Yitzchak bar Shila quoted Rav Mattena in the name of Rav Chisda: “A father who has waived his honor, his honor is forgone. If, however, a rabbi waives the honor due to him, his honor is not forgone.”

Rav Yosef said: “Even a rabbi who waives his honor, his honor is forgone, as it is stated: ‘And God went before them by day’ (Shemot 13:21)."

Rava said: “This is not a valid comparison. The Holy One, Blessed be He, since the world is His and the Torah is His, may waive His honor. Here, however, in the case of a rabbi, is the Torah his that he can waive his honor?” Rava then reconsidered and said himself: “Yes, the rabbi’s Torah is his, as it is written: ‘And in his Torah he meditates day and night’ (Tehillim 1:2)."

The inference from this verse is explained by Rashi, in both his Talmudic and biblical commentaries (ad loc.). The entire verse, speaking about a praiseworthy individual, reads as follows: “"But his desire is in the Torah of God, and in his Torah he meditates day and night.” Rashi explains that at first the Torah is called the "Torah of God" but as he meditates in it day and night, it becomes "his Torah". Learning, studying, and toiling in the acquisition of Torah actually allows the Torah to become part and parcel of one's personality.

According to the first opinion and Rava's initial understanding, the honor due to a scholar is essentially the honor due to the Torah that he knows, and therefore, it is not the scholar's prerogative to waive this honor. The conclusion, however, seems to be that the honor does belong to the scholar, as the Torah which he learns becomes part and parcel of him, "his."

In some instances, the scholar must act to protect his honor with the understanding that it is essentially the Torah which is being honored through him (see Year 2, Lesson 30). However, the essential obligation of honoring the scholar is for the Torah he has acquired, so that others may follow his lead.

Responsibility

The element of fear of God involved in this mitzva creates added responsibility for all involved, both the scholar himself and the bystander who sees him. The Talmud deduces from this part of the verse the obligation to stand even when the scholar is unaware that others have noticed him and also that the scholar must not overburden others by making them stand in his presence. The Rambam formulates it as follows (Hilkhot Talmud Torah 6:2):

What is the source [which teaches that] a person should not divert his eyes from the sage so that he will not see him, lest he be required to stand before him? It is written, "And you shall fear your God." With regard to all matters dependent on one's conscience, the Torah states: "And you shall fear your God."

The fact that “And you shall fear your God" mandates rising for a sage who is not aware of having been seen indicates that this is not only an interpersonal mitzva, but a religious one as well. God wants us to be accustomed to honoring the Torah and those who represent it — not only for them but for what it can do to us.

The Rambam (op. cit. 11) continues:

It is a great sin to disgrace Torah sages or to hate them. Jerusalem was not destroyed until [its inhabitants] disgraced its sages, as it says: (II Divrei Ha-yamim 36:16): "And they would mock the messengers of God, despise His words and scoff at His prophets" — i.e., they would scorn those who taught His words. Similarly, the Torah's prophecy (Vayikra 26:16): "If you despise My statutes" [should be interpreted]: "If you despise the teachers of My statutes." Whoever disgraces the sages has no portion in the world to come and is included in the category of those who "scorn the word of God" (Bamidbar 15:31).

The scholar also has an obligation, as the Rambam rules (op. cit. 3):

It is not proper for a sage to trouble the people and position himself before them so that they will have to stand for him. Rather, he should take shortcuts and have the intent that they should not see him, so that he will not trouble them to stand. The Sages would take circuitous routes through the outskirts [of their cities], where people who recognized them would not be found, in order not to trouble them.

At first glance, this would seem to contradict the passage from Bamidbar Rabba which we saw above: isn’t it better for the scholar to encounter people, giving them the opportunity to express their fear of God?

The Benei Binyamin is quoted as explaining that everything depends on the scholar's intention. If he is not motivated by self-interest in any way, then he may appear before crowds. However, one concerned with his own pride should avoid them.

The scholar has the potential of modeling his commitment and his successful attainment of Torah knowledge as a mere expression of everyone's latent potential being actualized. All Jews are taught Torah in their mother's womb (Nidda 30b) and dedication to the cause can make anyone worthy of the same honor as the scholar. Not everyone may merit length of years and old age, but all can strive to attain length of days by maximizing one's time for spiritual growth and Torah scholarship.

This might have practical ramifications for a situation when it is unclear if the person is old enough or enough of a scholar to honor. (See Yechaveh Daat 3:70). Some authorities differentiate between a scholar and a senior, as they note that all people age while not everyone becomes a Torah scholar, and therefore one might have to stand when in doubt of another’s age, but unless known otherwise, one would not be obligated to stand for a putative scholar. However, if part of the mitzva is the recognition that there is latent potential in each of us to reach the milestone of being a real Torah scholar, then even in cases of doubt, one should treat the supposed scholar with respect.

A Man of Good Deeds

Before we conclude, it is important to point out that the scholar's greatness is not only based on the wisdom he knows, but on the way it causes him to act. The Talmud (Kiddushin 33b) relates that even scholars stood for Rav Yechezkel; although he was not a sage in his own right, Rav Yechezkel was a person of good deeds (baal maasim).

The Ran in his commentary on the Rif (Kiddushin 14b) explains that the real reason why one must stand before a learned person is that "wisdom brings to action." One does not honor what the scholar knows, but how he acts due to that knowledge. Generally speaking, the unlearned will not be able to act with such righteousness; however, a baal maasim should be treated the same way as a scholar, because part of the essence of the Torah's wisdom is to bring one to holy action. (See also Torah Temima on our verse, note 241.)

This verse's mandate reflects not only the recognition of an individual's scholarship, but the aspiration of each and every one of us to be holier. The latent Torah potential in all of us is waiting to be actualized and transformed into actions, as we recognize that good deeds are part and parcel of interpersonal holiness. Doing so will allow all to achieve the blessing recorded in the psalm for Shabbat (Tehillim 92:15):

They shall still bear fruit even in old age; they shall be fresh and fragrant.

Up to this point, we have discussed the honor one must accord a Torah sage even without a prior relationship. In next week's lesson, we will conclude the discussion of this verse by focusing on the honor due to one's own rabbi and teacher.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #08: Honoring One's Rebbe

Hiddur of a Zaken

For the past two weeks, we have been discussing the following central mitzva from Parashat Kedoshim (Vayikra 19:32)

You shall rise before the aged and show favor to an elder, and you shall fear your God; I am God.

The elder (zaken) in question, as the Talmud explains, is not necessarily a senior citizen, but rather a Torah scholar. Even an unlearned senior is entitled to respect, but honoring the aged is different than honoring scholars. The former have lived lives and experienced enough to have a great insight into and appreciation of God's actions in the world; therefore, they deserve respect. However, their experience of Godliness is essentially passive; scholars, on the other hand, have actively acquired wisdom through the study of Torah, and therefore, they deserve a greater degree of veneration.

Indeed, honoring scholars leads one not only to appreciate wisdom; it inspires one to attain wisdom in a way that will develop into a greater connection with God. For this reason, as we saw last week, the Midrash states honoring a scholar can be a religious experience, as the verse concludes, "And you shall fear your God; I am God," indicating that appreciating Torah scholarship will lead to greater reverence for and devotion to God.

The Alshikh explains that through honoring scholars, one may benefit from their good advice and moral teaching, improving one's character and devotion, as the conclusion of this verse, "And you shall fear your God," indicates. However, there is another verse which we must examine.

The Need for a Second Mitzva

The Torah commands:

You shall fear Lord your God, you shall serve Him, and by His name you shall swear. (Devarim 6:16)

The verse begins with the preposition et, which usually precedes direct objects but sometimes means "with." One Tanna, Shimon the Imsonite, expounded very appearance of et, according to the Talmud (Bava Kamma 41b) explaining how the word always indicates that the verb should be applied not only to the direct object, but to something associated with it as well:

Shimon the Imsonite … used to expound every et in the Torah. However, when he reached the verse "You shall fear Lord your God," he abstained. His disciples said to

him: “Rabbi, what is to be done with all the expositions of et which you have already given?” He said to them: “Just as I have received reward for the previous expositions, so I shal receive reward for the present abstention.” So it was until Rabbi Akiva came and taught: “The word et in the verse ‘You shall fear Lord your God’ comes to include Torah scholars.”

Shimon the Imsonite demurs when his methodology suggest that there is another to be revered like God, but Rabbi Akiva rescues this approach by declaring that Torah scholars are actually deserving of the same treatment, worthy of mora — fear, reverence, awe. This indicates that a Torah scholar to some degree is viewed as a representative of God on this earth and should be treated accordingly.

However, this exegesis creates a problem; if this verse already mandates venerating scholars, what does the mitzva of hiddur for a zaken add? In fact, the language in the two verses bears a significant resemblance: fearing God is the conclusion of Vayikra 19:32 and the opening of Devarim 6:16. Indeed, this similarity might be what leads Rabbi Akiva to interpolate the zaken into the latter verse.

But why would we need two mitzvot that overlap? What is added by the mitzva of hiddur that is not required by the mitzva of mora?

Distinguishing Between a Scholar and a Rebbe

Let us consider the Rambam’s view, especially as explicated by the Brisker Rav. These two mitzvot may actually speak about two different individuals, as one focuses on every Torah scholar, even one whom the individual has no personal relationship with, and the other speaks about one's personal teacher, one’s rebbe.

The distinction between these two individuals is already mentioned in the Talmud (Kiddushin 33a):

A Tanna taught: “What sort of rising constitutes veneration? I would say this is rising when the elder passes within four cubits.”

Abbayei clarifies this ruling:

Abbayei said: “This was not said except in regard to one's rabbi who is not his primary rabbi, but regarding his primary rabbi, one must rise as soon as he comes in sight.”

The Talmud goes on to say that Abbayei would stand as soon as he saw the ear of the donkey of his rebbe, Rav Yosef, as the tall ears were the first portion of the animal's body that Abbayei could see.

Why is there a difference between a scholar and one's rebbe?

The Ran explains that there is no real difference in obligation between the two; however, when standing for one's rebbe, it is apparent to all that even at a distance the student is standing for the teacher’s honor, yet nobody will realize that one is standing on behalf of another scholar's presence unless this other scholar is right next to him, at least within four cubits.

However, one might explain differently based on another Talmudic passage there (Kiddushin 31a-b):

Rav Yitzchak bar Shila quoted Rav Mattena in the name of Rav Chisda: “A father who has waived his honor, his honor is forgone. If, however, a rabbi waives the honor due to him, his honor is not forgone.”

Rav Yosef said: “Even a rabbi who waives his honor, his honor is forgone, as it is stated: ‘And God went before them by day’ (Shemot 13:21)."

Rava said: “This is not a valid comparison. The Holy One, Blessed be He, since the world is His and the Torah is His, may waive His honor. Here, however, in the case of a rabbi, is the Torah his that he can waive his honor?” Rava then reconsidered and said himself: “Yes, the rabbi’s Torah is his, as it is written: ‘And in his Torah he meditates day and night’ (Tehillim 1:2)."

The Talmud presents a dispute as to whether a Torah scholar can waive the honor (kavod) due to him. Although Rav Yosef adduces proof from the story of the Exodus, in which God waives His honor by leading the Jewish people through the desert, Rava counters that nothing can be proven from God's behavior: even though the honor due to God for his actions is greater than that due to the scholar, God is Creator of everything. All is His, and therefore He can waive His honor, because the honor is actually due to Him. The Torah scholar, however, Rava reasons, is accorded honor because of the Torah he has studied and houses in his mind, and that Torah does not belong to him. Therefore, although the scholar is less deserving of honor than God, it is not his honor to waive. Nevertheless, Rava reverses his position:

Rava then reconsidered and said himself: “Yes, the rabbi’s Torah is his, as it is written: ‘And in his Torah he meditates day and night’ (Tehillim 1:2)."

Rava reconsiders his position, and actually affirms Rav Yosef's ruling that a Torah scholar can forgo his honor, based on a verse at the beginning of Tehillim, describing the paradigmatic righteous individual:

But his desire is in the Torah of God, and in his Torah he meditates day and night.

Rashi explains that before one studies Torah, as much as one desires to study it, it is the Torah of God. After one toils and attains the knowledge, the Torah actually becomes his. It is not only his Torah scholarship but his Torah as well, and therefore, he has the right to forgo his own honor.

According to this understanding, the Torah is the scholars, and therefore, it is his right to forgo that kavod. The Talmud continues by questioning if this is really true. It records an incident in which Rava poured wine for students of his at his son's wedding. This would seem to be an act of waiving one's honor, yet Rava got upset at two of his students who did not rise in front of him as he poured their glasses. The Talmud asks, if a Torah scholar may waive his honor, and Rava was doing so by pouring, then why should his students have had to stand up for him?

The Talmud answers with a few short words:

Nevertheless, they should have shown him veneration.

The Talmud states that even when a scholar forgoes his kavod, one must still show him hiddur. But why would this be? Isn't the whole obligation in the first place to give hiddur to a zaken?

Furthermore, the Talmud there also details a number of cases in which certain Torah scholars who were known to be very easygoing and humble got upset at their students

for not standing for them. Why were they so indignant that a minimal amount of honor be shown to them?

The Understanding of the Rambam

The Rambam describes the honor due to a Torah scholar in two separate chapters of Hilkhot Talmud Torah. In chapter 5 he focuses on the honor due to one's rebbe, and in chapter 6 he discusses the honor due to every scholar. A comparison reveals some fine distinctions. In 5:1, he states:

Just as a person is commanded to honor his father and hold him in awe, so too, is he obligated to honor his teacher and hold him in awe. [Indeed, the measure of honor and awe] due one's teacher exceeds that due one's father. His father brings him into the life of this world, while his teacher, who teaches him wisdom, brings him into the life of the World to Come… There is no greater honor than that due a teacher, and no greater awe than that due a teacher. Our Sages declared: "Your fear of your teacher should be equivalent to your fear of Heaven." Therefore, they said: Whoever disputes the authority of his teacher is considered as if he revolts against the Divine Presence… Whoever engages in controversy with his teacher is considered as if he engaged in controversy with the Divine Presence… Whoever complains against his teacher is considered as if he complains against the Divine Presence… Whoever thinks disparagingly of his teacher is considered as if he thought disparagingly of the Divine Presence…

The Rambam continues to list the various forms of honor one must accord one's rebbe, including standing for him from the moment he sees him. In 5:11, he mentions the right of one's rebbe to waive his honor, with the additional comment that even in such a case, the student must still treat the rebbe with hiddur:

An outstanding teacher may, if he desires, waive his honor with regard to any or all of the above matters for any or all his students. Even though he waives [these honors], the student is obligated to respect him at the time that he does so.

The Rambam here does not quote the general obligation of hiddur; rather, he states that the honor due to one's rebbe surpasses the honor due to one's parent, bordering on the reverence due to God Himself.

In the following chapter regarding the honor due to a Torah scholar, the description is very different. The Rambam begins:

It is a mitzva to respect every Torah scholar, even if he is not one's teacher, as the Torah states: "You shall rise before the aged and show favor to an elder, and you shall fear your God; I am God."

He then explains:

When is one obligated to stand before him? When he approaches within four cubits of him until he passes him

In this chapter there is no description of a Torah scholar being like one parents or God; there is merely an obligation to stand for him when he comes within four cubits.

Furthermore, in all of chapter 6, the Rambam never mentions that a Torah scholar has the right to forgo the honor due to him. What could explain the Rambam's sharp distinction between the two types of scholars?

The Brisker Rav points out a fascinating explanation. Though it does not accord with the standard halakhic ruling, it does put a new spin on the holiness involved in this mitzva.

He explains that according to the Rambam, there are essentially two separate obligations. The honor one must accord one's rebbe is not based on the verse in Vayikra, but rather the verse in Devarim, which Rabbi Akiva explains as likening the reverence due to a scholar to that due to God.

Because there are different sources for the halakhot, the ramifications are also different. One must stand for a Torah scholar only when he comes within four cubits for, as the Talmud says, that is the honor due to him because of hiddur. However, the source of honor for a rebbe is from the other verse, which calls not for hiddur but for mora; therefore, it requires standing from the moment the rebbe comes in sight.

The Brisker Rav adds that although Rava concludes that a Torah scholar's Torah is his own and therefore he can waive his honor, this only applies to the unique and special honor due to one's own rebbe. However, as the story in the Talmud shows, Rava got upset with his students when they failed to show him hiddur even though he had waived the honor due to him, because he wanted to teach his students that there is a distinction between the honor due to a scholar and that due to one's rebbe, and even if a rebbe waives the unique honor due to him as a rebbe, he may not forgo the honor due to him as a Torah scholar.

The implications of this fascinating explication are far-reaching. Although it reads beautifully in terms of the Talmudic text and the Rambam's ruling, the Talmud notes a Torah scholar may forgo his honor because the Torah wisdom he has attained is his own. If so, why would there be a distinction, in terms of waiving kavod, between the average Torah scholar and one's rebbe?

Housing Torah and Personifying Torah

To understand this distinction, we must examine how Torah study transforms an individual and the way in which a rebbe causes his student to be born anew.

While the scholar has attained Torah knowledge as his own, the hiddur shown to him is due to the Torah within him, not his own personal Torah. Thus, one can understand why the Rambam (Hilkhot Sefer Torah 10:10) refers to hiddur in discussing the spot one designates for a Torah scroll:

There is a mitzva to specify a specific place for the Torah scroll and to honor it and to venerate it excessively, as the words of the Tablets of the Law are the words that are in each and every Torah scroll…

Hiddur is the veneration one shows to an ark, a physical structure that houses a Torah, or to a Torah scholar, who houses the Torah which he has studied. Therefore, under no circumstances can this hiddur be waived, as one venerates the Torah and not the person himself.

However, Torah knowledge is not only wisdom contained in one's mind; it is also a transformative experience. As one honors his rebbe, he glorifies the personal Torah, the Torah which can transform an individual. For this reason the rebbe is likened to a parent, as he births a new individual, one who has come to know the transformative effects of Torah study. Furthermore, as Rabbi Akiva teaches, a rebbe is likened to God, as he provides a direct connection between his student and the Divine.

Rav Soloveitchik adds that this understanding is rooted in the halakhic principle that a craftsman acquires the additional value of an object he works on. Just as a craftsman, such as a potter, acquires the additional value of the pot which he has created and transformed, the rebbe who shapes his student spiritually acquires a part of his personality; therefore, it is as if he actually has formed him and has born him.

In truth, every Jew has the potential to be a Torah scholar. The Talmud (Nidda 30b) teaches that every Jew is taught Torah in his mother's womb, a potential wisdom waiting to be actualized (see Year 1, Lesson 3):

Rabbi Simlai expounded… "The fetus in the womb is taught the entire Torah… Its gaze penetrates the mysteries of the entire universe. As it is born and emerges into the air of the world, an angel taps it on the mouth, causing it to forget all the Torah which it has learned."

For this reason, all Jews are likened to a Torah scroll, as the Talmud (Moed Katan 25a) notes:

One who is present in a room when a Jew dies is obligated to rend his garments. What can this be compared to? It is like a Torah scroll being burnt, which obligates one to rend his garments.

The death of a Jew is likened to the destruction of a Torah scroll.

When one honors the Torah scholar, one essentially shows honor to the actualized Torah that every individual contains. The zaken who has acquired wisdom has done what all Jews can do. Yet when one honors his rebbe, he especially accords honor to the actualization that his rebbe accomplished for and within him; he becomes a walking sefer Torah.

We have a written Torah and an oral Torah. The written Torah has its kedusha crystallized in the tangible, physical written word. What about the oral Torah? There the word is not objectified in a scriptical form. God, in His infinite wisdom, wanted the word to be interwoven in an abstract thought system, and not in a sign system alone, as in the written Torah. Can Torah she-be'al peh, the oral Torah, pass on kedusha? How does the unwritten word hallow, in the sense that Torah she-bikhtav sanctifies tefillin, mezuza, the Torah parchment, etc.? It would be folly to conclude that Torah she-be'al peh is inferior in this respect. The answer is that the oral Torah operates in a more subtle manner, transmitting sanctity through study and its relation to the mind of the student. Apparently, Torah study, aside from being an intellectual, educational endeavor, enlightening the student and providing him with the information needed to observe the law, is a redemptive cathartic process - it sanctifies the personality. It purges the mind of unworthy desires and irreverent thoughts, uncouth emotions and vulgar drives. The parchment of talmud Torah is the human mind, the human heart and personality. Indeed, a new dimension is added to human experience through the study of Torah: sanctity.

We have now discovered a new understanding of the term "writing" - it means not only the physical performance of drawing letters, but also the process of soul-arousal and heart-sensitizing. A scribe writes the Torah on parchment; the rebbe, the great teacher, writes the Torah she-be'al peh on the living mind, on the sensitive human heart. The old halakhic equation that every Jew is a sefer Torah (scroll) is, in this light, fully understandable. The living Jew is a sefer Torah of the Torah she-be'al peh.

When one meets a scholar, one must respect the Torah wisdom he has attained. One must realize that his act may lead to a greater reverence for God, as the conclusion of the verse states, "And you shall fear your God; I am God."

However, when one honors one's own rebbe, one recognizes the transformative aspects of Torah, the Torah which has become his rebbe's own, and therefore that kavod may be waived by the rebbe.

This, in turn, explains the distinction between the Holy Ark which requires hiddur and the rebbe who requires mora akin to a parent and God. The Holy Ark houses the Torah; it contains the words that were engraved on the Two Tablets. However, one's rebbe does not only hold Torah within him; he personifies it as a walking sefer Torah, as the words of Torah are engraved in his heart and personality. (See Mishlei 7:3.)

With this in mind, we can see that there is no better place to teach this mitzva than Parashat Kedoshim. This portion, which provides a pathway to holiness, not only lists one's interpersonal duties but recognizes that one who has studied Torah houses the Torah of God. Such a person is a walking Holy Ark. The Ramban (Shemot 25:2) explains that the Ark of the Covenant stood in the center of the sanctuary because it sanctified the entire premises. When one honors a Torah scholar, one recognizes that Torah is the sanctifying element of life. By following this path, one may realize the conclusion of the verse: "And you shall fear your God; I am God."

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #09: Kevod Ha-beriyot — More than Human Dignity

The Greatness of Kavod for All

Since the beginning of the year, we have dealt with the special regard one must show for one's parent and rebbe, as well as the elderly and learned in general; but what about other individuals? While many have the misconception that the Torah does not require us to be overly concerned about others, this outlook misses the mark completely. It is completely antithetical to the Jewish concept of interpersonal holiness.

In previous years, we have seen the centrality of "You shall love your fellow as yourself" (Vayikra 19:18), but there is another concept of even greater universality: the special treatment of all mankind known as kevod ha-beriyot (literally, the honor of the creations).

The Talmud (Berakhot 19a) states:

Great is kevod ha-beriyot, as it overrides a prohibition in the Torah.

Although the language of this statement would seem to indicate that kevod ha-beriyot may override any biblical prohibition, the Talmud goes on to explain that the reference is specifically to Lo tasur, which forbids deviating from the rulings of the rabbis:

According to the law they teach you and the ruling they hand down to you, you shall do; you shall not deviate (lo tasur) to the left or the right from that which they tell you. (Devarim 17:11)

The Talmud thus indicates that out of concern for human dignity, the Sages permit the suspension of rabbinic laws in cases where the two collide. Nevertheless, the Talmud does go on to raise some examples of biblical obligations which are set aside (at least passively) for the sake of kevod ha-beriyot.

The phraseology of the Talmud indicates two things: firstly, that kevod ha-beriyot is gadol (great); secondly, that it has the power to override rabbinic commandments (and, at least passively, biblical ones as well). These two aspects are not necessarily identical. Supersession is a complex mechanism, and one must have great halakhic knowledge in order to employ it properly. However, the message that kevod ha-beriyot is great may be appreciated even by one who isn't well-versed in the mechanics of halakhic supersession.

The Me'iri (ad loc.) defines kevod ha-beriyot as "an extremely precious quality; indeed, no quality is more precious than it."

He continues, however, by saying that:

Even though kevod ha-beriyot is so precious, the honor due to the Torah is not overridden by it, and one does not push aside biblical commandment through active violation for the sake of kevod ha-beriyot.

This allows the Me'iri to explain the Talmud's ruling that one may ignore the mitzva to return a lost object if the item in question is embarrassing to be seen publicly with "for the Torah does not say that one should give honor to others while embarrassing himself."

The Torah's care and concern for one's dignity is so powerful that it can override even interpersonal mitzvot.

The Scope

The obvious question in this context is one of scope. Whose kavod does the Torah take into account?

Identifying the source of this mitzva may help. The Talmud notes that if one encounters an unattended corpse, one must bury it, even though this will prevent one from partaking of the paschal sacrifice. This reflects the importance of burial in the Torah:

But you shall not leave his body on the pole overnight. Rather, you shall bury him on that day, for one left hanging is a blasphemy of God, and you shall not defile your land, which Lord, your God, is giving you as an inheritance. (Devarim 21:23)

Why is this blasphemous? Rashi (ad loc.) comments:

This is a degradation of the King Who created man in His image, and the Jews are God's children. This is comparable to identical twin brothers. One becomes king, while the other is arrested for robbery and hung. In order that those who pass by the gallows not say the king is hanging, the king orders that his body be quickly removed.

This mitzva of burying the dead is thus rooted in the Godly image in which man is created, which according to many sources would seem to indicate that its scope should include all individuals created in the divine image, "for in the image of God He created man" (Bereishit 9:6). This would seem to be the source for kevod ha-beriyot as well.

Indeed, the Korban Ha-eda explains that Ben Azzai views the verse "This is the book of the generations of man" (Bereishit 5:1) as an even greater principle than Vayikra 19:18, as it applies to all of humanity, not only Jews. (See Year 1, Lesson 30.)

In terms of scope, kevod ha-beriyot covers a very wide range. "Beriyot" ("creatures") refers here not only to Jews, but rather to all people. Indeed, this all-encompassing scope emerges from the Rambam's comments (Hilkhot Sanhedrin 24:9-10):

"Similarly, [a judge] has the right to bind one's hands and feet, imprison him in jail, push and drag on the ground… With regard to everything, his actions must be for the sake of Heaven. He may not take human dignity [kevod ha-beriyot] lightly, for it overrides rabbinic prohibitions, and certainly the dignity of the children of Avraham, Yitzchak and Yaakov who bear the true Torah…"

The Rambam begins with the general value of kevod ha-beriyot, and only thereafter addresses the specific issue regarding "the children of Avraham, Yitzchak and Yaakov." Clearly, then, "beriyot" includes all human beings.

The Rambam begins with the general value of kevod ha-beriyot, and only thereafter addresses the specific issue regarding "the children of Avraham, Yitzchak and Yaakov." Clearly, then, beriyot includes all human beings.

To a certain degree, kevod ha-beriyot is an offshoot of the extreme care we show to the dignified individuals we have discussed in the previous lessons. Elders and parents must be treated specially, but every Jew, and every human, has inherent and inviolable dignity.

The Talmudic principle of "All Jews are the sons of kings" (Shabbat 128a) grants nobility to those who recognize their heritage from Avraham, Yitzchak and Yaakov, who set out to teach the world about the oneness of God and to allow people to appreciate the divine within them. As "a kingdom of priests and a holy nation" (Shemot 19:6), all Jews deserve this level of respect. However, all of mankind is endowed with Godly characteristics and is to be treated accordingly.

Rav S. R. Hirsch (Shemot 4:22-23) explains the unique terminology which God tells Moshe to use when first presenting himself to Pharaoh: "My son, My firstborn, Yisrael." What does this status mean?

The firstborn is not the one who is free and unfettered. On the contrary, his duty is to be the first servant. Moreover, even among animals and plants, we find the firstborn. The form of the word is active, not passive… The forces of the womb which have been restricted and closed are released and unfolded by him, as he is the one who opens the womb. He is firstborn not for himself, but for those who come after him. With him, his mother enters her new calling as a mother. He leads the way. His holiness lies in that, through him, the home is first blessed with children; through him, the womb becomes holy. Everything that subsequently passes through this portal will be holy unto God…

Hence, when God says, "My son, My firstborn, Israel," this means: with Israel, the womb of humanity will be opened; with Israel, the dance will begin; all the peoples are obligated to join him as My sons. I come to you in your own name and in the name of all of humanity. Israel is My first, but not My only, child; Israel is only the first people that I have won as Mine…

Rabbi Akiva states (Avot 3:18): "Beloved is Man, who was created in the image of God; it is by special distinction that he was created in the image of God." This is a reference to all humans, who are endowed with a divine dignity.

More importantly, kevod ha-beriyot applies to oneself. The Midrash (Vayikra Rabba 34) describes how Hillel the Elder cared for his own needs due to this recognition of being created in the image of God.

This is what is meant by the verse, "A kindly man benefits himself" (Mishlei 11:17); this refers to Hillel the Elder. When he took leave of his students ... [they] said to him, "Rabbi, where are you going?" He said to them, "To perform a mitzva." They said to him, "Which mitzva is it?" He said to them, "To wash in the bathhouse." They said to him, "Is this a mitzva?" He said to them, "Yes. The person in charge of the statues of kings positioned in the theaters and circuses scrubs them and rinses them, and he receives payment. Indeed, he is promoted among the royal dignitaries! I, created in the image and form [of God], as it says, 'For in the image of God He created man,' all the more so!"

A different approach: "A kindly man benefits himself" - this refers to Hillel the Elder. When he took leave of his students... [they] said to him, "Rabbi, where are you going?" He said to them, "To perform kindness with this guest in my home." They said to him, "Every day you have a guest?" He said to them, "Is this pitiful soul not a guest inside the body? Today it is here, tomorrow it is not here."

Tonally, there is a different between these two analogies, the statue of the king versus the lowly houseguest, but they both underscore the importance of kevod ha-beriyot.

To a certain degree, it is this recognition of our connection to God, as well as our dependence upon Him, that reaffirms the sacred element of kevod ha-beriyot. It is not mere humanism, but a religious perspective thereof: the worth of man is determined by the way in which God creates humanity.

Therefore, as Rav Lichtenstein there states, one should not confuse kevod ha-beriyot with the pervasive discussion of human dignity, as there is a profound religious outlook which gives importance to this ideal. One recognizes man's unique stature as a beriya, a creature cognizant of being fashioned by the Almighty. Man is created by God and "in the image of God" for a purpose. With all of its greatness, humanity is limited; recognition of that fact only serves to maximize the human race's potential.

How Far Does This Principle Go?

The verse (Shemot 20:23) states:

And you shall not ascend with steps upon My altar, so that your nakedness shall not be exposed upon it.

Rashi cites the explanation of the Mekhilta (Ba-chodesh 11). A priest who would widen his stride while ascending the altar would not actually reveal his nakedness to the altar, as the priests wore pants under their robes, but nevertheless it would be viewed as behaving towards the stones in a humiliating manner.

A fortiori, if the Torah forbids disrespecting these stones, which have no intelligence in order to be able to object to their humiliation, all the more so your friend, who is created in the likeness of your Creator and who certainly would object to being humiliated, deserves to be respected and never embarrassed.

The Torah required that even inanimate objects be treated with respect so that people may recognize the essentiality of maintaining human dignity.

Rav Chaim Shmuelevitz (Sichot Musar, Devarim) notes that this idea of human dignity is broader than it appears at first glance. He cites Rashi's approach to Devarim 1:1, which takes all of the places named there as allusions to sites of national sin. Although these events are well-known, Moshe does not "call the people out," as it were; he feels it unnecessary to embarrass the Jewish people in order to rebuke them.

This requirement of maintaining human dignity even applies to the meanest of people.

Rabbi Elazar said: "Note the seriousness of putting a man to shame, for God espoused the cause of Bar Kamtza, destroying His House and incinerating His Temple." (Gittin 57a)

Although Bar Kamtza was a lowly miscreant, willing to destroy the Temple for his own petty quarrel, God still views his basic dignity as important enough to allow his humiliation to be avenged.

Furthermore, even Bilam, the man who tried to curse the Jewish people, was spared humiliation! Rashi relates (Bamidbar 22:33) that the angel killed his donkey so that he not be humiliated by people who would say: "This is the donkey that rebuked Bilam and left him speechless!"

The Talmud (Bava Kamma 79b) extends this even to thieves, explaining the Torah's distinction (Shemot 21:37) between the fines paid by those who steal and then slaughter or sell oxen and sheep respectively:

Rabban Yochanan ben Zakkai said: "Note how great is the importance attached to the dignity of man, for in the case of an ox which walks away on its own feet the payment is five-fold, while in the case of a sheep which is usually carried on the thief's shoulder only four-fold has to be paid."

Similarly, Torat Kohanim (Kedoshim 10) notes that idolatrous sites must be destroyed because "they recall human disgrace." The Midrash goes on to state: "If the Holy One, Blessed be He, is so concerned with the dignity of the wicked, all the more so He is concerned with dignity of the righteous!"

This idea is also expressed in the Mishna (Avot 2:10):

The honor of your fellow should be as precious to you as your own honor.

The Greatness of Man

What does it mean to view others with dignity? Rav Chaim Shmuelevitz points out that one must not only refrain from degrading and insulting others; one must magnify and enhance the prestige and honor of one's fellows. This is walking in the footsteps of God who wants to enhance the prestige of others; as the Talmud (Chullin 6b) says, God left room for individual accomplishments.

If we are astonished by the overwhelming importance of kevod ha-beriyot, this is only because we don't truly comprehend the towering stature of the human being. If we could see the potential of the mortal, we would not doubt the importance of this mitzva.

In next week's lesson we will continue our discussion of kevod ha-beriyot, but we will end this lesson with an anecdote. The story is told that a well-known rabbinical figure in Jerusalem thought he saw the Brisker Rav, Rav Velvel Soloveitchik, coming towards his building. He quickly set up the table and asked his wife to put together the most dignified meal she quickly could as he ran out to greet the elderly sage. As he was running toward the elderly man, this individual was looking less and less like the Brisker Rav. Already a few feet away, it was clear to him that his vision had gotten the best of him, and this in fact was not the Brisker Rav, but another elderly individual who resembled the Brisker Rav from a distance.

The rabbi questioned his next move. He could stop and make believe he had been running for some other reason, and no one would know his mistake. However, the rabbi decided that if a nice meal had been prepared for the Brisker Rav, it was also a meal fitting for any other Jew. The level of care every Jew deserves is very great, and therefore, he invited the old man in to his home and shared with him the wonderful meal.

Ultimately, we may say that all of humanity is, essentially, part of the royal family of the King of Kings. The Alter of Slabodka, Rav Nosson Tzvi Finkel, founded his school of musar (ethics) on this principle, arguing that many halakhic rules are based on this idea. Man's greatness and the obligations that outlook places upon each individual are part and parcel of the message of human holiness which the Torah espouses.

In summation, the Talmud (Berakhot 17a) cites the Rabbis of Yavneh:

I am a creature of God, and my neighbor is also His creature. My work is in the city and his is in the field. I rise early to my work and he rises early to his. As he cannot excel in my work so I cannot excel in his work. But perhaps you say: "I do great things and he small things." We have learned that it matters not whether he does much or little if he only directs his heart to Heaven.

This is the secret of the dignity due to all mankind.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #10: Honoring Others and Dignified Giving

The Dual Nature of Kavod

In last week's lesson we began discussing the principle of kevod ha-beriyot, the dignity with which we must treat all human beings. Although certain individuals, such as one's parents or teachers, are to be accorded extra honor, every individual deserves tremendous respect. This is based on the concept of tzelem Elokim, the image of God, in which every human is created, entitling everyone to near-godly treatment. Indeed, this leads us to the principle of the greatness of man, fleshed out in the teachings of the Slabodka school of musar.

The Basic Halakhic Parameters

As we saw in the previous lesson, the Talmud (Berakhot 19a) states, “Great is human dignity (kevod ha-beriyot), as it overrides a prohibition in the Torah,” but the exact parameters are unclear. A simple reading of the passage seems to indicate that human dignity may allow one to violate a rabbinical prohibition or to disregard a biblical obligation that is monetary in nature or requires a certain action. What about an active violation of a biblical prohibition? Some see this as a dispute between the Talmud Bavli and the Talmud Yerushalmi; indeed, there are some sources that argue that even the Bavli would suspend biblical prohibitions for the sake of kevod ha-beriyot. (See Encyclopedia Talmudit’s entry on this topic, particularly footnotes 103-107). However, there are others who seem to view kevod ha-beriyot as an unavoidable consideration which might compel one to violate certain laws, but one would still have to atone for such a violation (Chavot Yair 236).

A second difficulty involves the definition of the term kavod, honor, especially when many of the examples brought in the Talmud are uncommon occurrences of great affronts to one's personal dignity rather than mundane situations.

Furthermore, the Talmud Yerushalmi (Berakhot 3:1) refers to kevod ha-beriyot as kevod ha-rabbim, the honor of the masses or of the public, a concept that is mentioned in the Talmud Bavli a number of times as well. Does this affect its application?

The Talmud itself mentions an important caveat: if maintaining one's dignity will cause an affront to the honor of God, then the latter takes precedence. Thus, one must strike a balance between these two considerations; sometimes, it is necessary to forgo one's own dignity in this world and merit closeness to God in the next.

It is beyond the scope of this series to deal with the halakhic ramifications of this principle. As the Rivash (Responsa, # 226) states:

One cannot compare the various examples of kevod ha-beriyot to each other, for if they allowed a kohen to defile himself for the honor due to an unattended corpse or [allowed

violations] for the honor of the mourner or the king or the elder… one cannot compare the various cases.

Indeed, HaRav Aharon Lichtenstein, in "Kevod Ha-beriyot: Human Dignity in Halakha", notes that kevod ha-beriyot is often intentionally omitted as the justification for halakhic rulings because of the potential for abuse; one might start to apply it on a wholesale level, without any limitation. Still, the Talmudic invocation of greatness cannot be ignored, and it should inform all manners of personal conduct, from one's hygiene to interactions with others to the idea of human rights.

It is this message on which we will focus, from the statements of our Sages to the expositions of contemporary thinkers.

Maintaining Others' Dignity in Trying Situations

Halakha's willingness to suspend commandments for the sake of kevod ha-beriyot may be especially relevant for those in positions of authority: a boss must not view his or her position as an indication of superiority. Sometimes, unfortunately, a promotion may change the way one relates to others. The principle of kevod ha-beriyot requires that even when one feels the weight of responsibility in a managerial position — even when one must do something unpleasant, like correcting workers, reprimanding them or even letting them go — the human dignity of the others must be respected.

The Torah does not mandate going out of one's way to avoid embarrassing another only; it specifically requires showing proactive appreciation and concern. The Chinnukh notes that the mitzva of providing a bonus at the completion of a term of service is not limited to the Jewish servant. Devarim 15:14 states:

You shall supply him liberally out of your flock and out of your threshing floor and out of your wine press; with what Lord your God has blessed you, you shall give him.

The Chinukh (Mitzva 482) seems to view this as a general directive:

At the root of the precept lies the purpose that we should acquire in ourselves noble, precious, cherished traits of character; and with a precious, noble spirit we will merit to attain good reward, as the beneficent God desires to do good for His people. It is our splendor and glory that we should have compassion on a person who has served us and that we should give him of what we own as an act of loving-kindness, apart from what we have stipulated with him to give him as wages. It is something understandable by intelligence, and there is no need to continue at length about it.

Thus, according to the Chinnukh, an employer must recognize and reward the workers in all they do. This is merely a small part of kevod ha-beriyot.

The Dignity of Honoring Others

Disrespecting others has many terrible consequences, but the Mishna (Avot 4:1) takes the affirmative view: one's concern for the honor of others is the defining element of honorableness, as Ben Zoma succinctly puts it:

Who is honored? He who honors others, as it is said: "For those who honor Me I will honor, and those who scorn Me shall be degraded" (I Shemuel 2:30).

The Tiferet Yisrael explains simply:

When one honors his fellow man because he is created in God's image, one is in essence honoring God. Therefore, God will bestow honor upon this individual, as his own godliness will shine, causing others to honor him.

Rabbeinu Yona adds that honoring others does not provide them with anything, as they are either worthy of the honor or not. However, honoring another allows the one showing the honor to express honorable behavior; thus, one imitates God, Who created the whole world for His glory yet provides honor to all of mankind.

Rashi explains that the Mishna is essentially teaching one how to be honored by Heaven, as one's sensitivity to human dignity causes God to provide the same concern for one's own dignity.

The Midrash (Shemot Rabba 8:1) explains that this practice of God, providing honor to others, is the origin of a famous title:

Why is the Holy One, Blessed be He, referred to as: "the King of Honor" (Tehillim 24:7)? He dispenses honor to those who fear him.

"Great is human dignity" is not a mere aphorism; it is meant to influence our actions. The most significant of mitzvot may be temporarily pushed aside in order to preserve one's dignity.

The Endless Pursuit of Honor

As important as human dignity is, one must never pursue personal honor. The Mishna (ibid. 21) states:

Envy, desire and honor remove a man from the world.

While possessions are relatively easy to amass, respect is elusive. Many people are driven by a bottomless appetite for honor, and they are never satiated. Rav Chaim Shmuelevitz states (Reb Chaim's Discourses, p. 145):

The explanation for man's insatiable conquest of honor lies in understanding the difference between the desire for honor as opposed to physical desires. Someone who craves any of the physical pleasures desires something that is real and exists. Therefore, when he has enjoyed it, his hunger and desire are satiated, at least to the degree he enjoys it, even if he obtains only a portion of it… Not so one who hungers for honor. Honor itself is non-existent; it is only a figment of the imagination. There is no tangible pleasure in honor. Its essence lies in the fact that by being accorded it, one's fantasies and desires have been fulfilled. Therefore, if anything is lacking in the fulfillment of one's dreams, then his hunger for honor is not satiated at all, for he has essentially received nothing.

However, Rav Chaim (Sichot Musar, ch. 82) also offers an interesting suggestion regarding how one's feelings of entitlement can be channeled to better suit one's self and others. The more one feels the desire to be honored, the more one may recognize how others may feel the same way. If honoring others is the ticket to becoming an honorable individual, the more one recognizes his or her personal need for honor, the more one may focus on that need in others. Showing them honor actually allows one to be an honorable individual, rather than being lost in the constant hunt for honor. However, he adds an additional element to honoring others: one truly fulfills the obligation only after

finding a trait in another worth honoring — whether the other is a parent, rebbe or any individual. This approach allows one to accord honor to others in a real and meaningful manner.

One should also find within oneself a trait worthy of honor. The Rambam (Hilkhot De'ot 3:1) cautions against living an undignified existence:

A person might say, "Since envy, desire, honor, and the like support a wrong path and drive a person from the world, I shall separate from them to a very great degree and move away from them to the opposite extreme." For example, one might not eat meat; nor drink wine; nor live in a pleasant home; nor wear fine clothing, just sackcloth, coarse wool and the like, as the pagan priests do. This, too, is a bad path and it is forbidden to walk upon it. Whoever follows this path is called a sinner…

Although one should not be driven by honor, one should recognize that an honorable attitude and feeling of self-worth are essential in order to act honorably. Although it would seem to be a difficult balancing act, Rav Chaim Shmuelevitz (Sichot Musar, ch. 28) explains how this attitude is an essential aspect of the religious personality and the mission of fulfilling God's word. Understanding one's worth allows one to stand up to those doubting the significance of spiritual pursuits and to embrace one's tzelem Elokim.

The Jewish Calling to Find the Divine in the Other

In The Dignity of Difference: How to Avoid the Clash of Civilizations (p. 208), Rabbi Jonathan Sacks explains how finding dignity in others is a religious imperative:

The question is: To what extent will we see our present interconnectedness as a threat or a challenge? As the work of man, or as a call from God to a greater humanity, as well as to a greater self-restraint? As for me, I believe that we are being summoned by God to see in the human other a trace of the divine Other. The test — so lamentably failed by the great powers of the twentieth century — is to see the divine presence in the face of a stranger; to heed the cry of those who are disempowered in this age of unprecedented powers; who are hungry and poor and ignorant and uneducated, whose human potential is being denied the chance to be expressed. That is the faith of Abraham and Sarah, from whom the great faiths, Judaism, Christianity and Islam, trace their spiritual or actual ancestry. That is the faith of one who, though he called himself but dust and ashes, asked of God himself, 'Shall the judge of all the earth not do justice?' We are not gods, but we are summoned by God — to do His work of love and justice and compassion and peace

This is not only a duty; it is the basis of the concept of human rights. Rav Ahron Soloveichik (Logic of the Heart, Logic of the Mind, p. 62) argues:

This key concept of k'vod habriyos, the dignity of all human beings, constitutes the basis of human rights. The maxim of "Man was endowed by his Creator with certain inalienable rights" was not an innovation of the founders of the American republic. These men were impressed with the doctrine of human rights which flows naturally from the concept of "the dignity of man" and the "image of God in which He created Man," as they knew from their Biblical background.

Rav Ahron Soloveichik adds (op. cit. p. 64). that there is still a distinction between the secular doctrine of human rights and the religious teaching. Judaism concerns itself not only with the rights of man, but with man's duties to espouse the doctrine of tzedek u-mishpat (see Psalms 89:15): "In modern society, assaulting a person is a crime but failure to save a human life is not. Civil law finds it inconceivable that a person should have the right to demand help and generosity from another. The Torah's concept of Tzedek, however, gives the person the right to demand aid."

The Kedusha Element:

Rav Aharon Lichtenstein notes that Rav Joseph B. Soloveitchik would always emphasize that while the Western tradition customarily speaks of "the dignity of man," we speak of "the sanctity of man." Rav Lichtenstein adds:

The dimension of sanctity is the basis and foundation of our conception, and the "dignity" is integrally connected to it. By that token, our concern for kevod ha-beriyot is not just an obligation towards others or ourselves, but also an obligation towards the Almighty. When man is viewed as a divine creature, then our perception of reality changes.

This brings us back to the directive of “Kedoshim tihyu,” “You shall be holy” (Vayikra 19:2). The Midrash (Vayikra Rabba 24:9) states:

“You shall be holy” — I might think that this means holy as God Himself is holy; therefore it says: "For I am holy" — My holiness is superior to yours.

Rav Chaim Shmuelevitz questions the supposition here: isn't the comparison unfathomable? He explains that only the Sages, who appreciate the vastness of the human ability, could raise the possibility of comparing oneself to God, requiring an explanatory clause in the verse. Nevertheless, the distinction is not due to man's lowly status, but rather God’s exaltedness. He concludes (Reb Chaim's Discourses, p. 243):

This then is the true stature of a human being, created in the image of God, with the ability to scale heights beyond our conception. It is this loftiness which obligates us to the extreme of kevod ha-beriyot.

The Mitzvot of Kedoshim Tihyu

With this understanding of the importance of Judaism's perspective regarding the sanctity of human dignity, let's take a look back at Vayikra 19. The chapter delineates a number of mitzvot, starting with revering one's parents (as discussed in previous lessons). After continuing with a number of mitzvot related to serving God and no other, the Torah then lists a number of interpersonal mitzvot, primarily prohibitions. Many mitzvot in the list are very familiar to us, including the prohibitions of robbery, cheating a worker and the like. However, before these laws, in vv. 9-10, the Torah requires that we set aside a portion of the harvest for the poor. This indicates that the poor should never be deprived of their dignity. A person should not have to solicit funds, as a place in every landowner's field should be set aside for the needy. The first of these agricultural mitzvot is that of leaving the corner of the field unharvested; this allows easy access and reduces the discomfort of entering another's field to get food.

The Torah recognizes that pauper has not only physical and economic needs, but emotional ones as well. The indignity of being dependent on others, the loss of pride when asking others for one’s basic needs, is the psychological dimension which this mitzva seeks to ameliorate.

Does the Torah endorse a welfare state? It clearly recognizes that the poor will always be with us (Devarim 15:11), but it still argues that their dignity must be preserved in every way possible.

The formulation in Kedoshim, “When you reap your land’s harvest,” in the plural, makes everyone a co-owner of the property. Mutuality is the key to the Torah’s attitude to charity.

It is not for naught that Rut, the mother of royalty and ancestor of King David, who accompanies her mother-in-law Naomi back to Israel after the death of her husband and the rest of Naomi's family, enters into the fields of the wealthy scholar Boaz, her eventual mate, via these mitzvot. The Davidic dynasty is the result of this relationship. The most unfortunate member of society, the poor girl lacking a family, is able not only to partake of the bounty of the field of the wealthy through these gifts, but even to be noticed and appreciated. This is the call of holiness in providing for others.

In our next lesson, we will see how these mitzvot provide a roadmap for charitable giving and, ultimately, a sanctified life.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #11: The Multifaceted Nature of Agricultural Gifts to the Poor

Three Passages

In last week's lesson, in the wake of our discussion regarding the Torah's extensive concern for human dignity, we noted that Parashat Kedoshim discusses agricultural gifts to the poor (Vayikra 19:9-10). These same mitzvot or similar ones recur twice more in the Torah, in Parashat Emor and in Parashat Ki Tetzei. What are we to learn from these three passages?

Let us look at them inside. In Kedoshim, after a number of mitzvot regarding the proper way to serve God and no other, the Torah introduces the concept of reserving part of one's yield for the poor. These commandments are to be fulfilled passively — not by taking action, but by restraining oneself:

When you reap your land's harvest, you shall not completely reap the corner of your field, nor shall you gather the gleaning of your harvest.

The next verse speaks about similar gifts from one's vineyard.

And you shall not pick clean the vineyard, nor shall you gather the fallen fruit of the vineyard; you shall leave them for the poor and for the stranger: I am Lord your God.

In Parashat Ki Tetzei, in Devarim 24:19-22, we find a similar list of commands, with the addition of another crop (olives) and another type of produce to be left for the poor (the forgotten bundle):

When you reap the harvest in your field and you forget a bundle in the field, you shall not turn back to take it; it shall be for the stranger, the orphan, and the widow, so that Lord your God may bless you in all the work of your hands.

When you beat your olive tree, you shall not go over the boughs again: it shall be for the stranger, the orphan, and the widow.

When you gather the grapes of your vineyard, you shall not pick it clean afterwards: it shall be for the stranger, the orphan, and the widow. And you shall remember that you were a slave in the land of Egypt; therefore, I command you to do this thing.

Perhaps the most striking passage is back in Vayikra. Both Kedoshim and Ki Tetzei contain a stunning assortment of mitzvot from all walks of life, but Parashat Emor is extremely focused, unit by unit. Chapter 23, in particular, deals with the laws of holidays throughout the year. The repetition of the mitzvot already seems questionable, but positioning them (v. 22) in between two grain offerings from the new crop, the omer of Pesach and the two loaves of Shavuot, seems especially bizarre.

When you reap your land's harvest, you shall not complete reaping the corner of your field, nor shall you gather the gleaning of your harvest; you shall leave them for the poor and for the stranger: I am Lord your God.

These commandments certainly seem to be significant, and their placement in three different contexts points to their complex nature.

The Actual Mitzvot

The first mitzva enumerated in Kedoshim is known as peia, referring to the corner of the field that must be left uncut for the poor to reap. This mitzva applies equally to all fields, orchards and vineyards (as seen in Devarim 24:20). In addition, we have the mitzva of leket, often translated as gleanings. It refers to the mitzva to leave for the poor that which falls from the hands of the owner or the employee while harvesting the field. This only applies if less than three stalks fall in one place during the harvest; if, however, three stalks fall at once, then the owner it permitted to collect them.

Our Sages (Shabbat 113b) state that Rut was aware of this law and was careful to only pick up one or two fallen stalks.

The next verse states a similar mitzva regarding the vineyard, known as peret. Regarding vineyards there is an additional mitzva as well, not to "pick clean" the vines by collecting the olelot, the underdeveloped clusters of grapes which lack a complete body.

In Parashat Ki Tetzei, another mitzva is introduced, known as shikhcha. If a sheaf is forgotten during the harvest, the owner of the field may not return to collect it, as it is to be left for the poor. This mitzva applies to trees as well; when one forgets to pick one or two trees, they must be left for the poor.

The Talmud (Chullin 131a) summarizes these agricultural mitzvot thusly:

There are four gifts assigned by the Torah to the poor in a vineyard: the fallen grapes, the undeveloped clusters, the forgotten clusters and the corner of the vineyard; there are three in a field: the gleanings, the forgotten sheaf and the corner of the field; and there are two in an orchard: the forgotten fruits and the corner.

As the Rambam makes clear in Sefer Ha-mitzvot, each of these five named concepts, leket, shikhcha, peia, peret and olelot, has a pair of mitzvot: a positive command to leave items for the poor and a prohibition to take them. Nevertheless, there is a difference between leket and shikhcha, on the one hand, and peia, on the other. Leket and shikhcha are created by circumstance, whereas peia involves an active setting aside of part of one's field. However, together all the mitzvot transform one's field into a center for agricultural charity, allowing one to provide for the poor in a dignified manner.

The Placement

A number of commentators (ad loc.) explain the message of placing these commandments in the chapter dealing with holiness. The Seforno comments:

The Torah explains that once we have accepted Him as God, it is proper that we walk in His ways, to do righteousness and justice, and among these are the gleanings, forgotten sheaves and corner of the field mentioned in the chapter. This is explained by His saying: "I am Lord your God" — that is to say: since I am your God and all My ways are kindness

and truth, it is fitting that you observe these categories of righteousness which are desirable before Me. Afterwards, the Torah continues to explain the ways of justice…

Similarly, the Netziv explains in Hamek Davar:

All these prohibitions are laws of God that bring peace, because the nature of the poor is that they gather together at the period when others are harvesting their crops, and if they were not to benefit from all the bounty that is being harvested by others, the result would be cursing and defamation. However, if one has mercy on them, it will lead to a society of love and good-heartedness…

Rav S. R. Hirsch develops this concept further:

The foundation for a holy life, "Kedoshim tihyu," starts with the fundamental laws of the family and the individual, namely with respecting parents and Shabbat. This foundation is completed with the fundamental law of society, namely the mitzva of tzedaka, the right to receive it and the duty to give it. It is significant that the social foundation is woven into one unit with laws pertaining to the service of God, laws of sacrifices. For, in Jewish life that is sustained by God, there is no antithesis of religious and social; they are not even separate, coexisting parts of one higher whole. Rather, they are interrelated in organic unity, like root and stock, blossom and fruit. Judaism says: "Love God and love mankind" (Avot 6:1), for the love of God includes the love of his creatures. The foundation of the peace offering, which is the joy of happiness, is also the foundation of our responsibility for the happiness of others.

This brings us to the question of what appears immediately before these mitzvot in Parashat Kedoshim: four verses dealing with the proper way to bring a peace offering. These verses (Vayikra 19:5-8) explain that one who offers a peace offering should do so with the proper intention; if one offers it with the intention to eat a portion of the offering after the prescribed time, it becomes piggul (a loathsome thing) and must be destroyed. What does piggul have to do with peia?

The Ibn Ezra argues (as does the Chizkuni) that the placement here underscores the similarity between the peace offering, which is mostly eaten by the owner, and the agricultural yield, which is mostly eaten by the owner as well. Just as it is essential to fulfill God's will by giving a portion of the peace offering to the altar, it is essential to fulfill God's will by giving a portion of the crop to the poor.

The Keli Yakar suggests that juxtaposition of piggul and gifts to the poor is indicative of the primacy of tzedaka over offerings. For an offering to be a valid religious expression, it requires the proper mindset, yet these agricultural gifts are considered righteous gifts to the poor even if they are brought without proper intention. This idea is specifically relevant to the mitzva of leaving shikhcha, which is viewed as a righteous act of charity even if the farmer is unaware of forgetting any sheaves prior to their being taken by the poor (see Year 1, Lesson 6). Although the ideal way to provide charity is with proper intention, the act of providing for the poor even unintentionally is also significant.

One may take this idea in a different direction as well. The juxtaposition highlights that offerings must be brought with proper intention, while charity is valid even without the proper intention; nevertheless, the ideal charity is to be given with the proper mindset. For charity to become more than a good deed, to become an act of holiness, it must be approached with the same significance with which one approaches a sacrifice.

The Or Ha-chayim offers a homiletic interpretation: even though one who eats piggul is condemned to be excised for desecrating God's holies, redemption is still possible.

Symbolically, the sickle has not yet reaped such a person. One must not "not completely reap the corner of your field" by becoming guilty of additional crimes, as all parts of one's existence that have not taken part in the original transgression continue to maintain their affinity with their holy origin. The gleanings remain, and one must not wipe out that residue of holiness through additional sin. Even if one has committed a crime which carries the penalty of excision, there is a thread that remains and connects every Jew to the Throne. Through repentance, the sinner may re-establish the connection with the Throne of God.

The Connection to the Holidays

While these commentators note the significance of mentioning these agricultural gifts to the poor in Kedoshim, it still must be explained what is gained by repeating them four chapters later in Parashat Emor, in the middle of the discussion of the festivals.

Torat Kohanim states that this juxtaposition equates providing for the poor with the offering of sacrifices, as one who gives these gifts to the poor is considered as if he has offered sacrifices, and one who neglects his obligations to the poor is akin to one who neglects his sacrificial duties.

Some of the commentators offer other explanations, such as the Ibn Ezra, who explains simply that these mitzvot are mentioned in the context of the festivals of Pesach and Shavuot as they are observed during the harvest season, and the Torah reminds one harvesting his crop to provide for the poor.

The Ramban adds that one might think that if he uses his crop for mitzvot such as the omer offering of Pesach or the two loaves of Shavuot, there is no need to be concerned with the poor. However, the Torah repeats these commandments here again to convey the critical idea that the attention one pays to his ritualistic duties must never diminish his sensitivity to the plight of the underprivileged.

Rav Hirsch (Vayikra 23:22) takes this idea even further, explaining the similarity in message of these specific offerings and the gifts to the poor.

Fulfillment of the mitzvot of peia and leket is the practical corollary to the omer and the two loaves, for through them every individual is guaranteed the means of an independent existence. However, this is guaranteed only by the power of Torah and mitzvot. Were it not for God's Torah, only the landowners would enjoy an existence worthy of human dignity; only they would benefit from the bounty of the fields. The landless, however, the poor and the strangers, would be dependent on the sympathy and judiciousness of the landowners. Yet, in our "progressive" times, to appeal to the landowners for support borders on a crime, and the few coins of charity given by them humiliate the recipients.

But such is not to be done in Israel. For this nation carries the first cuttings of its fields to the sanctuary of the Torah, and there waves the omer before God. And on the day that commemorated the receiving of the Torah, the nation brings two loaves to the sanctuary of the Torah, and there vows to fulfill its duty as the people of the Torah. The prosperity that is granted to the community is to bestow upon every individual a dignified existence. In this nation, the produce of the land and the labor of man are not solely for the benefit of the landowners. The landless and the strangers are rightful partners in the harvest, and their upkeep is the obligation of the wealthy and the privilege of the poor…

For the wealthy man who cares for the needy of his people merely fulfills thereby his duty to God. This duty is thrust upon him with every grain of produce that God caused to grow in his field. This concept of tzedaka is the greatest of the Torah's social triumphs.

Three Mentions for Three Different Elements

Although these various explanations provide fascinating explanations for the mentions of these mitzvot in these specific places, it might be worth thinking why these mitzvot are repeated three times in the Torah. Why could the Torah not have chosen one specific location to mention all these mitzvot, rather than repeating them with additional elements in three separate contexts? Aren't they all applications of one concept, giving to the poor from the produce of the land at harvest time?

Based on what we have seen, it seems that this concept has three diverse elements. Its multifaceted nature requires that it be taught in these three separate contexts.

We will start with the third mention in the Torah, as there it would seem to be most straightforward. There these mitzvot are mentioned along with other interpersonal commands. The addition of shikhcha, which as mentioned can be fulfilled even without any awareness at all, underscores the importance of achieving the result of providing for the needs of the poor. This is the essence of what distinguishes interpersonal mitzvot from their ritual counterparts, as regarding interpersonal mitzvot it is the result that can be significant, even without the proper intent.

As for the repetition in Emor, on the simple level, this indicates that one cannot be joyous on the festivals without expressing care and concern for the underprivileged (see Year 1, Lesson 20). However, the message goes further, as the Ramban notes that the Torah indicates that there is also a ritual element to leaving the gifts of one's field. Social justice cannot be pushed aside for ritual obligations, partly because God views one's giving to the poor as an obligation to Him as well. It is not only meant to provide for the poor; it is a gift to God as well.

However, it is the initial mention in Parashat Kedoshim which is of primary importance; indeed, it may be that for this reason, shikhcha is omitted, as it focuses on the result rather than the intent of the giver. In the context of kedusha, how one gives is more important than what one gives.

Holiness requires not only giving, not only doing so in a dignified manner, but doing so in a way that transforms the giver. Just as there is a proper way to offer a sacrifice, there is a proper way to harvest one's crops. One must focus not on the bounty; rather, one should, in giving gifts to the Temple and the poor, develop real concern for others. One's field should become a field for the community's needs. One should give in a way that ensures that avoids haughtiness and high-handedness; property should be a means of bringing peace and connection to God and one's fellow man. The same way that the peace offering is eaten by the priest, the altar, and the one who offers the sacrifice, one's yield should be enjoyed by all. Doing so allows one to transform one's wealth into a holy part of religious life.

If so, the three mentions of this mitzva underscore its three elements: the interpersonal element of providing for others (Ki Tetzei), the ritual element of social justice (Emor), and the bein adam le-atzmo (intrapersonal; see Year 1, Lesson 8) element of becoming a giving personality through one's wealth, achieving a holy outlook in the process (Kedoshim). This is the multifaceted nature of these mitzvot.

In conclusion, Rav Hirsch points out that it seems rather evident that the purpose of this mitzva is not to solve the issues of poverty, as it is left to chance whether the poor will take anything from one's field; the poor themselves are obligated to leave these gifts from any fields they may own for other unfortunates. Rather, he explains, these mitzvot serve a different purpose altogether:

At harvest time, a person surveys what nature has done for him and what he is about to take home as the fruit of his own labor. At this time he utters the proud and momentous words: "My own." Precisely at this time, every member of the nation must bear in mind and signify in deed that anyone who can say “This is mine” is obligated to care for others as well. His field and his vineyard do not yield their produce for him alone (this is the message of peia and olelot). In the labor of his hands he is not to work for himself alone (this is the message of leket and peret). For in the state governed by the Law of God, the care of the poor and the stranger is not left to feelings of sympathy; it is not dependent on property owners' fears of the threat posed to them by the despair of the poor. Rather, it is a right that God has given to the poor and a duty that He has assigned to property-owners. And over all of them, God proclaims, "I am Lord your God", thereby assuring all of them of His personal care, encompassing all with equal love and justice and the obligating all equally to be just and loving toward others. Thus, He unites them all to form a holy community that is sustained by justice and charity.

In next week's lesson, we will deal with the particulars of these agricultural mitzvot and their messages of holiness.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #12: The Mitzvot of Peia and Shikhcha

In last week's lesson we introduced the agricultural mitzvot of the field mentioned in Parashat Kedoshim; leket and peia, and their counterparts in the vineyard; peret and olelot. We noted that the first pair of mitzvot is repeated four chapters later in Parashat Emor, and in Parashat Ki Teitzei (Devarim 24), we find the additional mitzva of shikhcha. We discussed the importance of the placement of these mitzvot and noted that the Torah's mention of these mitzvot in three different locations seems to underscore the multifaceted nature of these mitzvot, as they contain three fundamental aspects: an interpersonal element of providing for others (Ki Teitzei), a ritual element of social justice (Emor), and a bein adam le-atzmo element that fosters a giving personality (Kedoshim).

In this week's lesson, we will focus on some of the unique aspects of each of these mitzvot.

Singular of Plural

In Parashat Kedoshim, the various agricultural forms of charity are introduced with the following statement (Vayikra 19:9):

When you reap your land’s harvest, you shall not completely reap the corner of your field, nor shall you gather the gleaning of your harvest.

A number of commentators are bothered by the change in terminology, as the verse begins with the plural “you” at the beginning of the verse, and then moves to the singular “you.”

Rabbeinu Bachya explains that the verse is focusing on the individual responsibility of providing for the poor even when society as a whole is involved in the harvesting.

"When you reap your land’s harvest" is in the plural because… it was the custom in those days that many people began the harvesting process simultaneously, By contrast, the words "you shall not completely reap” are addressed to the individual owner of the field, as the onus is on the individual owner.

The Or Ha-chayim explains:

The Torah may have wanted to dispel the faulty notion that when the amount of gleanings does not add up to anywhere near enough to provide something meaningful for the poor, the law does not apply… The Torah therefore addresses each farmer individually, telling him that even though his individual contribution is minimal, he must abide by the legislation. The Torah uses the singular for each one of the types of gifts for the poor listed in our verse.

Both understandings seem to focus on the psychology of a blessed individual in a society that has a number of needs. One is liable to feel that the solving of the needs of the poor is a communal responsibility, not an individual one, or that his charity is so insignificant that it will not even make a dent in the communal needs. Therefore, the Torah states unequivocally that one must focus on his or her own personal responsibilities to the needy.

Indeed, the Torah may be stressing that one should not blame poverty on societal mismanagement or lack of care by the community; even if this is true and even if one has competitors who are not fulfilling their moral duties, one is still personally accountable. This responsibility helps both the recipient and the giver, even if the latter cannot solve the world's problems — "It is not incumbent upon you to finish the task, but neither are you free to absolve yourself from it" (Avot 2:15).

Rav S. R. Hirsch adds another important point, explaining that this presentation serves to implant a communal perspective in the individual who is harvesting his own property and dealing with his wealth, as he is reminded that the land essentially belongs to everyone:

Even when the land is divided, it is not given to individuals for purely selfish purposes; it is still considered communal land even when it becomes your individual field. Even when you gather in the produce of your own portion of the communal soil, the Land remains the possession of the community. Therefore, do not completely reap what grows in your portion, as though it has grown for you alone. Rather, leave part of your field untouched, preferably at the end of the field…

Moreover, the Torah's terminology is striking: “You shall leave them” in Vayikra, “It shall be” in Devarim. The Talmud derives from this that the landowner does not truly give the gifts to the poor, nor does he even have the benefit of deciding which needy individuals will receive his gifts. It is their entitlement.

Rav Hirsch points out that this formulation also adds a positive commandment to the list of prohibitions here; even if one were to violate the negative prohibition and collect all the produce of the field, there is still a possibility of fulfilling the positive commandment ladder.

As the Rambam writes:

The poor man may come and take them even against the will of the owner; even if the latter is himself a poor man, we take them away from him.

These mitzvot serve an essential role in teaching man about the limits of his own wealth. The Panim Yafot points out that the literal translation is actually “You shall not eradicate the corner of your field by reaping.” To pick clean every last spot of one’s field is a destructive act, while leaving a bit for the poor is constructive. Providing for the needy and allowing God to provide more is the landowner’s key to unlimited blessing.

How Much to Leave?

The directive “You shall leave them” indicates that these agricultural gift belong to any pauper who takes them, and the owners are not even given the prerogative to choose the recipient. However, there is one element regarding the mitzva which is relegated to an individual's choice, and that is the amount.

The Mishnaic tractate of Peia begins by listing mitzvot which have no measure, peia first and foremost. Essentially, though the Torah forbids one to harvest one's entire field and requires that some of it be left for the poor, there is no quantification. One stalk would satisfy the obligation, but the more one gives, the more one realizes that charity is not an obligation as much as a delightful opportunity to provide for others.

Still, the Sages of made the choice a little easier by requiring that one leave at least one-sixtieth of the field as peia. Although there is now a minimum, there remains no maximum. The landowner chooses the amount, expressing that a significant percentage of the harvest belongs to those in need.

The Lesson of Shikhcha

Let us consider the differences between the different lists of these mitzvot. In Kedoshim, the Torah states (Vayikra 19:9-10):

When you reap your land's harvest, you shall not completely reap the corner of your field, nor shall you gather the gleaning of your harvest.

And you shall not pick clean the vineyard, nor shall you gather the fallen fruit of the vineyard; you shall leave them for the poor and for the stranger: I am Lord your God.

In Ki Teitzei, the Torah states these mitzvot again along with the additional mitzva of shikhcha (Devarim 24:19-22):

When you reap the harvest in your field and you forget a bundle in the field, you shall not turn back to take it; it shall be for the stranger, the orphan, and the widow, so that Lord your God may bless you in all the work of your hands.

When you beat your olive tree, you shall not go over the boughs again: it shall be for the stranger, the orphan, and the widow.

When you gather the grapes of your vineyard, you shall not pick it clean afterwards: it shall be for the stranger, the orphan, and the widow. And you shall remember that you were a slave in the land of Egypt; therefore, I command you to do this thing.

Regarding leket and peia, the Torah states that they are to be given to the poor and the stranger, while regarding shikhcha it states that the beneficiaries are the stranger, the orphan, and the widow, reminding us that we were slaves in the land of Egypt. Halakhically, the eligibility requirements are the same, but the Torah clearly chooses to emphasize different aspects. In Kedoshim, the landowner plays a socioeconomic role; in Ki Tetzei, where shikhcha is introduced, the landowner seems to play a familial role, stepping in to the shoes of the lost father or husband. Why is this?

The Uniqueness of Shikhcha

The mitzva of shikhcha requires that a harvester who forgets one or two sheaves in the field not return to pick it up, but instead leave it for the needy. What is particularly interesting about the mitzva is that the pauper may take them before the owner realizes the sheaves have been forgotten! This implies that one may fulfill a mitzva without being aware of doing so.

The Tosefta (Peia 3:8) relates the following:

An incident occurred with a pious man who forgot a sheaf in his field. He told his son: “Go out and sacrifice on my behalf a bull for a burnt-offering and a bull for a peace-offering.”

The son said: "Father, what makes you want to rejoice in this mitzva more than other mitzvot in the Torah?"

The father responded: “The Omnipresent has given all other mitzvot to be observed consciously, but this one is unconsciously observed. Were we to observe this one of our own deliberate freewill before the Omnipresent, the mitzva would never come into existence. But we are guaranteed… a special blessing. Moreover, isn't it an a fortiori argument? If when a man has no deliberate intention of performing a good deed it is nevertheless reckoned to him as one, one who deliberately performs a good deed, how much more so!”

Shikhcha is a mitzva which defies intent, yet it carries with it a guarantee of tremendous blessing. How are we to understand its unique nature? The Ibn Ezra writes about this blessing:

Because you gave of yours in thought, God will give you of His own in truth.

What “thought” is the Ibn Ezra referring to? The mitzva of shikhcha is accomplished specifically when one does not intend to leave something; indeed, one may realize the gift only ex post facto!

A similar idea is found in Rabbeinu Bachya’s commentary:

God assigns a blessing for people who have the right thoughts. The Sages (Sifrei 283) expound: even if the gift becomes the property of the poor without deliberate intent by the farmer who has forgotten it, he will be blessed; how much more will he be blessed if he has arranged it!

Rabbeinu Bachya seems to be saying that the basic mitzva is to leave the forgotten sheaf, but the greatest blessing is reserved for those who provide for the needy willfully and willingly. Still, as he notes (based on the next verse and the Sifrei ad loc.), self-aggrandizement diminishes from one’s act of charity.

The moral lesson is that one should not publicize the kind acts one performs.

Thus, the mitzva of shikhcha teaches us much about the nature of charity. Shikhcha does not require an action and may be fulfilled without the giver’s knowledge; the real test is one’s reaction when the act is realized. After all the hard work, will one rejoice in providing unintentionally for the needy? Moreover, the giving of charity may be undermined by braggadocio. Charity is a state of mind: having the proper thoughts, being content and delighted to have provided for others by a happy accident.

This understanding of shikhcha jibes well with the comments of the Chinnukh regarding the nature of this and other agricultural gifts of the field.

Building Character

Both Rav Hirsch and the Chinnukh explain that shikhcha is not a social mitzva, but a character-forming one, educating man's conscience. How does this work? How may one

acquire a generous nature through the “performance” of a mitzva one had no intention of performing? Certain elements are definitely instructive: giving without knowing whom one gives to, abdicating ownership of one's field and eschewing boastfulness (as one’s generosity was unintentional) allow one's charity to be purer. Is there more to shikhcha than this? Rav Hirsch seems to indicate just that, explaining why this mitzva appears in Devarim, Moshe’s final speech to the Jews as they prepare to cross the Jordan:

Here the Torah says that the harvest gifts bring blessing to those who give them; they constitute an acknowledgment of the redemption from Egyptian bondage. It is self-evident that this is relevant to the people who are about to enter the land, who will dwell there in independence.

He points out the additional law here of shikhcha and the mention that peia applies to trees.

The verse focuses on ownership: "you reap,” “your field." You are now standing on your soil, where nature has served you. You worked your land, and yours is the abundance that you are about to reap, either by your own effort or by the labor of the persons in your employ.

Rav Hirsch stresses how the various mitzvot of the field contribute to the unique forms of tzedaka that "counter the pride of ownership" while providing the means for the poor to support themselves. It reminds man that he shouldn't view the whole harvest as being his alone; he should not exploit the field down to the last stalk, but leave to the poor at least whatever falls.

To the foregoing is now added the mitzva of shikhcha. The mitzva serves to purge your thoughts of possessiveness and greed. It teaches you that your mind, too, which works at increasing wealth, must not be focuses solely on your own welfare. Rather, whatever has once escaped your attention at harvest time must be left for the poor. The mitzva of shikhcha serves to uplift harvest thoughts, just as the mitzva of leket serves to uplift harvest labor…

The harvest gifts don't actually provide for the poor as much as they remind us of our duty to provide for the poor. Remembering that which grows in our fields is chiefly for us but also for our needy brethren.

The Chinnukh (216) explains how the mitzva of peia develops one's character:

God wished His chosen people to be graced with every good moral quality, that they should be generous in spirit and blessed in soul. I have already written that actions mold the character, improving it and making it receptive for divine blessing. There is no doubt that by leaving a portion of his produce and declaring it free to everyone so that the needy may enjoy it, man's spirit will become more unselfish and he will enjoy divine grace. But he who gathers in everything into the house, leaving nothing for the needy who saw the field full of standing corn and hoped to satiate their hunger, will no doubt do harm to his character, breeding selfishness, ill-will and miserliness.

This same reason suffices to explain the laws of leket, shikhcha, peret of the vineyard and olelot.

Regarding shikhcha, the Chinnukh adds:

What lies at the root of the precept? The poor and the needy, in their want and their penury, set their eyes on the crop of grain when they see the owners of the fielding bringing in sheaves from the field according to God’s blessing. "If only I might be granted

to gather in sheaves to my house! If only I had one, I would rejoice in it!" It was therefore part of God's beneficent will to fulfill their desire and yearning when it happens by chance that the owner forgets a sheaf.

It is also beneficial to the owner of the field, as he acquires a generous nature, since the generous soul doesn't concern itself with the forgotten sheaf, leaving it for the poor. On those with a generous nature, God's blessing will rest in perpetuity.

From the words of the Chinnukh, it would seem that all the agricultural mitzvot serve an essential purpose in transforming the harvester from a greedy individual counting all his crops to one who realizes that his wealth can also be used as a means of providing for the poor. Shikhcha helps one foster this spirit by realizing that the things he has forgotten are probably not important at all, allowing him to put himself in the shoes of the needy, realizing how important and precious the ability to pick up sheaves is for them. With this in mind, it is not surprising that the Malbim quotes the Chinnukh's reasoning, explaining that through this mitzva, God allows man to be the conduit for taking care of the needs of the indigent — not only feeding them, but allowing them to feel important as well.

The Connection to the Land of Israel

At this point, we must consider the following question: are these agricultural mitzvot limited to the Land of Israel? If they are so essential for ensuring that one who is involved in planting a field develops and fosters a holy character, why should they not apply throughout the world?

In next week's lesson, we will analyze the nature of agricultural mitzvot of the Holy Land and the template they present for the world as a whole.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #13: Farming or Shepherding – A Question of Character, Part 1

The Agricultural Mitzvot of Vayikra 19

In the last two lessons, we discussed the significance of the agricultural gifts to the poor, which provide the framework for a successful landowner to maintain a holy perspective as he reaps his crops and gathers in the fruits of his endeavors. We gained an understanding of how these agricultural mitzvot serve as the introduction of Chapter 19 of Vayikra, which is dedicated to interpersonal mitzvot and the achievement of a holy character.

It is noteworthy that two other agricultural mitzvot also appear in this chapter. Though at first glance they may seem related to neither character-building nor interpersonal holiness, the fact of their being in this chapter indicates that they too have such a function.

Immediately after the lengthy series of interpersonal mitzvot culminating in "you must love your neighbor as yourself" (19:17), the Torah moves on to a radically different set of laws with no obvious connection to the interpersonal realm. Without the slightest break in the text, the Torah begins a discussion of the laws of kilayim, the forbidden mixtures, followed by a short, three-verse description of the asham shifcha charufa, the sacrifice brought by one who had relations with a partially free Canaanite slave woman who was betrothed to a Jewish slave. The chapter then returns to agricultural mitzvot: orla, the prohibition against benefiting from a fruit tree during its first three years of growth, and reva'i, the commandment to eat the fruits of the fourth year in Jerusalem in a state of ritual purity.

That these mitzvot are grouped together is remarkable in its own right, but their conspicuousness is compounded by the question of why they are placed in Vayikra 19, the chapter presenting the model of a holy Jewish lifestyle.

Rav Hirsch: The Place of Self-Control in Jewish Life

Rav Samson Raphael Hirsch (Vayikra 19:19) comments on the juxtaposition of these mitzvot:

This smooth transition testifies to the close connection between these laws. For the laws of preserving the separation of species throughout the organic world are connected to the laws of preserving the dignity of man. Moreover, they are related to the whole section of social holiness, whose first part they conclude.

Through the prohibition of revenge and the obligation to love one's fellow, the sanctification of man's character in human relationships with others reaches its zenith. Revengeful and hateful feelings toward an offender for wrongs suffered are deeply embedded in the physical nature of animals. They are part of the instinct for self-preservation; they are part of the self-love that powerfully dominates the animal soul, self-love with which the Creator has provided each one of His creatures for the purpose

of self-preservation. To free oneself completely of any feeling of revenge or hatred toward an offender, to transform love of self into love of one's fellow – that is the height of self-control. It entails freely subordinating one's bodily will to the higher dictates of God's will. Exerting this power of self-control is man's duty. He who fulfills it bridges the gulf between the animalistic-physical and the godly-moral; he transcends the boundary that separates man from beast, and he ascends the heights of holiness that leads to God's closeness.

And when we have reached the heights of human destiny, God's word directs our attention backward. He shows us the whole organic world lying far below us. We behold that this world too is a world of divine laws. Every plant, every living thing, proclaims God's glory. With every fiber and with all their strength they attest to God, Who makes the laws of their existence and formation. All this He shows us so that we will reflect and realize that if we have ascended to the heights of life's holiness, we have only fulfilled the purpose for which we were created. All the plants and animals perform God's will by compulsion … we, however, have been given the ability and charge to obey God in freedom …

Later, in his commentary to verse 24, Rav Hirsch notes that the relationship between orla and reva'i, on one hand, and the preceding mitzvot of shifcha charufa and kilayim, on the other, is rooted in the role of these mitzvot in fostering self-restraint. Shifcha charufa is focused on restraining one's sexual drive, while the other mitzvot relate to one's desire to eat.

The Jew waits three years after planting a tree for food. For three years be refrains from enjoying the fruit, and vis-Ã -vis God gives up his ownership right. This restraint trains him in self-control, which is the essential condition for the morality of enjoyment … Orla and reva'i teach man to free himself from the bonds of animal desire and attain moral freedom, for even during sensual enjoyment he will remember God and serve Him joyfully. Accordingly, even in his sensual enjoyment, he remains close to God and worthy of the name "man."

As evidence of his view, Rav Hirsch cites a gemara in Beitza (25b) that states:

Young trees will cut off the feet of butchers and those who have relations with menstruating women.

The commentators explain that the requirement to wait three years before partaking of a tree's fruit should serve as a lesson for butchers who eat an animal's meat before checking that it is kosher[1] and for men who have relations with their wives who have menstruated rather than wait for them to achieve ritual purification. This is the lesson of self-restraint taught by the mitzva of orla.

It is not surprising, then, that Chapter 19 of Vayikra includes a number of agricultural laws, first leket, pe'ah, and olelot, and then kilayim and orla. Just as the agricultural gifts to the poor present a new model of charity and a new perspective on one's wealth and harvest, the mitzva of kilayim allows us to recognize the power of our free will as human beings, and the mitzva of orla teaches man how to restrain his appetite for food. This analysis helps us understand the connection of these mitzvot to a life of holiness, and their essential role in informing how one relates to the physical world of the field.

What remains perplexing, however, is that the more we understand the importance of these agricultural mitzvot, the more we are dumbfounded by the question with which we ended last week: Why limit these mitzvot to the Land of Israel? True, some elements of orla do exist outside the Land of Israel, as does agricultural kilayim.[2] Yet the whole spectrum of these and all agricultural mitzvot applies only in the Land of Israel. How is it

possible that their essential message of values and character-building is not shared with those who live elsewhere?

In order to answer this question, we will take a broader look at the challenges and benefits of agricultural work.

In our day and age, many individuals choose a profession from literally thousands of options, and the idea of dedicating one's life to agriculture is a foreign concept for most people. Yet before the Industrial Revolution, a person's professional choices were far more limited. In numerous places the Torah seems to intimate that the essential choice was between shepherding and agriculture. While it might at first seem that this decision was merely a matter of an individual's professional proclivities, the truth appears to be to the contrary.

Kayin and Hevel: Land and Acquisition

From the beginning of human history, it is made clear that working the land can be harmful. In the description of the first fight between brothers – Kayin and Hevel – very little is explicit regarding what brought about the dispute. The only thing that the Torah clearly tells us about the brothers is their different professions.[3]

Although Kayin was the first to offer a sacrifice to God, his offering was not accepted as was Hevel's. Why not? Part of the answer may be that only Hevel brought his offering from the best of his lot – but why was Kayin's taking initiative not reason enough to accept his offering?

Further, we note that in God's discussion with Kayin, He warns him that "sin crouches at the door," while concluding with the positive message that "you can rule over it." What is the meaning of this?

The Torah's description of the brothers' professions, we suggest, says something about their personalities. In fact, given what the Torah says in this context, it should not be surprising that leaders of the Jewish people throughout the generations of the Tanakh tended to begin their careers as shepherds, rather than farmers.

Kayin's choice of profession, says Rav Hirsch, was indicative of his personality and constituted a challenge that, if not confronted successfully, could lead to his downfall. Rav Hirsch begins his discussion by noting that the root of Kayin's name is kana, "acquisition," and observes that working the land is indeed a means of attaining and acquiring wealth.

Agriculture demands all a person's physical strength … he needs to devote his whole life to his bodily existence. The concept of "Kayin," i.e. "kana" (acquisition) – self-recognition – and the pride associated with acquisition, implicit in the terms kayin and kana, are most evident in the farmer. The ground that the farmer has fertilized by the sweat of his brow has become part of his personality. He has made his ground bear fruit, and it becomes something of ultimate value for him – it becomes part of his personality, he holds onto it and settles it.

To be sure, agriculture stimulates and develops civilization. Most inventions and skills may be credited to agriculture. The settlement of the land implicit in agriculture leads to the formation of society and state and the administration of justice.

Nevertheless, though agriculture does have these positive elements, it also poses a tremendous spiritual challenge to the farmer, as seen in the agricultural societies of old:

On the other hand, the farmer is a slave to his field, and the field draws him towards it. Once he has placed the yoke of pursuit of acquisition upon his neck, his spirit also becomes subservient … This leads to slavery … Moreover, he will easily be brought to admiration of the forces of nature, upon whose influences the success of his field depends. Faith in God and in the superiority of man was first lost among the agricultural nations. It was there that idol worship first developed.

Yet Hevel's choice of profession, continues Rav Hirsch, is entirely different:

In contrast, the life of the shepherd is most elevated. He is concerned principally with living things. His care of them arouses within him humane feelings and sympathy for suffering. His acquisitions are portable. The flock needs the shepherd's care, but their existence is not in his hands. Thus, the shepherd is protected from the danger of overestimating his own value and that of his property. His profession does not occupy all his strength and efforts. His spirit is invested in his labor to a lesser degree, and remains open to godly and humane values. For this reason our forefathers were shepherds, and Moshe and David also shepherded flocks.

Working the land is fundamentally tied to the concept of private ownership. There is much significance to the fact that Hevel became a shepherd, while Kayin, obsessed with kinyan (acquisition), became a tiller of the soil.

That said, it is clear from God's words to Kayin that though one who works the land is faced with a challenge, his pursuit need not be an evil one. Sin does indeed "crouch at the door" – at the plowed field of the tiller of the soil – but "you can rule over it." Man's free choice and moral independence afford him the ability to be an upright worker of the soil with a deep religious consciousness.[4]

We find this tension between the tiller of the soil and the shepherd throughout history. Obviously, the land must be planted and built up to provide food for humans and for the flocks they tend. However, one who chooses to focus on building the land as his profession is liable to become overly attached to it and even intoxicated by its physical qualities, and to lose his spiritual perspective.

Noach: The Tension Continues

One of the greatest examples of this danger is that of Noach. Noach is introduced to us as the righteous individual building the ark, the head of the lone family to survive the Flood. Yet immediately after his departure from the ark, he turns to agriculture and plants a vineyard (Bereishit 9:20). To introduce his choice of a pursuit that ultimately leads to his inebriation and humiliation by one of his sons, the Torah uses the term "vayachel," connoting an act of chullin, that which is unsacred.[5]

Although Rashi, citing the Midrash, specifically faults Noach's decision to plant a vineyard, Chatam Sofer disagrees. He explains that Noach began with the righteous motive of planting grapes to use as libations for sacrifices to God. Yet in practice, he partook of the wine himself before offering a libation. He thus became intoxicated, and the enterprise became unsacred.

The Midrash (Bereishit Rabba 31:3) comments that although Noach is first described as a "righteous man" (6:9), when he turns to agriculture he becomes a mere "man of the land" (9:20). Rav Aharon Lichtenstein shlit"a points out that the Torah does not refer to him simply a "worker of the land;" but as a "man of the land." Noach was consumed by his profession to the point where it became a part of his very identity. He became a man of the land, with all the implications of such a title. It was admirable for Noach, upon

exiting the ark, immediately to begin cultivating the earth. However, despite his good intentions, the earth consumed him and changed his perspective.

Ya'akov and Esav: The Shepherd and the Man of the Field

With Noach's example in mind, it is not surprising that most Jewish leaders turned to shepherding, an occupation in which they could harness their feelings of care and concern for others. This dynamic is noted in the Midrash, which notes that Moshe's care for each and every individual sheep in his flock showed God that he would care for every Jew as well.

The only exception to this rule is Yitzchak, who besides amassing a vast quantity of livestock (Bereishit 26:14) also planted crops, obtaining a one-hundred-fold return on the seeds he planted (Bereishit 26:12). That the Torah sees fit to tell us about Yitzchak's crops may be understood in the context of the two generations that followed him.

Yitzchak's twin sons, Ya'akov and Esav, were seemingly both supposed to take part in shaping the future of the fledgling Jewish nation.[6] Yet interestingly enough, "Yitzchak loved Esav, for game was in his mouth." Yitzchak loved Esav due to his choice of profession, hunting,[7] as opposed to Ya'akov's pursuit of shepherding, the usual Jewish profession of the day.

Yitzchak valued his son Ya'akov's sincerity, but evidently thought that alongside his spirituality, Esav, the man of the field, would have to act as a provider. However, Esav took his pursuits in the field to an extreme. He made no effort at cultivating the land, preferring to see it merely as a place to indulge himself and hunt wild animals. The concept of working hard to achieve results – a key positive aspect of agriculture – was totally lost on Esav.

Midrash Ha-gadol (cited in Torah Sheleima 199) underscores the difference between the brothers' personalities in its account of the purchase of the birthright:

When Esav entered, he found Ya'akov standing and cooking, his eyes tearing from the smoke.

Esav said, "Why do you go to all this trouble? Open your eyes and see how all people on earth eat whatever they find – fish, insects, crawling creatures, swine, and such – but you trouble yourself to prepare a dish of lentils!"

Ya'akov said to him, "But if we act in that way, what will we do to prepare for the day about which it is said, 'Seek justice, seek humility; perhaps you will then be protected on the day of the Lord's wrath' (Tzefanya 2:3), the day when the reward of the righteous is dispensed …?"

He said to him, "Is there a world to come, or perhaps a resurrection of the dead …?"

Ya'akov said to him, "If there is no world to come and no resurrection of the dead, why do you need the birthright? Sell your birthright to me today!"

Yaakov was prepared to invest time in accomplishing his goals. Esav only wanted quick results.

Yitzchak had planted a field, rather than restrict himself to shepherding, because he knew that the Jewish future would require planting as well as shepherding. The Jewish people would need to build the Land of Israel, and Ya'akov's abilities as a shepherd would be

only a part of that endeavor. Yitzchak never discounted Yaakov's greatness, but he understood that Esav too had something very positive to contribute. Yet, the Torah tells us, Esav did not fulfill this responsibility because he failed to gain a correct perspective on his pursuits.

Yitzchak knew that despite Esav's failure, the Jewish nation would at some point need to revert to farming, to planting seeds as Yitzchak himself had done. Yaakov understood, though, that this time had not yet arrived; he therefore became a shepherd. Yet one of Ya'akov's sons understood that a day would come when shepherding would no longer suffice as the sole occupation of the Jewish people.

In the next lesson, we will see how Yosef's anticipation of an agricultural Jewish future raises the ire of his brothers, yet proves to be a correct judgment of Jewish destiny.

[1] After an animal is slaughtered, it must be skinned and cut apart, then inspected to ensure that it is not a tereifa, an animal that would have died soon even had it not been slaughtered (Rashi).
[2] Specifically, the Torah forbids cross-fertilization of different species of plants even outside of the Land of Israel.
[3] On Kayin and Hevel, see the beginning of Chapter 4 of Bereishit.
[4] For further discussion of this point, see Rav Elchanan Samet, "Why Did God Not Accept Kayin's Offering?"
[5] See Rashi. Other commentators understand the word differently.
[6] For an expansion on this theme, see Malbim on Vayishlach.
[7] The Torah (Bereishit 25:27) describes Esav as "a man of the field," but in light of the preceding phrase, "an expert hunter," Rashi understands this term to mean "a person who is idle and hunts beasts and fowl with his bow."

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #14: Farming or Shepherding – A Question of Character, Part 2

In last week's lesson, in our effort to understand why so many agricultural mitzvot are limited to the Land of Israel, we began discussing the spiritual challenges of the farming profession. We noted that from the dawn of time, the decision to dedicate one's life to agriculture or shepherding was not just a professional decision, but a statement of character. A careful reading of the Torah seems to indicate that Kayin's choice of farming as a profession was related to his drive for acquisition. Similarly, Noach's activity as a farmer and Esav's role as a man of the field contributed to their respective downfalls.

Our forefathers, followed by Yaakov's twelve sons, dedicated themselves to the noble profession of shepherding, with only the partial exception of Yitzchak. Yet it is Yitzchak's limited agricultural pursuit that Yosef later identified with the future destiny of the Jewish people.

Yosef and the Dream of Sheaves

Yosef had two dreams (Bereishit 37), the first related to gathering sheaves in the field, and the second regarding the solar system. While his brothers were taken aback by what both dreams implied, i.e. their subjugation to Yosef, they also may well have taken issue with the very subject of the first dream, which implied that Yosef had left the family tradition. The verses state:

Joseph dreamt a dream and told it to his brothers, and they hated him yet the more. He said to them, "Hear this dream that I have dreamt: There we were binding sheaves in the field when suddenly my sheaf arose and remained upright, and your sheaves gathered around and bowed down to my sheaf." His brothers said to him, "Do you mean to reign over us? Are you going to rule over us?" And they hated him even more for his dreams and for his words.

Rav Hirsch explains:

It is remarkable that he should have dreamt of binding sheaves. That was something with which they ordinarily had no connection: they were shepherds. Becoming an agricultural people was still only their destiny in the distant future. If agriculture was so much in his mind that he even dreamt of it, the brothers were justified in thinking that this only could be due to the teaching and information given to him by his father, Yisrael, regarding the expected national destiny of the family. All the more, then, could the brothers believe themselves justified in saying: Will you indeed in the future be king over us, or perhaps even now already rule over us?

This understanding is in line with the new reality that Yosef understood lay in store for the Jewish people, as discussed by Rav Yosef Dov Soloveitchik (Five Addresses):

Biblical Joseph was not persuaded that "Jacob dwelt in the land of his father's wanderings" (37:1) would endure for long. The words "Your seed shall be strangers in an alien land" (15:3) kept tolling in his ears. He saw himself and his brothers in an alien environment, far from the land of Canaan, in new circumstances and under new conditions of life. In his dream he saw "behold we are binding sheaves"; we are no longer in Canaan, we are in the land of Egypt and we can no longer be shepherds. We are integrated into a new economy with new styles of living, characteristics, and laws …. Basically he dreamt of a new framework within which the unity of the family could be preserved, even in the far-flung places where the Creator of the Universe would scatter them. His constant preoccupation was the continuation of Abraham's tradition amidst a new economic structure and civilization.

While his brothers were not yet ready to accept this reality, Yosef dreamt of a future in which agriculture would become a necessity for the Jewish people. His identification of the positive aspects of agriculture later allowed him to correctly interpret Pharaoh's dream.

Pharaoh's Dream: The Egyptian Perspective

Pharaoh, like Yosef, had two dreams, one relating to livestock and one about sheaves of grain (Chapter 41). Although Pharaoh was surrounded by the greatest dream-interpreters of the day, they failed to interpret the dream in a way that sat well with him.

Why did Pharaoh's advisers fail to interpret his dreams correctly? It is possible that the idea of gathering in sheaves seemed to them an act so devoid of spiritual significance that it could not possibly convey a message from God. Yosef, meanwhile, understood that though agriculture is a challenging profession where "sin crouches at the door" (4:7), man can "rule over it" and apply it in a spiritually positive manner. Therefore Yosef had no difficulty seeing how an agricultural, earthy dream contained within it a divine message. As Rav Hirsch (4:2) notes:

Man's natural labor was agriculture. Man needed to "work the land" in order to provide himself with food for sustenance …. This is also Israel's destiny according to the Torah.

The Egyptians, meanwhile, had already chosen agriculture as their prime pursuit, and the Torah pointedly notes that the Egyptians abominated shepherds (46:34). It is often understood that this disdain resulted from Egyptian worship of livestock, but Yosef's description of the Egyptians' attitude to his brothers may indicate otherwise:

Yosef said to his brothers and to his father's household, "I will go up and tell Pharaoh, and I will say to him, 'My brothers and my father's household who were in the Land of Canaan have come to me. The men are shepherds, for they have [always] been owners of livestock, and they have brought their flocks and their cattle and all they have.'

"And if it comes to pass that Pharaoh calls you and asks, 'What is your occupation?' you shall say, 'Your servants have been owners of livestock from our youth until now, both we and our ancestors,' so that you may dwell in the Land of Goshen, because all shepherds are abhorrent to the Egyptians." (Bereishit 46:31–34)

Rav Hirsch details the contrast between our forefathers' choice of shepherding and the Egyptians' disdain for that profession:

… consider the antipathy of the ancient Egyptians toward shepherds and pastoral peoples. All the negative outgrowths of the agricultural mentality discussed above were found in Egypt. Egyptian culture was based on agriculture; its characteristic features

were polytheism on the one hand and human enslavement on the other. Work was the purpose of man. The individual per se had no value, no dignity, no freedom. The Egyptian was born a slave to his occupation. Faith in God, faith in the freedom of man and man's likeness to God remained alive only in the hearts of one tribe of shepherds – our forefathers. The Egyptian leaders were very shrewd in instilling in their people an implacable hatred for pastoral peoples.

The Egyptians, explains Rav Hirsch, specifically chose agriculture because it was a mode of acquisition, and one that allowed the wealthy and successful to take advantage of the weak and poor. Work that centered around tending to the needs of the animal kingdom was antithetical to their way of life.

Yosef, who did not believe that agriculture was all bad, looked forward favorably to a Jewish agricultural future. However, in view of the prevailing culture, he warned his family to stay far away from agriculture while in Egypt and to announce loudly that they were shepherds. This, he felt, not only would help them maintain their separation from the Egyptians, but would also enable them to maintain the positive qualities of the shepherd without being confounded by the spiritual challenges of working the land.

Agriculture as a Mitzva

At what point, then, would shepherding cease to be the main Jewish occupation? When would working the land and gathering sheaves become a legitimate profession?

Let us look at the verses of orla,[1] in Chapter 19 of Vayikra:

When you shall come to the land and you shall plant (u-netatem) all types of trees for food, you shall consider their fruit forbidden (orla). Three years shall it be forbidden to you: it shall not be eaten. (Vayikra 19:23)

As we saw previously, some elements of orla apply outside the Land of Israel. Why, then, does the Torah introduce this mitzva with the phrase "When you come to the land"?[2]

Perhaps the answer to this question is to be found in the midrashic understanding of the word "u-netatem" as not merely a condition – "and you shall plant" – but a commandment in its own right – "then you shall plant." The Midrash, identifying here a commandment to cultivate fruit trees in the Land of Israel, describes this planting as an ultimate mitzva:

Rabbi Yitzchak son of Rabbi Shimon said: "'You shall follow after the Lord, your God' (Devarim 13:5) – Is it then possible for mortals to follow the Holy One, blessed be He, concerning Whom it is written, 'Your way is in the sea, and Your path in many waters' (Tehillim 77:20)? And you say, 'You shall follow God'?!

"'And you shall cleave to Him' (Devarim 13:5) – Is it then possible for a mortal to ascend to the heavens and cleave to the divine presence, concerning which it is written, 'For the Lord your God is a consuming fire' (4:24)?!

"[How then are we to understand this idea of adhering to God?] From the very start of the world's creation, the Holy One occupied Himself with planting, as it is written, 'The Lord God planted a garden in Eden' (Bereishit 2:8). So, too, when you enter the Land, you must first occupy yourselves with planting. Thus it is written, 'When you come to the land, then you shall plant all types of trees for food …'" (Vayikra Rabba 25:3)

When the time comes to enter the Land of Israel, even planting a fruit tree becomes a holy act of walking in God's ways. As Rav Aharon Lichtenstein points out:

The "planting" with which God occupied Himself was not the mere planting of trees; it was the very creation of the world, the infrastructure for all that would follow. Thus, upon entering Eretz Yisrael, we are also commanded to plant trees and to cultivate the land – not only in relation to the mitzvot of orla and reva'i,[3] but to establish the infrastructure for national existence. If God builds an entire world on the foundation of planting trees, then we too are required to plant in Eretz Yisrael so that there will be a healthy economy and a basis for communal life.

Yosef saw that there would be a need to work the land – but only the Land of Israel. By the same token, the Torah's negative approach to agriculture is limited to the period before Jewish settlement of the Land.

Rav Hirsch (Bereishit 4:2), following a discussion of Kayin's unfavorable choice of profession, explains how all the agricultural mitzvot comprise a foundation for a positive spiritual experience in the realm of farming:

The Torah anticipates the chronic dangers inherent in agriculture and prescribes the remedy, legislating against deification of property. Shabbat and shemitta [the sabbatical year] forever testify that the earth belongs to God, and man is His servant. The agricultural laws, such as the prohibitions of kilayim [forbidden mixtures] and orla, on one hand, and the positive injunctions of leket, shikhcha, and pe'ah [leaving produce in the field for the poor], on the other, remind man of God's presence, cautioning him to maintain brotherly and neighborly love. Thus the Torah solves the moral problem of agriculture; in this way a society of God-fearing farmers is created, all sharing brotherly love and equality. But outside of the Torah framework, a danger is presented to faith in God and to the freedom and equality of all men.

The Time to Plant

Based on this approach, it is not difficult to understand why Yitzchak was involved in agriculture. Yitzchak was the one of our forefathers who was most intimately connected to the Land of Israel, even planting the Land in the midst of a famine (Bereishit 26). Of the forefathers, only Yitzchak never left the Land. Yitzchak understood that a Jew must view the Land of Israel not only as a place to graze livestock, but as the place where the Jewish people engage in agriculture. This could become a Jewish profession only once the Jewish people came to the Land of Israel and settled it, and only then would the agricultural mitzvot become binding. At that point, these mitzvot would be needed to allow the Jewish people to weather the challenge of tilling the soil: being involved in acquisition, yet not consumed by it.

If this analysis is correct, then we can understand why the agricultural mitzvot are limited to the Land of Israel. Outside the Land of Israel, one should focus on shepherding rather than farming. There, the challenges of a life of acquisition cannot necessarily be solved by agricultural mitzvot to reframe one's outlook. Only in the Land of Israel is the farmer God's partner in transforming His barren land into a spiritual wonderland of physical beauty. Only in the Land of Israel do a land's holiness and the mitzva of building it up transform every act of acquisition into a spiritual act.

Yet even in the Land of Israel, difficulties and challenges attend a life of tilling the soil. Farming is no longer the facile pursuit that it was in the Garden of Eden. If the Jewish farmer were to work hard yet lack agricultural mitzvot to help him build a holy character, he would be liable to forget God. Therefore, as we will see next week, the Torah makes

very clear that building up the Land of Israel requires a mentality very different from that of the Egyptians, and even that of the sojourning Jews in the desert.

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[1] See the discussion of orla – the prohibition against benefiting from a tree's fruits during its first three years of growth – in our last shiur.
[2] In addition to our discussion here, we suggest that this question touches on Rav Chaim Soloveitchik's discussion (Hilkhot Ma'akhalot Asurot 10:15) of whether orla outside of the Land of Israel is an extension of orla in the Land of Israel or is a separate mitzva.
[3] See our previous shiur. The mitzva of reva'I requires the owner of a fruit tree to bring the produce of its fourth year to Jerusalem, where the fruit is to be eaten in a state of ritual purity.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #15: The Interpersonal Message of Life in the Land of Israel

Introduction

In the past few lessons we began discussing the agricultural mitzvot contained in Parashat Kedoshim, starting with the agricultural gifts to the poor – leket and peah – and continuing with the mitzvot of orla and kilayim later in the chapter.[1] We analyzed the unique contributions of these mitzvot to one's interpersonal behavior, as well as how they educate the Jew to maintain an appropriate perspective on wealth.

The central importance of these mitzvot in encouraging gift-giving and regulating one's attitude towards physical success led us ask why many of these mitzvot are limited to the Land of Israel. After all, shouldn't mitzvot that teach the proper perspective on wealth apply wherever a Jew lives?

In answering this question, we traced the age-old dilemma of the preferred pre-industrial profession. Almost without exception, from the dawn of time, shepherding was the preferred occupation of those individuals who were spiritually inclined; farming was the profession of those interested in physical acquisition, rather than tending to the needs of others. Many farmers, beginning with Kayin, were overly influenced by their acquisitions, and their outlooks changed accordingly.

Yet despite the negative portrayal of working the land in the early years of mankind, Yosef dreams of a new future in which the agricultural profession will not be off-limits to Jews. This dream would be fully realized when the Jewish people entered and settled the Land of Israel. Physically building up the land would be an essential aspect of the mitzva of settling the Land of Israel; planting and harvesting would be a core part of Jewish life.

However, lest Jewish involvement with the land distance the people from the spirituality of their shepherding forefathers, a system of mitzvot ha-teluyot ba-aretz (mitzvot applicable only in the Land of Israel) was required. These mitzvot not only recognize the holiness inherent in all that grows in the Land of Israel, but foster the creation of a God-fearing agricultural society in which physical acquisitions bring one closer to spiritual success.

Ideally, the Jewish people would remain in the Land of Israel for eternity. In practice, though, the reality of sin resulted in exile. However, even in the Diaspora, where many agricultural mitzvot do not apply, understanding this system of living amidst physical bounty in the Land of Israel can serve as a prototype for economic activity. Even in the Diaspora, Jews can mimic the interpersonal outlook and character-building facilitated by the mitzvot ha-teluyot ba-aretz.

In order to better understand this idea, let us take a look at the Torah's message regarding the nature of life and agriculture in the Land of Israel, as opposed to Egypt. This contrast between different agricultural contexts is not new – in fact, it seems to be

an underlying theme in the Torah, beginning with the Garden of Eden, including Lot and Avraham, and continuing through the travels of the Jewish people in the desert. To understand what makes Israel so special, Moshe stresses in the Book of Devarim, requires understanding why God specifically chose this land for Jewish habitation.

Moshe's Ambition

Most of the Book of Devarim contains Moshe's final messages to the Jewish people. Here, at the end of his life, he shares a historical perspective on the Jews as a people, and on what they must do to successfully enter the Land of Israel and dwell there in physical and spiritual sublimity. He spares nothing in his descriptions of the vastness and physical beauty of the Land, but he also does not shy away from contrasts with the people's previous places of residence, or from the challenges that will attend the Land's settlement.

Moshe's description of the Land's beauty is saddening, coming as it does against God's refusal to allow him to enter it. The Gemara asks why, despite repeated denials by God, Moshe continued with his desperate supplications to enter the Land of Israel:

Rabbi Simla'i expounded: Why did Moshe desire to entire the Land of Israel? Did he perhaps need to eat of its fruit, or to satisfy himself with its goodness? Rather, this is what Moshe said: There are many mitzvot that the Jewish people received that can be fulfilled only in the Land of Israel. Let me enter the land so that they are all fulfilled by me. (Sota 14a)

The Gemara is unwilling to accept that Moshe desired to step foot in the Land due to its physical fruits and beauty that he so effectively described. Rather, the Gemara explains that he desired to fulfill the unique mitzvot of the Land.

While it is understandable that the spiritual giant Moshe would not have been enticed by the mere physical beauty of the Land of Israel, the physical pleasures of the Land that the Gemara downplays are, remarkably, the very heart of what we say regarding the Land in Grace after Meals. In both Birkat Ha-mazon and Berakha Achat Me-ein Shalosh,[2] we describe our gratitude for the Land of Israel, given to us so that we can eat of its fruit and satisfy ourselves with its goodness – the very pleasures that the Gemara downplays with regard to Moshe. Are these actions then significant, or not?

A number of answers have been offered, but we will suggest our own. Very possibly, Moshe did in fact desire to partake of the fruit and goodness of the Land of Israel – but only after performing the agricultural mitzvoth, as he so passionately desired. The Land's bounty alone, if acquired without the mindset fostered by these mitzvot, is not reason enough to come to the Land of Israel. After all, we recall, the Spies (Bemidbar 13) brought back with them some of the Land's beautiful fruits, yet ultimately discounted its significance. Moshe, though, desires to take part in the agricultural mitzvot of the land, which would enable him to eat of its fruit with the correct spiritual perspective. Only in this way is the Land's fruit good reason for coming there.

Settling the Land of Israel and the Growth of the Fruit

The physical development of the Land of Israel is an essential part of the mitzva of settling the Land. It is for this reason that the Gemara (Sanhedrin 98a) describes the physical growth of produce in the Land of Israel as a sign of the impending redemption:

Rabbi Abba said: "There is no clearer indication of the End than this, as it is stated (Yechezkel 36:8): 'But you, O mountains of Israel, you shall shoot forth your branches and bear your fruit for My people Israel [when they are soon to come].'"

Rashi explains Rabbi Abba's statement as referring to the Land's bringing forth fruit in abundance. Elsewhere (Ketubot 111b), the Gemara even details what type of bounty the Land will yield at the time of redemption:

The Land of Israel is destined to produce sweet rolls and fine wool …. Wheat will grow like palm trees on the mountain tops …. Wheat grains will be like the two kidneys of a great ox.

Logically, the reason for this change must be that the growth of produce in the Land of Israel is directly related to the spiritual state of the Jewish people. In fact, as implied by the verse quoted above and in Vayikra 26 (and stated explicitly by Maharsha in his commentary to Sanhedrin), the years in which the Land was uninhabited by Jews completely lacked agricultural success. The Gemara (Ketubot 112a) relates that following the exile, Rabbi Yehoshu'a said to the Land:

Land, Land, take in your fruits. For whom are you producing your fruits – for idol-worshippers who imposed themselves on us due to our sinfulness?

At that point, as the Jews were exiled, the Land of Israel ceased to bear fruit. Testimony to the total lack of growth in the Jews' absence appears in the writings of Ramban and others, but was made famous by an 1867 passage in Mark Twain's Innocents Abroad, in which he writes of his trip there:

Palestine sits in sackcloth and ashes. Over it broods the spell of a curse that has withered its fields and fettered its energies. Where Sodom and Gomorrah reared their domes and towers, that solemn sea now floods the plain …. about that ford of Jordan where the hosts of Israel entered the Promised Land with songs of rejoicing, one finds only a squalid camp of fantastic Bedouins of the desert; Jericho the accursed, lies a moldering ruin, today …. Renowned Jerusalem itself, the stateliest name in history, has lost all its ancient grandeur, and is become a pauper village; the riches of Solomon are no longer there to compel the admiration of visiting Oriental queens; the wonderful temple which was the pride and the glory of Israel, is gone …. Palestine is desolate and unlovely. And why should it be otherwise? Can the curse of the Deity beautify a land?

Mark Twain merely put into words the reality of the Land of Israel without its Jewish inhabitants, characterized by a total lack of the fruits the Jewish people so desire.

Conversely, growth in the Land of Israel is a harbinger of a spiritual return to the land and a testimony to the unique connection between the Land and its people.

Rav Yissachar Teichtal, in his Eim Ha-banim Semeicha (p. 84), states that development is such an essential part of the mitzva of settling the Land and so necessary for the ultimate redemption that the simple Jew who builds the Land without any spiritual intent (kavvana), merely for his own benefit, accomplishes a greater rectification (tikkun) in the supernal worlds than the most righteous man with his tearful, mournful midnight prayers (tikkun chatzot) recited for the Divine Presence and the end of the exile.

He cites Reishit Chokhma and Yismach Moshe as halakhic sources showing that the performance of a mitzva without intent is greater than lofty intent lacking physical performance of the mitzva. Though his position is subject to heavy debate, it is abundantly clear that the physical growth of the Land of Israel is spiritually significant, as is eating the physical bounty of the Land.

Yet, as we have seen, the fruit of the Land has significance only if grown in the correct context. As much as Moshe desired to partake of the fruit of the Land, he desired to do so only once the mitzvot ha-teluyot ba-aretz had been fulfilled through them. Thus, in order to make sure that the growth of the Holy Land would not become a physical trap for its Jewish inhabitants, Moshe had to explain what life in the Land had in store for them. His guidelines governing the attitude of the Jewish people once in the Land constitute a core component of his final speeches to the Jewish people. These directives, which appear throughout the book of Devarim, appear at especial length at two points in Parashat Eikev.

The Land and the Desert

In Chapter 8 of Devarim, Moshe Rabbeinu reminds the Jewish people that adherence to the mitzvot will enable them to possess the land that God promised them. Moshe then continues by contrasting the Land of Israel with the places where the people lived previously (Devarim 8:2–5).

You shall remember all the way that the Lord, your God, led you these forty years in the desert .... He afflicted you and made you hungry, and fed you manna, which you had never known and your fathers had never known ... in order to make you know that it is not by bread alone that man lives ...

These verses serve as both an introduction and a contrast to life in the Land, whose praises Moshe proceeds to enumerate (verses 7–10):

For the Lord, your God, is bringing you to a good land, a land with streams of water, [with] fountains and depths that flow from the valleys and the hills, a land of wheat and barley and vines and fig trees and pomegranates, a land of oil-bearing olives and honey, a land in which you will eat bread without scarceness, in which you will lack nothing, a land whose stones are iron and from whose mountains you will mine brass. You will eat, you will be satisfied, and you will bless the Lord, your God, for the good land that He has given you.

These praises of the Land reiterate its superior physical properties, especially relative to the desert in which the Jews had sojourned. Yet involvement in the physical beauty of the land does not come without spiritual challenges. The next verses therefore warn the Jews of the dangers of involvement in physical bounty and excessive pride in physical wealth and possessions.

Beware lest you forget the Lord, your God … lest when you eat and be satisfied, and you build good houses and dwell in them, and your herds and flocks multiply, and your silver and gold multiply, and all that you have multiply, so that your heart becomes haughty and you forget the Lord, your God ...

The message of these verses is clear: the Land's physical bounty, if misused, can lead to disaster. If a person views his success as the result of human effort – rather than that of man's divinely blessed partnership with God in building the land – then he is liable to become distanced from God and forget Him. Taken to its logical conclusion, this state of affairs culminates with the famous declaration found later in the chapter, denying God's role in human prosperity:

My power and the strength of my hand made me this wealth. (8:17)

Before this verse, though, the Torah again contrasts the Land of Israel with the desert (8:15–16):

… Who led you in the great and terrible desert, [with] snakes, poisonous serpents, and scorpions, and thirst for lack of water; Who brought forth water for you from the rock of flint; Who in the desert fed you the manna, which your fathers had never known, in order to afflict you ...

The desert served an educational goal. The people's sustainment by manna from Heaven conveyed the eternal message that it is really God Who supplies food. Yet, as the repeated contrast of the Land and the desert reminds the people, it will be challenging to recall this truth once they have arrived in the Land.

The Test of the Desert and the Test of the Land

The desert itself was fraught with challenges, which were largely addressed in a miraculous manner. The Jews were fed manna, drank from the well of Miriam, and were protected by seven clouds of glory. Yet, when the verses in Parashat Eikev contrast the period in the desert with that following entrance into the Land, the consumption of the manna is described as a test:

… that I may put them to the test of whether they walk in My law or not. (8:16)

The commentators discuss just what test was posed by this state of extreme divine kindness, in which all physical needs met from above, without any need to work.

Rashi views the test with reference to the specific laws associated with the manna, such as not leaving any over and not attempting to gather it on Shabbat.

Other commentators, though, see here a test of outlook.

Sforno states the test is to see "whether you will do His will when he grants you sustenance without suffering." Ramban goes one step further, explaining that the test involved being totally dependent on the manna while in a desert lacking any source of other food. The manna taught reliance on God, as the people were in a position in which they could not provide for themselves. Ha-ketav ve-Hakabbala further explains that the essence of a divine test is to indicate to man himself the extent of his faith and trust in God.

This was true of the period in the desert, mentioned near the beginning of Chapter 8, and the manna, whose significance is reemphasized in verse 16. In the middle, though, is the description of the Land of Israel, part of which we saw earlier. The purpose of describing the wonderful bounty of the Land – a stark contrast with the desert – is not merely to note the great fertility of the Land of Israel, but clearly also to point to the moral dangers and pitfalls that physical prosperity might bring.

Would the Jew recall amid the plenty that God's rain is the new manna from Heaven? Would man recall that even when all is fertile, it is divine blessing that fuels this growth?

Rav Hirsch (Devarim 8:14–17) notes how these questions stem from the verses' message:

After you have attained independence and wealth, you are likely to forget that you were a slave in Egypt and helpless in the wilderness, and that you attained independence and wealth only with God's help. The fullness of plenty you enjoy by means of the ordinary course of nature is equivalent to the revealed miracle of the sustainment of the wilderness; it is the work of God's hand and the gift of His providence.

The manna, "bread from Heaven" (Shemot 16:4), contrasts strongly with the bread that man eats in the Land of Israel, with whose blessing we recognize that it too is from God, "Who brings forth bread from the land" ("ha-motzi lechem min ha-aretz"). In this way, the test of the manna was to be supplanted by the ultimate test of living in the lap of luxury in the Land of Israel, yet not taking its yield for granted.

Moshe was well aware that the challenge awaiting the people in the Land was liable to cause them to deny God's hand in their prosperity. It might even elicit in them the same types of inhumane behaviors that characterized the people of Egypt. That too was a land of physical prosperity – but, as discussed previously, a sort of prosperity that drove its inhabitants towards utter cruelty to others. There was one similar place in the Land of Israel, compared by the Torah (Bereishit 13:11) to Egypt and mentioned in Twain's description above: a place that also translated physical plenty into spiritual desolation, and was deserving of destruction. Sodom.

Three chapters later, Moshe mentions fleshes out this contrast between the lands of Egypt and Israel, and how the Jews are to live prosperously in the Land of Israel while recognizing God's role in human affairs and not trying, like the people of Sodom, to cut off the hands of others. This message – a central part of the Torah's social vision for the spiritual utopia of Israel – is the model for Jewish ethical living wherever a Jew resides. In next week's lesson we hope to detail Moshe's eternal message in this regard.

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[1] Orla is the prohibition against benefiting from a tree's fruits during its first three years of growth; kilyayim is that of forbidden mixtures.
[2] Birkat Ha-mazon is recited after one eats bread; Berakha Achat Me-ein Shalosh, after the consumption of other grain products, fruits of the Seven Species, wine, and grape juice.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #16: Israel and Egypt – The Need for an Interpersonal Economy

Introduction

In last week's lesson we began discussing Moshe Rabbeinu's directives to the Jews before they entered the Land of Israel, in which he contrasted their settlement of the Land with the sojourn in the desert. He warned the people that they must continue to see God's hand in their sustenance even when the manna ceased to fall and they became obliged to work for their bread.

Life after the conquest of the Land would not be as it had been in the time of the Patriarchs. Indeed, Avraham had previously planted the seed of the Jewish people in the Land of Israel – but his presence there had not been of a permanent nature. With the words "lekh lekha" ("go"), God had removed Avraham from his home and separated him from all he knew, to go and sojourn in the Land in a temporary manner.

"Lekh Lekha" – From Sedentary to Nomad

Rav Yosef Dov Soloveitchik describes the command of "lekh lekha" as a directive to Avraham, the charismatic personality, to disassociate himself from his natural environment –his previous home, his country, his childhood – in order to forge a new relationship with God:

The mission of Avraham did not only concern the land he was to go to but the necessary detachment from where he was. He would become an ivri, a "yonderman," a nomad, in a land which was initially alien to him. (The Emergence of Ethical Man, p. 150)

Mesopotamia, where Avraham was born, was a civilized, urbanized society, while the Land of Israel was nomadic. These types of societies often clashed, as the house-dweller hated and despised the nomad, the rover, the tent-dweller. Apparently, God preferred the latter and chose the shepherd as his confidant. Moreover, he selected a member of a stable society and converted him into a nomad. Severance of all ties with an urban, closed environment was the condition sine qua non for the realization of the covenant. (ibid., p. 151)

The nomadic charismatic personality, says Rav Soloveitchik, negates the authority of conventional institutions and man-made mores; he is not an ethical conformist who just subjects himself to an external authority which overpowers and enslaves him … (ibid., p. 156)

In this way, Avraham's nomadic existence allowed him to fulfill the godly directive, "Rise, walk about in the Land, along its length and along its breadth, for I will give it [all] to you" (Bereishit 13:17). Avraham's travels enabled him to establish his presence throughout the Land, but prevented him from fully settling in any one place. He thus was able to throw off the societal mores of his day and forge a new bond with God.

Just as the time had not yet come for a sedentary Jewish presence in the Land of Israel, the time had not yet come for the agricultural economy characterizing sedentary civilization to coexist with the shepherding that occupied the Patriarchs. The Rav discusses why it is that shepherding remained the preferred profession at that time:

I believe that there is a serious reason for the preference given to the pastoral over the farming community. The land was promised to Avraham, Yitzchak and Yaakov in the form of a covenant concluded between the Almighty and the patriarchs. However, there was a stipulation in the agreement: its implementation was contingent on the sojourn of Avraham's children in a strange land as bondsmen and servants. Prior to the fulfillment of this stipulation, the gift was held in abeyance; the finalization and the full consummation of the covenant took place after the Israelites met the challenge of "Your seed shall be strangers" (Bereishit 15:13). Thus their rights to the Promised Land were limited. The most they had was a kinyan peirot, the right to use the land and enjoy its produce. Later, after the exodus, they acquired kinyan ha-guf, full ownership. Therefore, before the exodus they had no right to develop an agricultural economy, to dig, to build, to destroy, to change the structure of the land. All they possessed was the right to enjoy the fruit, and that is exactly what the pastoral community did. It did not exploit the land as would an agricultural society. It took whatever the land offered. (Festival of Freedom, pp. 127–128)

Before the sojourn in Egypt, the time for agriculturally building the Land had not yet arrived. After the exodus, as the people made their way from Egypt to the Land of Israel, Moshe began to prepare them for the new challenge they would face as they changed from shepherds into farmers, and as the nation transformed from a simple, pastoral society into a more complex, agricultural civilization.

Aside from completing the acquisition of the Land, the shift to agriculture would allow the people to put down roots, so that they would not easily give up their place even in the face of adversity:

As an agriculturalist, man will be connected to his environment. He will not willingly leave it in famine, as Yitzchak who planted and did not leave Israel in the face of famine. The farmer will defend his property because it is his lot, but the Torah teaches the Jew how to be involved in the land while maintaining the kind and gentle demeanor of the legendary shepherd. (ibid.)

Moshe's Message

In view of the great change that would come upon the return to the Land of Israel, Moshe pointed out to the people that their transitory desert existence, which echoed the life of the Patriarchs in the Land, would be short-lived. Upon entering the Land, the people would be obligated to build not only a home for God, but a homeland. While their behavior and actions would serve to consecrate the Land spiritually, they would also have to create a model physical society in which they could live a life of acquisition while maintaining a sterling character.

The nomadic existence of the desert had helped the people to distance themselves from the unholy philosophies of Egyptian society, in favor of developing a covenant with God and becoming God's mouthpiece to the world.

As long as the Jews were nomads, roving and wandering from place to place and pitching their tent everywhere, building houses nowhere, God's sanctuary was just a tent – the ohel mo'ed. When the Jews gave up their nomadic civilization and became a settled, agricultural people, the divine tent was converted into a house – Beit Hashem:

"For I have not dwelt in any house since the time that I brought up the children of Israel out of Egypt, even to this day, but I have walked in a tent and in a tabernacle" (Shmuel II 7:6). (Festival of Freedom, p. 161)

Moshe was well aware that the difference between the sojourn in the desert and the settlement of the Land was not all the people needed to understand in order to develop a civil agricultural society. At the time of the Exodus, the people had emerged from Egypt while displaying, at least outwardly, only a small part of their unique national character. The Jewish people could easily be physically removed from Egypt, but obliterating their Egyptian mentality would take much longer. The period in the desert did serve to mitigate the people's Egyptian mindset, but forty years was not enough.

When the Torah speaks about yetzi'at Mitzrayim [the Exodus from Egypt], it is careful to say, "who took you out me-eretz Mitzrayim – from the land of Egypt," not simply "from Egypt." What is the difference between the two?

Me-eretz Mitzrayim means from a certain geographical zone, from a certain spot called the land of Mitzrayim. On the other hand, Mitzrayim alone means the people, the Egyptians. There are actually two exoduses. One is from the land of Mitzrayim; the other is from the people of Mitzrayim, from their culture, their ideas, their philosophy, their way of life, their mores …

What took place in one night was the liberation from eretz Mitzrayim. But leaving Mitzrayim is a long road which the Jew has been travelling for thirty-five hundred years without yet arriving at his destination." (ibid., pp. 107–108)

Obliterating the Egyptian culture and mindset to which the nation had become accustomed during the 210 years in Egypt would not be easy. In particular, there was one area that the Jewish people would find especially difficult. The Patriarchs, though materially successful, had not built an entire economy. The returning Jews, who were tasked with creating an economy, settling the Land, and building it up, were familiar with only one model for building a national economy: the Egyptian model.

A nation amassing wealth might very well be tempted to mimic the Egyptian economy, to work the fields in the way it knew only too well from Egypt. It was this Egypt, this agricultural economy, from which Yosef had warned his brothers to keep their distance. Yosef had dreamt of an agricultural future for the Jewish people, but he was well aware that it must be built upon the principles of fairness and justice that had characterized the lives of the Patriarchs, and not the corruption of the Egyptian economy.

Egypt was an agricultural land; Egyptian society was technically advanced past the stage of a pastoral society. The Jew, a shepherd, went to Egypt and stayed there. Usually, in such a case the assimilation process is quick and effective; the people with a less developed economy assimilate with great speed into the more advanced economic community. The Jews should have abandoned their pastoral traits and adopted the way of life of the agriculturist, the farming tradition. This is not what happened. The Jews continued to tend their flocks and remained attached to an old tradition they had brought from Canaan many years before. (ibid., p. 126)

Although the Egyptians did not succeed in transforming Yosef's brothers into acquisition-minded farmers, the brothers' children, whom the Egyptians later subjugated and who even took some of Egypt's wealth upon leaving, had a soft spot for the Egyptian way of life. During the sojourn in the desert – for instance, in the episode of the Spies – the people frequently desired to return to Egypt:

"Why is the Lord taking us to that land to fall by the sword? … Would it not would be better for us to return to Egypt?"

They said one to another, "Let us head back to Egypt." (Bemidbar 14:3–4)

This attraction to Egypt was due not to a lack of appreciation of Moshe's beautiful descriptions of the Land of Israel, but to failure to recognize the Land's incomparable spiritual superiority, which would make the difficulties of its settlement worthwhile (see Reflections of the Rav, Chapter 11).

God did not bring the Jewish people out of Egypt to mimic degenerate Egyptian society (see Vayikra 18:3), nor did he want to recreate the Egyptian economy or outlook in the Land of Israel. Therefore, Moshe detailed just how different it is from Egypt, so that the people would understand that God had tailored the Land of Israel to facilitate the formation of a relationship with God and a spiritually empowered physical economy.

Moshe's Contrast of the Land with Egypt

Three chapters after Moshe uses a contrast of the Land of Israel and the desert to warn the Jews not to forget God when they live prosperously in the Land, he contrasts the Land of Israel and Egypt:

You shall observe all of the mitzvot that I command you today, in order that you be strong, and come and possess the land to which you are passing over to take possession of it, and in order that you prolong your days upon the land that God promised your Patriarchs to give to them and their seed, a land flowing with milk and honey.

For the land to which you are coming to take possession of it is not like the land of Egypt, from which you came out, where you sowed your seeds and watered with your foot, like a vegetable garden. The land to which you are passing over to inherit it is a land of mountains and valleys; it drinks water from the rain of heaven. It is a land for which the Lord, your God, cares: the eyes of the Lord, your God, are always upon it, from the beginning of the year to the end of the year. (Devarim 11:8–12)

The Land, Moshe points out, is irrigated in a very different manner from Egypt, one that makes clear the need for God constantly to tend to it. In the Land of Israel, creating an immoral, slave-driven caste society would bring about not agricultural success, as in Egypt, but total destruction.

This is not the first instance in the Torah in which the Egyptian mentality and economy are contrasted with those appropriate for the Land of Israel. The aura and attractiveness of the Egyptian economy are already presented much earlier, albeit subtly, and there serve to test the first member of the Jewish people, whose experience foreshadowed those of his descendants.[1] Then, as in Moshe's day, resisting the lure of the Egyptian economy was not easy, but it was essential for developing the correct outlook for building an economy in the Land of Israel.

Avraham and Lot Leaving Egypt

Just as his descendants had to go to Egypt and then strive to free themselves of it upon leaving, Avraham was compelled to go to Egypt after fulfilling God's commandment to travel to the Land of Israel. Even this first time the covenantal community stepped foot in that country, the temptation to mimic Egypt and live by its rules plagued Avraham's family.

At Avraham's departure from Haran, Lot is described as an integral part of his family (Bereishit 12:5). Yet when Avraham returns to the Land of Israel from Egypt, Lot is only an appendage:

Avram went out of Egypt – he and his wife and all that he had, and Lot with him – toward the south. (13:1)

Could it be that something happened in Egypt that changed the perspective of one, or both, of them?

We might venture to say that Avraham's stay in Egypt reinforced for him the need to create a different type of society in the Land of Israel, whereas Lot was entranced by the wealth of Egypt. Perhaps the experience of seeing people take what they wanted from others – as Pharaoh, who had to have the most beautiful woman, to the point that Avraham felt justified in asking Sara to pose as his sister – had captured Lot.

Four verses later, we are again told of Lot's separateness. In the following verse, we are told of the inability of the two camps to dwell together:

And the land was not able to bear them so that they might dwell together, for their possessions were so great that they could not dwell together. (13:6)

While the most straightforward explanation of the ensuing quarrel might be an inability to find sufficient grazing land for the flocks of two extremely wealthy individuals (see Ramban there), there is room to believe that the real cause of friction was a spiritual divide. Nechama Leibowitz notes:

Our Sages of old did not regard the quarrel between the shepherds referred to here as merely an economic or political one. The Torah devotes space to this quarrel for a deeper reason. Their strife symbolized the opposition between the world of Abraham and between one who wished to be a part of it but did not wholeheartedly share the moral principles and outlook of the Patriarch referred to … as "He will command his children and household after him, and they shall keep the way of the Lord, to do justice and judgment" (Bereishit 18:9). (New Studies in Bereishit, p. 124)

To support her analysis, Leibowitz cites two midrashim that describe how Avraham's animals were muzzled, so that they would not graze in others' fields, but Lot's animals were not. Avraham's shepherds had internalized his value system, and therefore were apprehensive when Lot's shepherds robbed others.

Simply stated, by choosing to live elsewhere from Avraham, Lot parted ways with his uncle's moral compass (see Rashi on 13:11).

This idea is further developed by Rav Soloveitchik:

With Avraham's departure from Egypt, Lot was a new individual. "Avraham had reared Lot and certainly tried to implant his Weltanschauung in him …. Egypt was the world's most advanced country, and Avraham was a shepherd. Lot was completely overwhelmed by the stupendous Egyptian culture, civilization, and technology. He could not resist the influence of the environment …. Here is the acid test of a Jew: can he resist environmental pressures, can he withstand the impact of a culture that is materially great, but morally and ethically very primitive? (Abraham's Journey, p. 119)

In short, Avraham lost his disciple while in Egypt. Lot's acquisition of the Land involved leaving Avraham and what he stood for. When he lifted up his eyes, he saw the pasturelands of Sodom (Bereishit 13:10), unlike Avraham, who lifted up his eyes to see Mount Moriah (22:4; see Abraham's Journey, p. 125).

Yet, we might wonder, why did Avraham have to go down to Egypt at all? The Rav explains that the famine that led Avraham to Egypt served as a test to see how he would react to Egyptian culture. The test was repeated when Yaakov had to go to the alien culture of Haran, and again when Yosef went to Egypt. The Jew had to show that he could live in exile and still retain his spiritual identity.

Avraham not only passed this test, but emerged with an even greater disdain for what Egypt stood for, and a greater appreciation of God. Lot, on the other hand, was mesmerized by Egypt, and his desire to live that type of life, with that approach to wealth, meant that he could no longer live together with Avraham. He took his flocks to the Sodom region, later (19:1) becoming a Sodomite dignitary, seated at the gate of the city.

The Fertility and Destruction of Sodom

We can take this concept even further. The Ramban (Hassagot Le-sefer Ha-mitzvot, shoresh 2) refers to Avraham's trip to Egypt as "the Exile of Avraham." Perhaps by returning from Egypt without being enamored of its Egyptian culture, Avraham set the stage for the Jewish people to do much the same thing at the time of the Exodus. Lot, meanwhile, served to illustrate the danger of trying to recreate the Egyptian economy in the Land of Israel.

As Lot searched for a place to settle, he specifically sought to recreate Egypt in Israel. Despite knowing that "the people of Sodom were very evil and sinful to God" (13:13),

Lot lifted up his eyes and saw that the entire plain of the Jordan, all the way to Tzo'ar, was extremely fertile … like the Garden of the Lord, like the land of Egypt … (Bereishit 13:10–11)

This verse establishes a fascinating new set of equivalencies: Sodom equals Egypt; Egypt equals the Garden of the Lord (i.e. the Garden of Eden).

The juxtaposition of the evil of Sodom with its prosperity, and its comparison to Egypt, seem intended to warn the Jewish people of mimicking the Egyptian economy. Fertile Sodom was the recipe for a merciless society that refused to share its wealth and openly battled hospitality (Bereishit 19:5; Rashi on 18:21, 19:26; Sanhedrin 109a). The ultimate destruction of Sodom for the utter lack of fairness and justice that characterized it is indicative of the moral decay of a prosperous society that is unwilling to share with others. Much as the Garden of Eden was not maximized by Adam, the prosperity of Egypt was not good for the spiritual needs of Avraham's descendants.

The Land of Israel, Moshe taught the Jews, is fundamentally different from Sodom of old, whose physical makeup was one cause of its destruction. Sodom's fertility kept its people prosperous even as they became more and more evil, to the point of destruction. There was no hope of rehabilitation, no hope for Avraham's prayers to save the city, where even ten righteous individuals were nowhere to be found. The fertile valley, which was not conducive to a moral, righteous economy, became a wasteland.

Moshe warns the people to follow Avraham's lead and not to attempt to recreate the Egyptian wealth regime in the Land of Israel. The Land is indeed beautiful and fertile, but its geography, uniquely suited for spiritual growth, requires a certain kind of work.

In the next lesson, our final one on the interpersonal elements of the mitzvot ha-teluyot ba-aretz (mitzvot that are dependent on the Land of Israel) and the Torah's model for a just economy, we will examine the contribution of geography and the interpersonal mitzvot to a just society where one can relate to God while building a beautiful land – physically, spiritually, and interpersonally.

[1] On this concept (ma'aseh avot siman la-banim), see Ramban on Bereishit 12:6.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #17: The Jewish Ethic of a Redeemed Economy
in the Land of Israel, Part 1

The Two Economic Models of the Desert

In last week's lesson we saw Moshe Rabbeinu instruct the Jewish people to remember their sojourn in the desert when settling in the Land of Israel. Once there, he urged, they must not mimic the sort of economy they had known in the desert, which previously had brought destruction to Sodom. That city, characterized in the Torah by its similarity to the Garden of Eden and Egypt, was at first economically successful. Yet due to its residents' abominable interpersonal behavior, it was obliterated

The journey through the desert and even the period of servitude to Egypt served to teach the need to build up the Land in a way that would not reek of the acquisitiveness of a Kayin, an Egypt, or a Sodom. Settlement of the Land of Israel would be characterized by farming, but it would not follow the lines of Egyptian agriculture, which was completely antithetical to the Jewish economic ethic. The Jews would have to make a decision not to be captivated by the Egyptian culture they had long known, and which years earlier had caused Avraham and Lot to part ways after exposure to it.

How is it, though, that the Land of Israel can give rise to an economy so different from that of Egypt? To answer this question, we shall look at two models of sustenance from the sojourn in the desert, based on which we can understand the Jewish economic ethic of a redeemed economy. Against this backdrop, we will see how the Land of Israel, and not Egypt, facilitates the construction of a redeemed economy.

Sustenance in the Desert: Manna and Quail

In a little-known 1943 essay (Hapardes, vol. 11, pp. 32ff.), Rav Yosef Dov Soloveitchik identifies two different economic models that the people experienced in the desert: that of the manna and that of the quail. The manna, as described by the Torah, epitomizes an economic idyll in which everyone receives what he needs and easily recognizes God's hand in the process:

Gather of it, every man according to his consumption – an omer per person, for the number of souls for whom you are responsible: let every man take for those in his tent.

The children of Israel did so and gathered, some more and some less. When they measured with an omer, he who had gathered most had no more and he who had gathered least had no less: each had gathered according to his consumption. (Shemot 16:16–18)

Here there obviously was no need for cutthroat capitalism, as greater efforts failed to gather more manna. It is complemented by Shabbat, which is first presented in this passage. Together they represent an economy that sees God's hand in its sustenance

and can allow for a holy day, dedicated to spiritual pursuits, to sanctify all the physical efforts of the week.

In order to perpetuate this mindset in the Land of Israel, the Jewish people are commanded to remember the period when they ate divine manna and their clothes miraculously never wore out (Devarim 8:2–4). Indeed, many Jews recite the passage from Shemot every morning because it so succinctly encapsulates the Jewish economic ethic.[1] In view of its underlying significance, we can well understand the Gemara's statement (Berakhot 48b) that Moshe composed the first blessing of Birkat Ha-mazon when the manna first fell.

Rav Soloveitchik, remarking on the development of the Jews' economic ethics, describes the period in the desert as a transcendental revelational experience, with the exception of a few alienating events. The Israelites in the wilderness were free from daily cares and worries. They ate their bread, not by the seat of their brow, but in the knowledge that God was with them. There was no need to till, plant, watch, and reap. The curse imposed upon Adam was suspended." (Festival of Freedom, p. 165)

On the other hand, when the people protested about the manna (Bemidbar 11), God brought them quail. Overcome by desire, they gathered as much as they could – and were struck by a plague. Hoarding, with the false security it offers, is clearly rejected by the Torah:

The people arose all that day and all that night and all the next day, and they gathered the quail. He who [gathered] least gathered ten stacks. (Bemidbar 11:32)

Rav Soloveitchik comments:

These verses beautifully describe the greed that manifested itself in a craze for hoarding and accumulating the quails …. this portrayal is typical not only of the Israelite tribes in the Sinai desert, but also of modern man, who overemphasizes his ability to safeguard himself, resulting in a form of self-idealization. (Festival of Freedom, p. 11)

The greedy gathering of the quail, says the Rav, is the gathering of an economy that plays by the rules of the sea: the big swallow the little, all is permitted in the name of acquisition. This destructive economic ethic is antithetical to the Jewish ethic.

The Jewish Ethic of a Redeemed Economy

In a number of essays in Festival of Freedom, the Rav develops this discussion of economic ethics with reference to the exodus from Egypt. He notes that the Jewish economy must be based on the principle that man is permitted to search for economic security, but must not be maddened by it:

Man is commended for his preoccupation with his economic needs and his endeavors to develop the means for their satisfaction. Yet he must never ascribe unlimited worth to economic goods and absolutize their significance for the enhancement of human happiness and welfare …

Human economic behavior fluctuates between two poles: economic activism (which the Bible sanctions) and trust in God. The latter is an important motif which should guide the homo economicus in his actions. There are two central themes in the prophets. First, God feeds and sustains all living creatures. Second, feeding is an act of grace on the part of God …. We all eat out of God's hand. Eating means receiving alms-bread from

the Almighty: "You open Your hand and satisfy every living thing with favor" (Tehillim 145:16) …

God, in His infinite mercy, allows man to work for his sustenance and to devise means of increasing the yield of his labors. He also permits him to strive for material comfort and riches. Yet man must never entertain the illusion that the bread he eats is his. This would result in the profanation of the bread and in man's self-absolutization and self-deification. Man must know that he is not a creator in either the metaphysical or the economic sense. He cannot create matter, life, or economic goods. His world of material wealth was given to him gratuitously by the Creator of the universe. (pp. 9–10)

In the absence of this knowledge, man, driven by the search for wealth, knows no boundaries:

Economic man is determined to succeed at any price. If necessary, he is ready to destroy his competitor. The Darwinian struggle for survival is related mainly to economic survival. In economic life, the fittest and strongest survive; the weak perish. Marxism introduced the concept of the class struggle as shaping historical events. In a word, economy and sanctity, or economy and spirituality, are two mutually exclusive concepts …

Judaism disagrees with this entire philosophy …. Another economy can be organized, however, in which a spirit of cooperation and mutual understanding prevails. (ibid., p. 168–169)

This ideal is reflected by the sacrifice of one omer of barley flour in the Beit Ha-mikdash on the second day of Pesach – the same amount as the manna allotted to every individual in the desert. The people's needs were met, their desires were fulfilled, but they were not devoured by them.

What Judaism wants to achieve is that the economic urge be bounded, that man not turn into an economic demon, his acquisitiveness into an infinite drive. As long as the economic urge is associating with a limiting and controlling conscience, Judaism favors man's aggressiveness and boldness. However, when the controlling factor is abandoned and homo economicus reaches out for the endless, Judaism begins to see danger. (ibid., p. 169)

The first principle of a redeemed economy is that the human urge for acquisition is controlled by the intellect, is given boundaries. The people's failure in the episode of the quail was a failure to implement this principle: their limitless greed drew the wrath of the Almighty and destroyed them, much as had occurred in Sodom.

Shabbat: A Higher Purpose

The second mark of a redeemed economy is subordination to a higher purpose, so that acquisition is not a goal in and of itself, but is hallowed by a higher purpose, symbolized by Shabbat.

Both when the manna begins to fall and in the mitzva to bring the Omer offering "on the day following the Sabbath" (Vayikra 23:11),[2] the Torah implies that Shabbat is an essential component of the Jewish economic perspective:

Moshe said, "Eat it today, for today is God's Sabbath. Today you will not find it in the field." (Shemot 16:25)

Shabbat does not make economic sense, as a day off logically means working a day less than one's competitors. However, it brings holiness to a person's economic activity, so that the six days of creative activity are sanctified with their culmination, expressing the higher purpose of man's endeavors. Through this sanctity, divine blessing comes to the activities of those who refrain from labor on Shabbat.

Finally, the third characteristic of a redeemed economy is generosity:

If man looks upon himself as the sole possessor, as the only proprietor of economic goods, then his economy is an ugly affair, then there is exploitation and unfair competition. However, if man is ready to surrender at any time the call comes through, to return whatever I possess to the rightful owner, to give up whenever the demand for return is made, then holiness is possible. (Festival of Feedom, p. 171)

The Economy of the Land of Israel

If these are the pillars of a redeemed economy, then they must be apparent in the Jewish people's model economy in the Land of Israel. However, the economy in the Land is to be characterized not only by these three positive elements, but by others as well.

The Land of Israel features three complementary avenues of developing a redeemed economy, ensuring that, even while reaping the fruits of his work in the field, man retains a humbling connection with God and uses his wealth to further justice and righteousness.

The first avenue is the knowledge that physical building is a fulfillment of the mitzva of settling the Land of Israel, and therefore actually a spiritual pursuit (as explained in Shiur #15). This idea is vividly expressed by the Chatam Sofer, whose writings evince great love of the Land, even though he was not a political Zionist.

In discussing the absence of secular studies from the European Jewish educational curriculum, he is bothered by a dispute cited by the Gemara (Berakhot 35a) regarding whether one ideally should spend all his time studying Torah and rely on external sources of sustenance, as is the opinion of Rabbi Shimon bar Yochai, or should also be involved in planting and gathering crops, as Rabbi Yishma'el argues. The Gemara's conclusion appears to be in accordance with the view of Rabbi Yishma'el. The Chatam Sofer, then, wonders why the chadarim of his day did not provide their students with occupational training. His answer is fascinating:

It seems to me that even Rabbi Yishma'el stated his opinion that one should "gather one's grain" only with regard to the Land of Israel, when a majority of Jews are settled there, as then the work of the field is a mitzva in its own right, viz. that of settling the Land of Israel and bringing forth its holy fruit. It is regarding this that the Torah said, "You shall gather your grain" … [and] it would be comparable to saying, "I will not wear tefillin because I am involved in other mitzvot," if one were to say, "I will not gather my grain because I am studying Torah." It is possible that the same holds true for any other occupation that has a role in settling the Land of Israel, as any such thing is included in the mitzva … (Chatam Sofer on Sukka 36a, s.v. domeh)

The Chatam Sofer concludes that the chadarim focus only on teaching their students Torah because one's work in Europe has no spiritual aspect.

The Land's Topography

In discussing the agricultural gifts that a field owner must give to the poor (commentary to Vayikra 19:9), Alsheikh notes that agricultural growth, more than success in other occupations, is clearly indicative of God's role in the process. Not only are crops susceptible to natural disasters such as hurricanes and tornados, which can wash away an office building, but even abnormal winds, insufficient rainfall, and heat waves can completely destroy crops. It follows that God is entitled to all of the produce. With this, Alsheikh seems to indicate that the agricultural gifts are God's way of taking a percentage: God loves the poor, and therefor gives to them instead of taking for Himself.

While this is true of agricultural work everywhere, the Land of Israel is ideally built for this dynamic, as Moshe points out:

For the land to which you are coming to take possession of it is not like the land of Egypt, from which you came out, where you sowed your seeds and watered with your foot, like a vegetable garden. The land to which you are passing over to inherit it is a land of mountains and valleys; it drinks water from the rain of heaven. It is a land for which the Lord, your God, cares: the eyes of the Lord, your God, are always upon it, from the beginning of the year to the end of the year. (Devarim 11:8–12)

Moshe distinguishes between the two lands based upon means of irrigation: The Nile, barring severe drought, supplies all of Egypt with water. The Land of Israel, on the other hand, has no comparable source of river water and must rely on "the rain of heaven."

At first glance, it might appear that Egypt surpasses the Land of Israel in this regard. However, Moshe tells the people, this is not true. First, while Egypt may have a source of water, transporting that water to the furthest reaches of Egypt entails a great amount of work. In the Land of Israel, when it does rain, man can simply sit back and watch the heavenly rainfall give life to all vegetation. The water supply is not constant, but when deserved, it allows man to reap its benefits with a minimum of work, as expressed in the Midrash:

In the Land of Egypt, if one does not work with spade and shovel, giving up his sleep for water, then he has nothing, but in the Land of Israel it is different: they sleep in their beds, and God makes the rain fall. (Yalkut Shimoni, Eikev 857)

Thus the special terrain of the Land also encourages the development of a redeemed economy within it.

"God Shall Give You": A Constant Gift from God

Still, the most important difference between the two lands is in the personal relationship with God facilitated by the food that the Land of Israel brings forth.

We recall that the snake was cursed to "eat dust all the days of your life" (Bereishit 3:14): though food would be readily available, the snake would never ask God for food or maintain a relationship with Him. The Egyptians too were given a Godless economy. Man worked hard to irrigate the fields, building an economy without thinking of the heavens.

In the Land of Israel, though, the Jews enjoyed the blessing given to Yaakov: "God shall give you of the dew of heaven" (Bereishit 27:28) – an active gift from God, who continues to give it so long as the people are worthy.

We will conclude this theme in next week's lesson, discussing at greater length how the terrain of the Land of Israel can be transformed into the foundation of an interpersonal redeemed economy.

[1] The passage appears in most siddurim following Shacharit (morning prayers).

[2] The Torah sometimes refers to the holidays as Sabbaths (Shabbatot). Here, the words "on the day following the Sabbath" (mi-machorat ha-Shabbat) are used to require that the Omer be sacrificed on the second day of Pesach. The choice of this term serves to associate the symbolism of the Omer with that of Shabbat.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #18: The Jewish Ethic of a Redeemed Economy
in the Land of Israel, Part 2

Israel, Egypt, the Garden of Eden, and Sodom

We concluded our previous shiur with Moshe's contrasting the terrain of Egypt, whose economy depended on the hard work of distributing the Nile's water throughout the country, and the Land of Israel, which is sustained by the "rain of heaven" (Devarim 11:11), requiring less physical work as long as its inhabitants merit rain.

Due to this difference, the Egyptians were much less conscious of God than individuals living in the Land of Israel can be. Like Egypt, Sodom of old was situated adjacent to a river and developed a Godless economy and depraved social norms. These societies stand in marked distinction to the economy of the Land of Israel, whose dependence upon heavenly rain facilitates the development of an economy that is aware of God, devotes itself to Him, and maintains its interpersonal focus.

As we mentioned previously, the city of Sodom is compared not only to Egypt, but also to "the Garden of God" (Bereishit 13:10), i.e. the Garden of Eden. In the Garden of Eden, man picked fruit without need for work; only after man ate from the Tree of Knowledge was he cursed to work the ground with difficulty (ibid. 3:17–19). A number of commentators opine that when Adam was initially commanded to tend to and protect the garden (Bereishit 2:15), the intent was only that he occupy himself with spiritual pursuits, through which the garden would grow. There was to be no need for physical work: the garden's plants would grow as a response to spiritual efforts.

That was before the curse. After the curse, man was required to work the field, and was liable to think that the physical growth of the field was due to his valiant efforts. Thus, after the Jews witnessed an extreme form of this outlook in Egypt, God corrected their perspective by subjecting them to its opposite, feeding them manna, so that their sustenance entailed no physical work.

The manna let the Jews clearly recognize God as the provider of bread, and allowed them to occupy their time with spiritual pursuits rather than physical needs. It is no surprise that Rabbi Shimon bar Yochai – whom we quoted previously as advising the Jew to spend all his time studying Torah, while relying on God for his physical needs – had a very positive view of the Jews' time in the desert:

Rabbi Shimon bar Yochai says: Interpretation of the Torah was given only to those who eat manna. How so? One sits and expounds [Torah] and does not know from where his food and drink will come, or from where his clothing will come. This is [the meaning of the statement that] interpretation of the Torah was given only those who eat manna, and second to them are those who eat teruma. (Mekhilta, Vayissa 2)

Rabbi Shimon advises that man focus all his energies on Torah and rely on God to provide for him in the same manner that He provided manna. It seems from the excerpt above that this is how the kohanim lived. They did not own land, but were designated as the teachers and spiritual voice of the people, and were sustained by the teruma that was provided to them by others.[1]

Notwithstanding the view of Rabbi Shimon, the Gemara seems to rule otherwise, at least for most people.[2] It prefers the opposing opinion of Rabbi Yishma'el: in order to provide for himself in the Land of Israel, man must engage in at least a minimum of agriculture.

Rain from Heaven

Rabbi Yishma'el surely was cognizant of the spiritual dangers of working the land, but he realized that the time for manna from heaven ceased when the Jews entered the Land. An economy based on "bread from heaven" (Shemot 16:4) is neither the reality nor the ideal for the masses settled in the Land of Israel. The experience of the desert allowed the Jewish people to forge their identity as a people, with all their needs provided. In the Land of Israel, though, the people would live a natural existence. Man would work the field. Instead of receiving bread from heaven, he would recite a blessing over bread from the earth.

This begs the question, though: How is man to till the ground, get mere sheaves of wheat for his hard work, proceed to thresh and winnow and knead and bake before any bread appears, and still remember God in the process?

Moshe provides the answer in his description of the topography of the Land of Israel:

The land to which you are passing over to inherit it is a land of mountains and valleys; it drinks water from the rain of heaven. (Devarim 11:9)

Yes, in the Land of Israel you will work to obtain bread from the earth, as in Egypt – but not in the same way. The Egyptians worked hard to amass manpower to support an economy that did not see the divine hand in its activities, enslaving people to work the land as hard as possible and to distribute water from the Nile River through canals and irrigation systems. The Land of Israel is different, not because it is fed heavenly bread, but because it is irrigated with heavenly rain. When there is natural rainfall, it benefits without any need for excessive work. "It drinks water from the rain of heaven": rain will come from heaven if the people deserve to receive bread from the ground.

Unlike the manna, which was rained down (mamtir) from heaven, in the Land of Israel, the bread of the earth is nourished by rain (matar) from heaven. Man does work the field, which is a spiritual act in its own right,[3] but he is to recognize that nothing grows without heavenly intervention. In the Land of Israel it is clear that even earthly bread comes from God.

Rabbi Yishma'el may even have reasoned that this recognition, far more than the manna, provides for a deep appreciation of God's hand in our physical sustenance, positing as it does a partnership between man and God.

God and Man: Agricultural Partners

Man's responsibility for bringing rain from heaven was an essential element of Creation. Before any plant grew in the Garden of Eden, no shrub of the field was yet on the earth

and no herb of the field had yet sprouted, for the Lord God had not brought rain upon the earth and there was no man to work the ground. (Bereishit 2:5)

Rashi (s.v. ki) comments:

"For the Lord God had not brought rain," and what is the reason he had not brought rain? Because "there was no man to work the ground": there was no one to recognize the goodness of rainfall. When Adam came and realized that rain is essential for the world, he prayed for rain, it came down, and the trees and vegetation of the world sprouted.

The first rain in history resulted from man's prayers. With this initial experience, man learned that physical growth on Earth is a product of heavenly grace, to be deserved through spiritual pursuits.

Life in the Land of Israel is a return to the Garden of Eden. Just as God's presence was apparent in the Garden of Eden, it is apparent in the Land – "a land for which the Lord, your God, cares: the eyes of the Lord, your God, are always upon it, from the beginning of the year to the end of the year" (Devarim 11:12).

As part of the people's natural existence in the Land of Israel, its climate reacts to their spiritual condition.[4] In the words of Rashbam (Devarim 11:10): "This land is better than all other lands for those who observe His commandments, and worse than all other lands for those who do not observe them."

The Mishna (Ta'anit) prescribes fast days when rain is lacking in the Land of Israel, because physical drought is but an expression of God's hiding His face from His people. The local weather thus serves as a kind of religious feedback mechanism. With drought or famine, God can indicate that people must change their ways to avert a more drastic punishment. Natural existence, fed by heavenly rain, is actually a prerequisite for healthy spiritual existence in the physical Land.

Faith in Hidden Miracles

In light of this connection between spiritual and physical existence in the Land, we can understand why the Gemara (Shabbat 31a) views the agricultural section of the Mishna (Seder Zera'im) as epitomized by faith:

Reish Lakish said: What is the meaning of that which is written, "The faith [emunat] of your times shall be a strength of salvation, wisdom, and knowledge; fear of the Lord is His treasure" (Yeshayahu 33:6)? "Faith" – this is the section of Zera'im …[5]

The farmer knows that all of man's efforts in the field are mere attempts at sustenance, in the hope that weather conditions will not destroy the crop. Only the One who gives life can determine whether physical crops will grow. Nevertheless, explain the Tosafot (s.v. emunat), the farmer "puts his faith in the One who gives life to the world, and plants."

The superiority of faith in God's hidden agricultural miracles over a manna-based existence is further evident from a key essay of Ramban in his commentary to Shemot (13:16). Noting that God performed many manifest miracles when bringing the Jews out of Egypt and through the desert, he explains that such miracles served as proof of the Creator's existence and the truth of the Torah. Nevertheless, God does not want to prove His existence anew in every generation, and therefore issued numerous mitzvot requiring man to remember the Exodus and transmit its memory to his children:

All these [commandments] are intended to bear witness to the wonders throughout the generations, so that they will not be forgotten, and so that the heretic will not have any justification for rejecting the belief in God …

Yet manifest miracles are not the ideal, as they demonstrate God's existence only at the moment they happen. The overarching goal is that man forge a relationship with God and constantly recognize Him:

As a result of the great manifest miracles, one grants the truth of the hidden miracles, which constitute the foundation of the entire Torah, for no one can have a part in the Torah of Moshe Rabbeinu without believing that all things and events that befall us are entirely miraculous, not in any way natural or inevitable, whether public affairs or individual affairs. (Ramban, ibid.)

So it was that the entire period the people sojourned in the desert and were fed manna, bread from heaven, the goal was that they one day arrive in the Land of Israel, where they would eat natural bread, yet recite the blessing recognizing God as Him who brings forth bread from the earth through the hidden miracle of rain from heaven. The Land of Israel blooms (see Shiur 15) in response to the actions of the people; it is the perfect setting for an economy permeated with the recognition of God's hidden hand in every facet of human existence.

This is the backdrop a Jewish interpersonal paradise that stands in stark contrast to the Sodomite ethic. Unlike that Godless society, Jewish society must be premised on the unification of the people as a single nation, expressed through the mutual responsibility[6] that the Jews accepted upon entering the Land, in the covenant at Mount Gerizim and Mount Eival.

Because of the intimate connection between Jewish peoplehood and Jewish agriculture, a number of agricultural mitzvot are applicable only when the majority of the Jewish people reside in the Land of Israel. As long as the link between nationhood and agriculture is a healthy one, the field owner provides for those who lack, and the pursuit of wealth can never descend to survival of the fittest.

Holiness: Sanctifying the Physical World

On the Shabbat before a new month, we pray for a physically and spiritually successful life: "life in which there are love of Torah … fear of Heaven … fear of sin." This is the life of the Land of Israel: a life of holiness,[7] which entails not escape from the physical world, but sanctification of it, living in and beautifying the physical world while remaining committed and connected to the ideals of the Jewish people. It is a life of working in the field while one's assets and attitude remain oriented toward heaven: a life full of mitzvot.

The agricultural mitzvot of the Land of Israel allows us to maintain this perspective. A farmer who sacrifices bikkurim, first fruits (Devarim 26), is required to recite a declaration tracing the historical background of his crops. He recalls God's promise to the Patriarchs that their descendants would inherit the Land of Israel, remembers the exodus from Egypt, and recognizes God as the One who has given the Jews their land and their crops.

Providing terumot and ma'asrot from one's produce to feed the kohen, the Levi, and the poor allows one always to provide for others with his financial gains.

The charitable gifts of leket and pe'ah are not handouts to the poor (see shiur 12), but the reservation of a part of one's field for the poor, as if they are its true owners.

Yet the ultimate act of charity and ultimate recognition of the limits on one's ownership come with the sabbatical (shemitta) year. Every seventh year, man must waive ownership of his fields, declaring all that grows to be ownerless and allowing all to partake of his now-ownerless fruit.

An Israeli farmer who had spent years cultivating expensive, exotic fruit trees once described to me the amount of inner strength necessary to watch teenagers come during the sabbatical year and take fruits from his trees without even realizing what had gone into planting them. Those who observe the mitzva of the sabbatical year are with good reason described by our Sages with the verse, "You mighty in strength who fulfill His word, hearkening to the voice of His word" (Tehillim 103:20).

This strength of character brings with it an appreciation of God's involvement with the land, and of who is the true owner of the field. Providing for others from one's own field helps one develop a giving personality. The feeling of lacking true ownership is then taken to yet another level when all land returns to its initial owner in the jubilee year (yovel).

The sabbatical year, significantly, is a time when an agriculturist can dedicate himself to the study of Torah. If, as Rav Soloveitchik noted, Shabbat is an essential part of the Jewish economic ethic (see previous shiur), then so is the sabbatical year. During this year, man almost reaches the point of being sustained by manna: "Then I will command My blessing upon you in the sixth year, and [the land] shall bring forth produce for the three years" (Vayikra 25:21).

Rav Yaakov Moshe Charlop goes one step further, describing the growth of crops during the sabbatical year as equivalent to plants' growth in the Garden of Eden. Both, he notes, come forth without need to work the land.

The dedication of the sabbatical year to the agriculturist's spiritual rejuvenation and refocusing is apparent on Sukkot of the following year, on which the mitzva of hakhel is performed. During this ceremony, the people gather at the Beit Ha-mikdash and listen as the king reads the book of Devarim in an event that partially recreates the giving of the Torah on Mount Sinai.[8]

Due to the difficulty of maintaining a healthy perspective, spiritual renewal cannot be limited to every seventh year. Therefore, explains the Sefer Ha-chinukh (mitzva 360), the yearly tithe of kosher domestic animals is brought to Jerusalem, where it is eaten by the owner after the blood and fat have been offered on the altar:

This precept is causally rooted in that God, blessed is He, chose the people of Israel and desired, for the sake of making them righteous, that they be those who occupy themselves with His Torah and know His name. So in His wisdom He brought them close with this mitzva, that they might learn and accept moral teaching. For God knows that most people are drawn after the inferior, lowly physical element, "being also flesh" (Bereishit 6:3), and do not devote their spirit to toiling in the Torah and being constantly occupied with it. Therefore, with His understanding, He arranged matters so as to give them a location where all would know the words of His Torah under all circumstances …

… every man would take up the tithe of all his flocks to … Jerusalem, where the Sanhedrin [supreme scholarly court] was … and would likewise take up the tithe of our crops in four years of the seven-year cycle[9] … and eat his fruit there: either the owner of the stock would go there himself to study Torah, or he would send one of his sons there, so that he would study there and be sustained by that produce.

As a result, in every single Israelite's house there would be a wise man versed in the Torah, who with his wisdom would teach his entire family, and thus "the land shall be full of knowledge of the Lord" (Yeshayahu 11:9) … and with a knowledgeable individual in every household … always educating [the entire family] … they would merit to attain what is written, "Then I shall set my Tabernacle among you … and I shall be your God, and you shall be My people. (Vayikra 26:11–12)

As the Sefer Ha-chinukh shows, benefitting from the physical bounty of the Land of Israel is associated with the Torah and spirituality, which spread from Jerusalem into every home in the Land. The more successful one's business endeavors, the more one will have to bring to Jerusalem to reconnect with the spiritual core of the nation.

Outside the Land

In the Land of Israel, everything from the terrain to the agricultural mitzvot is designed so as to assist a person who wants to build a redeemed economy. Although many agricultural mitzvot do not apply outside the Land, the same economic principles must apply even to those involved in business and acquisition outside the Land: the economic model of the Land of Israel serves as the ethical ideal even for those whose bread is not brought forth by rain from heaven. Even where agricultural mitzvot do not apply, their message should be expressed in business endeavors in every way possible.

In order to maintain a redeemed economy, we must ensure that we remain conscious of God, and develop a society that cares for the weak and needy. We must ensure that our Shabbat is a time of spiritual renewal, and focus on the fact that it is God who delivers His bounty to those engaged in physical work. Reciting blessings that recognize God as the source of our food, subordinating our wealth to a higher purpose, and finding opportunities for spiritual renewal help us to maintain the Jewish economic ethic, wherever we reside.

The sabbatical year symbolizes this concept. Although the agricultural aspects of the year apply only in the Land of Israel, release of loans (shemittat kesafim) applies throughout the world. At the conclusion of the year, all unpaid loans are released, and while it is proper that one who owes money repay it, he cannot be required to do so. In essence, this mitzva creates a bankruptcy option for those who are insolvent. The Torah nevertheless goes so far as to require that one continue to lend money to the needy even as the sabbatical year approaches, and not fear that loans will not be returned.

Because the Jewish ethic of a redeemed economy applies everywhere, the entire world needs a sabbatical year. Release of loans not only is a mitzva, but teaches us the proper attitude towards lending, charity, and interaction with employees and clients.

In the next lesson we will discuss the Jewish concept of tzedaka, which is above and beyond mere charity. Afterward, we will return to Chapter 19 of Vayikra to discuss the various economic mitzvot discussed there as a means of sanctifying our lives, wherever we live.

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[1] See also Rambam, Hilkhot Shemitta Ve-yovel, Chapter 13.
[2] See Bei'ur Halakha 156, s.v. sofa.
[3] See the comments by Chatam Sofer cited in last week's shiur regarding the place of agriculture within the mitzva of settling the Land.
[4] See Ramban on Vayikra 18.

[5] The Gemara proceeds to associate each of the remaining orders of the Mishna with a different element of the verse, but these are beyond the scope this discussion.
[6] On mutual responsibility (areivut), see year 2, Shiur 20.
[7] See year 1, Shiurim 21–22.
[8] See Devarim 31:10ff. and Rambam, Hilkhot Chagiga, Chapter 2.
[9] I.e. years 1, 2, 4, and 5. In years 3 and 6, a tithe is given to the poor. In the sabbatical year there are no tithes.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #19: Tzedaka – More Than Just Charity

Agricultural and Monetary Tzedaka

In earlier lessons, we noted that the agricultural mitzvot appear in three contexts, beginning with Vayikra 19, the section of the Torah detailing the mitzvot that help one to achieve holiness. The agricultural gifts to the poor comprise a pivotal component of these mitzvot.

The agricultural gifts are not the only means of support that the Torah commands to provide for the needy. In our non-agrarian society, it is the obligation of tzedaka – monetary support – that is the central focus. Yet while this obligation is seemingly well understood as simply that of charity, its full import can be appreciated only by analysis of how the Torah presents this mitzva – or, perhaps, mitzvot.

Like the agricultural gifts, tzedaka is mentioned explicitly in a number of places in the Torah, underscoring the multifaceted nature of tzedaka. To gain a better appreciation of tzedaka, let us first take a look at these various sections of the Torah and see what we can glean from each.

Different Perspectives on Tzedaka

While the agricultural gifts are contextualized with the words "I am the Lord, your God" (Vayikra 19:10 et al.), and the requirement to lead a holy life, the mitzva of monetary tzedaka focuses on the needs of the other, with the word "brother" constantly appearing in its context. The Torah's main discussion of tzedaka is in Devarim. However, before analyzing that lengthy section, we should note that the concept of tzedaka is mentioned beforehand as well.

Tzedaka is first mentioned even before the Jewish people become a nation, as part of the legacy that Avraham is to impart to his children (see Bereishit 18:19).

The first instance in which the Jews are commanded to give away money is in Shemot, in the form of the requirement to donate materials for the construction of the Tabernacle:

Speak to the children of Israel and let them collect for Me a donation: from every man whose heart impels him to give shall you collect My donation. (25:2)

This verse can be viewed as the source of a general obligation to provide for synagogues and yeshivot, building and maintaining the spiritual institutions that are the hallmark of Jewish society.

The obligation of tzedaka in the sense of providing for the needy appears twice in the Torah. First, in Vayikra 25:35:

When your brother becomes poor and his ability to support himself fails where he is with you, you shall support him, [even if he is] a stranger or a sojourner, and he shall live with you.

Later, in Devarim, the Torah lengthily describes the obligation of tzedaka as part of its discussion of cancelling loans at the close of the sabbatical-year cycle:

When there is a destitute person among you, any of your brothers, in one of your settlements in your land that the Lord, your God, is giving to you, you shall not harden your heart or shut your hand against your destitute brother. Rather, you shall generously open your hand to him, and extend to him any credit necessary for providing that which he lacks.… Make every effort to give to him, and do not feel bad when you give to him, because for this the Lord, your God, will bless you in all of your deeds and in all of your endeavors. For there will never cease to be a destitute person in the land; therefore I am commanding you to open your hand generously to your poor and destitute brother in your land. (Devarim 15:7–11)

The Poor Brother

Rambam cites both of these passages as sources for the mitzva of tzedaka:[1]

It is a positive commandment to give tzedaka to the poor among the Jewish people … as it is said, "generously open your hand to him," and it is said, "you shall support him, [even if he is] a stranger or a sojourner, and he shall live with you," and it is said, "and your brother shall live with you" (Vayikra 25:36). (Hilkhot Mattenot Aniyyim 7:1)

Both appearances of tzedaka come in close proximity to discussion of the agricultural provisions for the poor, notably the sabbatical year, during which fields are open to the poor and at whose close all debts are cancelled. With this juxtaposition, the Torah draws a line connecting monetary charity and its agricultural counterparts.

At first glance, the two selections might be understood as two separate models of tzedaka. That from Vayikra is broader in scope, applying even to non-Jews and even outside the Land of Israel, yet demands only basic support for the poor, and even this only on a private level. The selection from Devarim. meanwhile, is limited to Jews in the Land of Israel, and to occasions when a request for assistance is made, but requires supplying anything the person needs.

The discrepancy between the two approaches is in part one of perspective. The description in Devarim is focused by the continually repeated element of brotherhood. Because the one in need is our brother, it follows that we must do much more than obliterate his hunger; instead, we must provide all that he lacks, even if it is due to his personal habits. As codified by Rambam:

Even if this particular indigent man used to ride on a horse and have a servant run before him heralding his arrival, and he then became poor, one must purchase for him a horse and a servant. (Hilkhot Mattenot Aniyyim 7:3)

Rav Shlomo Volbe notes that the undefined call for "providing that which he lacks" indicates that there are no objective standards in tzedaka. Rather, a person must train himself to identify another's needs by listening to him and seeing what he truly lacks. We must appreciate his needs even if for us they are luxuries. (See Alei Shur, Volume II, p. 198.) This subjective requirement is an expression of true concern for our brothers in need.

Since the obligation of tzedaka revolves around brotherhood, there is an order of priorities as to whose needs should be provided first. One's first obligation is to oneself (Rema, Shulchan Arukh YD 251:3). Afterwards, as the verses indicate, come one's family members, according to their degree of closeness, and then the needy of one's city. Since the verses also refer to the poor "in your land," the poor of the Land of Israel receive precedence over the poor of other lands.

Rav Hirsch (Devarim 15:7) further discusses how the Torah's emphasis on brotherhood highlights closeness and solidarity as hallmarks of tzedaka:

The sense of the mitzva is as follows: Even if there is only one brother in your city or your country who is in need of help, then there is a needy man among you, in the sphere of your responsibility, and you may not turn away from him …

Again and again in this chapter the needy man is referred to as achikha, "your brother." Every needy person who stands before you, even if you do not know him, is your brother, a child of your Father in heaven, and when he turns to you, he does so with a letter of recommendation, as it were, from God, who is the Father of you both.

Coercion for Tzedaka

Even more than viewing the needy person as our brother, the ability of the courts to coerce one to give reflects the depth of this mitzva.

There is a general halakhic principle that a court may not coerce a person to perform any positive mitzva whose reward is stated explicitly in the Torah.[2] A reading of the source in Devarim would seem to put tzedaka in this category:

Make every effort to give to him, and do not feel bad when you give to him, because for this the Lord, your God, will bless you in all of your deeds and in all of your endeavors.

Notwithstanding, the Gemara (Bava Batra 8b and Ketubot 49b) indicates that a court may force a person to give tzedaka.[3]

A number of Rishonim seek to resolve this difficulty by distinguishing between different types of coercion, explaining that the Gemara refers merely to verbal, not physical, coercion (see Tosafot Bava Batra 8b and Ketubot 49b). Other commentators, however, explain why tzedaka qualifies as an exception to the rule, in the process underscoring the uniqueness of this mitzva.

Individual and Communal Tzedaka

One of these explanations, that of Rav Chaim Soloveitchik (see Reshimot Shi'urim Nedarim 1:208), makes reference to the distinction we discussed above between the two models of tzedaka. Rav Chaim understands the two passages as referring to different obligations. The passage in Vayikra, says Rav Chaim, speaks of a communal obligation to ensure that all members' minimum needs are met. The model in Devarim, meanwhile, concerns an individual's obligation to open his heart and extend his hand to provide for others' needs beyond the bare minimum, even fulfilling what the needy feel they lack.

The Gemara, then, refers only to coercing individuals to pay their part of a community's tzedaka obligations: its context is a discussion of the tamchui, a communal fund that was collected daily and available to all poor people, and the kuppa, which was collected every Friday and provided for the Shabbat needs of the city's poor. The courts are limited in

enforcing the individual obligation found in Devarim, but not the communal obligation that appears in Vayikra.

Other commentators too distinguish between the communal and individual elements of tzedaka. In his treatment of the verses in Devarim, Rav Hirsch discusses the roles of the individual and the community in providing for the needs of the poor:

"When there is a destitute person among you" can be said only to a community, for one cannot say to an individual concerning him alone, "when there is a destitute person among you." On the other hand, "you shall not harden your heart" and the statements that follow are directed primarily toward the individual, as is evident from the choice of expressions in these statements. Thus the mitzva addresses the community and the individual alike. The duty of caring for the poor devolves equally upon the community and the individual, and depends on both.

The foregoing clarifies an essential principal of this mitzva. There may be no other mitzva that requires the continuous, simultaneous activity of the community and also of the individual as does the mitzva of caring for the poor. The requirements of this mitzva, as we shall see, cannot be met by the individual alone, or by the community alone. Each must strive to outdo the other, and both must work side by side, if the goal set by this mitzva is to be attained. The signs on houses warning beggars to keep out because the occupants are already contributing to public relief funds are not in keeping with the Jewish spirit emanating from this mitzva …

The duty to provide in every way for the needs of the poor has made it necessary that care of the poor be the concern of every Jewish community that has the authority to compel its members to give of their material means toward these purposes …

However, the duty of the Jew does not end there. Also required are the good works of individuals and voluntary relief organizations, for whom and for which there are unending opportunities to perform charitable acts. The task imposed by the mitzva of tzedaka is so great and important that only a combination of these three factors – communal, organizational, and private – can lead to fulfillment.

The Torah itself details a system in which a person who has fallen on hard times need not immediately become subsistent on charity, but can go to his relatives, expecting them to follow the Torah's directives to take care of a poor person's needs:

Our Sages say: Anyone who falls from his wealth does not immediately become a dependent of the community fund (see Nedarim 65b). Rather, first his relatives are obligated to come to his aid, and only if their support does not suffice is the community obligated to supplement their efforts.

The benevolence of individuals is particularly necessary in order to help those who have become impoverished and are ashamed of their financial distress, and in order to meet people's personal needs.

There are, however, needs that only the community can supply. Among them, special mention should be made of ensuring the Torah education of the children of the poor. This has always been considered so much a communal task that people have erroneously grown accustomed to taking the term "talmud Torah" as including only the obligation devolving on the community to provide for the instruction of the children of the poor.

Rav Hirsch goes on to note that the mitzva of tzedaka is preceded by that of ma'sar ani, the agricultural tithe given to the poor in the third and sixth years of the sabbatical-year

cycle. The concept of tithing financial profits is derived from this juxtaposition, and this too shows that charity is not only the lot of the community.

Every Jew regards himself as the administrator of a charity fund, large or small, that has been entrusted to his care by God and consecrated to God. Hence, he is pleased when he finds an opportunity to do a good deed with these assets, which are no longer his, but have been entrusted to him for charitable purposes.

The Debt of Tzedaka

The Ketzot Ha-choshen offers another answer to the question of why a court may force one to give tzedaka. He cites a number of sources to show that an individual may be compelled to give tzedaka not in order to fulfill his mitzva of supporting the poor, but by virtue of a tzedaka's lien on his property. Even though the court cannot compel the performance of the mitzva, it can force an individual to pay his debts.

This explanation is fascinating, but why should an individual's obligations to tzedaka be considered a debt? After all, can a person be considered to be stealing from the poor if he decides to use his hard-earned money for his own needs rather than for charity?

This notion of charity does at first seem to be a correct definition of tzedaka. But let us return now to Rambam's definition of tzedaka, mishpat, and chesed that we last saw in Shiur #11. Writing in the penultimate chapter of Moreh Ha-nevukhim, he defines the term chesed as utter beneficence, and mishpat as strict justice. Tzedaka, meanwhile, is between the two other qualities.

The term tzedaka is derived from tzedek [righteousness]; it denotes the practice of giving everyone his due and of showing kindness to every being as it deserves. In Scripture, however, the expression tzedaka is not used in the first sense, and it does not apply to the payment of what we owe to others. Therefore, when we give the hired laborer his wages or pay a debt, we do not perform an act of tzedaka. But we do perform an act of tzedaka when we fulfill those duties towards our fellow men that our moral conscience imposes upon us, e.g. when we heal the wound of the sufferer. Thus Scripture says, in reference to returning the pledge [to the poor debtor], "and it shall be tzedaka for you" (Devarim 24:13). When we walk in the way of virtue, we act righteously towards our intellectual faculties, paying them their due.

Unlike chesed, which entails going above and beyond by doing more than is required, tzedaka means giving everyone his due and giving to every being what it deserves. The act of giving "charity" to the poor is dubbed tzedaka because the giver performs a necessary act stemming from his own moral conscience, which strives for perfection and for positive character traits. When a person behaves in this way, he is performing tzedek towards his own soul. Chesed is the correct term only for an utter favor exceeding that which the soul requires.

This perspective is further borne out by the commentary of the Or Ha-chaim (15:4) on the discussion of tzedaka In Devarim. He explains that if "there is a destitute person among you," this is because other people's money is in your hands:

Why does the Torah have to write "among you" in addition to writing "any of your brothers?" Perhaps Moshe thus alluded to what we learned in Bava Batra (10a), where the Talmud says that the reason God chooses to afflict some people with economic hardship in this life is to afford their wealthier fellow Jews the opportunity to help such destitute people support themselves with dignity.

The words "a destitute person among you" [bekha evyon] may be read to mean "[a destitute person] on your account," i.e. it is for your sake that there will be a destitute person. The Torah writes "any of your brothers" to remind you not to evaluate people on the basis of their economic prosperity. The fact that he is destitute does not make him a lesser person: he still is your brother …

Sometimes the portion that is the due of the poor person has been entrusted by God to a wealthy person instead, and all his wealth is in truth a collection of what originally was allocated to the poor person. If the rich man keeps this in mind, he will never begrudge any support he extends to the poor person, as he is only giving to the poor person what was his in the first place …[4]

The Chesed Within Tzedaka

Maharal (Netivot Olam, Netiv Ha-chesed and Netiv Ha-tzedaka) derives a similar idea from a passage in Sukkah (49b) that states there are "three ways in which performing acts of chesed is greater than tzedaka" and that "tzedaka is rewarded only according to the chesed within it."

Maharal explains that chesed is an act that stems from the giver, while tzedaka stems from the recipient. Thus if a person gives charity to a person who falsely claims to be needy, he is not actually performing tzedaka. This, writes Maharal, is the meaning of the midrashic comment on Yirmeyahu 18:23 that when God seeks to punish people, he ensures that all of their tzedaka goes to individuals who do not truly need the money, so that the mitzva of tzedaka goes unfulfilled.

Maharal adds that one must give tzedaka because one's wealth is the means by which God funnel funds to the poor. When a poor person requests money, he is requesting his own money that is in the hands of others. On a certain level, a needy individual is poor because the wealthy have some of his money.

Performing acts of chesed, though, does not stem from the recipient, but from the giver, who feels a desire to go and give to others more than is theirs. The act of visiting a sick individual, for instance, is one of chesed: the giver does not have in his possession a part of the sick person's health, but nevertheless comes to perform an act of kindness.

There is no explicit source in the Torah for chesed because such a source would undermine the mitzva, which should be inspired by a feeling of wanting to give. There is, on the other hand, an explicit mitzva of tzedaka: the man of means is obligated to provide the needs of the recipient, because he is holding the other man's funds.

Reconsidering the Mitzva

In next week's shiur, we will provide one more answer to the question of why a court may coerce a person to give tzedaka. In light of this answer, we will take a fresh look at the Torah's description of tzedaka and hopefully uncover more of the depth of this mitzva, which is so much more than mere charity.

[1] The following words of Rambam serve to explain the need for two commandments in the Torah requiring the Jews to be charitable. For Ramban (Shichkhat Ha'asin 16), who does not view the first passage as referring to tzedaka, there is no need for such an explanation.

[2] See Chullin 110b.
[3] See also Rambam, Hilkhot Mattenot Aniyyim 7:10, 9:12.
[4] See also Or Ha-chaim on Shemot 22:24.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #20: Tzedaka – The Heart of the Mitzva

Coercion to Give Tzedaka

In last week's lesson we arrived at an understanding of the unique nature of the mitzva of tzedaka through an initial analysis of relevant verses in Parashat Re'eh. We considered several answers given to the question of why the Gemara allows courts to coerce individuals to give tzedaka, despite the fact that the verses explicitly promise a reward to one who gives tzedaka, and as the Gemara states elsewhere (Chullin 110b), the courts may not compel observance of a mitzva for which the Torah promises a reward.

The explanations we cited last week satisfyingly describe what makes tzedaka very different from what would normally be called charity. Yet they still accept the assumption that tzedaka is indeed a mitzva for which the Torah promises a reward.

In this lesson we will take a new look at the extensive description of tzedaka in Parashat Re'eh. We will try to prove that these verses present a whole new element of the mitzva, possibly the core of what makes tzedaka so unique and powerful, and one that gives the lie to the assumptions on which our question was based.

When there is a destitute person among you, any of your brothers, in one of your settlements in your land that the Lord, your God, is giving to you, you shall not harden your heart and you shall not shut your hand against your destitute brother. Rather, you shall generously open your hand to him, and extend to him any credit necessary for providing that which he lacks.… Beware lest there be a lawless thought in your heart saying, "The seventh year, the year of remission, is approaching," and you treat your destitute brother with miserliness and refuse to give to him.… You shall surely give to him, and let your heart not feel bad when you give to him, because for this the Lord, your God, will bless you in all of your deeds and in all of your endeavors. (Devarim 15:7–10)

The verses reference two parts of the body that are involved in tzedaka: the hand and the heart. Reference to the hand is very understandable, as it is obviously plays a role in the act of giving. However, the repeated mention of the heart – three times in four verses – requires an explanation. If tzedaka consists mainly of providing money to the poor, then what role does the heart play?

Focus on the Heart

The Torah seems to be impressing upon us that the mitzva of tzedaka involves not only the act of giving, but the heartfelt desire to do so. Notably, in one instance here the Torah attributes lawlessness to a heart that fears to provide a loan to the poor prior to the sabbatical year.[1] Yet what is so lawless about fearing that a loan will not be repaid?

The Torah's choice of wording is even more surprising if we take into account that it uses this word only one other time: regarding idolaters. This leads the Tosefta (Ketubot 68a) to draw a connection between a person who avoids giving tzedaka and an idolater.

Whoever averts his eyes from tzedaka is like an idolater, for it states here [regarding tzedaka], "Beware lest there be a lawless thought in your heart," and it states there [regarding idolatry], "Lawless people went out from among you and corrupted the members of their city" (Devarim 13:14).

If tzedaka were merely a monetary debt to the poor, as suggested last lesson, it would be hard to deem withholding it an act of rebellion against God. Evidently, the Torah is concerned not only with the giving of money, but with the attitude of the giver.

Significantly, the Torah's instruction not to harden one's heart against giving tzedaka is understood by Ramban[2] as a negative commandment. He writes:

We should not feel pained by giving tzedaka, nor should we give without generosity, nor think of it as a financial burden. (addenda to Sefer Ha-mitzvot, no. 17)

The Ramban emphasizes that the Torah is not concerned only with the giving of the hand, but also with the mindset of the heart. Hardening one's heart, even if one were to give a generous amount, would be a violation of a mitzva: a generous attitude is as essential as a generous gift.

Rav Hirsch (Devarim 15:7) observes that the Torah's warning against hardening one's heart, rather than commanding to open one's heart, indicates that heartfelt concern for the needy is the natural reaction to a request for tzedaka. He explains that the Jew's hand and heart are naturally open, but subject to the sway of the evil inclination, which might convince him not to give:

"Lo te'ameitz …" literally means, "do not forcefully impose upon your heart." The implied assumption of this expression is that if Jewish hearts are permitted to give free rein to their natural impulses, they will do good, and that only cold, calculating, selfish considerations can suppress these impulses.

Jewish hands also are by nature open to the poor, and also can be closed up only by such unnatural selfishness. Hence: "you shall not shut your hand."

The Torah, then, instructs the Jew not only to give, but to find his inner kindness and give with a genuine desire to help.

A Natural Continuation of Avraham's Kindness

What is the source of this natural inner urge to help? Why is it so essential for tzedaka?

A fascinating comment of Rambam may answer our question. In discussing the importance of tzedaka, he associates the mitzva with the legacy of our forefather Avraham:

We must be more meticulous about the mitzvah of tzedaka than about any of the other positive commandments. Tzedaka is the trademark of the righteous descendants of our forefather Avraham, as it is written, "For I [God] have known him to the end that he will command his children and household after him to keep the way of the Lord, to do righteousness [tzedaka] and justice [mishpat]" (Bereishit 18:19). The throne of Israel can

be established and the true faith can stand only through the merit of tzedaka … (Hilkhot Mattenot Aniyyim 10:1–2)

Avraham's commitment to tzedaka and mishpat is the reason God chose him, and the reason God informs him of the impending destruction of Sodom:

The Lord had said, "Am I to hide from Avraham what I am doing, seeing that Avraham shall surely become a great nation and all the nations of the earth shall be blessed through him? For I have known him to the end that he will command his children and his household after him to keep the way of the Lord, to do righteousness and justice, to the end that God will bring upon Avraham that which He spoke to him. (Bereishit 18:17–19)

Earlier in this series (Year 1, Shiur #3) we showed how this is not merely a description of the values with which Avraham would educate his children, but the essential spiritual DNA of the Jewish people, who inherited from Avraham the inner nature of compassion and the practice of kindness (Yevamot 79a).

Avraham not only removed the orla, the blockage, of his body upon entering a covenant with God,[3] but also recognized the danger of the heart's orla, which often prevents individuals from fulfilling their duties to God and their fellow men, and can corrupt their character. Thus the Torah commands us to follow in our forefathers' footsteps and remove the orla of our heart:

Only in your forefathers did the Lord delight, loving them, and He chose their seed after them, you, of all the nations, as it is this day. You shall remove the blockage of your heart and no longer be stiff-necked. (Devarim 10:15–16)

The Gemara (Berakhot 7b) states that Avraham was the first person to refer to God with the title "Master." Because he recognized God's mastery, or control, of the world, it was easy for Avraham to be committed to kindness, rather than ask what he would lose by assisting others.

The mitzva of tzedaka is a responsibility and opportunity to get in touch with our natural core, to express our nature as descendants of Avraham, and not only to give, but to give with delight and excitement. As Rav Hirsch notes, the natural state of the Jewish heart is generosity – it is for this reason that the Jewish ancestry of a person who is cruel and uncompassionate is in doubt (Yevamot 79a). Therefore Parashat Re'eh is more concerned with the compassionate heart than with the giving hand.

The Nature of Coerced Tzedaka

This perspective solves two of the difficulties that we encountered in our previous shiur, where we asked why the mitzva of tzedaka appears twice in the Torah and how a court can compel a person to give tzedaka.

Based on our analysis of the verses in Parashat Re'eh, we can appreciate that while the verses in Vayikra discuss the actual giving of money to support the needy, Parashat Re'eh focuses on the manner in which one gives and one's attitude to the plight of the destitute.

We also can understand the two separate discussions of tzedaka from a different vantage point. In an earlier lesson (Year 1, Shiur #8) we mentioned that every interpersonal mitzva includes three essential elements: an interpersonal (bein adam le-chavero) element, which is rooted in the result; an element reflecting one's relationship with God (bein adam la-Makom), characterized by the intent to fulfill a mitzva; and an

intrapersonal (bein adam le-atzmo) element, with which one develops compassionate and considerate character.

The verses in Vayikra express the interpersonal element of tzedaka – the need to support others – while Parashat Re'eh adds the two additional elements: seeing God's hand in one's wealth and ability to give, and the character-building of expressing the heart's natural concern for others.

The verses in Devarim also clarify that there is no room to question why a court may compel a person to give tzedaka: a careful reading of the verses shows that a reward is promised not for giving tzedaka to the needy, but for doing so willingly:

You shall surely give to him, and let your heart not feel bad when you give to him, because for this the Lord, your God, will bless you in all of your deeds and in all of your endeavors.

It is clear that the reward is for one who does not feel bad when giving tzedaka, not for one who gives because he is forced to do so. The essence of the mitzva and the blessing is the manner of giving, rather than giving per se. A person who gives under coercion does not fulfill the mitzva in Parashat Re'eh and therefore is not worthy of any blessing. On the contrary, one who is coerced to give tzedaka has violated the prohibition against hardening his heart.

This idea is beautifully expressed in the Sefer Ha-chinukh, in which the section discussing this mitzva (no. 479) is entitled to reflect the inner experience of the giver: "To Perform Tzedaka Toward Those Who Need It with Joy and Gladness." Feeling is the essence of the mitzva.

This idea is further expressed by Rabbeinu Yona, who writes:

"You shall surely give to him, and let your heart not feel bad when you give to him." This verse requires us to distance ourselves from the trait of miserliness, and instead to be generous. It therefore is not sufficient simply to give money: one must implant within himself a spirit of generosity. Therefore it is written, "and let your heart not feel bad when you give to him."

"You shall not harden your heart and you shall not shut your hand against your destitute brother." We are hereby instructed to remove from ourselves the negative trait of cruelty and instead to plant the seeds of compassion and kindness, as it says, "and you shall walk in His ways" (Devarim 28:9). Were the Torah only to say, "you shall not shut your hand," one could satisfy that by opening his hand and giving a gift, even resentfully. Therefore the Torah added the stipulation of "you shall not harden your heart … against your destitute brother." (Sha'arei Teshuva 3:35–36)

Rabbeinu Yona goes on to discuss a mishna in Avot (5:10) that cites a difference of opinion as to whether one who says, "What is mine is mine and what is yours is yours," is an average person or is exhibiting character traits typical of Sodom. Rabbeinu Yona explains that the mishna surely does not discuss a person who refuses to give to the poor, as no one could consider such behavior average. Rather, it discusses a person who gives to the poor when asked to do so due to his fear of God, but is not naturally inclined to give. Such behavior may be viewed as typical of Sodom, for the root of his actions is very evil, as in his nature he is unconcerned with others.

Rav Soloveitchik is known for seeing certain mitzvot as containing a dual obligation, a physical act of compliance and the adoption of an inner mindset when performing the action. Based on the sources above, it is not hard to understand why Rav Soloveitchik is

quoted as applying this model to tzedaka: though the act of tzedaka certainly involves giving money to a poor person, the mitzva is ultimately fulfilled by inwardly relating to the poor in a certain way.

With this insight that the hallmark of tzedaka is not simply giving money, but relishing the opportunity to unleash one's heartfelt desire to assist others, we shall see that a number of halakhot become much more understandable.

The Way to Give

In explaining the dictum that one should greet every person "with a pleasant countenance" (Avot 1:15), Avot De-Rabbi Natan (Chapter 13) states that giving nothing but a smile is greater than giving much with a frown:

What does this mean? It teaches us that even if a person gives his fellow all of the most precious gifts in the world but does so while his face is pointing downwards, the Torah considers it as if he had given nothing. But one who greets his friend with a pleasant countenance is considered to have given the best gifts in the world, even if he did not actually give any physical gifts at all.

These are not just nice sentiments, but actually codified in the laws of tzedaka:

One must give tzedaka with a pleasant countenance, with joy and with gladness, empathizing with the plight of the poor person and offering words of comfort. If one gives with a sad or demeaning face, then he loses the benefit of giving. (Shulchan Arukh YD 249:3)

Seeing the mitzva of tzedaka as an opportunity to express concern for the poor also explains why even the poor must give, even though this does not solve any societal problems and indeed makes the poor needier:

Every man is obligated to give charity. Even a poor man who himself lives off charity is obligated to give from what he is given. (Shulchan Arukh YD 248:1)

Every member of society must take part in the mitzva of opening his heart and exhibiting his care and concern for others.

This idea is further expressed by Rambam's explanation of the Mishna's words "All is according to the majority of the deed" (Avot 3:15). He understands this mishna as commenting on the question of whether it is preferable to perform many small positive actions, such as giving small amounts of money to many needy individuals, or large positive action, such as giving a very large donation to a needy institution. Rambam's explanation underscores the element of tzedaka we have been discussing:

Good character traits do not come to a person by virtue of the greatness of a deed, but rather by the frequency with which he performs it. To acquire good character traits, one must perform good deeds again and again: doing one great act will not inculcate good character traits. For example, one who gives one poor person a thousand golden coins at one time and nothing to another poor man will not acquire the trait of generosity to the same extent as one who willingly gives one golden coin a thousand times. The reason is that the latter did a thousand acts of generosity, thereby acquiring the trait of generosity, whereas the former's soul experienced a one-time inspiration to perform a tremendous act of generosity, and this inspiration subsequently departed.

Rambam explains that every act of tzedaka has an impact on one's heart and character. Therefore what is significant is not so much the size of a donation as the repeated act of opening up one's heart and extending one's hand to others in need.

This perspective also explains the Gemara's perplexing statement (Bava Batra 9a) that "greater is one who causes others to give than one who gives." How can influencing others to give be greater than giving personally?

Maharsha (s.v. gadol) explains that one who influences others to give is greater than one who gives only due to the influence of others:

… the proper service of wholehearted tzedaka is when one gives out of a sense of desire without being forced to do so … which also recognizes a sense of reliance on God, knowing that there is One who will repay him for his efforts.

The Levels of Tzedaka

If the most important element of tzedaka is the manner in which one gives, then we also can better understand the following gemara, another part of which we quoted in our previous lesson:

Rabbi Elazar said, "Tzedaka is measured only according to the kindness by which is performed, as the verse states, "Plant for them with tzedaka and reap according to kindness." (Sukka 49b)

Rashi explains that "kindness" refers to the effort of giving tzedaka:

The giving is the actual tzedaka, while the effort involved is the kindness, e.g. bringing it to his house or otherwise exerting oneself: giving baked bread, appropriate clothes to wear, or money when produce is readily accessible, so that the pauper does not have to waste his money. In all these cases one takes note of what will most benefit the pauper.

Finally, we now can better understand Rambam's well-known eight levels of tzedaka (Hilkhot Mattenot Aniyyim 10:7–14), a hierarchy based on the values of protecting the dignity of the recipient, enabling him to become self-sufficient, and generosity expressed by the giver:

There are eight levels of tzedaka, each greater than the next. The highest level, above which there is no other, is to strengthen the name of another Jew by giving him a present or loan, or forming a partnership with him, or finding him a job in order to fortify him until he no longer must rely on tzedaka …

The second level is where one gives tzedaka to the poor, but does not know to whom he gives, nor does the recipient know his benefactor, for this is performing a mitzvah for the sake of heaven. This was the manner of giving in the Beit Ha-mikdash, where the righteous gave secretly and the virtuous poor drew sustenance anonymously.

The third level is where one knows to whom he gives, but the recipient does not know his benefactor …

The fourth level is where one does not know to whom he gives, but the poor person does know his benefactor … and is not ashamed.

The fifth level is where one gives before being asked [when contact is unavoidable].

The sixth level is where one gives after being asked.

The seventh level is where one gives to the poor less than is required, but gladly and with a smile.

The eighth level is where one gives to the poor person begrudgingly.

Rambam's final two levels indicate a preference for one who gives less than is needed in a generous manner over one who provides the required amount without the proper attitude. He nevertheless seems to view a begrudging gift as tzedaka, unlike the Shulchan Arukh (cited above) and Maharil Diskin, who states that one who gives begrudgingly is worse than one who gives nothing at all.

Regarding no other mitzva, it seems, is a heartfelt desire to help others so paramount. Tzedaka is not merely an interpersonal mitzva in which giving expresses a debt to the poor rather than a deep desire to give (see previous lesson), but the essence of tzedaka is the intrapersonal element of identifying within oneself the desire to express our spiritual DNA and the legacy of Avraham, through heartfelt concern that permeates our inner heart and hopefully expresses itself in our outward actions.

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[1] For further discussion of the sabbatical (shemitta) year, see the next lesson.
[2] See also Smak.
[3] Orla, literally, means "that which blocks," or "stands in the way." The term typically is used for the foreskin, but as we note here, also can refer to a psychological or other impediment.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #21: Extending Loans

The Ideal Form of Tzedaka

In last week's lesson on the nature of tzedaka, we noted that the lengthy description of tzedaka found in Parashat Re'eh is centered on the attitude of one who fulfills the mitzva. In fact, the blessing that the Torah promises to the giver is limited to those who give with an open heart. We concluded with Rambam's eight levels of tzedaka, whose hierarchy is based primarily upon the manner in which a person gives tzedaka. Here, Rambam notes that the ideal form of tzedaka is actually that found in Parashat Behar:

The highest level [of tzedaka], above which there is no other, is to strengthen the name of another Jew by giving him a present or loan, or forming a partnership with him, or finding him a job in order to shore him up so that he no longer must rely on tzedaka, for it states: "You shall strengthen him, the stranger and the dweller in your midst, so that he can live with you" (Vayikra 25:35), meaning, build him up so that he will no longer need to fall [upon the mercy of the community] or be lacking. (Hilkhot Mattenot Aniyiym 10:7)

Rambam here presents two novel concepts. First, describes giving charity as on a lower level that otherwise providing means of support. This is not self-evident, as providing charity means actually giving something to another, whereas supporting another person otherwise need not entail any loss on the part of the giver. Second, Rambam includes loans within this highest category of tzedaka.

At first glance, loans and tzedaka seem to be two very different means of assisting others that should not be classified under the same rubric. Even if tzedaka includes cases that are not outright charity, can lending money to another person actually be considered tzedaka?

In truth, this question is not relevant only to Rambam. After all, in both Parashat Re'eh and Parashat Behar, the Torah includes loans to the poor as part of its discussion of tzedaka. Notably, the lengthy description in Parashat Re'eh introduces the mitzva of tzedaka only in the middle of a host of other mitzvot for the benefit of those who lack. It begins with the tithe that is given to the poor in two years of the seven-year sabbatical-year cycle, then continues with the remittance of loans at the conclusion of the sabbatical year. Then, in the middle of a description of the monetary laws of the sabbatical year, the Torah makes mention of lending and giving tzedaka to the poor, only to return to the remittance of loans to prohibit individuals from withholding loans as the sabbatical year approaches. The placement of tzedaka alongside loans to the needy in this context requires some explanation.

Moreover, one would think that the most logical place for the laws of the remittance of loans would be the lengthy discussion of the sabbatical year in Parashat Behar, in Vayikra. Why wait until Chapter 15 of Devarim to discuss the loan aspect of the sabbatical year?

Yet the juxtaposition of these topics in Devarim is no exception. The agricultural description of the sabbatical year presented in Parashat Behar is wholly unconnected to loans. On the other hand, in the sense that all are financial mitzvot, it does seem logical that tzedaka and loans appear in close proximity to the financial discussion of the sabbatical year in Parashat Re'eh.

All in all, there seems to be a deep connection between the institution of the sabbatical year, the mitzva of tzedaka, and the mitzva to provide free loans. What is the nature of this connection?

Parashat Behar: The Sabbatical Year and Brotherhood

For the beginning of our answer, let us look back at Parashat Behar. The section begins with the laws of the sabbatical year and the jubilee year, which, among other purposes, seek to restore a degree of equality of wealth following six or forty-nine years, respectively, of economic activity. The Torah then continues with a discussion of rehabilitating those who have become impoverished. It is this latter passage that Rambam cites in identifying loans as the preeminent form of supporting another Jew.

It seems, then, that whereas Parashat Re'eh defines the proper attitude for giving tzedaka, Parashat Behar is where the Torah describes how best to assist those in need.

At the same time, though, Behar also contributes an important dimension of the requisite attitude for giving tzedaka. In the several scenarios delineated in which Jews are in need of financial assistance, the Torah very clearly introduces each mitzva using the same term: "your brother."

If your brother becomes poor and has sold some of his property … (Vayikra 25:25)

And if your brother grows poor and his hand fails with you … (verse 35). [This is the mitzva of tzedaka.]

And if your brother who dwells with you grows poor and is sold … (verse 39)

And if a sojourner or stranger grows wealthy with you and your brother who dwells with him grows poor and sells himself to the stranger … (verse 47)

The Torah here requires a Jews to redeem the estate and home of his brother who has been unable to pay off his debts, and then requires that one provide him with interest-free loans. The key term is "you shall strengthen him." As Rashi explains, the primary obligation is to ensure that one's brother does not sink into debt: to provide him with assistance before he is broken.

Verse 39, referring to a case in which one's brother is forced to sell himself into slavery, requires care and concern on the part of the master.

Verse 47 introduces the requirement to redeem a Jew who has been sold as a slave to a non-Jew, describes how he must be treated if he is not redeemed, and notes his right to go free come the jubilee year.

The verses make clear that even when an individual is forced to sell himself into servitude, he never becomes a mere object. A Jew always retains his identity as a brother, and must not be overworked or abused. In the words of Rambam:

All of the Jewish people are brothers, as it is written, "You are children of the Lord" (Devarim 14:1). If a brother is not compassionate toward his brother, then who will show compassion to him? (Mattenot Aniyyim 10:2)

Without delving at length into the sources regarding indentured Jews, a short word is in order. The Torah requires that one treat an indentured worker so well that he not only shares his master's standard of living, but even is given precedence, to the point that the Gemara (Kiddushin 20a) declares, "Whoever acquires a Jewish slave acquires a master for himself."

The precedence given to a Jewish slave makes owning such a slave economically unviable, as the "slave" cannot be worked hard and must be given delicacies to eat. What, then, is the basis of the institution of slavery for a fellow Jew in the Torah?

Very simply, the placement of these verses in Parashat Behar indicates that this is a means of tzedaka. It is the final stage in the discussion of a person who has been provided assistance by his fellow Jews but nonetheless has not overcome his financial distress. He either cannot pay back his debts or has been convicted as a thief. For him to succeed, he must learn about the proper approach to money.

Anyone willing to buy such a "slave" – or, as the Gemara comments, to buy himself a master – does so only in order to reform that individual's perspective. As the slave lives in the home of his master, he learns by example that care for others precedes accumulation of wealth. He comes to understand how to return to independent life and live with meager possessions, and comes to appreciate the dictum, "Who is wealthy? One who is happy with his lot" (Avot 4:1).

Extending Loans: Tzedaka or Not?

Although the economic vision of Parashat Behar includes means of assisting those who have lost their financial footing, the Torah prefers that one assist one's brother before he degenerates to that point (verse 35). The most effective way of doing so is to find a job for a person who needs help, or to extend a loan. Free loans provide an opportunity for the recipient to chart his own course of rehabilitation. The hope is that he will be able to return the money he borrowed – so that the greatest level tzedaka in fact ensures that there will be no need for charity.

We must further clarify, however, the nature of the relationship between loans and tzedaka. Though we understand that Rambam lists loans as the ideal form of tzedaka based upon the discussion in Parashat Behar, the Torah actually makes mention of loans in Parashat Mishpatim, long before unrepaid charity is mentioned at all.[1] Nevertheless, we already have seen that loans also figure in all the passages that discuss tzedaka, and even are a focus in Parashat Re'eh. Is providing loans a separate mitzva or not?

Further, we still must clarify the underpinnings of the many prohibitions surrounding loans. Is it not extreme that the Torah not only commands that one lend to others without interest, but goes so far as to cancel the loan if it is not paid by the sabbatical year, while faulting a person who therefore refuses to lend as the sabbatical year approaches?

These questions stem from basic assumptions regarding lending and investment, and in reality it is this perspective that can prevent us from connecting with the Torah's view of tzedaka. As we shall see, there are two types of loans. One is a kind of tzedaka, as reflected by the laws that govern it, and the other is the fulfillment of a separate mitzva to lend even when the money is not needed to put food on the table.

The Relationship Between Tzedaka and Loans

Just as the Torah describes loans at times as different from tzedaka, and at others as a preferred means of tzedaka, the Gemara takes similar discrepant views of lending.

In Shabbat (63a), lending is viewed as more ideal than tzedaka:

Rabbi Abba also said in the name of Rabbi Shimon ben Lakish: He who lends [money] is greater than him who performs tzedaka, and he who forms a partnership [thus providing employment] is greater than them all.

Meanwhile, in Bava Metzi'a (31b) and Ketubot (67b), the Gemara learns from the language of Parashat Re'eh that if a person in need of charity is reluctant to accept a gift, one should instead give him a loan:

Our Rabbis taught: "Lend" refers to a man who has no means and yet is unwilling to receive his sustenance [through charity]. The verse teaches that [money] must first be given as a loan and then presented to him as a gift.

Here the loan ultimately becomes a gift. Nevertheless, because the recipient is not willing to accept an express gift, a loan is provided. Otherwise a gift would be preferable.

Rambam (Sefer Ha-mitzvot, positive mitzva no. 197) explains:

We are commanded to lend money to a poor person, so as to help him and to ease his burden. This mitzva is even greater and of more magnitude than that of giving charity, for one who has already reached the point where he has to openly ask people for money is less bothered and pained by [needing to ask for assistance] than one who has not yet reached this level. He therefore needs assistance to prevent his situation from becoming known and reaching such a point.

Rav Hirsch (Devarim 15:8) similarly explains that it is desirable to lend to a poor person or, preferably, help him to start a business, so that he can earn a living without embarrassment:

This is the highest form of benevolence, for by supporting the needy person in this way, one treats him as an absolute equal and enables him to earn his own living, and one does not hurt the feelings of the recipient in any way.

Rabbi Yehuda He-chasid (Sefer Chasidim 1035) gives expression to our surprise at finding that the highest levels of tzedaka do not seem to be tzedaka at all:

There is a form of tzedaka that does not seem like tzedaka at all, but is nevertheless considered by God to be the highest form thereof. For example, when a poor person has merchandise to sell or [has written] a book that no one wishes to buy, and you buy it from him. So too, if a poor person wishes to be a scribe but no one wishes to hire him and you hire him – there is no greater tzedaka than this.

Meanwhile, while both Rambam and Rav Hirsch focus on how a loan spares the borrower's dignity, there may be an additional reason, from the perspective of the giver, for the preferred status of loans. Giving tzedaka in a way that does not feel like charity prevents a person from fooling himself into thinking that he has saved a poor individual. Therefore a loan does more to build one's character than charitable tzedaka. This sort of character growth, says the Sefer Ha-chinukh (66), is the reason for the mitzva of lending to the poor:

The reason for this commandment is that God wanted His creatures to be habituated and accustomed to the attribute of compassion and kindness, because it is a praiseworthy character trait, and by virtue of inculcating good character traits, they will be worthy of receiving good [from God], for good and blessing can be bestowed only on good and not on its opposite. Through God's bestowal of goodness on those who are good, His desire to bring goodness to the world is fulfilled. Were it not for this purpose, God, blessed is He, would give the poor all they need without our involvement: it is out of His kindness that He permits us to be His emissaries, in order to make us meritorious.

"My Nation" and Levels of Brotherhood

The mitzva of lending found in Parashat Mishpatim, which we mentioned earlier, is unusually verbose. The Torah stresses that loans should be directed toward the poor, and surprisingly refers to the "poor person who is with you" as "My people".

If you provide a loan to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him. (Shemot 22:24)

With the term "My people," God refers to those in need as His own.

Israel asked the Holy One, blessed be He, "Who are Your people?"

He answered them, "The poor," as it is stated (Yeshayahu 49:13), "for the Lord will console His people and have mercy on His poor" …

This is why it states, "If you provide a loan to My people." (Shemot Rabbah 31:5)

The Midrash continues (ibid. 31:13) to observe that by not only acknowledging the poor as connected to him but even clinging to them, God behaves very differently from most wealthy individuals, who often seek to distance and disassociate themselves from any poor relatives.

The mitzva of providing loans thus serves not only to help those in need, but also to educate the individual regarding the proper perspective for giving: the giver is to appreciate that the needy are God's people. He cares for them, and He has given excess money to their brothers so that the latter can assist them.

From the same verses that issue this almost superhuman responsibility to provide interest-free loans to all Jews in need, Chazal derive the halakhic order of benevolent loans. From the verse's unexpected verbosity, we learn that priority is to be given to those who are closest to the giver, as we observed previously regarding charitable giving.

First, one is required to provide for a fellow Jew before giving to others in need. Then there are further distinctions between Jew and Jew. The Jew who is closest, either biologically or geographically, is the first to help. After helping all those who are close, one can assist others.

Help Yourself to Help Others

At first glance, we can understand that the Torah gives precedence to one's own because it is requiring such an extreme act of kindness. A deeper rationale, though, is suggested in a cryptic statement of Midrash Tanchuma (Mishpatim 15):

You should look at yourself as if you are a poor man. This is [the meaning of] "with you."

One way to understand this comment is that a person can better appreciate the need to help others if he imagines a reality in which he is in poverty and requires assistance. Alternately, we might interpret this midrash as indicating that before helping others, one must ensure that his own needs are met. A similar obligation exists with regard to giving tzedaka: one should not give away more than a fifth of his assets to the poor, lest he himself become needy. By the same token, the Gemara (Bava Metzi'a 33a) states that retrieving one's own lost object takes precedence over returning that of another person, even one's father or teacher. As evidence, the Gemara cites a phrase from the discussion of tzedaka in Parashat Re'eh: "there shall be no poor among you" is understood to mean that one's own financial needs take precedence over those of others.

Notwithstanding, the Gemara advises against adopting such an outlook as one's guiding attitude in life. As Rav Yitzchak Berkowitz (see year 1, Lesson 29) explains, the Talmud's point is that man has a responsibility not to impoverish himself. On one level, a person has a financial responsibility to his relatives and others. However, a man's closest relative is himself. A person makes a living first and foremost for himself, not because he does not care about others, but because of a responsibility toward himself and his own needs.

Of course, living by this rule alone is problematic. Someone who is always involved in his personal needs and therefore unable to find time to help others has thrown off the yoke of chesed (kindness). Conversely, an individual who recognizes that he must ensure his own needs are met if he is to help others is acting rationally and correctly, like a passenger on a plane who fastens his own oxygen mask before helping others. Otherwise, it is likely that no one will receive help.

The obligations of giving and lending begin with those closest to us, as our love of humanity and desire to help must first assure that we meet all the needs of our family and local poor before we try to help the world. Then, after providing what is required at home, one can expand his circle of family until it includes all the needy of the world.

One who goes beyond his natural circle, into which he was born (family, birthplace, nation), and flies to distant climes to heal the misfortune of humanity, the downtrodden and wretched of remote communities, while his own home, neighborhood, city and homeland cry out for his assistance, ignoring them in the conviction that their plight is too circumscribed and petty for him to bother about, is the subject of a special ruling in Halakha – A Jew comes before a non-Jew, the poor of your own circle before that of your own city, your own city before other cities – charity begins at home. The Torah does not wish love of humanity or patriotism to be built up at the expense of our omission of our obligations to those nearer to us. These broader ties of country and universal brotherhood will not be implanted by the uprooting of natural links of affection but, on the contrary, the way to love of others, to love of humanity, chosen by the Torah is by the constant widening of the human circle, or parental love for their children eventually including the children of others, gradually enveloping not only those near in kin but also those near in physical proximity, those amongst whom we happen to live. We are therefore commanded to live in mutual brotherhood with them. Our love will thus eventually embrace our people and then mankind. (Nechama Leibowitz, Studies in Shemot, p. 409)

Understanding the need to meet one's own financial needs before others', coupled with the desire to extend assistance, is the backdrop for the distinction between the two types of loans we briefly noted above. We will further explore the differences between them next week.

[1] As we will discuss in the next shiur, the formulation in Parashat Mishpatim is such that it discusses giving loans without explicitly commanding one to do so. It is left to Chazal to explain that an obligation is implied.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #22: Free Loans, Collateral, and Collectible Loans

The Relationship Between Tzedaka and Loans

In last week's lesson we introduced the mitzva of providing loans to those in need. We noticed that a number of sources present such a loan as the ideal form of tzedaka, while others indicate that extending a loan is not tzedaka at all, but an independent mitzva. Now that we have discussed the sources of the mitzva to lend as they appear in the context of tzedaka, we will proceed to investigate the source that presents the provision of interest-free loans as an independent mitzva.

In the context of Parashat Mishpatim, which primarily discusses numerous monetary laws, the Torah sets out the rules that pertain to extending a loan. These verses appear following the prohibition of mistreating widows and orphans, and the severe punishment received by one who mistreats them. Following the mitzva of interest-free loans, the Torah gives instructions regarding the taking of collateral against a loan.

If you provide a loan to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him. (Shemot 22:24)

The first word in the verse, "if," usually indicates a condition that may not come to fruition, but is dependent on an individual's choice (see Malbim here). If this is so, the verse does not require that one to lend money to others, but merely states that if one does so, he may not collect interest.

This reading, though, is difficult to accept, as the verses in Parashat Re'eh (Devarim 15:7–11) that we previously encountered clearly indicate that, when approached by the needy, one must open his hand and provide a loan. In fact, as we saw in the previos lesson, providing such a loan often is the preferable way to give charity, as it allows thse who would refuse handouts to accept assistance with dignity.

Due to the difficulty of reading the verse in Shemot conditionally, Rabbi Yishma'el (Mekhilta, quoted by Rashi), explains that though the word "if" generally indicates an optional or conditional act, here it is used for an obligation:

Every time the Torah uses the word "if," it indicates that which is optional, with three exceptions, and this is one of them …

The Mekhilta goes on to cite the passage in Devarim as the basis for understanding this verse as describing an obligation:

"If you provide a loan …" indicates that which is obligatory, not optional.

You might say so, but perhaps it is only optional? When the Torah states, "Extend to him any credit" (Devarim 15:8), it indicates that which is obligatory, not optional.

However, if the verses in Parashat Re'eh suffice to require lending, why is the mitzva included in Shemot as well? Let us look further into Parashat Mishpatim for an answer.

Lending on Collateral

Although the Torah commands us to provide loans, it makes clear that a lender is to have means at his disposal to ensure that he can collect borrowed money. Nonetheless, there are limits. Immediately after the discussion of loans in Parashat Mishpatim, the Torah gives instructions to a lender who has taken collateral:

If you take your neighbor's garment as security, by the time the sun sets you shall return it to him, for it is his only covering, it is his garment for his skin – with what should he lie? – and it shall be that if he cries out to Me, I will hear, for I am gracious. (Shemot 22:25–26)

In his remarks in the Mekhila, Rabbi Yishma'el comments on the juxtaposition of the laws of collateral and the mitzva of lending:

The Torah wishes to teach you that you should do your mitzva [of lending], and you are entitled to receive back what is yours.

Although the Torah focuses on the needs of the poor and champions the right of the needy to request and almost demand assistance, it also guards the generous giver from those who might take advantage of him.

Notwithstanding, though collateral is intended as a means of leverage against a borrower who has not paid back a loan, the Torah's laws regarding collateral can make it very difficult to apply pressure this way. The Torah requires that any garment needed by the borrower for the night be returned by then; Rambam codifies this law as also requiring that any item that is essential to the debtor's livelihood be returned when the debtor requires it. This arrangement significantly reduces the creditor's leverage for collecting a loan to a very needy individual.

Why would a person take collateral at all if it must be returned every night? There are a few reasons. First, the laws of remittance of loans, which ordinarily cancel outstanding loans at the close of the sabbatical year, do not apply when collateral has been taken. Second, if collateral is taken, then even if the debtor dies, his heirs can collect the loan. Further, Ibn Ezra cites Rav Sa'adya Ga'on as noting that taking collateral prevents the borrower from borrowing from someone else against the same item.

Conversely, the limitations on collateral discourage a creditor from taking collateral if he does not need the money: he will then prefer to avoid the hassle. Finally, we should note that a creditor may choose to take collateral out of compassion. Otherwise, if a borrower takes advantage of those who help him, he may find himself unable to receive help from others in the future.

Not Hounding the Borrower

A further example of the Torah's extreme compassion for those in need is the verse's requirement that a lender not act as a creditor toward one who has borrowed from him ("do not act toward him as a creditor"). In his commentary here, Rashi cites the Gemara's practical explanation of how to fulfill this mitzva:

You shall not demand it of him forcibly (Tanchuma 9, Shemot Rabba 31:6). If you know that he lacks [money to repay you], do not appear to him as if you have lent to him, but as if you have not lent to him, i.e. do not embarrass him. (Bava Metzi'a 75b)

In such a situation, a creditor is required to go so far as to avoid encountering the borrower, so that he will not be embarrassed. Rav Hirsch notes that while in every other society the borrower hides from the creditor, in Jewish society the opposite is true.

Further, says the Torah, if one does hound a person who owes him money, God will hear the debtor's cries and punish the lender. This is quite an extreme punishment, considering that the money was lent without interest and that any leverage is employed only to recover the lender's own money. Why does the Torah go to such lengths? Moreover, given the severity of this obligation, why does the Torah use the word "if," as if to indicate that extending loans is optional?

"If": A Binding Conditional Mitzva

In explaining the Torah's choice of diction, some commentators point out that though there is an obligation to lend money, it is subject to outside factors, such as the circumstances of the lender, the needs of society, and the character of the would-be debtor.

Thus Ibn Ezra explains that "if" merely indicates that the ability to lend depends on the availability of funds. In effect, he reads, "If the Lord has given you wealth so that you can lend to the poor …" (See also Sforno.)

Due to the objection that many mitzvot also are subject to certain capabilities, others have offered different explanations. The Sefer Chasidim explains:

This is to cover the following contingencies: if you are dealing with a rogue who never pays his debts or one who has plenty of money but pretends to be poor; or one who has no money but has food, but would rather do business and keep his children short of food … in such cases it is better to give him food and not lend to him, even if you put him to shame by providing him food as charity every week. Since he is dishonest, he deserves to be shamed …

The Sefer Chasidim clarifies that the mitzva of lending is contingent upon the real needs of an honest individual who seeks a loan that he intends to pay back without being chased.

Or Ha-chaim, meanwhile, conjectures that the Torah's choice of words relates to the reason some individuals have money to lend, while others do not:

Perhaps the Torah also seeks to provide an answer to those who ask why some people seem to enjoy far more riches than they can possibly need in their lives. One who asks such a question may wonder … what is the educational value of giving a person excess wealth? Our verse provides the answer to this question.

Generally speaking, God in His great kindness provides generously for the needs of all His creatures. He allocates a fixed amount for these needs. When a person has not qualified to receive his needs at the hands of God directly, because he is guilty of sinful conduct, God does not recall the amount that would have been allocated to such a person, but redirects it to another. As a result, the person who does not receive his livelihood from God directly either suffers deprivation or is forced to receive his livelihood

through another channel. Receiving one's livelihood through a fellow human being instead of from the hands of God is demeaning for the recipient.

… God gives the wealthy person an opportunity to use his wealth constructively by performing charitable deeds. This is the true meaning of "If you provide a loan to My people, the poor person who is with you." The Torah suggests that if we find ourselves in possession of more than we need, we ought to lend it to someone whom the Torah, i.e. God, describes as "My people." The meaning of this verse is that if you become aware that you have more money than you need for your personal requirements, it is clear that the excess originally belonged to another person, i.e. "the poor person who is with you." This is a clear hint that you should open your hand to lend to the poor person part of what used to be his or was intended for him …

Maharal, in his Gur Aryeh supercommentary on Rashi, explains that the word "if," although generally conditional, is used here because lending should stem from the kindness of the lender, not from a sense of obligation:

For if a person would fulfill these dictates because he is obligated to fulfill the decrees of the King, this would not be the desire of God, for God wants man to fulfill the commandment out of his own desire to do so …

Indeed, if a person would do these three acts out of a sense of being commanded to do so by the King, unwillingly, this would not be something of which God could be proud.

Maharal then discusses why these commandments in particular, although binding, should be performed out of a desire to provide assistance, rather than a sense of obligation. With regard to interest-free loans, he writes:

If someone would loan money because he is commanded to do so, it would not be a mitzva, as the mitzva of providing loans must be performed out of the desire of a good heart, as it is written (Devarim 15:10), "and let your heart not feel bad."[1]

The use of "if" for only this particular interpersonal mitzva to connote a desire to assist fits well with the understanding of tzedaka presented in the previous lesson. Specifically, tzedaka requires that men of means care about those who are struggling and be willing to provide generously for them. Helping another person in this way is an ultimate act of true happiness, because by doing so one emulates God (see Year 1, Shiur 20).

In the words of Rabbi Yitzchak Arama:

God's wish is not that man indulge in all sorts of perverted physical gratifications, but rather that he derive satisfaction from helping people less fortunate than he, such as widows and orphans. He should help restore their lives to a level equal to that of their more fortunate peers. Our own experience in Egypt, if nothing else, should provide us with sufficient motivation. Just as God listened to our outcry then, He will listen to the outcry of the stranger, the orphan, and the widow, should they feel compelled to appeal to Him on account of our callousness. This concept extends to require that we help people in need with loans etc. without becoming oppressive creditors … (Akeidat Yitzchak on Shemot, Chapter 46)

Abarbanel's Explanation

All of the above explanations assume that despite the use of the word "if," there is an obligation to provide loans to those in need. For them, loans are an alternative to, or a heightened form of, tzedaka.

Unlike them, Abarbanel interprets "if" literally, as referring to an optional act. Further, he comments that the laws surrounding a loan, coupled with God's promise to listen to any borrower who calls out to him, show that a loan is in fact a gift that may be returned.

Notably, Abarbanel takes issue with the statement by Rabbi Yishma'el that "if" denotes an obligation. He explains instead that this word is used because the basic mitzva in such a context is to provide money as a gift, not as a loan. Only if a needy individual is unwilling to accept a gift – or the benefactor is unwilling to provide a gift – does a loan become relevant. When it does, it comes with its own set of requirements, such as not behaving as a creditor toward a recipient who cannot pay.

Given the limitations on one's right to harass a borrower, it stands to reason that a creditor will resort to collateral as leverage to ensure the loan is returned. Yet if the borrower is extremely needy and requires the collateral for his night garments or bed sheets, the Torah limits the lender's right to use it as leverage, requiring that he return it every evening.

In effect, Abarbanel indicates, because God prefers that one extend a gift, rather than a loan, various laws exist to cause the loan to become a gift. With the conclusion of the sabbatical-year cycle, if the loan has not been returned and collateral has not been received, the debt will in practice be cancelled.

This holds true, though, only if the borrower is very poor. If the borrower is not needy, but simply in need of capital, then he should be lent money, but there is much more leeway to ensure that the loan will be returned. In such a case, the creditor is not obliged to return the collateral every day, and his retention of the collateral prevents the loan from being remitted during the sabbatical year.

Two Types of Loans

Based on Abarbanel and a number of other sources, we can conclude that there are two different types of loans. One is a form of tzedaka that allows one to provide money to those who are unwilling to accept a gift. This is the type of loan that is discussed in Parashat Re'eh.

The second type of loan is a distinct mitzva from tzedaka. It serves to assist those who are not poor, but nevertheless are in need of additional funds. There is no reason that such a loan not ultimately be collected, and the Torah therefore provides means for ensuring repayment – while limiting these means so that they are not used against the poor, who in actuality should receive gifts rather than loans.

This differentiation between different borrowers may be the underlying reason for the Torah's use of the word "if." Though there always is a mitzva to lend, even to a wealthy individual, lending to the poor is a conditional mitzva, as explained by Abarbanel. A person who extends loans in accordance with the Torah presumably will leave the money lent to a poor man as a gift if he is unable to pay, but nevertheless has avenues to collect from a wealthy borrower.

In this way, the Torah protects the poor against a lender who initially intended to take back his loan at all costs because he did not view the loan as tzedaka, or who initially extended a loan as a form of a gift, but later forgot his initial lofty motives. In effect, the Torah's laws on debt collection reflect who needs the money more: the lender or the borrower.

Are Loans Included in Ma'aser?

The preceding discussion provide context to help us understand several laws relating to loans. Viewing loans as a form of tzedaka indicates that they can be counted toward ma'aser (tithing; see Eliya Rabba OH 156:18). Further, viewing loans as a form of tzedaka limits the amount of money one ought to lend, since the halakha states that people of average means generally should not give more than twenty percent of their income as tzedaka (Shulchan Arukh YD 149:1).

Nevertheless, if a person has money that he will not need for the next two years and another individual requests a loan that stands to be repaid by then, one still should lend to him. This lending is not a form of tzedaka, but a discrete mitzva: that of providing free loans.

In next week's lesson, with this discussion in mind, we will consider a number of other relevant laws, such as the prohibition of taking interest and the remittance of loans, and identify what these mitzvot seek to achieve.

[1] In an earlier lesson (Year 1, Shiur 9), we discussed whether all mitzvot should in fact be performed out of personal desire, rather than out of a sense of duty.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #23: The Prohibition Against Lending on Interest

Ramifications of the Two Types of Loans

In last week's lesson we found that the Torah discusses two distinct types of loans. One, in Parashat Re'eh, is a form of tzedaka that provides money to those unwilling to accept outright charity. The second type, mentioned in Parashat Mishpatim, is a means of assisting a person who is not poor, but nevertheless is in need of additional funds. Because these two categories of loans overlap, a number of halakhot are applicable to both. However, due to the spirit of the law, there are allows significant differences in how we relate to them.

Although it is always permissible to request collateral as security for a loan, it is not always proper. The Torah's limitations on taking collateral from a poor individual, notably requiring that it be returned daily if needed, makes collateral more of a hassle than a security. This and other laws remind the lender that a loan to a poor person is in lieu of outright charity, and if it cannot be paid back, one should accept that the money essentially was given to charity. For this reason, no collateral should be taken. On the other hand, providing a loan to a person of similar means to oneself is not charity, but a separate mitzva, and here the Torah does not limit the use collateral or other means of ensuring collection.

This understanding of lending to those in need is far removed from the common perspective that views capital sitting around as a potential means of making money – and, by extension, views interest-free lending as foolish. The Torah clearly identifies a loan of any kind as an extreme kindness – not foolish, but sacrificial, one person's forfeiting his gain for the benefit of another.

As we have seen, there are means of ensuring that a loan is repaid. Yet the Torah is very cautious to specify that though the borrower has the right to recoup his money, he must also exercise care for the needs of the borrower. The Torah implies that one should go beyond the letter of the law, exercising compassion and expressing more concern for the plight of the borrower than for money owed. This is why the Torah threatens that God will take to task a person who goes too far in pursuing money that he has lent to the needy (Shemot 22:26).

This threat, notes Abarbanel (verse 24), puts the laws of lending in perspective. They are rooted not in justice, which does not require lending, but in the description of God answering the call of harassed debtors: "and I will listen, because I am gracious" (verse 25). Graciousness is the essence of the obligation to lend, and a character trait that God wishes for lenders to cultivate through giving.

Responsibility of the Borrower

It is clear by now that lending without interest is a fabulous mitzva. Yet with that said, there is another side to the lending dynamic. Though the Torah focuses on the responsibilities of the lender, the borrower must not take advantage of the lender's philanthropy.

A person who borrowed money but finds that he is liable to default must find a way to repay his debt, because failure to do so would result in damage both to society and to him personally. If borrowers fail to pay their debts, people will become wary of lending, fearing that their loans will never be returned, and the institution of lending will suffer accordingly. There also are implications for the borrower: what will happen to a person's character if he is not concerned with returning money he has borrowed, or with returning it in a timely manner?

Of course, a borrower typically is inclined to repay his debts regardless of these concerns. A loan creates a responsibility on the part of the borrower and causes him to feel indebted to the lender. As the verse puts it, "The borrower is servant to the lender" (Mishlei 22:7).

Thus a proud poverty-stricken individual who is unwilling to accept charity will be committed to returning money he borrows. If all goes well, and he successfully uses the loan to get back on his feet, then all parties will ultimately feel that the loan was a positive experience. The borrower received assistance without feeling degraded. The lender, for his part, receives the money in return and is satisfied that he has assisted another individual and can now use the money for further acts of kindness.

Significantly, the Torah is not concerned only with providing money for those in need, but also strives to improve the lender's character, so that he does not boast about his giving or belittle the recipient, but feels privileged to be God's agent in providing for those in need. Equally, the Torah wishes to cultivate the recipient's character, facilitating a loan when he is unwilling to accept gifts, and giving him confidence in his ability to repay while maintaining his desire to do so. The Torah is not concerned only with the mechanical act of lending, but with its impact on the character development of all involved.

In addition to the basic requirement to lend, there are numerous halakhot that govern the parameters of loans. Two of the most critical halakhot are the prohibition of lending on interest, and the remittance of loans. Unfortunately, these halakhot frequently seem to be gravely misunderstood, and their place in the Torah's overall view of loans too often is overlooked.

The Prohibition of Taking Interest

In issuing the mitzva to lend, the Torah makes very clear that loans must be free of any interest. It states:

If you provide a loan to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him. (Shemot 22:24)

The Torah does not prohibit only usury, i.e. lending at extremely high interest rates, but any sort of predetermined interest payment. Later, the Sages prohibited many other practices that are relatively dissimilar to the basic scenario of lending on interest. Evidently, the prohibition against lending to a fellow Jew on interest is so severe that the Torah and the Sages took pains to distance Jews from it.

This severity is seen in that the prohibition applies not only to the lender, but even to the borrower, who is forbidden to accept a loan on interest, as well as anyone else who is a party to such a loan, including witnesses to the transaction and any judge who might uphold it.

Although the verses focus on a needy individual ("the poor person who is with you"), the prohibition applies even to loans to the wealthy. Notably, even in the other cases where the Torah states the prohibition (Vayikra 25:36–37, Devarim 23:20), it never permits lending on interest to a person who is capable of paying.

Certainly it is a great act of kindness to lend without interest, but we might legitimately wonder, especially in our cultural milieu, what lies behind this prohibition. After all, a person may rent out his tools or bicycle or other property. Why, then, should he not be allowed to rent out his money? If the prohibition applied only to loans for those in need, then this would be more understandable, but in fact the Torah forbids taking interest on any type of loan.

The question becomes more pointed still when we consider that the lender could simply use his money to buy something else, and then rent out that object. By keeping his property in the form of money, he causes himself to be prohibited from thus investing it. Why?

One explanation offered is that there is a practical reason to distinguish between renting of capital and renting of goods. Goods lose value with wear and tear, whereas money never loses its value, although its buying power may change. For this reason, it has been argued, a person has the right to rent out objects that may be ruined, but money, which is not subject to wear, may not be rented.

Although this logic seems partly correct, it is not entirely satisfactory. After all, a coin – especially in Biblical and Talmudic times – could be defaced, and thus lose value. Further, due the fluctuating buying power of money, a person may in fact lose value by lending his money.

An Act of Brotherhood

Since economic logic fails to explain the Torah's prohibition, it seems that the logic of this mitzva is one of education and character-building.

The commentators discuss whether one who lends on interest is comparable to a robber who took money that was not his, or to a person who consumed non-kosher food or violated another such prohibition. Essentially, the question is to whether the Torah views lending on interest as illegitimately profiting at the expense of another person, or as an ordinary action that would be morally acceptable if not prohibited by divine decree.

There is a wealth of discussion on this topic, but we will make do with suggesting that the Torah's other depictions of this prohibition reveal its true nature:

You shall not lend upon interest to your brother – interest of money, interest of food, interest of anything that can be lent upon interest. Unto a foreigner you may lend upon interest, but unto your brother you shall not lend upon interest, so that the Lord, your God, will bless you in all your endeavors in the land to which you are going to possess it. (Devarim 23:20–21)

The Torah stresses here that the only individual to whom one is obliged to lend without interest is one's brother. The same point is stressed in Vayikra 25:36–37:

Do not take from him interest or increase, but fear your God, and let your brother live with you. Your money you shall not give to him for interest, and for increase you shall not give your food.

The meaning is clear: brothers who fall on hard times must be helped with extreme kindness. Indeed, lending without interest is hard to understand as anything but an act of brotherhood: a Jew does not charge interest to a fellow Jew.

One of the terms that the Torah uses to refer to interest is neshekh, which the commentators explain is from the same root as nosheikh, "to bite." A person who borrows on interest starts with a small loan, but this may quickly balloon into a huge debt from which he is unable to extricate himself. Thus it is logical that one be allowed to rent out his money, but one should never even think of doing so to a brother. We can view the ban on interest as reflecting the practical societal necessity that brothers help each other in time of need, or else as a means of causing the Jewish people to be deserving of divine blessing by creating a caring society. In addition, there is a personal message: the Torah wants us to value our brotherhood more than monetary gain.

That we are permitted to lend on interest to non-Jews is not due to discrimination against them, but rather is built upon the premise that lending without interest is an extreme kindness. Mandating such extraordinary kindness makes sense only if it is limited to family members.

The Place of Money

Another educational element of the prohibition, which appears in numerous sources, is that money should be viewed not as a goal in its own right, but rather as a means to an end. A person may be tempted to amass great wealth simply for the purpose of having money, but the Torah does not approve of doing so. One is entitled to use his money to buy something, then rent out that property, but must not view one's money as a self-contained means of attaining more wealth through lending on interest.

Rav Hirsch points out that the verse in Parashat Mishpatim (22:24) that discusses interest first addresses the individual, then states the prohibition of interest in the plural, to the entire Jewish community. He comments:

From this we see that, from the aspect of general law, the Torah does not regard collecting interest as an intrinsically wrongful act. Interest is not antithetical to the concept of justice, but is antithetical to the basic principle on which Jewish society is to be built.

He adds that the mitzva is rooted in the perspective that all money belongs to God. If a person is granted excess money to lend to others, then he should view the extension of such loans not only as an act of goodwill, but as a duty to his nation – "My people" – the member of God's community.

Rav Hirsch continues:

The prohibition of interest should be counted among those mitzvot – such as Shabbat, the sabbatical year, and the jubilee year – that serve as testimony and reminders of God's dominion over the world and over Israel.

After a lengthy discussion of this concept, Rav Hirsch notes a societal benefit of the prohibition of taking interest:

Aside from the fact that the prohibition against interest is a testimony of God's dominion, the tremendous effect of this prohibition against interest on the people's economic and social life is incalculable. Whereas the preceding laws (verses 20–22) serve to eliminate discrimination, which usually is rooted in people's origin and fate, the prohibition against interest nullifies the corrupting influence of money, which is the prime cause of social inequality, and breaks the immense power of capital. If this prohibition is strictly kept, all capital is in itself useless and unproductive, and is of use only if wedded to labor. Labor is thus made the primary and essential factor of social prosperity. Capital is forced to recognize the equal value of labor. The wealthy man must either engage in labor himself, for only thus will his money bear fruit for him (otherwise it remains dead capital), or associate himself with the working capacity of one who lacks wealth, share with him profit and loss, and for his own benefit further the lot of labor.

A depressed labor market triggers an even more serious depreciation of capital, and capital can never profit from the ruin of labor. The prohibition against interest nullifies the basis for the existence of that shocking contrast where the wretchedness of the working class is found side-by-side with the most luxurious opulence.

Essentially, Rav Hirsch explains that the prohibition of interest makes for a fairer society, as capital can be used only for creative investment or to pay for labor, and cannot be used just to make more money. This reality narrows the gap between rich and poor. One can only wonder to what extent Rav Hirsch's intention was to respond to the arguments of Marx's Communist Manifesto, which was written in his lifetime.

Business Loans: The Spirit of the Law

Now that we understand the Torah's distinction between loans given to the poor and those given to others, it is important that we re-examine the context of the interest described by the Torah. Is the ban on interest targeted at loans to the poor and needy, yet applicable to all loans because the Torah does not differentiate? Or is this a prohibition targeting all loans equally, with the Torah declaring that even a person with a slight cash-flow problem should not be charged interest?

Either way, lending on interest is forbidden. However, there may be a practical difference between the two understandings with respect to how willing we should be to use legal maneuvers to circumvent the prohibition, such as the modern heteir iska.[1] In practice, there is a difference of opinion among the sources with regard to which view is correct.

A legal ruling (Aseh Lekha Rav, vol. 1, no. 60) by Rav Chaim David HaLevi zt"l, who served as chief rabbi of Tel Aviv, explains the rationale behind heteir iska by positing two types of loans similar to those we have outlined. The first is a loan made to an individual who is poor or has fallen on hard times and needs financial assistance. The Torah very clearly says that money should be lent to such a person without interest, and Rav HaLevi determines that the use of heteir iska in such a case is illegitimate.

On the other hand, a person may seek large sums because he wishes to start a business or invest. If collection of interest were never permitted, such an individual would never find anyone willing to lend him money: others would sooner use their money for themselves than give it to him as a free loan. "From this stems the simple notion of a joint business venture, which is essentially a partnership of two individuals based upon an established halakhic vehicle."

Rav HaLevi adds, however, that difficulty arises in situations that are neither business ventures nor cases of borrowing for basic sustenance. If a person seeks a loan to

purchase a home or to marry off a child, for instance, heteir iska is not appropriate, but there are other tools to use when a free loan is not forthcoming.

Although Rav HaLevi's argument is logical, it is clear that the Torah forbids lending on interest under any conditions, even if a person borrows money for a business venture. It might be explained that the Torah's reason for issuing an outright prohibition on interest is to protect the needs of those who should not be paying interest. Based on this line of reasoning, if there are legal means of providing interest-bearing loans to those who seek loans for profit, then these do no violence to the spirit of the law.

Abarbanel, however, differs. Although he is one of the main sources we used in the previous lesson to illustrate that there are two different types of loans, when it comes to the prohibition of interest he sees no difference. Abarbanel unequivocally states that under all circumstances, the spirit of the law is opposed to lending to another Jew on interest. From a careful reading of his words, we can see how his opinion is influenced by the verses in Devarim that we saw earlier:

If the borrower is a wealthy man, although one is prohibited from charging him interest, because of [the Torah's instruction] "but unto your brother you shall not lend upon interest," one nevertheless need not return his collateral every evening … (commentary to Shemot 22:24)

Abarbanel's focus on brotherhood as the basis of the prohibition on interest leads him to conclude that the Torah never allows one to lend to a brother on interest.

Nevertheless, as we have noted, lending without interest also creates a responsibility on the part of the recipient. A person who receives a free loan might mistake the lender's kindness for license to treat his money without the reverence of one who must do everything to return it. In next week's lesson we will discuss the Torah's outlook regarding the responsibility of a loan's recipient. We then will then continue on to one of the most important issues concerning the balance of responsibility between lender and borrower: remittance of loans in the sabbatical year.

[1] A means of providing a loan for a joint business venture in whose context collection of interest can be made permissible in effect.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #24: Remittance of Loans

The Responsibility of the Recipient of a Free Loan

In last week's lesson, which discussed the mitzva of extending interest-free loans, we touched on the responsibilities of a person who receives tzedaka or a loan. We also noted that it is easy for the recipient to overlook this responsibility due to the fact that the loan is given without interest. On the other side of the dynamic, providing interest-free loans is an extremely difficult mitzva. One is essentially requested to forego the use of his money and give it to another person who may not be able to return it, while collecting no charge in return.

As we saw in previous lessons, there are two different mitzvot to give loans. One involves giving money to the poor in lieu of an outright gift; the second is that of a loan to a person who, though not poor, requires additional money at the moment, perhaps for a business venture. Although there is a mitzva to lend to him, unlike in the previous case, the Torah is specifically concerned that the loan be repaid, and provides mechanisms to ensure that this happen.

Here, having discussed the responsibilities of the lender at length, we will address the responsibilities incumbent upon the recipient in greater detail. On the most basic level, the must repay the sum in full and punctually. Because the Torah provides for two different types of loans, a person who receives an interest-free loan may be inclined to view it – incorrectly – as a gift. In the absence of interest, the recipient lacks a powerful incentive to return what he has borrowed as quickly as possible.

True, we already have seen that lending money that may not be repaid is an ultimate act of kindness. However, this is true only when the money is given to a needy person. Only in such a case does the Torah allow a person to receive a loan but not return it until he has the wherewithal to do so. In such a case, buoyed by the lack of interest, the recipient is truly aided by the funds and will not be driven further into debt by interest. However, in instances where the lender does not view the money as charity, but as a very temporary loan (and where he potentially cannot afford to give it as a gift), the lack of interest may cause damage by dampening the borrower's eagerness to return the loan.

Just as a borrower might take advantage of the lack of interest, he might take advantage of other mitzvot meant to prevent abuse by lenders. If in fact he feels that he can avoid payment without incurring severe ramifications, then his behavior will not only hurt the lender, but also impact detrimentally on society by discouraging people from lending money. Further, this behavior might result in severe damage to the character of the recipient.

Certain chesed organizations that work to teach responsible financial behavior have developed a method for preventing such a development: when a person gives a loan to a recipient who does not seek charity, the means of reimbursement should be made clear at the onset. One should think twice before providing a loan to someone who is not

in need of charity without receiving postdated checks and agreement to a strict schedule of reimbursement.

True, it may feel as though doing so cheapens the act of kindness. Yet setting down such guidelines helps the borrower to feel his responsibility to return the loan. Additionally, having a reimbursement schedule allows people to lend more, because they feel secure in the knowledge that they are almost guaranteed to receive their money in return.[1]

Not Withholding Loans

A certain difficulty with our perspective on the borrower's responsibility is posed by the mitzvot associated with the remittance loans, which can free borrowers of the obligation to return money they have borrowed. At the moment that the year following a sabbatical year begins, all loans that are due but have not been paid are cancelled, as described in the Torah:

At the end of seven years you shall perform a release [shemitta], and this is the substance of the release: that every creditor release his hand from that which he has lent to his friend. He shall not exact from his friend or from his brother, because he will have declared the time of the release for the Lord. (Devarim 15:1–2)

In commenting on this mitzva, many stress the great obligations of the lender, who not only must forfeit interest on a loan, but must forfeit the loan itself if it is not repaid by the close of the sabbatical year. Even beyond absolving borrowers of the need to return loans, the Torah prohibits Jews from refusing to extend loans when the sabbatical year approaches out of fear that the loan will not be returned.

However, there is more to be said. To obtain a better understanding of these concepts, we will now delve into some basic sources regarding the remittance of loans.

The reality of remittance consists of three mitzvot: two forbidding loan collection, and one that concerns withholding loans. Namely, one positive mitzva ("release") requires the creditor to cancel the loan, one negative commandment ("he shall not exact") forbids him to demand payment, and another prohibition (several verses later) bars one from refusing to lend as the sabbatical year approaches. In the context of this last mitzva, the Torah goes so far as to refer to one who withholds a loan as lawless (beliyya'al), a harsh term used for idol worshippers (see Lesson 20):

Beware lest there be a lawless thought in your heart saying, "The seventh year, the year of remission, approaches," and you begrudge your destitute brother and do not give to him … You shall surely give to him, and let your heart not feel bad when you give to him, for in return for this matter, the Lord, your God, will bless you in all your deeds and in all your endeavors. (verses 9–10)[2]

This mitzva, we understand, is directed at a person who would be willing to extend a righteous, non-interest-bearing loan, but is afraid that if he does so at the moment, he will not recoup his money. Why is such a thought so bad that it is described in the same manner as idol worship?

Lawlessness: Who and When?

In truth, although this prohibition applies most immediately to the period before the sabbatical year, it is interspersed with various other mitzvot of tzedaka (see Lesson 19). Based on the context, most commentators understand that the prohibition applies to any

inappropriate act of withholding tzedaka. Indeed, most of the rationales they offer for the use of the word "lawless" for a person who hesitates to lend seem applicable to tzedaka in general.

Maharal explains that the term is germane because the person in question fails to recognize the bond of brotherhood that is emphasized in these verses. One who refuses to help other Jews who are in need expresses alienation from his brothers and a failure to recognize the kinship and shared responsibility of all Jews. His refusal, then, is essentially an act of rebellion against the Jews as a people.

Yismach Moshe, meanwhile, attributes the refusal to lend to arrogance. Based on his understanding, the use of the word "lawless" can be understood through the prism of the dictum that equates arrogance with idolatry. In a word, one who is excessively proud and therefore unwilling to assist the needy is comparable to an idolater.

Others attribute the would-be lender's insensitivity to a sense of predetermination – believing that the needy are unworthy of money – which is akin to idolatry. Similarly, Nachshoni quotes Rav Shmelke of Nikolsburg as explaining that the prohibition "let your heart not feel bad when you give to him" refers to a person who refuses to help the poor because he believes that their sorry lot is a result of their bad deeds.[3]

Ha-ketav Ve-hakabbala seeks to prove, based on the flow of the verses, that the prohibition is directed at a person who has lent on collateral – so that the loan will not be remitted – and yet still refuses to lend, on the pretext that the poor will have equal access to his produce during the approaching sabbatical year and do not deserve a loan on top of that.

Rav Shlomo Zalman Auerbach (Minchat Shlomo 1:47), meanwhile, notes that the prohibition has limits. It does not apply when one has legitimate reasons to fear that the borrower will not repay the loan, he explains. Instead, it pertains only to one who entertains the lawless thought that a trustworthy Jew will not repay a loan only out of the would-be lender's fear of the sabbatical year's approach, not due to any justified concern regarding the would-be borrower. This mitzva, then, addresses a person who would stop himself from performing an act of kindness due to ungrounded fears.

Based on the Torah's placement of this prohibition in the context of the sabbatical year, despite its more general applicability, we may conclude that the remittance of loans is an important part of the Torah's model of how to show concern for others. Why is this? Why should the remittance of the sabbatical year be characterized as an act of profound kindness rather than one where lenders are sold out and borrowers are let off the hook?

The Borrower's Obligation

Notwithstanding our initial impression of the remittance of loans, the Mishna (Shevi'it 10:8) clarifies that it applies only to lenders. Borrowers are not in fact freed of any and all obligations:[4]

[If a borrower wishes to] return a loan after the sabbatical year, [the lender] should say to him, "I release the obligation." If the borrower replies, "Nevertheless [I wish to repay it]," then the lender should accept the repayment, as it states, "this is the word[5] of the release" (Devarim 15:2) …

The Mishna thus derives from the Torah's terminology that remittance of loans is substantially a matter of words: the lender is required not to refuse repayment, but merely to state that he releases the obligation.

The next mishna further clarifies that not only may a borrower repay his loans, but such behavior is praiseworthy:

One who repays a debt after the sabbatical year – the Sages are pleased with him.

If the sabbatical year cancels loans, though, why should one be encouraged to return a loan subsequently? The reality is that there still is good reason to return the money, as Rabbeinu Bachya (Devarim 15:2) comments:

If the borrower does not repay his debts even though he is legally in sound financial condition, he risks that the lender will shame him by spreading the word that his borrower took advantage of the lender's good nature and simply ate up his money.

On a practical level, since the lender borrowed the money with intent to repay it, it is in his best interest to do so if he can. Only if the borrower cannot afford repayment does he stand to benefit from the technical cancellation of the obligation.

Loans: Voided or Silenced?

Whereas Rabbeinu Bachya understands the mishna on a practical level, the Gemara's treatment of it calls into question the basic assumption of our initial question: that the sabbatical year truly cancels loans.

In Gittin (37b), Rabba is quoted as stating that if a lender says that he releases an obligation and the borrower decides to take advantage and not repay the loan, the lender can tali him until he agrees to pay. The definition of tali is debated by the commentators, but Rashi understands it to mean that the lender may hang the borrower up high until he acquiesces. The obvious question then is, what right does a lender have to pressure a person who seeks to take advantage of the cancellation of his debt?

The simplest understanding of the Gemara is that remittance consists of a verbal obligation by the creditor not to exact a loan from anyone incapable of paying it. This remittance is a remarkable kindness by the Torah and the lender that allows the borrower an opportunity for a new financial beginning. However, though he bears no legal obligation to repay the money, he does have a moral obligation if he is in a position to reimburse his benefactor. Therefore, a solvent individual not only can repay a loan after the close of the sabbatical year, but even may be pressured to do so.

Rav Hirsch (Devarim 15:2) makes this argument very clearly:

One who releases a debt in the seventh year allows the debt to be "released from his hand," but this release is strictly a one-sided action. The creditor, the ba'al, who holds the legal claim to the debt and thereby has become the debtor's master, renounces forever his right to exert this claim. The debtor, however, remains forever morally in his debt … Moreover, it is not the Torah's intention to exempt people who can pay from the moral obligation of paying their debts, and from such people the creditor is entitled to expect that they will not exploit the privilege granted to them by the sabbatical year.

The Torah requires that the creditor declare a remittance, but this does not exempt the debtor from his duty. In this respect, the law of the seventh year differs from that of interest, as there the debtor is forbidden to pay interest just as the creditor is forbidden to accept it …

At the end of each sabbatical-year cycle, the repayment of every previously contracted debt remains only as a moral obligation: payment of the debt is left to the discretion of him who incurred it. Because of the trust that the Torah thus places in him, the debtor,

instead of feeling weighed down by the burden of his debt, feels morally uplifted. Repaying the debt of his own free will now be a matter of personal honor for him.

A similar view finds expression in the opinion of the Yerei'im (in old editions) that remittance entails only ceasing to demand repayment:

It appears to me that "remittance" does not mean "forgiving" [a loan]. Rather, the Holy One commands that one "release" – i.e. leave it alone, not demand it, until he returns it of his own accord – as it is written, "release … he shall not exact," for whenever the Torah uses the word shemitta, it means "to leave alone," not "to relinquish altogether," as it is written, "and during the seventh [year], you shall release [the land] and abandon it" – meaning, "you shall leave it alone."[6]

Thus the above mishna and the fact that the verses speak only of release give credence to the understanding that the sabbatical year does not in fact cancel loans at all. This idea is stated beautifully by Rav Kook (Ein Ayyah on Pei'ah):

The purpose of the sabbatical year is not prevention of repayment of the loan and swaying of property rights, for the foundation of the Torah and its laws is the upholding of the property rights of every individual with respect to what is truly his. Rather, while ownership rights are upheld, there must be a spirit of generosity to prevent society from incurring damage due to wealth. Thus the main purpose of the remittance of loans is that the loan not be demanded …

The consensus of the opinions we have cited is that loans are not cancelled so much as creditors are forbidden to force repayment, so that insolvent borrowers can have a fresh start. If a loan is originally intended as charity, but given only as a loan to avoid offending the recipient, then even the lender can be happy when it is cancelled. If the lender intended that the loan be returned, then he has a new mitzva: to display the tremendous courage of stating, "I release the obligation," recognizing that the borrower is incapable of returning the loan.

As the lender utters his release of the loan, the borrower is given the feeling that no one will pressure him to repay it. Yet at the same time, when he is capable of doing so, he is morally bidden to return it. By doing so he earns the approval of the Sages, and shows that he understands not only his rights, but his responsibilities as well.

Based on this analysis, the Rabbinic prozbul, which is so often seen as a legal maneuver uprooting the original intent of the Torah, is not in fact so. The Torah knows that being able to lend depends upon the knowledge that one's money will again be accessible when one needs it; therefore the Torah itself provides means (such as taking collateral) of ensuring that a loan be repaid even after the sabbatical year. The same reasoning – "so that people do not lock the doors on those who seek to borrow" – stands behind Rabbinic institutions such as prozbul.

The beauty of prozbul is that it allows a person who has given a loan to decide whether he wishes to say, "I release the obligation" and leave repayment to the borrower, or use legal means to ensure repayment because he feels that his need for the money is greater than that of the borrower.

Charity Throughout the World

One of the aspects of the remittance of loans that give us a better appreciation of tzedaka is its universality. Whereas the verses regarding general tzedaka appear to be limited to

the Land of Israel, the remittance of loans is not thus limited, and instead applies to all places.

Though the remittance of loans is chronologically associated with the agricultural sabbatical year, in which agricultural work pauses and land is left accessible to all, it nevertheless applies even where the agricultural halakhot of the sabbatical year do not, i.e. outside of the Land of Israel. Sifrei (Devarim 111–112) and the Gemara (Kiddushin 38b) in fact entertain the idea that the financial halakhot of the sabbatical year have the same geographic limitations as its agricultural halakhot, but ultimately make clear that despite the connection between the two, the remittance of loans applies throughout the world.

Still, as indicated above, the mitzva of tzedaka that is found in the same chapter of Devarim as the remittance of loans does make explicit mention of "your land." Rabbeinu Bachya (Devarim 15:10) clarifies the relationship between the Land of Israel, the mitzva of tzedaka, and the halakhot of the sabbatical year:

An alternative understanding of the words "in your land" is: "even when you are in your land." I.e. even in your land, when you already have demonstrated that you believe that the earth is the Lord's by releasing your debtor from his debts and allowing all to pick the harvest of your field every seventh year, the Torah still commands you to perform deeds of charity as outlined in the present paragraph.

If you must perform charity even in an environment where you have demonstrated the virtue that charity symbolizes, then when you are in the Diaspora and cannot demonstrate this virtue in any other way, you are most certainly obliged to practice charity even more meticulously …

The meaning of the subordinate clause introduced by the words "beware …" (verse 9) is that the Torah must warn that we are urged to be meticulous regarding this commandment even in the Land of Israel so as to preclude certain thoughts that might occur in your mind. You might reason to yourself that since you must release debtors from their debt to you and must relinquish your field for a whole year, how could you be expected to fulfill the commandment to give charity according to the standards demanded by the Torah? Surely this would cause you to find yourself in the poor house! In order to preclude such thoughts, the Torah promises that on the contrary, God will extend His blessing to you precisely because you have meticulously performed his commandments – not in spite of this. If you were to leave the needy person to appeal to God instead of to you, having denied him, this would constitute a sin on your part.

The Torah concludes by saying "in your land," i.e. "even in your land," where you have already given up so much of what you would normally consider yours, you are not to withhold your generous contributions to the poor. It follows that your duty to be generous to the poor while you are in the Diaspora is even greater, as you have fewer means of manifesting this positive virtue.

As Rabbeinu Bachya notes, in the Land of Israel there are numerous agricultural gifts to the poor that build and express one's generosity. Outside of the land, it is only through more limited avenues, most importantly tzedaka and remittance of loans, that one can support the underprivileged and come closer to God by thus developing his character.

In the next lesson, following our lengthy discussions of tzedaka that began with the agricultural mitzvot of Parashat Kedoshim, we will return to Chapter 19 of Vayikra and discuss additional monetary laws and how they build the Jewish spirit of holiness.

[1] Normally, the Gemara assumes that each appearance in a mitzva of the word "beware" or "lest" constitutes an independent prohibition. In this case, Rav Shlomo Zalman Auerbach (in his glosses to Mishneh Kesef) states that though it is improper to contemplate withholding a loan because the sabbatical year is coming, only following up on such a thought with action is forbidden per se.
[2] This assumption is reminiscent of the logic of Turnus Rufus that is refuted by Rabbi Akiva in Bava Batra (10a).
[3] A thorough understanding of the remittance of loans requires an appreciation of the agricultural aspects of the sabbatical year, but here we will make do with an independent analysis of the former.
[4] Translated above as "substance," the word devar also has the meaning of "word" or "speech," the implication being that this is the extent of the lender's obligation.
[5] Also see Rosh, who disagrees with this view.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #25: The Mutual Responsibilities of Employer and Employee

The Holiness of Treating Employees Properly

Parashat Kedoshim, which features the Torah's recipe for a life of holiness, contains many interpersonal mitzvot that are necessary ingredients for true holiness. A number of them, such as the prohibition of hatred and the mitzva to love one's fellow Jew, are basic. Others, notably a number of respectable business practices, are undoubtedly important, but do not at first glance seem to typify holy behavior. Their appearance in Parashat Kedoshim indicates that the workplace is not only a venue in which to make money and support a family, but an essential part of a religious lifestyle.

The relevant mitzvot discussed in Kedoshim relate to accusations of financial impropriety, financial disputes, and treatment of employees, among other areas. Notably, these mitzvot appear alongside various general monetary prohibitions, such as robbery. Though they might appear to differ radically, the Torah does not seem to think that they do:

You shall not withhold that which is due your neighbor and you shall not rob [him]. You shall not leave the wages earned by a day laborer overnight until morning. (Vayikra 19:13)

This verse contains three presumably distinct prohibitions. The first and last focus on employees, while the second applies generally. We already discussed the prohibition of robbery in the past (Year 1, Lesson 25), showing how the placement of this prohibition and that of theft in Parashat Kedoshim indicate far-reaching mitzvot that engender holiness by proscribing even certain actions that would not otherwise be considered stealing.

The juxtaposition of the prohibitions of robbery and failing to pay employees punctually indicates that there is a relationship between the first, general injunction against illegally taking another person's money, and the second, specific mitzva pertaining to an employee's wages. Indeed, the Gemara (Bava Metzia 111a) sees deprivation of wages as a form of robbery, as it too entails depriving another of money that is rightfully his:

Deprivation of wages is also robbery. Then why did the Torah address them separately? So that one would thus violate two prohibitions.

Based solely on the Gemara, we might believe that deprivation of wages is nothing more than a form of robbery in which one withholds money due a worker. We could debate whether this is worse than grabbing something out of another person's hands, as it shows a lack of appreciation of one's worker, or perhaps less bad. The placement of this mitzva in Kedoshim, however, makes clear that beyond robbery and mishandling money, it contains another element: that of the proper attitude and approach to one's employees.

Elsewhere (Devarim 24:14–15), the Torah repeats and expands upon an employer's financial obligations to his employees:

Do not withhold anything from a day laborer who is poor and needy, whether of your brethren or of the strangers who live in your land, within your gates. You shall give his wage on his day, and not let the sun set on it, for he is poor and he sets his soul on it, lest he cry out to God against you and you incur a sin.

From these additional mitzvot we see that the prohibition against deprivation of wages is not only an additional layer of the prohibition against robbery, but an independent prohibition with its own unique elements. The words "you shall not rob" in Kedoshim underscore the notion that deprivation of wages is akin to robbery – but much more than that.

The Importance of Not Delaying Wages

We will analyze these mitzvot in our next lesson, but first, a word is in order regarding their significance, as well as regarding the Torah's general outlook on the employer–employee relationship.

The Chafetz Chaim dedicated an entire section of his Ahavat Chesed to the mitzvot of timely payment of workers. In the introduction to that section, he explains why he feels they bear especial discussion, noting that besides reinforcement by one positive and five negative mitzvot, there are numerous indications that one is punished severely for failing to pay an employee punctually. For instance, the prophet Malachi (3:5) states:

I will come near to you in judgment; and I will be a swift witness against the sorcerers, and against the adulterers, and against those who swear falsely, and against those who oppress the employee through his wages.

The verse clearly indicates that God Himself will both bear witness against and judge those who do these things.

The Gemara (Sukka 29b) similarly says:

Householders lose their property on account of four things: on account of those who defer payment of a hired laborer's wage[1] and on account of those who withhold a hired laborer's wage …

The Chafetz Chaim then quotes a selection from the Zohar (on Vayikra 19:13) that connects the verse in Kedoshim forbidding an employer to keep wages "with you all night until morning" with the verse in Devarim (24:15) that instructs, "and do not let the sun set on it." He comments that one should be careful to follow these mitzvot so as not to die ahead of his time:

From this we learn an additional lesson: that if one restores the soul of a poor man, even if his time has arrived to depart from the world, God restores his soul and gives him an additional lease on life. To withhold the wages of a poor man is like taking his life and the life of his household. As the employer diminishes their souls, so God diminishes his days, and cuts off his soul from the other world, for all the breaths that issue from the employer's mouth ascend and stand before the Almighty, and afterwards [the employee's] soul and the souls of his household ascend and stand in those breaths. Thus even if lengthy days and many blessings were decreed for that man, they are all withdrawn, and his soul does not rise up.

Thus the Zohar (ibid.), continues the Chafetz Chaim, describes the pains taken by many scholars to pay their workers immediately. Among them was Rav Hamnuna, who would immediately pay a worker and state:

"Take your soul that you have entrusted to me! Take your deposit!"

And even if the worker asked Rav Hamnuna to hold it on his behalf, Rav Hamnuna would remark, "It is not fitting that your body be deposited with me, still less your soul, which should be deposited only with God, as it is written (Tehillim 31:6), 'To your hand I commit my spirit.'"

The wages of an employee are viewed as restoring his soul; withholding them is akin to murder. This is so even if the employee is wealthy – even more so if he is poor.

Many may view these halakhot as foreign because they are employees, not employers. Yet in truth few individuals never face this obligation. Anyone who orders cleaning help, hires a babysitter, goes for a haircut, or pays a taxi fare is hiring a worker, albeit briefly. These situations are opportunities to express one's commitment to the responsibilities of an employer, coupled with care, concern, and appreciation for the employee.

Mutual Obligations of the Employer–Employee Relationship

The Torah's outlook on employer–employee relations is quite different than that of much of modern society. Modern society has been very successful in providing rights to workers, who are understandably often in a position to be taken advantage of. Conversely, it is impossible to provide rights to workers without giving some level of rights to employers.

The Torah's outlook, from start to finish, is very different. The Torah seeks an employer–employee relationship that is built upon a system of responsibilities. The employee must perform the work for which he is hired, and the employer must pay his worker on time and provide the basic needs associated with the work being done.

The workplace should be a place of appreciation and ethical conduct, not an incubator of tenuous relationships in which employer and employee each speak behind the other's back. The goal is that the employer constantly seeks better conditions for his employees, not that workers fight for better conditions, and that workers fulfill their duties as caring, able-bodied employees. As usual, the Torah is not concerned with the mechanics so much as with the fundamental relationship.

Long before secular labor law granted workers' rights, the Torah premised the obligation to pay workers punctually on the attitude of an employee to his work: "he sets his soul on it." On the other side of the equation, the employee has no right to take advantage of his employer, and is obligated to work without wasting time. The Torah even requires that he forgo certain responsibilities to God if they would cause unnecessary interruption in his work.

Yaakov: The Model Worker

The Torah's model of the dedicated employee is our forefather Yaakov. Yaakov is described in his youth as "a pure man dwelling in tents" (Bereishit 25:27), which the Midrash (cited by Rashi) understands as meaning that he dwelled in the study tent of Eiver. Yaakov continues his studies even after leaving his parents' home; the Midrash sees Yaakov's sleeping at the beginning of Parashat Vayeitzei as an unusual occurrence because, while studying in the yeshiva of Eiver for fourteen years after leaving home, he had kept his sleep to a bare minimum (Rashi on Bereishit 28:11).

Given this background, one would expect Yaakov to have been a rather useless shepherd during the twenty years he worked for Lavan. After all, he was a yeshiva bachur, built for studying, not for hard labor. Yet after Lavan accuses Yaakov of running away and searches his possessions, Yaakov responds with this vivid description of his efforts:

I have spent twenty years with you. Your ewes and female goats have not aborted, and I have not eaten the rams of your flocks. I have not brought to you anything torn [by other animals]: I would suffer the loss of it, from my hand you would demand it, [both] what was taken by day and what was taken at night. I was [in the field] by day when the heat consumed me, and the frost at night, and my sleep wandered from my eyes. I have spent twenty years in your household. I worked fourteen years for you for your two daughters and six years for your flocks, and you changed my wages ten counts. Had the God of my father, the God of Abraham and the Fear of Isaac, not been with me, you would now have sent me away empty-handed. God saw my affliction and the toil of my hands, and [therefore] He reproved [you] last night. (Bereishit 31:38–42)

Though the Gemara (Bava Metzia 93b) discusses the degree to which workers are required to live up to Yaakov's standards of commitment, Rambam (Sekhirut 13:7) rules as follows:

Just as the employer is warned not to steal the wage of the poor person or withhold it from him, the poor person is warned not to steal from the work due his employer or neglect his work slightly here and there, spending the entire day in deceit. Instead, he is obligated to be precise with regard to his time. The importance of such precision is indicated by our Sages' ruling that workers should not recite the fourth blessing of Grace after Meals, so as not to neglect their work. Similarly, a worker is obligated to work with all his strength, for the righteous Yaakov said, "I served your father with all my strength" (Bereishit 31:7). For this one will be granted a reward even in this world, as is indicated by "and the man became extremely wealthy" (ibid. 30:43).

Yaakov's work ethic is the model for all employees. Yaakov, who expressed the same commitment in his work as in his Torah study, understood that an employee's fulfillment of his duties must equal that of the Torah scholar.

There is one caveat, however, and it is one where efforts to be a good worker can transform one's personality. Although a person is required to fulfill his obligations to an employer, one always must first and foremost remain subservient to God, just as Yaakov never lost his commitment to God despite his steadfast efforts at work.

When he sends a message to Eisav to announce his arrival, Yaakov states, "Im Lavan garti" (Bereishit 32:5). Literally these words mean, "I lived with Lavan," but Rashi cites the midrashic understanding that by using the word garti – which is numerically equivalent to 613, the number of mitzvot –Yaakov indicated that despite working for Lavan and living in his home, he had maintained the principles he had learned in his father's home.

Further, as Rav Aharon Lichtenstein once remarked, not only did Yaakov stay committed, but immediately after the encounter with Lavan (32:3), Yaakov saw the same angels he had seen (28:12) after an extended period of studying God's ways under Eiver. It was understandable for Yaakov to dream of angels after his sleepless study of Godly topics, but who could continue to see those angels after twenty years in the house of Lavan?

Yaakov could. This is, then, a powerful reminder of how he merited to be a forefather of the Jewish people. Yaakov demonstrated that an employee's obligations to his human boss must – and can – be tempered by his obligations to the Boss of all. In so doing, he

also showed that it is essential for working people to remain connected to the Torah by continuing to find time to study it.

Maintaining Perspective

The problem is that not all of us are Yaakov. Sometimes our desire to curry favor with our bosses results in putting an employer on a pedestal, virtually replacing God. People are often all too willing to sacrifice their moral, ethical, and religious scruples in order to get ahead at work, and such actions are commonly excused as necessary for supporting one's family. This approach does quite the opposite of imparting the holiness that is supposed to be the hallmark of the employer–employee relationship. Even more than harming the workplace and those in it, trying to curry favor with one's boss at all costs can transform a person's personality, and often causes an employee's morals to decay even outside of work.

On the other hand, the halakhic limitations on what a worker is permitted to do are a powerful force for maintaining perspective and remembering that the Boss above has the final word.

Based on the Torah's words "for the children of Israel are servants to Me" (Vayikra 25:55), Mordekhai (Bava Metzia 459) states that a worker may not agree to certain types of work for more than three years at a time, as this would constitute accepting servitude to a human instead of God. As the verse indicates, a Jew must be a servant of God, not a servant of a fellow servant.[2]

Because a worker is considered to rent himself out, and rental is a form of temporary sale (Bava Metzia 56b), an employee is essentially owned by his employer on a temporary basis. The Torah permits such a relationship, but does not permit enslaving oneself. By the same token, because a worker must not be a slave to his employer, he may quit at any time he desires, "for the children of Israel are servants to Me" (Vayikra 25:55) – "slaves to God, not slaves to other slaves [other humans]" (Bava Metzia 10a).

All of the halakhot regarding mistreatment of a slave, such as assigning demeaning or redundant tasks, apply to an employee (Sefer Ha-chinukh 346). Similarly, just as a slave is sent off with gifts when his period of servitude ends (Devarim 15:14), it is proper to give additional money to a worker who leaves (Minchat Yitzchak, vol. 6, no. 167; Tzitz Eliezer, vol. 7, 48:10.)

These obligations help an employee remember that despite his commitments, he is not a slave. Equally, they remind the employer that his commitments to his Boss include words of praise and respect for his workers. An employer even is generally forbidden to fire a worker, a measure permitted under specific halakhic situations of extreme necessity.

Finally, just as Yaakov maintained his dream and vision while working for Lavan, employees must remain committed to their ethical principles, just as employers have ethical commitments to their workers and to the supreme Boss.

Food for Workers

Care and concern for workers find further expression in the obligation to allow those employed in agriculture to eat some of the produce on which they work (Devarim 23:25–26). Even animals working in the field may not be muzzled to prevent them from eating

(Devarim 25:4). In fact, this latter mitzva serves as the archetypical prohibition whose violation is punishable by lashes.

Rav Hirsch (on verses 25–26) views the agricultural worker's right to eat as related to the prohibition against lending on interest, found three verses earlier (and discussed in recent lessons):

These laws, like the prohibition of interest, stem from the fact that when God founded our national society, He reserved for Himself an unlimited right of disposition over all our property. On this right He founded our life as a people: a life built on the duty to show mercy and do justice. The Jewish landowner is obligated here to permit the workers who harvest the produce of his field to eat as much of the harvest as they like while they are engaged in reaping his crops. At the same time, however, the worker is obligated to keep strictly within the limits of this right, and to be careful not to abuse it.

The practical halakhot of this mitzva, inherent in the words of the Torah, offer a further message. Permission is granted to consume only items of food that grow from the ground, only once nature has ripened them and man comes with his basket and sickle to take what nature has completed. Once the food is detached, the workers' right to it lasts only until it is ready for human use, i.e. until the obligation to tithe it takes effect. Rav Hirsch explains:

… the worker may eat attached and detached foods only once the produce has been ripened by nature and only while he is engaged in bringing it into a finished state and preparing it for human use. Not before, and not after, but on the threshold of man's mastery over nature – so apt to engender the selfish thought, "This is my own and mine alone" – does God's Torah scatter the seeds of duty, which stems from justice and loving kindness, and affects both the landowner and the worker.

A similar message is evident in the seemingly unlimited prohibition against preventing an animal from eating produce on which it is working. The Torah not only seeks to stress to the landowner his lack of total control over his crops, but also to nurture care and concern both for employees and for animals. The landowner must respect that working with his food causes humans' emotions, and even animals' instincts, to make them wish to partake.[3]

Some note that these mitzvot also benefit the employer, who should want his workers to be connected to their work. The more a person is connected to his work, the more likely he will be to take an earnest interest in a successful crop. Allowing workers to partake of the food also teaches the employer that the workers' contribution should not go unnoticed and, to a certain degree, makes them partners in what has grown.

The basic laws of the employer–employee relationship, from timely payment to the prohibition of muzzling animals and all in between, require not only action, but also the development of a holy character that these actions should inspire in man.

In concluding his aforementioned discussion, the Chafetz Chaim states that he is convinced that people are negligent in paying workers on time only because they are unaware of the mitzva's importance and unsure of its parameters. Therefore, he writes, this mitzva deserves special study.

In next week's lesson we will elaborate on the prohibitions of non-payment and delayed payment of wages, as well as uncover some of the holiness that the mitzvot of timely payment seek to engender.

[1] I.e. tell workers to return later to receive their wages (Rashi).
[2] This ruling is codified by Rema (Choshen Mishpat 333:3).
[3] With regard to restaurant workers and others who work amid food. Although the letter of the law seems to be restricted to work in the fields, the spirit of the law might extend beyond.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #26: Withholding Wages and the Employee's Soul

Deprivation of Wages

In our last lesson, we introduced the mitzvot found in Parashat Kedoshim that relate to paying a worker on time:

You shall not withhold that which is due your fellow and you shall not rob; you shall not leave overnight the wages earned by a day laborer, until morning. (Vayikra 19:13)

We noted that the obligation to pay workers in a timely manner is repeated in Devarim (24:14–15):

You shall not withhold that which is due a day laborer who is poor and needy, [whether] of your brethren or of the stranger that is in your land, within your gates. On his day you shall give him wage, and let the sun not go down on it, for he is poor and he sets his soul on it, and let him not cry out to God against you, so that sin cling to you.

Having discussed the general outlook of the Torah regarding the employer–employee relationship, it behooves us now to dedicate some time to the specific prohibitions detailed here. What exactly is defined as deprivation of wages (oshek), and how does it differ from the prohibited act of leaving wages overnight (lo talin)? What is added by the verses in Devarim? Of particular interest is the rationale that the Torah provides there – "he sets his soul on it" – as well as that the cry of a mistreated employee has such devastating consequences for the employer.

As we have discussed, the Gemara (Bava Metzi'a 111a) views deprivation of wages as a form of robbery, defined as action that forcibly deprives another of money that is rightfully his:

Deprivation of wages is also robbery. Then why did the Torah address them separately? So that one would thus violate two prohibitions.

However, the Torah's placement of the prohibition against depriving a worker of his wages in the same verse as that of robbery seems to indicate that they are in fact distinct prohibitions. As Ibn Ezra notes, one key way in which deprivation of wages differs from typical acts of robbery is that the former is performed privately, while the latter is done publicly, as by snatching something from another person. The fact is that others are not always aware that a worker has not been given his due: often it is simply the employee's word against the employer's.

Ba'al Ha-turim, observing that our verse is followed by the prohibition of cursing another person, explains that the second verse continues where the first left off. Rather than cursing an employer who has wronged him, an employee should take him to court, where he can be assured of the same due process as for any other type of theft.

Yet beyond the strict legal plane, this type of robbery is viewed with much greater severity than most. The Gemara excerpted above goes on to state that one who withholds an employee's wages is in violation of no fewer than one positive and five negative commandments. These includes the three prohibitions mentioned in Kedoshim (withholding wages, robbery, leaving wages overnight), the additional prohibitions found in Devarim, and the positive commandment appearing there (to pay a worker on the day his wage is due).[1]

Still, for all that these prohibitions are all violated simultaneously, there are differences between them. Depriving an employee of wages, for instance, entails not paying at all, while the prohibition of leaving wages overnight refers to paying tardily. The words "that is in your land" are added in Devarim, for their part, are understood by the Gemara (Bava Metzi'a 11b) as extending to work that is done not by a person, but by an animal or machine. Even in those cases, wages must be paid in a timely fashion.

Nevertheless, despite these distinctions, the question remains: What need is there for two parashiyot? Would it not be sufficient to include all of the prohibitions in a single mitzva?

Differentiating Between the Passages

One answer is that the two passages refer to two different types of workers: Vayikra discusses a day laborer, while Devarim refers to a night laborer. Thus they do not in fact repeat the same prohibitions.

Similarly, the subjects of the two passages are not the same. Parashat Kedoshim discusses withholding "that which is due your fellow," whereas Devarim specifically forbids withholding wages from a needy person. Thus Rashi (Devarim 24:14) comments that one who withholds the wages of a poor worker violates two prohibitions, while non-payment of a worker who is not poor is a violation only of the prohibition in Parashat Kedoshim.[2]

Indeed, the two passages refer to distinct situations. Yet these answers beg the question: why does the Torah go out of its way to repeat essentially identical mitzvot?

In his commentary to Devarim (24:14–15), Rav Hirsch observes that the context in Kedoshim is the Torah's instructions for achieving holiness, while the mitzvot are later repeated in the context of the settlement of the Land of Israel:

Scripture reiterates this duty here, in the compendium of laws for the settlement of the Land, and this reiteration is accompanied by warnings and exhortations to refrain from thus sinning particularly against the needy. Indeed, the practical importance of this mitzva begins only with the settlement of the Land, and experience has shown that tardiness on the part of the wealthy in meeting their financial obligations toward the workers and craftsmen in their employ has undermined their standing and deprived them of prosperity and growth.

The mitzvot are repeated, then, because they are an important component of both discussions.

A Second Look

Before we venture onward, let us take a step back and look at the finances of employer and employee. In considering these mitzvot on a general level, we may be inclined to

assume that the employer is relatively wealthy, whereas the employee is relatively needy. However, this need not be true. For instance, it is not uncommon for an employer to treat his workers better than he treats himself by paying them their salaries promptly while he himself cannot collect a profit until all expenses are paid. If a client fails to pay, the employer is likely to find himself in a more difficult position than his employees. When the business is having a difficult time, matters can be all the more difficult.

This background is by no means intended as license for non-payment of employees. However, it is important for us (as well as employees) to recognize that the employer is not always better off and sometimes, by virtue of being the employer, must treat employees better than himself.

Rav Menachem Bentzion Zaks, in his Menachem Tziyon, looks to Megillat Rut (2:4) for a model business relationship. It is recorded that when Boaz arrived at his fields, he warmly greeted his employees, "God be with you," to which they responded, "God bless you." This exchange may at first seem irrelevant to the storyline of Rut, but it serves to illustrate the warm relationship that Boaz's workers enjoyed with him, which is expressive of Boaz's character and a model for similar relationships.

Unfortunately, as Chafetz Chaim acknowledges, such behavior is not always the norm. Employers often take their employees for granted and mistreat them. Where finances are concerned, the owner of a failing business sometimes retains an inflated salary that prevents him from paying workers properly – a practice that is particularly disturbing from the vantage point of the mitzvot we are studying. Though an employee should be cognizant of the difficulties that face his employer, the prime financial responsibility is that of the employer toward his workers.

The halakhic particulars of this responsibility are somewhat complicated, so we will only touch on some of the basics. Even if one has delayed payment, thus violating the biblical mitzva, one is rabbinically obligated to pay as soon as possible (Shulchan Arukh CM 339:8). It also bears note that according to some authorities, the biblical obligation to pay applies only when a worker asks the employer to pay him and the employer has the funds to do so (ibid. 10), although others argue that the employer is required to pay immediately even in the absence of a request (Sha'ar Ha-mishpat 339:102).

Pitchei Choshen (Sekhirut 9:36) rules that an employer is required to withdraw money from a bank account in order to pay his workers, and Chafetz Chaim writes that one must make do with modest Shabbat meals rather than fail to pay workers. Chafetz Chaim further states that when a worker tells his employer that he has completed his work, it is as though he has explicitly requested payment. Finally, Chafetz Chaim notes that while payment times do depend upon standard business practices, because the exact parameters often are unclear, one should always have an explicit agreement or contract drawn up before beginning work. Sefer Ha-chinukh summarizes the circumstances in which the employer is required to pay and those in which he is not, and adds that no one should hire an employee if he is not convinced that he will be capable of paying him.[3]

The Need for the Prohibition

Against the preceding background discussion, we can appreciate Alsheikh's (Vayikra 19:13) comment that the Torah forbids tardy payment of wages so that an employer will not rationalize that he will eventually pay, but after a delay. To avoid this slippery slope, the Torah slaps prohibitions on even a mild delay in payment.

Or Ha-chaim, meanwhile, writes that this mitzva is meant to prevent people from finding justification for other forms of robbery:

The Torah having forbidden acquisition of another person's money through theft, a person might conclude that the Torah's objection is only to thievery, and not to other methods of appropriating that which rightfully belongs to another. Therefore the Torah had to outlaw obtainment of money by one who exploits his position of strength vis-Ã - vis a person whose social or financial position places him at a disadvantage.

Defining Terms: Oshek and Rei'a

For Rav Hirsch, the prohibition in Kedoshim against delaying payment must be viewed in the preceding verses: a series of mitzvot proclaiming the principles of justice and truth. The verse that bans withholding of wages, then, is the first of two verses that spell out the conclusions that one is to reach from the broad principles previously stated. He further explains that the word used for "withholding" – oshek – literally denotes holding onto something while withholding it from another person who is thus deprived. Unlawfully depriving any person of that which is due him is a form of oshek.

The more surprising keyword in our mitzva, though, is rei'akha, "your fellow." This word is used again a few verses later in the commandment to love one's friend as oneself, which Rabbi Akiva famously termed "the great principle of the Torah." Why, though, is this word used in our verse, which seems a less natural place for it?

Comments Or Ha-chaim:

The reason the Torah describes the injured party as rei'a, meaning a colleague or friend, is so as to warn us not to utilize the other party's friendship toward us to shortchange him with regard to what is due him. One must not deal irresponsibly with a friend's money because he is a friend and presumably will not voice an objection, for the sake of preserving the friendship.

Rav Zalman Sorotzkin (Oznayim La-Torah) comments that though on a basic level oshek refers to withholding wages, the Torah refers to the victim as "your fellow," rather than "your worker," in order to emphasize the equality, respect, and congeniality that should characterize the employer–employee relationship. If an employer sees his workers as esteemed partners in his business endeavor, he will not mistreat them. Based on this understanding, the mitzva may be viewed as requiring not only prompt payment of wages, but also respectful interaction with employees.

Generalizing further, Or Ha-chaim remarks that the mitzva also alludes to the requirement that a person utilize what God has given him in order to accomplish his duties in a timely fashion. Failing to perform a mitzva that one is obligated to perform has an element of robbery in it, and also violates the prohibition of lo talin, not leaving one's obligations overnight – or pushing them off.

We should note that Rav Hirsch's definition of oshek as applying to any act that deprives a person of that which is his due in fact echoes Rambam (Sefer Ha-mitzvot, negative commandment 247). He argues that the Rabbis' understanding of this mitzva, as found in Torat Kohanim,[4] is not limited to withholding wages, but prohibits retaining another person's money or possession against his will in a broad range of cases where it originally was obtained lawfully.[5] Withholding wages is simply the classic example: the employer does not steal from the employee, but refuses to give him the money he has earned. Other scenarios include fraud and dishonest financial schemes, in which one receives money with the victim's consent but then refuses to return it.

Rambam's view is shared by Sefer Ha-chinukh (228), who further explains why the Torah contains distinct prohibitions for withholding, theft, and robbery – all of which are synonyms referring to illegal possession of another person's property.

First, for our own good, God wished to distance us greatly from using another person's money illegitimately in any way, and He therefore issued many prohibitions.

Second, there is an additional benefit to having numerous injunctions, as the Sages of blessed memory said, "The Omnipresent wished to make [the people of] Israel meritorious; therefore He gave them many … mitzvot." Issuing many injunctions as mitzvot allows us to receive increased reward for abstaining from sin … Similarly, the phrase "so that one would thus violate more than one prohibition" means not that God wants to cause violators to be punished more severely – as God seeks to make [people] meritorious – but rather that He alerts them time after time so that they will learn to accept moral chastisement and will merit great reward by moving far away from transgression.

The Employee's Soul

The salience of the employee's feelings in the prohibition of oshek is explicit in the Torah, which explains that wages must be paid punctually "for he is poor and he sets his soul on it." The Torah declares that if the abused employee cries out to God, sin will cling to the guilty employer.

The term "he sets his soul on it" (eilav hu nosei et nafsho), despite and due to the difficulty of deciphering it on the literal level, makes inexpressibly clear how the laborer relates to his wages, and, by extension, the severity of the crime of withholding his payment.

Rashi explains the words as meaning that the laborer is willing to endanger his life for his livelihood.

Rashbam takes the phrase to describe the worker's craving for the proceeds of his labors.

Ramban (Devarim 24:15) points out that one who works as a day laborer needs to receive money promptly to purchase with his wages what he, his wife, and his children need to eat at night, for he is poor, as are most of those who hire themselves out for the day. He has staked his life upon this wage, to buy with it food to sustain his life … If you do not pay him when he leaves his work, he will go home and his wage will be left with you until morning, and he may die of hunger at night.

Sefer Ha-chinukh explains:

The reason at the root of the precept is that the eternal Lord, blessed is He, delights in the sustenance of the human beings He created. It is known that with the delay of food, the body begins to perish. He therefore commanded us to give the pay of the hired worker, because he sets his heart on it to be sustained by it. It is apparently for this reason that He set the time limit for this at one day and no more, as it is the manner of people to fast for one day at times (and this period of fasting can be tolerated). The Torah explicitly conveys the reason for this matter by saying "and he sets his soul on it."

Panim Yafot (Vayikra 19:13) goes one step further, framing his argument in terms of two key dimensions of work: hope of receiving a salary, and effort extended during work. He states that God expedites the punishment of an employer who withholds a salary not due to the monetary loss per se, but due to the physical pain and effort that, in the absence

of payment, were for naught. One may be willing to forgive another person for taking his money, but it is harder to forgive an employer who adds emotional insult to fruitless physical injury. "He sets his soul on it" thus is understood as denoting the physical suffering of the deprived worker.

The Gemara (Bava Metzi'a 112b) takes an even harder line, stating that due to the worker's willingness to toil and risk his life for his wages, withholding his wages is akin to taking away his life. The Midrash similarly relates that when an employer delays payment, it is as if he takes away his employee's soul (Yalkut Shimoni on Vayikra 19:13, cited in Shulchan Arukh CM 339:2).

Or Ha-chaim (Devarim 24:8) continues developing this analogy:

Although one who withholds the wages of a hired laborer is only committing robbery, his penalty is not monetary but capital. This is the meaning of the Torah's saying "[so that sin will cling] to you" … The Torah first gave a reason for this penalty by writing, "and he sets his soul on it," so that the penalty is one life for another.

A conscientious worker puts his soul into his work. Lack of appreciation, monetary or other, demeans a worker and makes him feel that his contribution is not appreciated. An employer is well advised to keep in mind yet another midrashic perspective on our verse, which understands "his soul" to be that of the employer, whose soul and humanity depend upon how he pays and treats his workers (see previous lesson).

Interestingly, the unusual terminology of the verse may also have halakhic ramifications. In a well-known responsum (Tanina YD 10) in which Noda Bi-Yehuda prohibits hunting animals for pleasure, he cites this verse as permitting one to put his life on the line for the sake of his work (as Rashi observes obliquely). However, though hunting may be permissible in the interest of making a living, "if a person's main intention is not to sustain himself, but he goes to a place where wild animals gather, and places himself in danger, out of passion – such a person transgresses the commandment, "You shall carefully guard your lives."

This understanding of "his soul" should remind us of the value of a dedicated employee's work. The Torah expects the employer to recognize that his worker's soul is closely linked with receipt of appropriate payment and respectful treatment. If an employee is not treated correctly, comments the Midrash, his employer's severe punishment reflects not only the pain he has caused, but his disingenuousness. Given the vast halakhic obligations of an employer, one who hires another person must know that he is taking on a tremendous responsibility, and that his actions will determine how the employee feels about himself.

This is one reason the discussion in Parashat Kedoshim is not restricted to a poor worker. Any worker, rich or poor, should be treated as the employer's "fellow" – friend and equal – because any worker has a degree of dependence on his employer for his psychological wellbeing. Thus treating employees personably and amicably is more than just appropriate compensation for borrowing the employee's soul for the workday: it reflects the good health of the employer's soul, too.

[1] The terminology in Kedoshim – "the wages earned by a day laborer" (pe'ulat sakhir) serves to include a contract worker as well as the day and night laborers we have mentioned.
[2] Ramban (ibid.), however, indicates that the two passages' prohibitions are identical, and a worker's poverty is noted because a worker who is not paid is more likely to be poor and feel that he has limited options at his disposal to obtain what is rightfully his.
[3] Even if an employer is unable to pay his workers (and therefore technically not required to do so at the moment), he should consider obtaining a loan for this purpose.
[4] The main collection of halakhic midrash on Vayikra.
[5] Rashi cites the same excerpt from Torat Kohanim, but does not arrive at the conclusion that the mitzva applies beyond the workplace.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #27: Honest Business Practices

The centrality of Parashat Kedoshim in the Torah is apparent from the numerous prominent mitzvot that appear in its instructions for a life of holiness. However, an unfortunate consequence of the concentration of well-known mitzvot is that others are often overlooked. In this week's lesson we shall discuss three interconnected mitzvot that, though fundamental, are often overlooked in the context of the parasha.

The verses in the beginning of Parashat Kedoshim appear, at first glance, to contain a potpourri of mitzvot, including the prohibition of stealing and a focus on the need for honesty, including the prohibition of denying falsely, lying, and swearing falsely, which constitutes a profanation of the name of God. These mitzvot read as follows:

You shall not steal, and you shall not deny falsely, and you shall not lie, one man to his fellow, and you shall not swear falsely by My name, thereby profaning the Name of your God. I am the Lord. (Vayikra 19:11–12)

Ibn Ezra, as well as Chizkuni, notes that this verse is a direct outgrowth of the previous one, which discussed agricultural gifts to the poor. After commanding the Jewish people to provide for the needy, the Torah follows up with a reminder not to take from others while giving to the poor.

Rashbam[1] comments that the first of our verses discusses three different modes of illegally taking another individual's money. A person is forbidden, he explains, to steal money, to falsely deny having received another person's property for safekeeping, or to lie about having received a loan.[2]

Panim Yafot clarifies that theft is, in a sense, the least of these transgressions, in the sense that the owner is unaware of who the thief is. Conversely, denying having received an object to watch exhibits a greater level of obnoxiousness, and the ultimate affront is to openly lie to a benefactor about a loan provided by him.

The placement of these verses here stresses that the fundamental pivot of Jewish monetary dealings consists of honesty and striving to avoid unlawful possession of property. Notably, Targum Yonatan expresses the notion that honest monetary dealings must be a defining characteristic of the Jewish people by rendering the verse as, "My nation, the people of Israel, shall not be thieves …" Honesty in business is not only a mitzva or a group of mitzvot, but a key factor in an individual's religiosity.

The Slippery Slope

It might seem to us that the Torah needn't go to the trouble of telling us to be honest in our business dealings. The fact that it not only makes mention of this requirement, but details various different modes of dishonestly acquiring or holding money indicates that

there is more to be learned from these verses than the elementary need to be honest in business.

Rashi (verse 11) describes the mitzvot as outlining a slippery slope:

If you steal, you will eventually come to deny falsely, and consequently you will come to lie and then swear falsely.

Rabbeinu Bachya adds:

The Torah, with its infinite psychological insight, describes a sequence of events. One starts by stealing, then denies having stolen, then denies it on oath. In the end, [others discover what has been done and] one is guilty of desecrating God's name.

Rabbeinu Bachya adds that the injunction against desecrating God's name, which the Torah here describes as an outgrowth of dishonest business dealings, first appears in the Ten Commandments. There the Torah notes that the sin of desecrating God's name is so severe that He will never completely forgive it.

Hadar Zekeinim describes this process of spiritual deterioration as a snowball effect in which one sin leads to another (Avot 4:2). The initial transgression is far more benign than those that follow, but the nature of the slippery slope is that one continues to sin more and more, not only in quantity of sins but also in their severity.

Rav Chaim Palti'el goes one step further, explaining the proximity of our verses to the commandments of the agricultural gifts to the poor. He posits that a person might embark on a path of dishonesty by using falsehood to hide his not wanting to provide for others from his field, claiming falsely that he has already set aside the agricultural gifts. The verse warns that one who does so may well continue on this path of falsehood and rob others, who will bring him to court. He then will deny their claims, lie, lie falsely under oath, and ultimately even cheat his workers.

One of the messages of this parasha, then, is that there is no such thing as one little white lie – even if it is "merely" fibbing about having already given charity. Lying hurts the equilibrium of honesty in a person's soul, breaks down one's sense of right and wrong, and can lead to even graver misdeeds.

Addressing the Nation

The commentators note that the all of the Hebrew verbs used for mitzvot in these two verses are in the plural, despite the fact that most verbs in the chapter are in the singular.

Targum Yonatan apparently understands this peculiarity as indicating that the verse addresses the community as a whole; this is the reason for rendering the verse with the words "My nation, the people of Israel" added, as noted above. From this perspective, we can understand that the Torah chooses to refer to the communal element because the Jewish people's holiness is expressed by how Jews comport themselves in business.

Ibn Ezra, meanwhile, understands the plural formulation as indicating a more expansive definition of these transgressions. For instance, the plural form of the prohibition of denying falsely indicates that even one who is not a party to a case, but possesses information that can force another person to return an object he was asked to watch, is forbidden to deny this knowledge. In the case of not lying, the plural serves to forbid even requesting that another person return money he does not owe.

Rav Hirsch expands this line of thought, arguing that these verses direct man not only to refrain from obvious monetary impropriety, but even from forms of robbery and lying that one might not have thought would be forbidden:

Had Scripture stated here, "You shall not steal" [in the singular form], these words would have addressed the individual, as in the Ten Commandments. The discussion, then, would have been of stealing, lying, and swearing falsely per se. However, the prohibition against these has no relation to the chapter of holiness. A person is far from being holy if he merely refrains from stealing or swearing falsely.

Stated in the plural, however, the words address the nation as a whole, and it is no longer possible to say that the discussion here is of the latent sins of stealing, lying, and swearing falsely, for these will never be committed by the whole people, nor even by the majority. In any national society, these sins can constitute only isolated phenomena, and the community of its own accord initiates measures to suppress them through the power of the state.

Rather, the discussion here is of those types of theft, lies, and false oaths that can permeate the entire business and social life of the people – indeed, these may become dominant national characteristics. Because everyone takes them so lightly, these offenses lose the stigma of being crimes, and even are considered to be a form of art, deserving of praise and respect. Nevertheless, in God's sight, they are low and despicable: they are truly theft, lies, and false oaths. It is against such offenses that God's word warns here: He seeks to sanctify His people in business and social life.

The unexpected plural verbs, Rav Hirsch further comments, also explain why earlier the people are termed an am – an inwardly oriented community – but in verses 11–12 are called an goy – an outwardly oriented political unit:

Scripture says to Israel as it dwells among the nations: you will desecrate the name of God with your falsehood. You are God's messenger among the peoples, and God's name is associated with you. As His people, you are obligated to be a model for the nations and present to them a society that is based on justice, truth, and faithfulness. If you stain yourself with practices that are related to theft and falsehood, then you desecrate God's name, which is associated with you; you undermine the recognition of God, which you should herald and nurture through your deeds.

Finally, Rav Hirsch states that the plural usage here teaches that one may not even steal to retrieve that which is rightfully his if the other party denies the obligation (see Year 1, Lesson 25). Stealing (and profaning God's name in the process) is forbidden even if the goal is to salvage one's own property. Moreover, even if the other party seems likely to perjure himself if required to take an oath, it is better for one party, rather than two, to be responsible for desecrating God's name.

Denying and Lying

Following his explanation of the prohibition of theft, Rav Hirsch goes on to find novelty in the other mitzvot in verse 11. He explains that the prohibition of false denial

… commands us to be honest in business and social life. The consideration of our own interests must not determine what we say. In business and in society, we must listen to anyone who approaches us with a justified claim. We should be able to have confidence and admit the truth even when it is to our disadvantage.

Regarding the sin of lying, Rav Hirsch writes:

The whole immense sphere of falsehood should have no place in business and social life, for the truth – recognition of things and relationships as they truly are – is the basis of all harmony and of all faithfulness to duty. Man's word is responsible for his dignity and destiny; it is the moving force behind all socially redemptive action. Falsehood turns man's word into the very opposite: … the instrument of all evil and all crime.

Rav Hirsch then elaborates on the relationship between these two concepts:

Brazen denial is the robber of truth; more subtle falsehood is its thief. Just as the recognition of the truth is more important and exalted than the value that is attached to any material possession, so is the theft of truth a far more serious crime than the theft of property. Even flatterers – who use the most important truth, the truth of knowing oneself, to steal from their fellow men – and even hypocrites – whose whole personalities are inscribed with falseness – are counted among the most reprehensible liars. The prohibition "you shall not lie" is designed to banish them from Jewish social life.

Further, just as truth means not only logical truth but also practical truth, i.e. faithfulness, so does falsehood denote any unfaithfulness, failure to keep one's word … Do not deceive through empty promises: keep your word to one another.

Finally, Rav Hirsch explains how the next verse represents the ultimate contemptible act of untruth:

Finally, "and you shall not swear falsely by My name": do not call My presence, which judges between man and man, to your assistance to establish the truth of a lie.

Swearing Falsely for Monetary Gain

Chizkuni comments only briefly on the prohibition of swearing falsely by the name of God, stating that one who does so attributes no significance to God's name and therefore is willing to use it for false purposes.

Hadar Zekeinim adds that theft of another person's money can be partially corrected by returning the money, but a false oath cannot be corrected.

Sforno remarks that swearing falsely in God's name always is forbidden. This verse, though, focuses specifically on swearing in order to escape a monetary obligation. Therefore, the verse states that besides causing a loss to a fellow man, the sinner desecrates God's name.

We should add that the false oath itself is not the only way in which God's name is desecrated, but the very willingness of a Jew to lie in business is a desecration of God's name. The greatness of God, whose seal is truth (Shabbat 55a), is apparent when the business of His nation is characterized by honesty. Therefore, aside from the sin of swearing falsely in God's name, to live falsely as a Jew is to falsify and desecrate God's name.

The degree of desecration, though, depends on the individual sinner. Meshekh Chokhma notes that, unlike the prohibitions in our verses, the verb that denotes desecration of God's name ("thereby profaning the Name of your God") is written in the singular. Swearing falsely always is a severe sin, but the degree to which it desecrates God's name is a function of the one who swears. The more honorable he is, the greater the desecration of God's name, and the greater the punishment that he incurs.

Far from desecrating God's name and damaging another person, the intended purpose of an oath is to establish truth and to serve as an instrument of justice. A brief overview of the role played by oaths will flesh out their role in expressing reality in a way that is representative of the ultimate truth.

The Nature of an Oath

If a man vows a vow to the Lord, or swears an oath to bind his soul with a bond, he shall not profane his word: he shall do according to all that proceeds from his mouth. (Bemidbar 30:2)

The Torah uses the term "profane" for an individual who breaks his word because the basis of an oath or vow is the sanctity of one's word. A person's word can be sacred only if it is true. It follows that swearing falsely is not only a prohibited act, but a desecration of one's power of speech.

The sanctity of the power of speech, and the severity of its desecration, is further evidenced by the punishment earned by one who swears falsely. The Gemara (Yoma 86a), as mentioned earlier, states that such a person cannot be fully forgiven for his sin.

Since it was stated at Horev[3] [with regard to repentance], "absolved," one might think that even the transgression of "You shall not take the name of the Lord, your God, in vain" (Shemot 20:6) were included. Therefore, the verse states, "He will not absolve" (34:7). One might have thought that this also would apply to those who are guilty of violating all other prohibitions. Therefore, the verse states, "His name" (20:6): God does not absolve one who disrespects His name.[4]

The severity of swearing falsely is detailed further in Shevuot (39a), which records the warning to be delivered to a person who is about to take an oath in court:

Know that the whole world trembled when the Holy One, blessed be He, said at Sinai, "You shall not take the name of the Lord, your God, in vain." Regarding all sins in the Torah, it is said, "absolved," but here it is said, "He will not absolve". For all other sins in the Torah, [the sinner] alone is punished, but here, he and his family are … For all other sins in the Torah, he alone is punished, but here, he and all the world are … Regarding all other sins in the Torah, if he has merits, punishment is suspended for two or three generations, but here he is punished immediately …

A Mitzva to Swear

Due to the severity of the sin of swearing falsely, one might be inclined to refrain from swearing altogether. It is surprising, then, that the Torah more than once states that one ought to swear in God's name under certain circumstances. Rambam (in Sefer Ha-mitzvot) even counts this as one of the mitzvot, explaining:

The seventh mitzva is that we are commanded to swear in God's name whenever necessary – whether to ensure that something be done or to prevent ourselves from doing something – because this exalts, glorifies, and magnifies God, as it is said, "and by His name shall you swear" (Devarim 10:20).

Swearing by God's name, Rambam explains further, actually exalts and glorifies it, due to the reverence implicit in the logic that something is so true, one can swear by it. He concludes:

This is the intended meaning of the scripture “and by His name you shall swear,” i.e. keep in mind that He alone is the True Existence by whom it is appropriate to swear.

Thus the essence of an oath is the recognition of the basic truth in the world: the existence of God. An oath functions by stating that its subject is true just as God is true. When one swears honestly, he fulfills a mitzva by bearing witness to God’s truth. However, when one swears falsely, he equates his own perjured, desecrated power of speech with God, as if stating that God is false! This is the reason for the very severe punishment for swearing falsely in God’s name.[5]

How much more severe is it, then, to swear falsely in God’s name simply for monetary gain! As terrible as it is to desecrate God’s name in any way, one who does so in order to accumulate property effectively chooses illegal acquisition of money over recognition of God’s truth. This is the ultimate desecration of both man’s character and God’s name.

Living Honestly

It is in this light that Rav Hirsch explains the pivotal role of the phrase that concludes these two verses: “I am the Lord.” Quoting Maharshal (Bava Metzi’a 61b), he notes that whenever a mitzva is concluded with these words, they serve as a warning against deception and fraud, reminding us that God is present everywhere and sees everything. A person who keeps this truth in mind will be careful to abide by His commandments.

Now, the truths of the conception of God that are innate in the Tetragrammaton are innumerable. Here, though, the particular aspect emphasized is that which reflects what to us appears to be the fundamental meaning of this name: that God brings about every approaching moment of our lives in accordance with our need to be educated to holiness and redemption; thanks to Him we will live to see every moment yet to be. Every present moment is ever before Him. On the basis of the present moment, He makes decisions regarding the coming moment. At all times He is examining our present life. On the basis of the present, He will give us life or take our life in the future, He will increase joy or decree sorrow.

Thus all our feelings and thoughts, words and actions, are apparent to Him at all times; all the secrets of our heart are well known to Him. Therefore, if we remember Him, who examines all our feelings and thoughts, words and deeds; if we sense the holiness of His closeness and remain aware of His watchful presence, our whole being will become holy, as befits His holiness. And this consciousness will affect our human relationships as well: we will be honest and reliable, truthful and just, as befits those who are called God’s people.

Though God’s truth and the fact of our living under His watchful eyes are especially apparent when a person swears in His name, our actions always must bear witness to these principles. A life of honesty is a life that recognizes God’s involvement hand in our lot while representing Jewish honesty to the world and thus sanctifying God’s name, rather than doing the opposite.

In the next lesson, which will focus on the mitzvot of correct weights and measures that appear in Parashat Kedoshim, we will continue to consider how the concept of real, unwavering knowledge of and commitment to God is the fulcrum of honest business practices.

[1] Cf. Sforno.
[2] It bears note that although the Torah cautions us, “You shall distance yourself from any false matter” (Shemot 23:7), the only specific prohibition regarding lying in a certain context is that appearing here, regarding false denial of having received a loan.
[3] I.e. Mount Sinai.
[4] This gemara homiletically renders the Hebrew ve-nakkeh lo yenakkeh as a composite of “he shall be absolved” and “He will not absolve.”
[5] For a fascinating discussion of Chasidic sources on this topic, see Rav Itamar Eldar, Chassidut on the Parasha, on Parashat Mattot.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #28: Exact Weights and Faith in God

In last week's lesson we discussed three prohibitions in Parashat Kedoshim that lay the framework for a life of honest business dealings: those on falsely denying money owed, lying for monetary benefit, and swearing falsely to support illegitimate monetary claims. However, in guiding man to a life of holiness, Parashat Kedoshim does not suffice with a general discussion of the need for honest monetary dealings, but goes into specific requirements.

One mitzva that figures prominently is found in the concluding verses of Chapter 19 (verse 15): "You shall not perform iniquity in judgment." The Torah here repeats a prohibition mentioned earlier in the chapter, but in a very different context. Earlier the Torah's words were directed at a judge, while here they are directed to a businessman:

You shall not perform iniquity in judgment with measures of length, weight, and volume. Righteous scales, righteous weights, a righteous dry measure, and a righteous liquid measure shall you have. I am the Lord, your God, who took you out of the Land of Egypt. (Vayikra 19:35–36)

These two verses together contain a general negative mitzva prohibiting perversion of justice with inexact weights and measures, followed by a positive mitzva to have exact – "righteous" – weights and measures.

The importance of these mitzvot is readily apparent from the verse's terminology and references; their significance is magnified further by their placement in the chapter of holiness, as well as by their repetition in Sefer Devarim. The verses there go further, forbidding the mere possession of inexact measures:

You shall not have in your pouch alternate weights, larger and smaller. You shall not have in your house alternate measures, larger and smaller. You shall have a complete and righteous weight; you shall have a complete and righteous measure, so that you live long on the soil that the Lord, your God, is giving you, for an abomination to the Lord your God is anyone who does these things, anyone who performs iniquity. (Devarim 25:1316)

The repetition and expansion in Devarim of the requirement of honest weights and measures, as well as the promise of long life for its fulfillment and the description of violators as abominations, all add to the impression that these are mitzvot of fundamental importance. This concept is later expressed in Mishlei (11:1) with the words:

Dishonest scales are the Lord's abomination, and a complete weight is His will.

In Vayikra there is a prohibition to employ trickery in the use of weights and measures, which is described as a perversion of justice. Additionally, as noted, there is a positive commandment to maintain exact weights and measures, meaning that a seller must monitor them, periodically cleaning them and calibrating them to maintain accuracy.

Devarim, as noted, adds the additional prohibition of possessing inexact scales and weights, even in the absence of any intention to use them in business.

It bears note that these mitzvot carry with them the two fundamental principles of the heritage that our forefather Avraham imparted to his children: justice and righteousness.

The Lord said, “Am I hiding from Avraham that which I am doing? As Avraham shall surely become a great, mighty nation, and all the nations of the earth shall be blessed through him, for I have known him so that he command his children and his household after him, so that they keep the way of the Lord, doing righteousness and justice, so that the Lord will bring upon Avraham that which He has spoken regarding him.” (Bereishit 18:17–19)

Why are these mitzvot of such fundamental importance? Obviously one must not use illegitimate weights, but is this not simply another aspect of not depriving another person of his property? Any such act, we would think, should qualify as robbery or theft, both of which are prohibited earlier in Chapter 19 of Vayikra. What, then, makes inexact weights and measures unique, and what special connection do they have to righteousness and justice? Additionally, why should simply not possessing such weights and measures be reason to deserve longevity, and why should simply possessing them render one an abomination?

Further, what follows these mitzvot is of note. In Vayikra, they are followed by a description of God’s taking us out of Egypt, while the verses in Devarim are followed by the mitzva to remember what Amalek did to the Jewish people. Why is this?

Relationship to Theft

The close relationship between theft and inexact measures is noted in the Talmud. In Bava Metzia (61b), the Gemara asks why false measures are specifically banned, rather than subsumed under the prohibition of stealing. It answers that the specific prohibition serves to cause a person to be in violation from the moment he makes an inexact weight, even before using it. The Gemara also notes that the prohibition of inexact measures includes not using a rope to measure for one party during the summer and for another during the winter (as the rope’s length contracts or expands depending on weather conditions). Additionally, weights must not be stored in salt, as this would alter their mass.[1] Finally, one also is prohibited to heat liquid measures.

In short, not only is the possession or use of inexact measures barred, but one must go out of his way to ensure that even proper measures are used fairly. Elsewhere (Bava Batra 89b) the Gemara adds that weights should not be made from tin or other metals, but from hard stones or glass, so that they remain true longer.

Notwithstanding the strictures that pertain specifically to weights and measures, their misuse certainly can result in illegally taking money from another person, which is equivalent to stealing. Thus Rambam codifies the halakhot of weights and measures in Hilkhot Geneiva – the halakhot that concern stealing – due to the close relationship between the two.

One might still argue that these are mere precautions or, as Rabbeinu Bachya explains, that the prohibition of inexact measures must be emphasized because a merchant is unlikely to be able to obtain forgiveness from all the people he cheats if he uses imprecise weights and measures systematically. Nevertheless, the general impression made by the Gemara is that this prohibition is much more expansive than those of stealing.

First, the Gemara (ibid.) forbids possession of an inexact measure even if it is used only for urinating. The Gemara also indicates that one cannot legally waive another's obligation not to use inexact weights, as well as that the use of inexact weights remains forbidden even if the parties involved are willing to adjust the price to ensure that the deal is fair. Further, the Gemara explains that one is forbidden to have measures or weights that are of confusable sizes, and must be careful to measure according to local convention.

In fact, Chinukh writes that while the prohibition of theft is violated only if the equivalent of a peruta is stolen, the prohibition of improper weights stands to be violated even if a lesser, insignificant amount is at stake. Meshekh Chokhma understands from the verses that even if a person knows that another has stolen from him and can retrieve his money by altering weights, he is forbidden to do so. The Gemara even requires a court to appoint officers to prevent the use of improper weights.

What is more, the Midrash (cited by Rashi and Sefer Ha-chinukh) states that five tragedies result from abuse using weights and measures: contamination of the Land of Israel, desecration of the name of God, removal of the Divine Presence from the world, causing the people of Israel to fall by the sword, and exile from the Land. Stealing, though a terrible transgression, is not addressed with such severity.

Beyond these punishments, Sifra describes how the verses in Vayikra underscore the importance of this mitzva. It understands from the verses' reference to justice that one who uses weights and measures is like a judge, so that improper use of scales is comparable to false judgment. Sifra also interprets the reference to the Exodus as an indication that God took the Jewish people out of Egypt specifically on the condition that they fulfill the mitzvot of proper weights and measures (as cited by Rashi and codified by Tur).

Finally, the Gemara (Bava Batra 88b) states that one cannot fully repent after violating this prohibition:

Rabbi Levi said, "The punishment for transgressing the halakhot regarding measures is harsher than the transgressions involving sexual immorality, as for the latter one can repent, whereas for the former it is impossible to repent.

It is clear, then, that this mitzva is quite severe and entails much more than not stealing. What is it that makes the requirements of exact weights and measures so fundamental?

Honesty and Faith

Chafetz Chaim writes that these mitzvot are associated with the Exodus because by fulfilling these commandments, one testifies that God supervises the world and performs miracles as He did during the Exodus.

Rabbeinu Bachya explains why a person who has illicit weights and measures is in violation for their possession even before he actually uses them to cheat:

This recalls what Shlomo said in Mishlei 20:9: "Who can say, 'I have made my heart pure, I am free of sin'?" Just as a man is culpable for evil intentions even when he has not yet carried out the felony, so he will be held responsible for making false weights and measures.

Netziv of Volozhin, in his Torah commentary Ha'amek Davar, explains that use of improper weights is treated so severely because it is rooted in a lack of faith in God:

Let us consider the Sages' strong position … that the sin of weights is more serious than that of illicit relations. Why is it more serious than other types of embezzlement? Moreover, what similarity does it have to illicit relations, so as to lead the Sages to say the one is more serious than the other? …

A person who commits a sin transgresses in one of three ways: either by lack of faith in God and His teaching, or because of a welling up of desire, or because of a welling up of anger or other adverse traits that adversely affect relations between one person and another. [Of the three cardinal sins] idolatry is paradigmatic of lack of faith; illicit relations, of desire; and bloodshed, of a lack of personal virtue … Now the worst of these three sins is idolatry, as it touches on faith. It also is far removed from repentance, and all those guilty of it do not turn back to God. A person who steals a precious object from his fellow might have been motivated by desire for that object, so this would be like illicit relations. But one who makes false weights is not motivated by desire, but rather by lack of faith in God, who by divine providence provides for each person according to his deeds. So this brings it under idolatry.

Therefore they said that the sin of unjust weights, although only a sub-branch of idolatry and still far from actual heresy, is more serious than illicit relations, which is the ultimate sin of desire, as a sin involving lack of faith is difficult to repent and also offends the Almighty.

One who truly trusts in God, notes Netziv, will not resort to dishonest means of obtaining money.

Rav Hirsch gives inexact measures' harmful effects on society as part of his explanation for the severity attributed to the crime:

The sins of illicit relations are extremely grave and therefore they are punished by kareit [i.e. being cut off from the people of Israel]. However, in many instances their pernicious effects do not extend beyond the individual sinners. Conversely, the sins involving weights and measures have a pernicious effect on broad circles, and hence … the overriding severity of the responsibility. With illicit relations, even though their punishment is kareit, one can repent by expressing regret and accepting the law in the future. In contrast, repentance for sins regarding weights and measures is conditioned, first and foremost, on returning the stolen property to its owners – but this precondition is generally impossible to fulfill [because the merchant has robbed so many customers].[2]

Rav Hirsch also discusses why the mitzvot in Vayikra conclude with a reminder that God took the Jewish people out of Egypt:

The section on measures concludes with the Exodus from Egypt, which reflects the importance of this section in the Torah. Through the Exodus from Egypt we learned of God's providence in the life of nations on Earth. We also learned then that we belong to God, and the foundations of our obligation to Him were established for all time. On the basis of all this … whoever accepts the mitzva of measures affirms the Exodus, and whoever denies the mitzva of measures denies the Exodus.

Further, says Rav Hirsch, the reason there is no room for repentance of such a crime is the emphasis placed by the Torah on the dominance of justice in Jewish society:

Every measure owned by every Jew, any material measured out by any Jew, becomes a Jewish act of mishpat, a symbol of respect for Jewish justice. Thus the Torah represents justice itself in its most absolute form, as a sanctuary to be kept inviolate by every Jew. The Torah's will is that a sense of justice, respect for justice, and honesty be basic character traits of the Jewish nation.

Just as a judge weighs issues in scales of judgment, a layman must exercise proper judgment in all his actions. A life of dishonest business practice is a falsification of the very core of an individual, and causes him to lose his entitlement to the beautiful gift of divine justice: true repentance. A person who weighs his actions and sees God's hand in all he does has no trouble maintaining his honesty, even when violating it would be very lucrative (see Year 1, Lesson 11).

In Devarim, the juxtaposition of the account of the attack by Amalek to the verses on weights and measures underscores the relationship of these transgressions to lack of trust in divine providence. Keli Yekar explains:

By way of homily, one could say that just as the section of "Remember what Amalek did to you" follows the section of weights, thus [in the annual Torah reading calendar] we schedule the section of "Remember …" after the section of shekels, whose purpose is to atone for the sin of the Golden Calf, which was made of shekels of gold because they were too desirous of wealth … So too whoever is desirous of it [money] also falsifies his weights.

The connection, though, may run even deeper. There is good reason to believe that Amalek did not doubt the existence of God, attacking as it did after the world had witnessed the miracles of the Exodus. Amalek's belief was that God was a miracle worker, but not involved in the day-to-day. Therefore Amalek arrived on the scene after the Jewish people questioned whether God exercises providence on a day-to-day level by providing man with water: "Is the Lord present in our midst or not?" (Shemot 17:7; see Ha'amek Davar).

Thus the Torah associates one who falsifies weights with Amalek because of his failure to understand that the hand of divine providence is what truly brings wealth to the world.

The Element of Justice

We recall that the Torah links commercial use of weights and measures to judicial activity, introducing the former with the words "you shall not perform iniquity in judgment." Rav Hirsch explains the nature of the connection between judgment, or justice, and a merchant who falsifies measurements:

The kind of justice discussed here is indicated by … "with measures of length …" It is the justice of those things on whose correctness the honesty of human intercourse depends. The Torah considers everybody who counts, measures, or weighs anything and on that declares its content, or who declares an object to be a measure of some definite size, to be and to have the responsibility of a judge. He is an officer of justice, he pronounces judgment as to what is right and fair, his word is judgment: a declaration of what is right. But this places the responsibility for the honesty and legality of things in general in the hands of the conscience of every individual person. Everyone is placed in charge of it, over it, and any misuse of this power is "iniquity": just as great a wrong as a misuse of the legal power of a judge.

However, Scripture does not discuss here a person who abuses the legal trust placed in him by actually defrauding his fellow man. Using false weights and measures in buying and selling, or having correct weights and measures but using them in a fraudulent manner, is outright robbery and theft, and there is no need to mention this at the conclusion of the chapter on the holiness of life.

Rather, the prohibition stated here regarding weights and measures calls us to account even before a fraud has actually been committed, for any act that would allow for the

possibility that our friend would be cheated, or even for any failure on our part to prevent his being cheated …

The Need for Honesty

The Gemara (Bava Metzia 49a) uses the formulation of the mitzva in Vayikra to teach that not only must one have proper weights and measures, but one's word must be honest to the core. The verse, again, states:

Righteous scales, righteous weights, a righteous dry measure, and a righteous liquid measure shall you have. I am the Lord, your God, who took you out of the Land of Egypt.

The Talmud expounds this verse to mean that "your 'yes'[3] must be righteous and your 'no' must be righteous." Abbayei clarifies: "This means that one may not speak one thing in his mouth and another in his heart[4] (see Year 1, Lesson 26).

Rav Hirsch (Vayikra 19:26) comments on the Gemara's choosing to derive the need for an honest word from this verse:

We also derive from here the principle that a Jew must maintain sanctity of his word, whether in testifying to something or promising something.

Indeed every measure and everything that is measure are nothing but the simple and far-reaching embodiment of a man's word. It is on the truthfulness of your word that your pound is actually a pound, for you alone testify to this and your word guarantees this truth. Truth and justice came down to the world wrapped up together, for the truth of one's word is the basis for just relationships in society, and the first representative of a just word is a just measure.

Rav Hirsch then notes that this is the reason for the severity of the transgression: it is a sin that shakes one of the pillars of Jewish society. He concludes his remarks by explaining why this mitzva is found at the conclusion of the Torah's guide to a life of holiness:

The chapter of holiness previously mentioned the first principle of respect and love for one's fellow man, culminating with granting the stranger equality with the native-born in state and society before the law and in feelings of love. The second principle is respect for law and justice, which is expressed in honest weights and measures.

Dishonesty in the Synagogue

Let us conclude with a short story. Once, during the holy season of Rosh Ha-shana and Yom Kippur, the Chasidic master Rav Levi Yitzchak of Berditchev paused in his devotions and, looking at his disciples with sad, tear-laden eyes, remarked, "What a funny world it is that we live in these days. There was a time, you know, when Jews would be scrupulously honest in the marketplace and the most outrageous liars in the synagogue. These days, however, everything is reversed. The Jews are surprisingly honest in synagogue, but in the streets and marketplaces – I'm ashamed to tell you."

"But rabbi," his followers asked, "why are you so distressed. How can it be bad if Jews are telling the truth in synagogue?"

"I'll tell you why I'm distressed," answered Levi Yitzchak. "In days gone by, Jews were known for their honest dealings. They took the words of the Torah seriously. Their 'yes'

was always a 'yes' and their 'no' was always a 'no'. They had honest weights and fair measures. Yet on the Days of Awe they would fervently recite the confessional prayers declaring that they had lied, cheated, swindled, and dealt dishonestly. This was a lie. Everyone knew that truth and faithfulness were the lamps lighting their way.

"But these days, the reverse takes place. In the streets and in the marketplace, the world of commerce and social interaction, they lie and cheat, but when they come to synagogue, they, sadly, profess the truth."[5]

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[1] Whether such duplicity benefits the seller or the purchaser is the subject of a dispute between Rashi and the Tosafot.

[2] Some translations are from Yair Barkai, "Honest Weights and Measures" (Bar-Ilan University Parashat Hashavua Study Center, September 10, 2011)

[3] The Gemara renders the Hebrew hin tzedek ("righteous liquid measure") as hein tzedek ("righteous 'yes'").

[4] This description refers to one of the three individuals described in Pesachim 113b as despised by God.

[5] Adapted from Martin Buber, Tales of the Hasidim: The Early Masters, p. 230 <http://www.berdichev.org/honest_weights_and_measures.htm>.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #29: The Faith of Financial Sanctity

Integrity and Faith

In the last few lessons we noted that honesty and integrity in business are heavily rooted in faith in God. This is a primary reason for the severity of the crime of swearing falsely to illegally retain money, and also explains the connection between the use of false measures to cheat in business and God's taking the Jewish people out of Egypt, which is recalled in the mitzva of exact measures. This dynamic also shows how the mitzva of exact weights is related to remembering Amalek's attack on the Jewish people, which we are commanded to remember in Devarim following the verses on proper weights and measures.

The connection between financial honesty and faith is not a novel one, and the two are in fact deeply connected. In this lesson we will develop a framework for understanding this connection; in the next lesson we will demonstrate how Chapter 19 of Vayikra is fundamentally characterized by the concept of faith, which is inextricably bound with that chapter's theme of holiness.

The First Question

The Gemara (Shabbat 31a) details six questions that a person is asked by the heavenly court after his departure from this world, the first of which is pertinent to our discussion:

At the time a person is brought [before the heavenly court] to be judged, they [i.e. the judges] ask him whether he conducted his business affairs faithfully, set aside regular times for Torah study, observed the commandment to have children, looked forward to the time of the redemption …

The first question is both interesting and enlightening. In its simple sense, the question asks whether the person was honest in his business dealings, but the unusual use of the word "faith" clearly indicates that something additional is at hand. Taking this diction into account, we might render the question as: Did you conduct your business transactions with a sense of God's involvement in the world? One who does so surely understands that dishonesty in business is not an option.

The Gemara's formulation of the question, then, reiterates our point in previous lessons that business without faith is a recipe for ethical disaster. However, before we further explore the relationship of faith and honest business practices, what is it?

The Hebrew word used here – emuna – is generally translated as "belief" or "faith," but neither of these words does justice to the term. Both of the English words imply some degree of uncertainty, and are limited to a person's mindset. It therefore behooves us to gain a better understanding of this concept, and to see how essential a role it plays in promoting ethical behavior.

Emuna: A Definition

Aside from related verb forms, the Torah uses the word emuna twice, and in neither context does a definition of "belief" or "faith" seem appropriate. One instance is in a verse (Devarim 32:4) that describes God as a "God of emuna and without iniquity." What could it possibly mean to be a God of belief or faith?

Perhaps one could find a way to excuse one of those translations in that verse, but this does not appear possible in the verse that describes the placement of Moshe's hands during the same fateful battle with Amalek mentioned above. As the people at the foot of the hill waged battle against Amalek, Moshe stood atop it with his hands raised to ensure that they keep their hearts committed to God while fighting.

It came to pass that when Moshe held up his hand, Israel prevailed, and when he let down his hand, Amalek prevailed. But Moshe's hands were heavy; they took a stone and put it under him, and he sat on it, and Aharon and Chur supported his hands, one on this side and one on that side, and his hands were emuna until sunset. (Shemot 17:11–12)

Moshe's hands, held up during the battle, are described as emuna. Can a person's hands be belief or faith?

Beyond the difficulties with the common translations used for this word, it is not as clear as one might think that the Torah requires man to have emuna. Rambam begins his magnum opus, Mishneh Torah, with the mitzva of knowing (la-da'at) God, rather than using the term emuna. However, in works that Rambam originally wrote in Judaeo-Arabic, such as his Sefer Ha-mitzvot and his commentary to the Mishna, he uses an Arabic term that for centuries was consistently rendered as emuna. This leaves the question of whether the mitzva demands emuna, often understood as belief or faith in God, or requires knowledge of God.

This problem is compounded by challenges by Ramban (Hassagot Le-sefer Ha-mitzvot, aseh 1) and Rav Yitzchak Abarbanel (Rosh Amana). They question whether emuna should be considered a mitzva altogether. Second, since belief in God does not seem to involve any action, but is a state of mind, how could it be required? Presumably one either has it or does not.

Rav Michael Rosensweig summarizes some of the issues raised as follows:

The Rambam (Hilkhot Yesodei Ha-Torah 1:1) opens his magnum opus, the Mishneh Torah, by articulating the obligation to know (leida) Hashem's existence. In his Sefer Ha-mitzvot and in his enumeration of the Thirteen Tenets of Faith (Peirush Ha-mishnayot, Introduction to Perek Cheilek), he apparently formulates this central principle somewhat differently, accenting belief (le-ha'amin) instead of knowledge.

Rav Rosensweig provides an explanation based on a translation posited by Rav Chaim Heller:

R. Hayyim Heller (Sefer Ha-mitzvot, aseh 1) posits that there is no discrepancy between the various sources, as the original Arabic term employed in Sefer Ha-mitzvot may connote either knowledge or belief. While this may resolve the potential conflict between Mishneh Torah and Sefer Ha-mitzvot, it does not address the context of the Thirteen Principles of Faith, which surely emphasizes belief.

We may suggest based on R. Hayyim Heller's insight that the Rambam in all contexts demands a particularly rigorous standard of emuna that transcends the conventional definition of either knowledge or belief. Emuna conveys both affirmation and deep-seated

conviction – amen –- as well as unshakeable loyalty, trust, and reliance – ne'emanut (see Rabbeinu Bachya, Kad Ha-kemach, Emuna). Intellectual awareness or even reasoned demonstration of Divine existence is insufficient if it is unaccompanied by unswerving dedication and commitment to the Divine Will. Superficial or uncritical belief that is not rooted in inquiry and introspection and that does not inspire one to channel all of one's faculties to manifest Hashem's presence ("kol atzmotai tomarna Hashem mi kamokha") is also inadequate. In Sefer Ha-mitzvot, the Rambam utilizes an intentionally ambiguous term in order to convey both cognizance and belief in a maximal and integrated manner. In fact, the Ramban (Shemot 20:2) explicitly requires both knowledge and belief (she-yeide'u ve-sheya'aminu). The knowledge-belief implicit in this mitzva must redefine man's purpose. ("Avraham Avinu and the Concept of Emunah")[1]

Unassailable Knowledge

We might add two points to Rav Rosensweig's formulation. First, the contradiction between the two terms emuna and yedi'a is not an outright contradiction as is often presumed, in large part because these terms do not necessarily mean what we might have thought.

It is clear from Biblical usage that the term yedi'a not only connotes intellectual knowledge, but also has the sense of an intense connection, as in: "Adam again knew (va-yeida) his wife, and she bore a son" (Bereishit 4:25). Rambam's mitzva of knowing God requires a level of knowledge and understanding that leads to intimacy and a feeling of intimate connection with God (see Year 1, Lesson 23, where we discussed knowledge of God at great length).

This rendering of yedi'a may further distance us from the usual understanding of emuna, but as we have already pointed out, it is untenable in the Biblical context to define emuna as "faith" or "belief." In fact, emuna is far beyond intimate knowledge.

Knowledge may be forgotten or disproven, and therefore knowledge retains its power only while it is retained and remains pure. Emuna, though, is nothing less than the state of being steadfast and unwavering, with certainty of action or thought so intimate and true that one realizes that nothing whatsoever can overcome it. Moshe's hands were emuna in that they were unwavering and steadfast as he held them high so that the people could see and remember that only through commitment to God could they achieve victory over Amalek (Rosh Ha-shana 29a).

Similarly, Hashem is the God of emuna in that his existence is the only true and unchanging existence in the universe, because unlike all other entities, His existence is independent of other factors. This is expressed in Rambam's description of the mitzva of knowing God:

The foundation of all foundations and the pillar of wisdom is to know that there is a Primary Being who brought into being all existence. All the beings of the heavens, the earth, and what is between them came into existence only from the truth of His being

If, theoretically, He did not exist, no other being could possibly exist.

If, theoretically, none of the entities aside from Him existed, He alone would continue to exist, and their non-existence would not void His existence, because all the [other] entities require Him and He, blessed is He, does not require them or any one of them. Therefore the truth of His [being] does not resemble the truth of any of their [beings]

This is implied by the prophet's statement, "And the Lord God is true" (Yirmeyahu 10:10), i.e. He alone is true and no other entity possesses truth that compares to His truth. This is [the meaning of] the Torah's statement, "There is nothing else aside from Him" (Devarim 4:35), i.e. there is no true existence like His aside from Him. (Hilkhot Yesodei Ha-Torah 1:1–4)

While faith and belief may not require any action, study and action are required to raise one's awareness of God to the level of intimate knowledge where one can remain steadfast in commitment to God even amid trial and tribulation.

Rav Elchanan Wasserman (Kovetz Ma'amarim) goes further. He argues that the mitzva of emuna cannot be to know or believe in God's existence, because anyone with an open mind who looks at the magnificence of the world cannot state with any degree of conviction that the world came to into being by accident. Especially in our day, when scientific demonstration of the complexity of the world and humanity has transformed avowed atheists into believers,[2] there need be no commandment merely to believe in or to know of God.

Rather, Rav Elchanan explains, the mitzva is to remove the impediments that may cause one to question his emuna. After all, if there is a Creator and He recorded His will in the Torah, then there are obligations that follow. These obligations often lead to cognitive dissonance in individuals who find it easier to deny the existence of God than to accept their knowledge of His existence and fulfill His will.

The mitzva of emuna requires raising one's passive knowledge of God to an active state of intimacy, where no impediment or desire can raise any doubt amidst one's steadfast awareness and unwavering certainty of God's presence. One who has attained this state not only is excited to fulfill God's mitzvot, viewing them as a great opportunity rather than a burden, but is captivated by the knowledge that the world has a purpose and there is a reason for existence.

Rav Kook (Olat Ra'aya) writes that this is the basis of the terminology, Ani ma'amin be-emuna sheleima), generally translated roughly as "I believe with perfect belief …" It is not sufficient merely to have emuna; rather, one must have complete emuna. Rav Kook explains that basic knowledge of God – which any child can attain – is insufficient; rather, the mitzva requires cultivating awareness and understanding of who God is. (This is, in fact, the agenda of Rambam's Thirteen Principles of Faith: explaining who God is and how He runs the world.) We start with a certain level of emuna, but we must develop it toward emuna sheleima, complete steadfastness, until it becomes part and parcel of every aspect of our personality and behavior.

Emuna and Business

A person with ingrained emuna senses God at all times, but is particularly aware of His presence when doing business. The impulses that come into play when money is at stake are often blinding, and lead many who would otherwise be upstanding individuals to petty white collar crimes or worse. The lesson of Parashat Kedoshim, as well as the Gemara's description of the first question the recently deceased is asked, shows clearly that anyone involved in fraud or other disingenuous business practices completely lacks emuna. Faithful business conduct is so important that it tops the list of questions, and one who is a ma'amin – who has emuna – constantly works to raise his awareness of God and does business with utmost integrity. A person who is not upstanding in his business practices, however, is known as mechussar amana – lacking emuna (Bava Metzi'a 48a). Study of the Torah's monetary laws is thus of utmost importance.

A story is told of a ritual slaughterer who came to the Chafetz Chaim and said that he was unable to sleep at night because he constantly second-guessed himself as to whether he had slaughtered properly. Therefore, the slaughterer noted, he was going to switch professions. Asked by the Chafetz Chaim what he intended to do instead, he replied that he had decided to go into business.

The Chafetz Chaim, taken aback, said that he must not have understood the slaughterer properly.

"How many chapters of the Shulchan Arukh," he proceeded to ask the retiring slaughterer, "deal with the laws of ritual slaughter?"

The slaughterer, who knew his trade well, responded without delay, "Twenty-eight."

"Correct," replied the Chafetz Chaim, "but now let me ask you, how many chapters of the Shulchan Arukh deal with monetary law necessary for running a business in line with Torah values and laws?"

To this question the slaughterer did not have such a quick answer. All he could say was, "A lot, I guess a lot more."

Continued the Chafetz Chaim, "If you have trouble sleeping at night because you wonder whether you may have erred in of the five matters that can invalidate ritual slaughter, with which you are familiar, why do you imagine that you will be able to sleep peacefully in the world of business and not violate any of the laws with which you are completely unfamiliar?"

This exchange is illustrative of a prevailing understanding that to be a Jewish businessman involves little more than using one's God-given mind. However, the Torah issues a series of demanding mitzvot for the businessman with which he must maintain and build his ethics and integrity, working through emuna toward a life of interpersonal holiness.

Rambam (Hilkhot Dei'ot 5:13) explains how a Torah scholar's business dealings truly express honesty and integrity:

The commercial conduct of the talmid chakham must be truthful and faithful. His "yes" must be "yes" and his "no," "no." He forces himself to be exact in calculations when he is paying, but is willing to be lenient when others are his debtors. One is not to buy on credit when he has the wherewithal to pay cash, nor should one be a guarantor for a loan [thus becoming involved in others' potential conflicts] or serve as a representative to collect others'. He should fulfill his obligations in commerce, even where the law allows him to withdraw or retract, so that his word is his bond, but if others have obligations to him, he should deal mercifully, forgiving and extending credit. One should be careful not to deprive his neighbor of his livelihood [even where this is legal] or cause hardship and anguish to others. One who does all these things is the one regarding whom Scripture says, "You are My [i.e. God's] servant, Israel, in whom I glory" (Yeshayahu 49:3).

It is with good reason that the Gemara (Yoma 86a) says that one who sees the honest business practices and fine dealings of a Torah scholar will praise those who study Torah, come to love God, and want his children to study and live a life of Torah.

Emuna and Income Allotment

Especially with regard to income, there are numerous sources indicating that God is directly involved with everyone's wealth.

The Gemara (Ta'anit 2a–b) states that there are three keys that God never permanently places in the hands of an angel or other agent. One of these keys is the key of livelihood. This was readily apparent to the Jews in the desert, who received manna from Heaven, and though it less evident in our day and age, it is still God who determines an individual's income and livelihood.

Elsewhere (Beitza 16a) the Gemara states that one's income is fixed by God with the exception of funds used for certain mitzvot:

A person's entire income is determined on Rosh Ha-shana and confirmed on Yom Kippur, with the exception of expenses for Shabbat and holidays, and the expenses for one's children's education. With respect to them, if one spends less, he is allowed less, and if he spends more, he is allowed more.

Similarly, the central verse in Ashrei (Psalm 145), recited thrice daily, is, "You open up your hand and satiate all alive with favor" (verse 16). Psalm 136 is known as the Great Hallel (hallel ha-gadol) because of the verse, "He gives food to all flesh, for his kindness is forever" (Pesachim 118).

Midrash Rabba and Midrash Tanchuma state that "earning a livelihood is greater than redemption." In explaining this declaration, Rav Shimon Schwab (The Ethical Imperative, p. 29) notes that man's livelihood comes directly from God, rather than through an intermediary, while redemption comes through God's agent. Therefore, when one receives a job or earns money, he experiences a direct encounter with God. Work is a means of forging a deep, long-lasting connection with God, by recognizing His hand in human sustenance and wealth.

Of course, if this recognition is to be real, it must affect how one's behavior and attitude toward money. One who truly possesses emuna will be truthful in all his endeavors, particularly monetary matters. Many honest, hardworking individuals have thus come to view their hard-earned income as sacred shekels – holy money – because they know that it really is their own.

Many individuals who are involved with shady business practices appear to grow wealthy as their bank accounts expand, but they are rarely satisfied with their earnings. They are not truly wealthy. As the Mishna says, "Who is wealthy? He who is happy with his lot" (Avot 4:1). This happiness can come only from divinely ordained wealth. "It is the blessing of the Lord that enriches" (Mishlei 10:22).

By the same token, in discussing a certain disputed business practice that would facilitate retention of money erroneously left in one's possession due to a non-Jew's error, Be'eir Ha-gola (266) writes:

I am writing this down for future generations, for I have seen many who have become wealthy through errors that gentiles have made. But I have also seen how they have lost their money again, and have left nothing for their heirs, as is recorded in Sefer Chasidim. Those who sanctified God's name by returning gains made through the error of others became wealthy and left much of their riches to their children.

Rav Herschel Schachter summarizes succinctly:

Included in emuna is belief in hashgacha peratit (divine providence). Chazal (Chullin 7b) tell us that "no one hurts his finger in this world if such was not ordained from above" and "no one can touch anything that was intended for someone else" (Yoma 38b.) Records are kept in Heaven on all people, and everyone will get what he deserves. We have emuna that whatever will happen to me is the will of Hashem. Whether I survive or not is up to ha-kadosh barukh hu, and I cannot possibly suffer if this is not the wish of Hashem.

Bitachon requires that we act in accordance with our emuna, i.e. in accordance with this principle of faith that there is hashgacha peratit. While one must engage in hishtadlut, he should not fall to pieces considering the possibility that he may accidentally (i.e. not in accordance with the divine will) die, etc. The outcome of all situations is dictated by the will of Hashem, and everything Hashem does is ultimately le-tov (for the good).

Righteousness and Emuna

Our forefather Avraham forged a relationship with God based on his commitment to tzedek (generally rendered as "righteousness") and justice. The Chafetz Chaim, in his introduction to Ahavat Chesed, observes that at first glance, these two terms appear contradictory. Justice involves doing things correctly, in keeping with the law, while tzedek involves yielding to somebody else's needs beyond the requirements of the law. He explains that Avraham's legacy was that in obligations to others, one should follow justice and adhere to the letter of the law, ensuring that those others receive their due. However, in addressing others' obligations, one should implement tzedaka by being generous and not insisting on receiving all to which he is entitled.

What is the root of this tzedaka? The Gemara (Makkot 24a) finds that the most comprehensive overarching expression of the principles of the Torah is found in the words, "a righteous man lives by his emuna" (Chavakkuk 2:4). If one is truly to follow Avraham's legacy of kindness and compassion, he must be driven by Avraham's emuna: unwavering, steadfast commitment to a life characterized by an intimate connection with God, expressed in fulfillment of the business practices required by the Torah and a commitment to interpersonal holiness.

[1] TorahWeb Foundation 2008 <http://www.torahweb.org/torah/2008/parsha/rros_lechlecha.html>.
[2] See, e.g., Associated Press, "Famous Atheist Now Believes in God" (December 9, 2004) <http://www.simpletoremember.com/articles/a/atheist-believes-in-god/>.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #30: Holiness and Emuna, Part I:
A Life of Personal and Interpersonal Holiness

The Recipe for Holiness

In our last lesson, we defined emuna and saw how fundamental a role it plays in forging the honesty and integrity needed to bring one's inner convictions to business transactions. In this lesson – the last for this session and, at least for the time being, the last lesson in this series – we will examine how this understanding of emuna is spotlighted by the entire chapter of Vayikra 19, whose interpersonal mitzvot have been a prime subject of our lessons.

Parashat Kedoshim is the part of the Torah dedicated to guiding the Jew to a life of holiness. To be sure, all of the mitzvot are rooted in holiness and impart sanctity to those who observe them. As we say in the blessings recited on their performance, asher kiddeshanu be-mitzvotav – God "sanctified us with his commandments." Nonetheless, the Torah entitles this particular chapter of mitzvot with the words "you shall be holy" (Vayikra 19:2). It is these mitzvot that provide the most potent formula for a life of holiness, as the Torah repeats throughout the chapter and into the next.

With the unfolding of these verses, we gain a much deeper understanding of the concept of holiness, and the scope of numerous mitzvot is broadened to include not only what is obviously wrong, but grey areas as well. For instance, the prohibitions against stealing and robbing are self-explanatory, but their placement in Vayikra 19 implies that not only is taking another's money forbidden, but so is any form of illicitly taking from another person. One may not even steal from someone who owes him money, and some opinions even forbid stealing back one's own possessions. Similarly, one may not engage in deceptive practices, even for a good cause. All this is included in not stealing. The Torah identifies stealing as a morally deleterious action – one that is antithetical to holiness – and therefore the nation of Israel, which must be driven by the call to holiness (see Year 1, Lessons 25–27), is prohibited in almost all instances from engaging in such behavior.

Aside from the prohibition of theft per se, Vayikra 19 introduces a number of additional mitzvot that mandate integrity in business dealings, especially where dishonesty might seem profitable. As we have seen, the Jew's business dealings must be characterized by emuna: unwavering knowledge of and steadfast commitment to God, appreciation of His existence, and recognition of the basic spiritual principles by which He runs the world. Because truth and emuna are intimately intertwined, an obligation to behave with emuna is equally a call to live life by the code of truth.

Our chapter not only broadens and illuminates numerous mitzvot, but declares unequivocally that a holy life is not defined only by ritual obligations to God, but also by fulfillment of interpersonal obligations. The chapter brings together interpersonal and ritual requirements, sometimes in the same verse, because both are fundamental components of holiness.

In this two-part closing lesson, we will consider how emuna, which is so central to the character of a person oriented toward interpersonal holiness, also is the guiding principle of many ritual mitzvot in the chapter. In so doing, we will see how the interpersonal and the ritual are not only two necessary parts of a holy personality, but are rooted in the same core, and intertwined in more ways than one.

You Shall Be Holy

If emuna is not only belief in God, but unwavering certainty and consistency in commitment to Him, then attaining it requires development of an understanding of the way in which God runs the world, as Rambam notes in his Principles of Faith. This awareness must be accompanied by an appreciation of God's holiness, as well as of His commandment that man model himself after God's behavior.

Let us now revisit the introductory verses of Vayikra 19:

God spoke to Moshe, saying, "Speak to the entire assembly of the Israelites. You shall to them, 'You shall be holy, for I, the Lord, your God, am holy.' "

As Rav Avigdor Miller relates:

Kedusha [holiness] is in line with perfection; objects become kodesh [holy] when dedicated to God's service, and similarly man can also become holy through fulfillment of God's mitzvot, which endow man with a touch of God's holiness (as indicated in the blessings made over mitzvot – "who has sanctified us with His commandments …"), and by studying the ways of God and endeavoring to model oneself after His ways. In Shemoneh Esrei we recognize God as "the Holy God," because as we recognize and show gratitude for His perfection, we recognize that we have endless opportunities to emulate Him and shape our behavior and thoughts according to His model. We identify the Holiness of God in His Torah, as well by studying His ways that are apparent in nature and history, just as Avraham did. Recognizing the charge for holiness is also connected to Hashem our God being holy, reminds us of our intrinsic holiness, built into our very nature. (A Kingdom of Kohanim, p. 189)

The mitzva of being holy requires that we instill the attitudes of perfection into our personalities, and stimulate our intrinsic spiritual strengths to grow, blossom forth, and produce the fruit of which they are capable.

Being holy, though, is not only a commandment. It is also a reward to live a godly life and behave in a godlike manner. Further, since God's existence is the only true existence in the world, as we discussed previously, only one who emulates God's actions truly exists in this world, rather than in a world of fantasy that he builds around himself.

It is for this reason that the directive to be holy brings together many mitzvot that not only perfect man's personality, but also facilitate his understanding of God.

The Root of Emotional Connection to God

A person with emuna not only can maintain integrity in business – a major theme of the chapter's mitzvot – but realizes that whatever happens in life has a purpose. He uses his life to influence those who act improperly, and recognizes that love of one's fellow Jew – not hatred or revenge (see final lessons of Year 2) – is almost always the proper response to impropriety.

Not only is this message clearly expressed by the chapter's interpersonal mitzvot, but many ritual mitzvot scattered within it are directly related to awareness of God's existence, the purpose of nature in general, and that of human life in particular. The chapter begins with the mitzva of Shabbat, which reflects emuna by attesting to God's creation of the world. Juxtaposed to it is the mitzva to act with awe toward one's parents, which is a means of developing a stronger connection to and appreciation of God through interaction with His direct messengers in this world (see Lesson 5 of this year).

The commandment to safeguard Shabbat is repeated in verse 30, this time appearing alongside the mitzva to act with awe toward the Beit Ha-mikdash. By logical extension, the midrash (Sifra, Kedoshim 3) notes, this mitzva requires us to relate to God with awe:

It is not toward the Beit Ha-mikdash that you exhibit awe, but rather toward Him who commanded regarding it.

The emotion of awe – mora, also translated as "fear" – is referenced throughout the chapter, and is accompanied by mitzvot that require development of the emotion of love as well, both love of fellow man and love of God. The twin emotions of love and awe of God are a crucial part of the religious fabric of a person who relates to God as a reality in his life. Yet as central as these emotions are to a religious personality, only by recognizing their relationship to emuna can one recognize how essential they are in the greater lesson of holiness.

As Rambam writes, seeing God's hand in the beauty and splendor of nature is a precursor to love and fear of God:

What is the path to love and fear of Him? When a person contemplates His wondrous and great deeds and creations and appreciates that His infinite wisdom surpasses all comparison, he will immediately love, praise, and glorify [Him], yearning with tremendous desire to know [God's] great name, as David stated: "My soul thirsts for God, for the living God" (Tehillim 42:3). When he [continues] to reflect on these same matters, he will immediately recoil in awe and fear, appreciating how he is a tiny, lowly, and dark creature, standing with his flimsy, limited wisdom before Him who has perfect knowledge, as David stated (ibid. 8:4–5), "When I see Your heavens, the work of Your fingers ... [I wonder] what is man that You remember Him?" (Hilkhot Yesodei Ha-Torah 2:2)

One who sees the hand of God throughout life responds to the knowledge of His involvement with love and awe.

A Believer's Perspective

Aside from educating us about the importance of emuna in our lives, Parashat Kedoshim makes a point of defining what emuna is and what it is not.

One reason holiness is so intertwined with emuna is that a proper understanding of emuna reflects the essence of holiness. In our early lessons (Year 1, Lessons 21–22) we quoted a number of sources emphasizing that the Torah's outlook on holiness is far different than what many people think. Holiness is not to live an otherworldly existence, but to see the hand of God in the physical world, to sanctify one's corporeal existence, to transcend – not deny – one's worldly body.

The call to holiness thus is associated with a number of mitzvot that define the parameters of emuna and distance the individual from perspectives that may lead to a misunderstanding of God. Two of these mitzvot are introduced with the term, "Do not turn":

Do not turn toward the idols (elilim), nor shall you make graven gods for yourselves. I am the Lord, your God. (verse 4)

Do not turn toward the ovot and the yide'onim;[1] do not seek to become defiled thereby. I am the Lord, your God. (verse 31)

The parallel initial and final parts of these verses present two different ways in which people might distance themselves from God and from sanctity.

Rav Hirsch (to verse 4) provides background to the first of the verses:

Elilim are powers that deny. This constitutes the heathen conception of god, for the gods are powers that are hostile to man and hinder his success. When a person relies only on himself, he senses everywhere the limits of his own power; he senses that, in order to fulfill his aspirations and desires, he is everywhere at war with higher powers, and that he must struggle against them or flatter them so that they accede to his requests. This outlook and this need – more than anything else – produced the heathen gods and their cults. Even today, souls that become estranged from Jewish belief arrive, as a result, at heathen beliefs and practices.

Such notions must have no place in your conception of God. Do not direct your thoughts to divine beings that are hostile to man and his aspirations. Do not even consider believing in their existence.

As for the molten gods banned by the end of the verse, Rav Hirsch explains that these are protective gods considered necessary to protect man from harmful gods. More generally, though, "graven gods" includes all idols – all gods subjectively manufactured by man out of moldable material. It is not man who forms God, nor is man to "imagine and conceive gods out of himself. Rather, he is to comprehend and conceive himself out of God, for God is not only One who is not an elil … hostile to man and his existence … Rather, His eternal existence is the source of our transient existence."

Thus the role of this verse is to prevent man from falsifying his perception of God and consequently looking for physical, subjective objects of worship.

The context of the parallel mitzva at the end of the chapter is the directive to maintain an accurate perception of God, which naturally is an essential aspect of emuna. It comes shortly after the prohibition of nichush (verse 26) – activity based upon superstitious beliefs and the assumption that events of no consequence can influence one's life. In introducing this prohibition, Rav Hirsch explains:

Scripture now proceeds to those activities that relate to the human body, regarding which Scripture seeks to awaken … awareness, for this is the whole purpose of Jewish life: to keep us from falling into a lifeless routine, or thoughtlessness; to educate us to perform our actions with awareness and attentiveness. This holiness grasps every opportunity to awaken in our minds the awareness of those truths that form the basis of what we are and what we are meant to be. In light of these truths, we are to evaluate our actions and aims, for the sake of attaining our moral purpose, for a man is not worthy of his name unless he examines his ways, and to the thinking man, there is nothing that is insignificant.

Rav Hirsch notes that even the prohibition of rounding the hair on one's head, though a matter of outward appearance, must be performed with an eye to holiness. Rambam explains that a man is not permitted to round the corners of his hair because this was the practice of idol worshippers, and our pursuit of holiness requires that we distance

ourselves from their ways. (Also see Rav Hirsch's explanation of the spiritual harm caused by the practice.)

The second mitzva not to turn ("Do not turn toward the ovot and the yide'onim …") warns the Jew not to seek answers from spirits and demons, describing this activity as an active, conscious act of self-defilement: "do not seek to become defiled thereby." Such impurity is the diametrical opposite of the holiness of this chapter. Rather than search out spirits, the Torah continues, we should seek out the aged and scholarly, rising to show respect and honor for them, as they will be able to guide us on a path of true spirituality and holiness.

The next chapter continues in this vein, detailing the extent of the immoral behavior liable to be practiced by one who refuses to recognize that "I am the Lord, your God" (the refrain at the end of many of the verses in these chapters), including child sacrifice and lewd, disgusting sexual behaviors. For this reason the chapter twice commands us to be holy – to develop a true understanding of holiness, not one that leads to human sacrifice.

Recognizing God in the Physical World

In defining the nature of holiness, we pointed out that sanctity is not expressed by denying one's physical existence, but by sanctifying it. Thus a number of mitzvot in Vayikra 19 remind man to aspire to holiness within earthly existence.

This may be why the observance of Shabbat is mentioned twice in the chapter. Alsheikh (to verse 26) notes that part of the purpose of Shabbat is to remind man that God does not simply dwell apart from humanity in the heavens, and there is no need to go to the soothsayers and necromancers of the world in order to seek a relationship with Him. Shabbat, which testifies to God's creation of the world, is the disproof of the soothsaying worldview.

Alsheikh then cites the account (Sanhedrin 65b) of how Rabbi Akiva demonstrated to Turnus Rufus, the Roman governor, that the special status of Shabbat can be proven even to a nonbeliever: on Shabbat, necromancers cannot exercise any control over dead spirits with which they try to communicate. From the Torah's prohibition of such practices, it is clear that they are antithetical to what Shabbat represents.

The chapter also extends the sanctity of involvement in the physical world to fruit trees (verses 23 ff.), due to the need to ensure that even the act of eating is performed with holiness. We are to wait three years before consuming the yield of our fruit trees; eat the produce in sanctity in Jerusalem the fourth year; and only then, from the fifth year, eat the fruit wherever we like. This discussion is followed by another prohibition to enforce self-control in eating: "Do not eat with the blood" (verse 26). The Gemara derives a number of prohibitions from this verse, but as Rav Hirsch explains,

The concept that is common to them all is that one must not eat under the influence of animal life … Eating, per se, belongs to the physical aspect of man. The act of eating, then, is likely to impress upon our minds the idea of man's relation to the animal. Therefore, when one is eating, it is necessary to call to mind man's duty and moral purpose. Only thus is it possible to elevate the act of eating to the sphere of moral, human action. Certainly, then, one should not eat under any influence that calls to mind the opposite and causes one to lose sight of man's moral freedom.

The prohibition against wounding oneself on the death of a dear one (verse 28) carries a similar message. A bereaved person is liable to tear at his own body, rather than his clothing, if he views the death of a loved one as negating his own existence. A Jew is

rabbinically obligated to tear his clothing over the death of a relative, in recognition of "the tear that the death of the departed has made in the survivor's closest surroundings, in his intimate world" (Rav Hirsch), but self-mutilation would signal a breakdown of the survivor's own body and existence.

In fact, the loss of one who meant a great deal to us must spur us on to redoubled vital energy, so that we can help fill the gap that death has left in the work of serving God (ibid.)

Rambam gives a similar rationale for refraining from excessive mourning:

A person should not become excessively broken-hearted because of a person's death, as is stated: "Do not weep for a dead man and do not shake your head because of him" (Yirmiyahu 22:10) – this means not to weep excessively – for death is the way of the world, and a person who causes himself grief because of the way of the world is a fool.

What should one do? Weep for three days, eulogize for seven, and observe the restrictions on cutting hair and the other five matters for thirty days. (Hilkhot Eivel 13:12)

Rambam does not discount the importance of mourning and recognizing one's loss:

Whoever does not mourn over his dead in the manner our sages commanded is cruel. Instead, one should be fearful, worry, examine his deeds, and repent. (ibid. 13:13)

Rather, Rambam tells us that the loss should be felt against the backdrop of the purpose of life. Living life with emuna allows man to cope with grief and mourning, because amidst the difficulty man can recognize God's hand in the bigger picture.

Rav Hirsch adds that a person whose approach to life centers on God will understand that honoring the dead is not to be achieved through self-mutilation or by throwing away one's own life:

It is not an act of homage to the deceased, but a crime against God, Who decreed the death of the departed, for it is He Who commands life upon you; He wills that you live and serve Him – until he calls you too to your eternal home. Every fiber of your physical existence is sacred to Him.

External Effects of a Lack of Inner Sanctity

The message of the holiness and purpose in a person's life is further reinforced by the next verse, which discusses the holiness of the human body:

Do not profane your daughter by causing her to act unfaithfully, so that the land not act unfaithfully and the land not be filled with lewdness.

Beyond the direct effects of a person's actions on his or her body, depraved actions affect one's surroundings as well. A life of defiling behavior does impact the balance of a person's mitzvot and sins, but also affects his character. A person who refuses to live up to the dictates of holiness profanes his personality and desecrates his innate holiness, while simultaneously damaging his surroundings.

Rav Hirsch (to verse 30) explains the Torah's warning that sinful human actions would affect the agricultural output of the Land of Israel:

The earth, as an astronomical body, has a cosmic meaning, but the earth's surface, which bears the earth's fruit, is called adama, and the adama is wedded to man, adam. If man betrays his moral duty, then the land too will betray man. If man is careless with the choice fruit of his world, viz. the seed and fruit of man, the land too will withhold and spoil its fruit.

This relationship between man and earth is expressed from the moment of Creation. In his commentary there (Bereishit 1:26), Rav Hirsch takes issue with the common assumption that the term adam is derived from adama, asserting that the opposite is the case:

On the contrary, adama is derived from adam. Further, man is not defined by his earthliness, for his earthly origin is what he has in common with the other creatures, whereas the uniqueness of man is that he is not created entirely from the earth. It is the breath of God, breathed into his very earthly frame, that makes him man.

Rav Hirsch argues that this in fact is the basis of God's announcement in Bereishit (ibid.), "Let us make man …"

Man is the greatest manifestation of the divine in this world, and through Him God's presence is revealed on Earth (this is the nature of relationship of the word adam to the color adom, as red light is the least refracted of all light). Similarly, adam is similar to the word hadom, footstool, as man is the agent and bearer of God's glory on Earth.

In the second part of this lesson, we will see how the combination in Parashat Kedoshim of obligations to God with interpersonal mitzvot represents an eternal message of the fundamental path to true holiness.

[1] Forms of pagan sorcery; see below.

Ethics of Interpersonal Conduct Part 3
By Rabbi Yosef Ben David

Shiur #31: Holiness and Emuna, Part II:
The Eternal Betrothal

The Humanity of Holiness

In the first part of this final lesson in our series on the ethics of interpersonal conduct, we will search for an underlying foundation for the mitzvot found in Vayikra 19 – the mitzvot that guide man to a life of holiness. We have seen that many of the chapter's ritual mitzvot facilitate a proper outlook and understanding of God, thus permitting for a life of holiness and emulating God. As discussed previously, a major component of this outlook and of honest behavior in life is emuna (faith).

The question that will concern us in this lesson is, do the mitzvot found here share any underlying theme? The chapter includes some of the most basic ritual mitzvot alongside one of the longest listings of interpersonal mitzva obligations in the whole Torah. If that is not enough, it also intersperses these mitzvot, beginning with the ritual, shifting to the interpersonal, and then back again, with textual parallels throughout. The message of holiness ranges from a host of logical social laws to a list of forbidden relationships, to other mitzvot whose reasons are less understandable, if in fact knowable at all. Yet God states emphatically that it is these mitzvot through which "you shall be holy."

On the other hand, perhaps it should not be surprising that the Torah lists both ritual and interpersonal behaviors here. As we have noted, the Torah's conception of holiness does not entail running away from the physical, but harnessing it to the spiritual. As Alsheikh (to Vayikra 19:1) writes, it is clear from the Torah's choice of words that holiness is not achieved merely by abstention or inactivity. The command is, "You shall be holy" (verse 2) – actively:

Man is composed of body and soul, and is given freedom of choice to determine which part will rule over the other. One whose soul is in the driver's seat allows his body to attain holiness.

One might think that this can be achieved only by extraordinary individuals, but the command to gather all of the people for this message[1] indicates that each and every individual can attain holiness. Everyone is capable.

The Torah's message, "You shall be holy, for I, the Lord, your God, am holy," indicates that to a certain degree, only insofar as man strives to achieve this goal of holiness is God in fact our God. Although one might think that the greatest level of holiness that man can attain is that of the angels, the truth is very different. Angels have no physical body; therefore defining them as holy is merely descriptive, denoting their lack of body and inability to become impure. Man, however, can achieve true holiness and become like God, far beyond the level of the angels. We recognize that God's holiness is complete, unlike ours, but we strive toward it. This is expressed by the fact that the commandment to be holy is written without the letter vav,[2] while the description of God as holy contains the letter vav,[3] written in full to express its completeness.

Man is constantly exposed to temptation. Thus his resistance to temptation allows him to achieve the highest form of spiritual life, as unlike the angels, he can carry out the will of God even under adverse conditions.

When in the following chapter, the Torah states, "You shall sanctify yourselves and you shall be holy" (20:7), Alsheikh explains that when one works toward holiness, he can count on divine assistance to achieve it. God will ensure that he is not sidetracked in his efforts.

What, though, is the central core of this holiness? Is it interpersonal perfection? Is it a healthy ritual relationship with God? Are these separate but equal obligations, or is there an underlying connection between them?

A Dual Core

The Gemara (Shabbat 31a) tells of a would-be convert who asked Hillel to teach him the entire Torah while he balanced on one leg. While the man's words generally understood as spoken in jest, according to Keli Yekar Hillel's response indicates otherwise. The convert was asking for "one leg," one principle, on which the entire Torah stands. He was asking whether all the mitzvot in the Torah were disparate revelations of the will of God, or there were an underlying theme uniting the mitzvot.

Hillel rose to the challenge with the cryptic statement:

That which is hateful to you, do not do to your friend. This is the entire Torah; all the rest is simply elaboration. Go and study it.

Though he did not quote it, Hillel was referring to a mitzva that appears in this chapter, "You shall love your friend as yourself" (19:18), as the essential underpinning of the Torah.

Keli Yekar points out however, that according to this understanding, Hillel's response appears to contradict a passage in Makkot (24a). The Talmud there relates that although there are 613 mitzvot, a number of prophets, starting with King David, developed shorter lists of categories of mitzvot, focusing on the most important elements.

Rivan (to Makkot 24a, s.v. ve-he'emidan) remarks that in earlier generations, people were adept at performing all the mitzvot while conscious of their significance, but as time went on, the level of fulfillment waned. King David stressed certain categories of mitzvot in order to underscore the most fundamental elements of the Torah's tradition, and to clarify what is required to merit a place in the World to Come (see Year 1, Lesson 1).

After enumerating the fundamentals given by a number of prophets, almost always focusing on interpersonal ethics, the Gemara concludes with the one requirement used by Chavakkuk to sum up the essence of the Torah:

Mikha came and set them [i.e. the commandments] at three [ethical principles] … Then Yeshayahu came and set them at two … Chavakkuk came and set them at one [fundamental], as it says, "A righteous person (tzaddik) will live by his emuna" (Chavakkuk 2:4).

Chavakkuk's concise formulation indeed seems quite different from the formulation espoused by Hillel to the would-be convert.

However, as Keli Yekar explains, there is no contradiction between the two. The basic principles of Chavakkuk and Hillel in fact demonstrate how Vayika 19 represents a merging of two principles that together form the foundation of the Jewish religious experience:

The words of Chavakkuk are not contradictory to those of Hillel, for the mitzvot of the Torah are essentially divided into two categories. Man's obligations to God are rooted in the principle of emuna in God. The second category, man's obligations to his fellow, is rooted in the mitzva of loving one's fellow as oneself. Due to the interconnectedness of these ideals, the cherubim had their wings spread out above – their wings pointed upward, in the direction of man's obligations to God, directed toward the heavens – while the faces of the cherubim were toward one another, underscoring the importance of man's obligations to his fellow as well.[4] Therefore Hillel indicated in his answer the underlying importance of both categories of mitzvot necessary for serving God … By quoting the verse, "… you shall love your friend as yourself; I am the Lord," Hillel underscored both elements. "You shall love your friend as yourself" is indicative of the underlying principle of interpersonal mitzvot, and the end of the verse – "I am the Lord" – is indicative of the foundation of ritual mitzvot, as Chavakkuk noted: "A righteous person will live by his emuna."

Keli Yekar then shows how both elements of religious observance also are spelled out in the Ten Commandments. The ten are grouped into two groups: the ritual, rooted in "I am the Lord …," i.e. the mitzva of emuna, and the interpersonal, rooted in "You shall not covet," which is the negative side of the positive mitzva of loving one's fellow.

The Power of Paraphrase

We might add to these powerful words a twist that further connects the two principles. Hillel's response to the convert, after all, is not actually a direct quotation of "You shall love your friend as yourself," and there is no proof that he mentioned the second half of the verse, "I am the Lord." All he stated is:

That which is hateful to you, do not do to your friend. This is the entire Torah; all the rest is simply elaboration. Go and study it.

Rashi offers two explanations of Hillel's intent. The second is similar to the view of Keli Yekar: Hillel referred to perfecting one's interpersonal skills, which are at the core of most mitzvot. Rashi's first explanation, though, provides a very different understanding of Hillel's statement. One's "friend," says Rashi, is not one's fellow man, but God, as in Mishlei (27:10): "Do not forsake your friend and your father's friend." The implication is: you do not appreciate it when your fellow man does not do as you would like; view God similarly, and do not violate His will.

In essence, Rashi's two explanations represent a debate as to whether Hillel's remark focused exclusively on the interpersonal realm or exclusively on the ritual realm. Yet the fact that Hillel did not simply quote the verse, or else say directly that one should not violate God's will, may indicate that his true intention was somewhere between the two extremes. The Torah does not have separate "legs"; rather, its two foundational principles are fully intertwined. One has human friends, and also should view God as a friend. Just as the Torah pays close attention to the way one treats a fellow human being, the Torah calls for developing a relationship with God and caring about His will as well. Hillel's cryptic response allowed him to underscore the importance of both foundations of the Torah.

Chavakkuk's principle also is amenable to dual interpretation. Following our lesson on how essential emuna is to a life of integrity, it is clear that emuna is not only the basis of ritual obligations to God, but also the foundation of the interpersonal mitzvot. One reason is that preserving one's morals through trying times, when doing so seems to cause only hardship, requires the steadfast commitment that is the hallmark of emuna. Second, the interpersonal mitzvot go far beyond what the honest, ethical individual might be content with if left to his own devices: the Torah's standard of interpersonal perfection is so high that it must be rooted in the emuna that guides man to a human existence of godly transcendence.

Thus when Chavakkuk states, "A righteous person lives by his emuna," he refers to emuna not only as the cornerstone of ritual existence, but also as the essential element of interpersonal righteousness. The word for a righteous person – tzaddik – denotes an individual who does all that is incumbent upon him, and is related to tzedek (righteousness), one of the two trademarks of Avraham's educational commitment to God's message. It is impossible to be a ritual tzaddik but not an interpersonal tzaddik, and just as it is impossible to be a ritual tzaddik without emuna, it is impossible to be an interpersonal tzaddik without it.

Parashat Kedoshim carefully defines the path to holiness through both ritual and interpersonal mitzvot. As we pointed out in Lesson 2 of this year, the order of these elements is not rooted in separating different types of mitzvot, but in merging them, indicating that all are essential to a wholesome spiritual existence.

The Betrothal of Holiness and Emuna

One of the most powerful verses describing the bond with God that we long to achieve depicts our relationship in the End of Days:

I will betroth you to Me forever. I will betroth you to Me with righteousness and with justice and with loving-kindness and with mercy. I will betroth you to Me with emuna, and you shall know that I am the Lord. (Hoshe'a 2:21–22)

In their treatment of these verses, the commentators primarily address two questions. First, why is this closeness described as engagement rather than as a full-fledged union between God and the Jewish people? Second, what is the reason for depicting the betrothal with these three particular images?

Rashi explains that betrothal with righteousness and justice refers to righteousness and justice practiced by the Jewish people, which will be met in kind by loving-kindness and mercy on God's part.

He further observes that the righteousness and justice practiced by Jews are rooted in Avraham's being chosen for his commitment to educating his progeny to these principles (Bereishit 18:19). Only when the Jewish people express their commitment to these ideals will God respond with loving-kindness and mercy. This, Rashi explains, is the significance of the verse, "Zion shall be redeemed by justice, and her returnees by righteousness" (Yeshayahu 1:27). The Jewish people may not be completely deserving of salvation, but their commitment to the ideals of Avraham will allow God to take them under His wing once more.

This initial step toward redemption will be followed by the culmination of the deep relationship between God and man, as described in the next verse: betrothal through emuna, and ensuing true knowledge of God.

Still, why is God's relationship with Israel defined as betrothal, rather than as the pinnacle of full-fledged marriage?

The period of engagement, which precedes the consummation of marriage, is the period when there is the greatest longing on the part of the couple. While marriage does indeed represent a complete relationship, betrothal symbolizes that there is more and better to come. Coming just one stage prior to a profound deepening of the relationship, it expresses the state of wanted to advance a relationship further – which is not always the case in marriage – and being overcome with a desire to enhance the connection.

The betrothal of the verse is denoted with the word ve-eirastikh, which indicates the stage in the marriage process known as eirusin. This is followed by the stage of kiddushin, whose root is that of the word kadosh – "holy." Properly pursued, marriage, though characterized in part by a physical relationship, is not antithetical to holiness, but an expression of it. Kiddushin and kedusha are best expressed by the period of betrothal, longing, and desire to reach new heights in the quest for holiness.

With this in mind, Malbim's explanation of the verses in Hoshe'a comes to life:

The initial betrothal was only temporary, because it was performed with the understanding that the Jewish people would sin at some point. However, the future betrothal will be permanent, because it will be performed through righteousness and justice.

The wholesome completeness of man is dependent on two things: man's obligations to his fellow, and man's obligations to God. In order to perfect one's character with regard to obligations to one's fellow, one must engage in righteousness and justice, for justice is doing that which is required by the letter of the law, and righteousness is going beyond the letter of the law.

By virtue of the Jewish people's bringing the two precious attributes of righteousness and justice into union, God will respond in kind with two gifts: loving-kindness and mercy … Obligations to God are primarily dependent on emuna, viz. having faith in God, in his Torah, and in one's purpose … On account of the Jews' bringing emuna to the union, God will give the gift of allowing the Jews to know God, as He will reveal to them His signs and miracles, and rest His presence among them until they know God with complete knowledge, as though it were ingrained in their inner consciousness, to the point that there will be total clarity.

A Future of Faith, Righteousness, and Justice

Our future is dependent on the merging of Avraham's tradition of interpersonal righteousness and justice with emuna. As we saw above, these principles are not at odds, but are jointly rooted in the foundation of a God-centered life. In fact, unrelenting and unwavering emuna also goes back to Avraham, who aside from his commitment to righteousness and justice is described (Shabbat 97a) as the first believer (see Bereishit 15:6).[5] To achieve our place as a kingdom of priests and holy nation and to merit Hoshe'a's vision of messianic days, we must implement both sides of the coin.

After the long-awaited betrothal, the earth and particularly the Land of Israel, previously defiled by man's sins (see prior lesson), will spring back to life with unprecedented vitality:

It shall be on that day that I will answer, says the Lord, I will answer the heavens, and they shall answer the earth, and the earth shall answer the grain and the wine and the oil, and they shall answer Yizre'el. I will sow her for Myself in the Land, and I will have

pity on Lo Ruchama,[6] and I will say to Lo Ami,[7] "You are My people," and he shall address [Me] with, "My God." (Hoshea 2:23–25)

Radak explains that the image is of the land desiring rain, and God declares that He will no longer withhold it. At the time of the redemption, the heavens will give their dew and the earth will give its produce, never again withholding the power of growth.

Concluding Remarks

Over the past three years we have studied together various aspects of the Torah's treatment of interpersonal ethics. This year we have focused primarily on the interpersonal mitzvot of Parashat Kedoshim, which guide man to a life of holiness. In the process, we have learned about the importance of the realm of interpersonal mitzvot, and with God's help we have succeeded in uncovering a small part of the beauty of these mitzvot.

I offer my apologies for the many interpersonal mitzvot – particularly the few left in Kedoshim – that we have not had an opportunity to discuss. Perhaps at some point in the future we will have the opportunity to fill in what we have missed. I enjoyed learning with you, and I thank you for providing me with the strength to continue writing.

We should keep in mind that holiness is not always apparent to the onlooker. At the end of Chapter 20 of Vayikra (verse 26), the Torah states that the Jewish people must not only be holy, but be holy "to me." Alsheikh explains:

Should you ask why one cannot tell by looking at a person whether that person is Jewish, the reason is that holiness is a state similar to My state, i.e. one that is invisible. It is something that is not physical, and therefore not observable. Only God can observe it, i.e. your holiness is "to Me," visible only to Me.

Only God knows who is truly holy. Hopefully we at least can take to heart that someone who is ritually adept but interpersonally deficient is not yet fulfilling his mission.

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[1] See verse 2.
[2] מישדק, rather than . מישודק
[3] שודק.
[4] I.e. the cherubim, which stood in the Holy of Holies atop the Ark, the holiest vessel in the Beit Ha-mikdash, indicated that both ideals are required for a complete religious existence.
[5] The Gemara there describes the Jewish people as "believers descended from believers," with Avraham being the original bearer of this belief.
[6] "Unpitied," one of the prophet's symbolically named children.
[7] "Not My people," another of the prophet's children.

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.