Ethics of Interpersonal Conduct
Part 1
Yeshiva Course

By Rabbi Yosef Ben David

Volume Six

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Ethics of Interpersonal Conduct Part 1 – Yeshiva Course
By Rabbi Yosef Ben David

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Shiur 01: The Centrality of Mitzvot Bein Adam Le-chavero

In this series, I aim to analyze the Torah's interpersonal directives and develop the ethical principles that Judaism attempts to instill within us. Before we begin, let me try to put things in proper perspective. How significant is this study? At first glance, the uniqueness of Judaism lies in its distinct set of laws, primarily focusing on one's relationship with God. Though there are certainly obligations one has to one's fellow Jew, they seemingly pale in comparison to developing a true understanding of one's responsibilities to the Almighty. Should we really invest so much time and effort analyzing interpersonal imperatives instead of focusing on ritual requirements between man and the Creator?

We have to be mindful of the fact that the entire spectrum of mitzvot is important, and therefore all mitzvot deserve study, even those which seem to be less significant. As the Mishna (Avot 2:1) teaches, "One should be as scrupulous in performing a minor mitzva as a major one, for one does not know the respective reward given for mitzvot." All mitzvot are divinely ordained and therefore important. They combine to refine each individual and perfect one's personality. The Zohar (I, 170b) explains that the 248 positive commandments and 365 negative commandments in the Torah correlate to the 248 limbs and 365 sinews of the human body. Every mitzva relates to an essential aspect of the human body, and therefore all are necessary. One cannot choose favorites or which mitzvot to keep and which to forgo.

Nevertheless, in a number of places the Sages clearly give precedence to certain mitzvot, which would seem to further amplify the need to study these commandments. Interpersonal commandments (mitzvot bein adam le-chavero) seem to fall in this category. Because they are sometimes overlooked and are sometimes thought of as social graces, we often forget their centrality. A careful investigation into the mitzvot that have been given primacy in rabbinical teachings clearly indicates the elevated status of interpersonal mitzvot. However, many people fail to view them as essential and relegate their significance to the realm of the admirable or that of extra credit. For these reasons, we will examine the concepts associated with interpersonal conduct and analyze the importance of this category of commandments.

The Range of Interpersonal Mitzvot

The halakhic system, with its numerous directives focusing on rituals and man's obligations towards God (mitzvot bein adam la-Makom), does not overlook the individual's responsibilities towards his or her neighbors. The Torah provides detailed guidelines and rules regarding almost every aspect of social interactions. In fact, most aspects of interpersonal conduct are dictated by halakhic norms. Halakhic guidelines constitute interpersonal directives ranging from what is permissible to speak about at one's table to what one can believe in the newspapers. These directives are known collectively as mitzvot bein adam le-chavero, as they concern the required behavior towards one's friend or fellow (chaver). Unfortunately, we often overlook the degree to which these laws are a pivotal element of the Jewish outlook.

Piety and spirituality are often measured by one's careful attention to ritual, while interpersonal conduct is often viewed as a significant but secondary consideration. It is not uncommon for one to hear, "He is a scholarly, devout individual — and by the way, he is also a nice guy." Regrettably, the two do not always go hand in hand.

Interpersonal directives also serve a utilitarian role, by helping to promote a peaceful, successful society. Certainly, Judaism recognizes the utilitarian role of these commandments; the Mishna even praises "fear of authority" and praying for the welfare of the government (Avot 3:2), but the essence of the Torah is that one must strive for excellence in interpersonal behavior as a spiritual mission. An ethical and moral society is essential for growth and success, but it is also a religious ideal for any Jew. We must also be mindful of the fact that mitzvot bein adam le-chavero are not only utilitarian; they are also Divine directives.

Why the Need for So Many Mitzvot Bein Adam Le-Chavero?

In the absence of the Holy Temple, an inordinate percentage of the biblical mitzvot applicable in our day are in fact mitzvot bein adam le-chavero. The question is: what can be learned from the fact that God chose to dictate right and wrong regarding our relationships with other people? What further compounds our difficulty in finding the answer to this question is the sheer number of commandments and the exacting detail of their requirements. We can ask: why does Judaism place so much stress on something seemingly applicable to people from all walks of life? Additionally, isn't much of the prescribed behavior obvious to most people who participate in mainstream society? Furthermore, how essential are these mitzvot, and do these numerous directives provide a glimpse of the overall nature of Judaism?

One might downplay the significance of the volume of interpersonal mitzvot and offer a technical explanation for the phenomenon. After all, the halakhic system covers all facets of living. As a universal system of laws, it must deal with all aspects of interactions between human beings. In essence, this approach would claim that although the halakhic system really cherishes mitzvot bein adam la-Makom, one could not create a legal system without including interpersonal directives, despite their paling in comparison to ritual law.

However, in many places, from verses in Tanakh to statements in the Talmud, the opposite seems to be true. One gets the impression that kindness and righteousness are not just footnotes to a halakhic system rooted in ritual; rather, they play a pivotal, essential role in our religion. In numerous places, the prophets stress the importance of fulfilling interpersonal mitzvot and explain how often Jewish suffering and national calamity come about because of infractions in the social realm. The number of interpersonal directives is an expression of the Torah goal of not only guiding behavior, but shaping our approach to life based upon it.

Let us take a look at the sources in order to answer the question of how essential these commandments in fact are.

If one would want to identify the concepts which are the building blocks of Judaism, a good place to start is in the Talmud, at the end of Tractate Makkot. The Talmud relates that though there are 613 commandments in the Torah, a number of prophets, starting with King David, developed shorter lists of categories of mitzvot, focusing on the most important elements.

The Rivan (Makkot 24a, s.v. Ve-he'emidan) remarks that in the earlier generations, people were adept at performing all the mitzvot while being properly mindful of their significance, but as the generations went on, the level of fulfillment waned.

King David stressed these categories of mitzvot to underscore the fundamental elements of the Torah's tradition, and to clarify what is needed for one to be able to merit a portion in the World to Come.

The recurring concepts which appear in almost every prophetic list include kindness (chesed) and proper interpersonal conduct. King David's list (Tehillim 15) is essentially a detailing of eleven ethical requirements which serve as the basis for the fulfillment of all six hundred thirteen commandments. He was followed by Yeshayahu, who found it necessary to establish an even smaller number of basic requirements, the mastering of which would enable one to fulfill the totality of mitzvot. Again, all of Yeshayahu's examples are in the realm of interpersonal behavior: righteousness, speaking with fairness, distancing oneself from bribery and the like. Later prophets reduced the number even further. The prophet Mikha, a contemporary of Yeshayahu, listed three, after which Yeshayahu further reduced his list to two. Later, Chavakkuk summed up the entire Torah in one requirement. As the Gemara (24a) explains:

The prophet Mikha came and established them [i.e., the fulfillment of the six hundred thirteen commandments] upon three [ethical requirements], as it is written: "He has told you what is good and what God demands of you: only [1] to do justice, [2] to love kindness (ahavat chesed), [3] and to walk humbly with your God" (Mikha 6:8)…

Yeshayahu came again and established [the mitzvot] upon two, as it says, "So said God: [1] Guard justice and [2] perform righteousness" (Yeshayahu 56:1)…

[Later the prophet] Chavakkuk came and established [the mitzvot] upon one [foundation], as it says, "A righteous person (tzaddik) will live because of his faith" (Chavakkuk 2:4).

This Gemara is at first glance surprising, and after further study it becomes downright shocking. The great prophets focus their attention on ethical behavior in order to express the basic underpinnings of mitzva observance. For some reason, they seem to underscore the importance of interpersonal conduct as the basis of the Torah. Loving-kindness, justice, righteousness — these are the basis of the Torah!

In fact, the concise formulation of Chavakkuk, the righteous living by their faith, seems to connect the two aspects of the equation. Righteous behavior is rooted in a life guided by one's faith and one's relationship with God. That, says Chavakkuk, is the basis of the Torah.

But how could it be? With all the unique mitzvot, how do these interpersonal directives play such a fundamental role in the Torah's tradition?

"Torah Jew" = A Kind Jew

Before we are able to answer why the sphere of bein adam le-chavero is so essential to Judaism, we must further prove its importance. The Torah views proper behavior as characteristic of the Jewish people, as described so beautifully by Tzefanya (3:13): "The remnant of Israel — they will not perform iniquity nor speak falsehood, and one will not find in their mouths falsehood or deceit."

This idea is expressed in Tanakh, repeated in statements of the Sages and clarified by the later commentators: interpersonal mitzvot are an integral part of our religion.

The prophet Yirmiyahu (9:22-23) declares:

Thus says God: Let not the wise man glory in his wisdom, Neither let the mighty man glory in his might, Let not the rich man glory in his riches; But let him that glories glory in this — that he understands and knows Me, That I am God, who exercises mercy, Justice and righteousness on earth; For in these things I delight, Says God.

In addition to the verses cited from the Talmud earlier, the prophetic message here is clear: God delights in mercy, justice and righteousness, which He exercises on Earth, and so should we.

This prophetic message is further stressed in the Oral Tradition. One of the primary focuses of Tractate Avot is proper conduct. In the first chapter of Avot, we are told twice that there are three things that uphold the world. These sources include chesed and shalom (peace) as part of the triad.

Shimon the Righteous… used to say: "The world stands on three things: the Torah, serving God, and acts of kindness (gemilut chasadim)." (Avot 1:2)

Rabban Shimon ben Gamliel said: "By virtue of three things does the world endure: truth, justice, and peace, as it is said (Zekharya 8:16): 'You shall administer truth and the justice of peace in your gates.'" (Avot 1:18)

The Chafetz Chayim, in his introduction to his monumental work on interpersonal mitzvot, Ahavat Chesed (the title of which is taken from the verse in Mikha quoted above), explains this. God, Who is good, does good and bestows His chesed upon all His creatures, tells us to follow Him, be merciful like Him and model our conduct after Him. The Chafetz Chayim adds, "The entire Torah is permeated by this concept," as seen from the verse in Mikha. The Chafetz Chayim continues to list the many benefits accorded to one who engages in chesed and the punishments meted out to one who eschews its practice. Chesed secures atonement, lengthens life, promotes peace and ensures a just society.

Certain mitzvot bein adam le-chavero are also stressed to reiterate their unique significance. The Rambam emphasizes the importance of the mitzva of giving charity as follows:

We are required to be more careful about the mitzva of giving charity than about any other positive mitzva. For charity is the sign of the righteous descendants of Avraham Avinu…

The throne of Israel is not established, nor does true faith stand, except through charity…

And Israel will only be redeemed through charity… (Hilkhot Mattenot Aniyim 10:1)

The Gemara in Kiddushin (40a) adds that mitzvot bein adam le-chavero are essential for becoming a true tzaddik:

Rava said: "Rav Idi explained to me [the following verse], 'Say about the tzaddik who is good that he will enjoy the fruits of his good deeds' (Yeshayahu 3:10). Is there a tzaddik who is good and a tzaddik who is not good? Rather, he who is good to Heaven and good to man, that is a tzaddik who is good; good to Heaven but not good to man, that is a tzaddik who is not good."

At the beginning of his commentary to tractate Pe'a, Rabbenu Asher ben Yechiel (the Rosh) learns from this the following:

For the Holy One, blessed be He, has greater desire for those mitzvot by which one also pleases other people than for the mitzvot between man and his Maker.

The Rosh seems to be rather clear on this point. Contrary to people's tendency to be more concerned about their relationship with God than their relationships with their fellow human beings, it is the interpersonal mitzvot which have greater value in God's eyes.

Torah Study and Chesed

In a number of places, chesed and Torah study appear as the two necessary aspects of a healthy religious life. The Talmud relates the importance of chesed in the pre-messianic era:

Rabbi Elazar was asked by his students, "What must a person do to be spared the birth-pangs of the Messiah?"

[He replied:] "Let him engage in Torah study and gemilut chasadim." (Sanhedrin 98b)

Moreover, numerous interpersonal mitzvot appear in the well-known list of mitzvot of which one "eats their fruits in this world, but the principal is saved for reward in the next world" (Pe'a 1:1). The list concludes with the phrase, "And Torah study is equal to them all." Torah study alone, with all of its significance and weight, is only part of the equation, though a very big part. Throughout the Talmud, we are told of the advantages of one who is involved in study and chesed, as opposed to one whose sole focus is Torah study.

Indeed, regarding the curse that all male descendants of the house of the High Priest Eli would die young, the Talmud (Rosh Hashana 18a) records a dispute between Rava and Abbayei about what would be necessary to rescind the decree. Rava maintains that constant Torah study would stave off death, while Abbayei feels Torah study coupled with gemilut chasadim would be necessary. Who is correct? The Talmud notes that Rava and Abbayei were both descended from the House of Eli. Rava, who engaged in Torah study, lived forty years; Abbayei, who engaged in both Torah study and acts of kindness, lived sixty years.

Interestingly, the Talmud relates elsewhere (Kiddushin 52a et al.) that, save for six instances, we always side with Rava in his disputes with Abbayei. Rava, in fact, dedicated his life to Torah study, and he may have been a greater scholar. However, it is Abbayei, with his added focus on chesed, who is seemingly viewed as more precious. The Talmud (Taanit 21b-22a) states that a heavenly voice would greet Abbayei once a week and Rava only once a year, and it notes that a certain saintly doctor received a heavenly voice daily. While the passage relates that Rava was distressed over this and was told that he should be satisfied with the fact that his merit protected the city, it does seem to indicate some preference for Abbayei.

Furthermore, the Talmud (Megilla 28a) lists numerous scholars who attributed their long life not to their diligence in the study of Torah, but rather to their interpersonal behavior, which was marked by extreme care in their dealings with others. This, in fact, echoes a psalm of King David:

Who is the one that wants long life, who loves days to see good?

Guard your lips from speaking evil…

Turn away from evil and do good; seek out peace and run after it. (Tehillim 34:13-15)

We are told numerous times that the study of Torah is insufficient if it is not accompanied by acts of chesed. The Talmud (Avoda Zara 17b) relates the story of Rabbi Chanina Ben Teradyon and Rabbi Elazar ben Parta, who were arrested by the Roman authorities at the same time. Rabbi Chanina tells his cellmate that although Rabbi Elazar was being held on account of five counts of anti-Roman activity and Rabbi Chanina was arrested on one, Rabbi Elazar was the one who would be saved because he had involved himself in both Torah and chesed, unlike Rabbi Chanina, who had engaged only in Torah. The Talmud goes on to explain that, in fact, Rabbi Chanina was the gabbai tzedaka, the one in charge of charitable funds and thus heavily involved in feeding the poor and needy; nevertheless, he did not do chesed to the degree expected of a man of his stature, and he was therefore held accountable.

Even the greatest scholars can be punished if they are remiss in their interpersonal duties. In more than one place in the Talmud and Midrash, those who advocate exceptional adherence to ritual and even the study of Torah are taken to task for failing to live up to the standards of interpersonal behavior incumbent upon spiritual exemplars. The most famous instance of this is the death of the 24,000 students of Rabbi Akiva who failed to treat each other with due respect (Yevamot 51b).

"The Essence of the Torah"

From all of the above, we learn that while the importance of adherence to ritual and that of dedication to Torah study are not to be overlooked, exemplary interpersonal conduct is essential for a proper, righteous life. The goal of this series is to study this aspect of the Torah.

In fact, one need not search too long to prove the fundamental significance of this area of Halakha. The Talmud (Shabbat 31a) tells us of the individual who asked to be converted to Judaism on the condition that the whole Torah could be explained to him while standing on one foot. The scholar Shammai rejected him out of hand, but when Hillel was approached, he responded, "That which you don't like, don't do to your friend. That is the essence of the entire Torah; the rest, go and study." The simple understanding of Hillel's statement (though Rashi offers a different explanation) is that the Torah is essentially concerned with one's not acting toward others as one would not want to be treated.

I hope to further demonstrate how these mitzvot reflect the essence of the Torah. We will come to understand the parameters of these interpersonal directives, as well as how we are supposed to model our attitudes and behavior.

The Challenges of This Analysis

Before embarking on the journey to acquire a new appreciation of the interpersonal mitzvot, we must be aware of the challenge involved in studying them. There are at least three difficulties to overcome before we can hope that mastering these laws will lead to their internalization.

1) The lack of appreciation of their importance

We have cited many sources to emphasize the significance of these laws, for the simple reason that many often believe otherwise. Numerous commentators have remarked on the common assumption that one can be a good Jew if one carefully adheres to the mitzvot bein adam la-Makom, even if one is remiss in fulfilling mitzvot bein adam le-chavero. The Chatam Sofer, for example, writes:

We have found righteous and upstanding individuals who will readily sacrifice themselves for the slightest detail and nuance of mitzvot bein adam la-Makom, but when it comes to interpersonal relationships they are extremely lenient, for not everyone is capable of foregoing [what they feel is] their full share. (Derashot, p. 245)

Many fail to realize that one who is negligent in his or her interpersonal mitzvot has not only violated mitzvot of the Torah, but has also shown a basic misunderstanding of the totality of the Torah. It is the Torah itself that elevates mitzvot bein adam le-chavero to an essential part of our existence. A "Torah Jew" is a Jew committed to God and to the way the Torah tells us to deal with our fellow man; it is the Torah itself that stresses these mitzvot.

2) The sheer difficulty involved in these laws

Many find the ritual laws much easier to adhere to than the ones that involve other human beings. It is often far easier to cede to God than to view oneself as ceding to one's fellow.

3) The need for mastery in this area

The need to be meticulous in the fulfillment of these mitzvot adds to their difficulty. As we shall see, more than specific overarching commands, this area of Halakha is marked by principles, and their fulfillment is very situational; different circumstances carry different requirements. Mastery of these laws requires a firm understanding of human nature and the ability to apply the principles to the various predicaments that arise.

In this series, we will analyze the sources of the interpersonal commands and their basic details, with an eye towards understanding the actions incumbent upon us, as well as the emotions and outlooks these mitzvot are designed to help us internalize. By doing so, I hope that we may develop a Godly personality in understanding, feeling and deed.

Ethics of Interpersonal Conduct Part 1
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Shiur 02: Natural Morality and the Divine Spark

In last week's introductory shiur, we encountered an array of sources that indicate the centrality of proper interpersonal conduct within the Torah's outlook. One might wonder what is singularly Jewish about many of these mitzvot bein adam le-chavero. After all, a significant number of interpersonal imperatives are often assumed to be rational necessities, inherently obligatory even for the ordinary human being. The notion that it is necessary to treat people kindly and not cross certain lines of decency is relatively ubiquitous, accepted by many who have no religious affiliation whatsoever.

Many point to the existence of a universal moral code — unwritten, yet widely accepted. The notion that there is a universal moral code is often referred to as natural morality. Some go one step further and insinuate that there is even natural law, which not only directs us towards proper moral behavior, but demands and requires these ideals of us even in the absence of a divine directive. Certainly, the concept of crimes against humanity and international justice seems to presuppose that at least most of the world accepts minimal standards of ethical and moral behavior.

After presenting sources exhibiting the importance of ethical behavior for the Jewish people, we must ask: what regard does the Torah have for the seemingly natural sense of morality inherent in humanity? Does Judaism recognize its existence and acknowledge its importance?

In this lesson, we will begin by setting out to prove that Judaism recognizes the existence of an inherent natural morality in man. After doing so, we will attempt to understand its source and expound on its significance.

Ethics and Morality

Before we continue, let us try to define and differentiate between two terms that will be used many times: ethics and morality. While often used interchangeably, we will try to utilize unique usages for each of the terms.

Ethics, as defined by Aristotle and the ancients, are the rules of conduct by which one achieves happiness, while morality is the set of behaviors that guide one's acceptable behavior towards one's fellow. Ethics focus on that which is instrumental for human wellbeing, while morality focuses on the objective standards of proper behavior. There are those who feel that morality is to be defined by ethics, while others feel that moral behavior is independent of the pursuit of happiness in ethical teachings. With this in mind, in adopting the concept of natural morality, one would presume that there are innate, rational guidelines for acceptable interpersonal conduct.

Natural Morality — Does It Exist?

Prior to analyzing the expansive rabbinic literature on these topics, a mere perusal of the first portions of the Torah suffices to convince us that God endorses minimal standards of human interpersonal conduct.

Ten generations from the dawn of creation, God destroys almost all the inhabitants of the world for the crime of chamas, often translated as treachery or robbery. Only Noach and his family are spared, for Noach is "a righteous man (ish tzaddik), wholesome (tamim) in his generations."

Ten generations later, in the time of Avraham, the city of Sedom is overturned and destroyed. Our Rabbis explain that its crime, the "scream" which the Torah says reached God (18:20-21), was born of the depraved actions of an immoral society which justified its behavior by saying it adhered to the letter of its system of unethical laws (e.g. Sanhedrin 109a-b).

God's obliteration of unethical communities seems to give the clear message that an immoral society loses its right to exist. In fact, the Ramban explains in his commentary at the beginning of the Torah (Bereishit 1:1) that the lesson of the Book of Bereishit is that exile or destruction is the punishment for iniquity:

The Garden of Eden, which was the choicest of places created in this world, became the foundation of his dwelling, until Adam's sin drove him from there. The Generation of the Flood, in its sins, was driven from the world altogether. Only the righteous one, Noach, survived with his children. The sin of their offspring caused them to be scattered to many different places…

Thus, it is fitting, if a nation should sin again, that it lose its land and that another nation come to inherit its land.

This is understandable in light of our previous shiur, where we saw that one of the three pillars of the world is kindness (Avot 1:2) and that the world survives on justice, truth and peace (Avot 1:18). If so, a city like Sedom or a society like the Generation of the Flood, devoid of the foundations of existence, loses its right to continue.

In fact, there is another sinful generation near the beginning of time, and it seems to blunder in a more severe fashion, but it is treated much less harshly. Several generations after the Flood, humanity gathers together to build the Tower of Bavel. Numerous sources seem to indicate that the tower was not meant to be merely a lavish architectural structure, but rather a battle station to reach the heavens and wage war against God. Nevertheless, rather than unleashing another natural disaster, God punishes the builders by dispersing and scattering them; He chooses separation and language barriers instead of obliteration. Rashi (Bereishit 11:9) explains this seeming anomaly:

Which sin was greater, that of the Generation of the Flood or that of the Generation of the Dispersion? The former did not stretch forth its hand against God; the latter did stretch forth its hand against God, as it were, to war against Him. Nevertheless, the former was drowned, while the Generation of the Dispersion did not perish from the world!

The reason is that the Generation of the Flood was composed of thieves, and there was strife among then; therefore, they were destroyed. [The members of the Generation of the Dispersion] on the other hand, conducted themselves with love and friendship, as it is said

(11:1), "They were one people and had one language." You may learn from this that strife is hateful [to God], while peace is great.

In essence, the builders of the Tower of Bavel receive a less severe punishment because their failure is not a moral one, like the Generation of the Flood. What is the source of the obligation of that generation to live by a moral code? How can the Generation of the Flood be held accountable for its behavior without an explicit command?

The Ramban (Bereishit 6:2) explains that the crimes of the Generation of the Flood are not fully elaborated upon in the Torah, but are succinctly described as chamas, including activities that are never explicitly forbidden in the Torah — but do not need to be. The Torah does not explicate these prohibited activities. Their punishment is justified by their classification as chamas, interpersonal treachery; acts of this type are logically forbidden, so there is no need for the Torah's censure. All people are liable for such actions because they are bound by the mitzvot that are rooted in natural morality and simple logic.

As Rav Aharon Lichtenstein writes,[1] the sources are clear that uncommanded man is not ethically neutral. Even if there is no natural law that would bind one through some unwritten code of rules, "There is a natural morality, a universal moral ideal, though it contains more of a spirit than specific behavior," and one can be held accountable for violating it.

At certain times, it seems that the violation of one's inner moral calling is treated more harshly than infractions of more explicit prohibitions. These crimes indicate moral failure and are, therefore, viewed more severely.

Menschlichkeit and Derekh Eretz

The requirement of minimal standards of behavior expresses itself in an untranslatable word from the European tradition, the Yiddish "menschlichkeit," which I shall render, for lack of a suitable synonym in the vernacular, as the basic behavior expected of a person. The literal meaning of mensch is "man"; therefore, menschlichkeit is manlike behavior, as opposed to that of a beast. In the Talmud and Midrash, there is a description of a concept known as derekh eretz, literally "the way of the world," from which the idea of the mensch was probably derived, but the concept of menschlichkeit takes it even further.

Rav Yehuda Amital speaks of the responsibility of menschlichkeit and writes about it extensively.[2] He cites the line from our daily liturgy, "Le-olam yeheh adam yerei shamayim," "A person should always be God-fearing." Jews in prewar Eastern Europe would paraphrase the expression thusly: "Le-olam, yeheh adam," "One should always be a person" — that is, first one must be a mensch; afterwards, one can fear God. The Torah reinforces and deepens the idea of menschlichkeit, but this quality is demanded of man even before one acquires Torah, as stated by the Sages (Yalkut Shimoni, Bereishit 34):

"To guard the derekh [to the Tree of Life]" (Bereishit 3:24) — this refers to derekh eretz. This teaches that derekh eretz preceded the Tree of Life, and there is no tree but Torah, as it says: "It is a tree of life" (Mishlei 3:18).

The Mishna in Tractate Avot (3:17) makes the relationship reciprocal:

Rabbi Eliezer ben Azarya says: "If there is no Torah, there is no derekh eretz; if there is no derekh eretz, there is no Torah."

The understanding that there are minimal standards of behavior and lines which may not be crossed is seemingly expressed in a famous dictum which paraphrases the teaching of the Yalkut Shimoni: "Derekh eretz kadma la-Torah," i.e., derekh eretz preceded the Torah. The question remains: what is derekh eretz? It seemingly refers to ethical behavior, but it literally means "the way of the world."

The Maharal defines the idea of derekh eretz (Netivot Olam, Netiv Derekh Eretz) and explains the significance of placing it before the Torah:

Derekh eretz is comprised of all the ethical teachings in Tractate Avot, as well as the ethical teachings mentioned [elsewhere] in the Talmud and all other ethical teachings. It consists of conduct that is proper and that is pleasing to people. One must be mindful of its teachings, because if one does not follow them, one commits a great sin and transgression…

The Patriarchs of the world were accompanied by the Blessed One wherever they went, so that one might have imagined that the normal way of the world, i.e., the way of man as man, did not apply to them whatsoever – but this is certainly not true, for they lived according to the normal way of the world. If the Blessed One performed miracles on their behalf superseding the way of the world, this was only done temporarily and when necessary. Otherwise, they lived according to the way of the world, for derekh eretz is the way of this world.

One who does not conduct himself in accordance with the ways of the world is not considered part of the world at all. Hence, a person should not make light of things that are the way of the world, for derekh eretz preceded the world…

The world cannot exist without derekh eretz, as [the Sages] said: "If there is no derekh eretz, there is no Torah." From this we learn that derekh eretz is a fundamental part of the Torah, which is the "way of the Tree of Life."

If It Exists, Where Does It Come from?

The question now arises: where does this internal logic come from? Why exactly is it "the way of the world," the moral code that keeps us from living as barbarians?

One might claim that all mundane morality is merely an outgrowth of the ethical teachings of the Judeo-Christian ethic. The universal acceptance of ethical doctrine is, therefore, more a testament to the success of the religious teachings of devout ethical individuals, who spread their doctrine beyond their coreligionists. To assert this argument is, in essence, to claim that natural morality is not "natural" at all. Its apparently universal acceptance is merely based on the successful transmission of these ideals.

However, this argument is difficult to accept. Firstly, it is highly unlikely that any individual or society could successfully impart the guidelines of certain ethical behaviors in a way that could achieve such worldwide acceptance. The fact that there seems to be some natural morality is even viewed by some as ample evidence of a Divine Creator.[3]

Secondly, the Torah's record of the destruction of immoral societies in the eras prior to the birth of the Jewish nation, let alone a Judeo-Christian ethic, seems to bolster the evidence of various sources that Judaism does recognize a natural basis of morality. Even prior to the first divine command, the foundations of morality and dignified behavior were apparent in the world.

The Talmud in Eruvin (100b) seems to indicate that morality is not only observable in nature, but inherent in it as well. Witnessing an animal behaving in a dignified manner suffices to teach a person to act with dignity as well:

Rabbi Yochanan said: "Had the Torah not been given, we would have learned modesty from the cat, [aversion to] theft from the ant, [aversion to] sexual immorality from the dove, and [conjugal] derekh eretz from the fowl."

Tzelem Elokim and Its Obligations

What is the source of this natural morality, and what makes it obligatory?

The "natural" aspect of morality does not come about by accident, but rather is an outgrowth of the innate divinity of each human being formed in the divine image, the nature God endows in man. While man could have learned certain things from nature and animals, the dignity of man is of a special essence. God chooses to create man with natural tendencies of morality. God's creation of man "in His image" (Bereishit 1:27) endows man with moral sensitivity and a conscience, expressed as natural morality.

God's creation of man is described in the Torah in two stages. First, God makes known his intention to create man: "God said 'Let us make man in our image (be-tzalmeinu) and according to our likeness (ki-dmuteinu)'" (ibid. v. 26). Many commentators attribute this announcement to man's significance on the stage of history and humanity's preeminent role in the creation of the universe.

Following this introduction, the Torah (ibid. v. 27) describes the actual creation of man.

So God created man in His own image; in the image of God (be-tzelem Elokim) He created him; male and female He created them.

What is this tzelem Elokim? The various commentators point out that the divine image or likeness (demut) is not to be interpreted as a physical form of an incorporeal God — He Who has no body! Rather, it refers to the godly nature of man's being.

As we saw in the previous lesson, God is kind and desires kindness, and it would be only natural that this likeness expresses itself in His creation of man. Rav Samson Raphael Hirsch, in his commentary (ibid. v. 26; see also his commentary on the next verse), expresses this notion clearly:

We have shown elsewhere (Collected Writings, Vol. VIII, p. 54) that tzelem — related to salma (garment) and to semel (shape) — denotes only the outer garment, the bodily form. "Be-tzalmeinu" thus means "in our garment." In other words, all the love and compassion, all the truth and justice and holiness of God's rule are embodied and encased in an external garment; they are encased in the garment that the Creator gives to man. Man's bodily form already identifies him as a deputy of God; he is divinity on earth. Man's tzelem is "ki-dmuteinu" — it is befitting of man, whose purpose is to be Godlike. Another meaning of dema is silent…

This is because man's task to resemble God must be accomplished in a negative manner: in man's whole being, there should be nothing that contradicts the Divine attributes — nothing that contradicts truth and love, justice and holiness. Man cannot become equal to God, but it is man's duty to bear a resemblance to Him.

There should be nothing within himself which contradicts God's attributes. Man's destiny is to sanctify himself, to move ever upward in the levels of divine holiness.

Our verse, then, means as follows: "Let us make a deputy in a form worthy of us, as befitting one who is destined to bear a resemblance to God." Man has been created to resemble the kind God who created the world — and him — for that purpose. Not only man's spirit, but also his body, with its inclinations and impulses, has been created in the image of God. The sanctity of man's body and preservation of his divine tzelem are firm foundations for his ethical purification and a condition for every spiritual virtue.

This is "the way of the world," for this is how God created man in this world. In fact, an understanding of the basis for dignified, human, ethical behavior, also explains menschlichkeit: this is the behavior that is endowed in man from the time of creation, that which separates man from the animals.

The Baal Shem Tov says a major part of man is his tzelem, and expounds on the Zohar's statement (Parashat Vayeshev, 191a), that no animal dares to molest a human unless the person abandons God's ways. A man (adam) who loses his tzelem loses his being, and that person becomes no more than the animal. The numerical value (gematria) of the word "adam" is 45, as it the gematria of the word "ma" (that). The Sages say (Chagiga 4a) "Who is a simpleton? One who loses all ma which he is given." A person who loses the humanity within himself, the image of God, is left with only a bestial nature.

By accepting the idea of being created in the image of God, one assumes an additional obligation. If a given person is created in the image of God, so is one's fellow man; just as the one is endowed with specialness, so is the other, and the other must be treated accordingly. Knowing that all of mankind has been created in God's image carries with it the responsibility of treating every individual as godly. Indeed, the creation of man as an individual expresses the significance of every member of the human race:

Therefore man was created on his own: to teach you that whoever destroys one soul is regarded by the Torah as if he has destroyed a whole world, and whoever saves one soul is regarded as if he has saved a whole world. (Mishna, Sanhedrin 4:5)

We are told that we are created in God's image; tasked with subduing the world, man stands at the pinnacle, the culmination of creation, charged with acting with divine dignity, representing the upper spheres contained in his earthly body.

As Rav Moshe Cordovero writes (Tomer Devora, Introduction):

God's tzelem and demut refer to His deeds, not to any bodily form. In order, therefore, for man to validate the image of God in which he was made, he should strive to imitate his Creator in His deeds. If he does so, he penetrates the mystery of God's form; otherwise, he debases it.

This may explain the fascinating statement of Rav Nissim Gaon (in his introduction to the Talmud) regarding the universal obligations of natural morality. Rav Nissim Gaon relates to the question discussed earlier: how it is possible to punish the nations of the world for their failure to observe the mitzvot?

It might also be asked how is it possible to punish them for something that has never been given to them, nor imposed upon them as an obligation. Certainly, they may argue that had they been commanded, they would have performed [the mitzvot]; had they been warned, they would have been heedful and accepted [the prohibitions] just as [the Jews] accepted them.

Surely we can refute these arguments and say that all the mitzvot that are based on reason and the heart's understanding devolve as an obligation upon all people from the day that God created man on earth – upon Adam and his descendants for all generations.

The Rambam (Hilkhot Yesodei Ha-Torah 4:8, see also Moreh Nevukhim I, 1-2) offers the following explanation of the concept of tzelem Elokim:

The soul of all flesh is its God-given form, and the superior intellect found within the soul of man is the form of man… It is of this form that the Torah states, "Let us make man in our image (be-tzalmeinu) and according to our likeness," i.e., that he will have a form which knows and understands disembodied concepts…

The image of God is reflected in a person's conceptual capacity. Human beings are distinguished from other species because their intellect is categorically superior. They have a notion of truth and goodness; man's tzelem Elokim allows him to distinguish between that which is ethical and moral and that which is not.

Understandably, the Rambam in his Moreh Nevukhim (III, 17) applies reward and punishment to obligations stemming from natural morality, "even if he was not forbidden by a prophet to do them, as it is forbidden by the inborn disposition — that is, the prohibition against wrongdoing and injustice."

Universal Elements of Morality

We have thus far shown that there is a universal moral code, though its natural state is not a reflection of a haphazard fluke of nature, but rather a purposeful endowment of humans with a divine mission. As Rav Soloveitchik notes,[4] "The mere fact that man carries God's image suggests that morality is characteristic of human nature, and that doing good is an indispensable necessity."

God implanted within man an inner moral need when He created him in His image. With this in mind, we can understand how even after the giving of the Torah, the nations of the world can be taken to task for their failure to uphold the basic values inherent in humanity.

Rav Yehuda Amital, in the second chapter of his Jewish Values in a Changing World (pp. 19-44), brings numerous sources indicating the existence of natural morality and the severity of the punishment for one who violates it. One of the classic expressions of this idea is found in the Torah's attitude towards Ammon and Moab (Devarim 23:4-5):

An Ammonite or a Moabite shall not enter into the congregation of God; even to their tenth generation they shall not enter into the congregation of God forever, for they did not meet you with bread and with water on the way, when you came out of Egypt.

The Talmud (Sanhedrin 56a-b) teaches that all humanity is explicitly commanded to observe the seven Noahide laws, but these mitzvot do not include the obligation to meet wayfarers with provisions.

The claim against Ammon and Moab is that natural morality requires a certain type of behavior — helping people in times of trouble. The Torah's severe attitude toward the nations stems from the total absence of this moral sense in their makeup.

We are not allowed to marry male converts from Moab or Ammon because they did not give us food and drink when we needed it. This is not included in the Noahide commandments, but it seems to represent a breach of the most basic morality, preventing such a person from being fully accepted into the Jewish nation.

A violation which involves moral failure is a serious offense, as it testifies to an absence of natural feelings, a sin against one's own essence and humanity alike.

For Next Week

We have shown how natural morality is in fact part of man's supernatural personality, his tzelem Elokim; this obligates all nations of the world to engage in moral behavior. If so, what is unique about the Jewish people? How is the halakhic system of ethics singular, and what does it say about man's innate morality? We will address these issues in the next shiur.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #03: The Uniquely Jewish Elements of Morality

In last week's lesson, we established that moral and ethical impulses are divinely instilled in all of mankind, as part of the image of God (tzelem Elokim) implanted within us. One may wonder: what then is unique about the Jewish ethical system? What separates the Jew from the non-Jew? Are they equally bound by innate morality, or is there a difference between them?

In essence, one might formulate three basic questions that we will address over the next three lessons:

1. Is this "natural morality" expressed equally amongst all of mankind? Has the Jewish nation been given a calling or an education to ensure a heightened attention to ethical doctrine?

2. After the Giving of the Torah, is there still a need to adhere to one's inner moral calling, or has the Torah become our conscience?

3. If we can derive so many of the interpersonal mitzvot from our innate sense of morality or logic, why is there the need for divine commandments?

THE SPIRIT AND TRADITION OF AVRAHAM

Innate morality is a direct outgrowth of the tzelem Elokim in which man was created. While all of humanity was endowed with this tzelem, there is something unique about the Jewish people, specifically in the area of morally-endowed behavior. To understand the unique tradition of Jewish ethical behavior, we must analyze the endowments of the first "father" of the Jewish nation, Avraham.

The Bechira of Avraham

At the beginning of Parashat Lekh Lekha (Bereishit 12:1), the Torah states that a man by the name of Avram (who will later become our patriarch Avraham) is commanded by God to leave his homeland, his place of birth and his family in order to travel to the land that He will show him.

The verse in Nechemya (9:7), which is said daily in our prayers, is a little more explicit; Avraham is not just summoned by God, but also chosen by Him:

You are Lord, the God who chose Avram and brought him out of Ur Kasdim and made his name Avraham; and You found his heart faithful to You.

After God's bechira (choosing, selection) of Avraham, he enters into two covenants with him:

Berit bein Ha-betarim, the Covenant between the Parts (Bereishit 15:1-21), and Berit Mila, the Covenant of Circumcision (Bereishit 17:1-14). It is at the latter that God changes Avram's name to Avraham (ibid. 17:5). These covenants speak of a difficult future, but also promise an eternal relationship between God and Avraham's children.

Unlike a promise or a vow, which is one-sided, a covenant is two sided. If the descendants of Avraham fulfill their part, then God will fulfill His as well.

Who is this individual Avraham, whom God chooses for this special relationship? The Torah's discussion of Avraham's early life is rather limited; the text of the Torah itself tells us little about his childhood and upbringing. We are told (Bereishit 11:27-32) that Terach has three sons. Haran dies, and the remaining two sons, Avraham and Nachor, take wives. Immediately thereafter, the Torah informs us of the Divine command, "Lekh lekha," by which Avraham is called to leave his homeland, and everything he has, to go to the place God would show him; ultimately, the Land of Israel.

In fact, a literal reading of the Torah would lead one to wonder why exactly is Avraham chosen by God, and for what purpose? Why is he promised so much, merely for going to a new land, without being given any particular commandment or mission there? Although in later chapters the Torah informs us about Avraham's outstanding acts of kindness (chesed) and his unique commitment to educate his progeny in God's ways, we are given none of that background in the verses that introduce him. It is rather puzzling that God seems to, as it were, pick Avraham out of a hat — unlike Noach, whom the Torah identifies as "a righteous man, wholesome in his generations." (Bereishit 6:9).

In fact, the Midrash (as quoted by the Rambam, Hilkhot Avodat Kokhavim, Ch. 1) is far more explicit about Avraham's uniqueness. It describes his childhood, his search for his maker and the difficulties he encounters as he refuses to capitulate to the leaders of his time and renounce God. Yet, while the Midrash tells us that Avraham is a remarkable individual who overcomes opposition and goes out to teach the world about God, the Torah chooses to hide this from us. Why?

The Maharal (Rav Yehuda Loew, 1520-1609) deals with these and other questions regarding Avraham in Chapter 11 of his work Netzach Yisrael. The Maharal explains that God's bechira of Avraham and his descendants after him is essentially the choosing of the nation of Israel from amongst all the nations. Had the Torah informed us earlier of Avraham's righteousness, we would have concluded that the selection of Avraham's progeny is contingent on our continuing Avraham's observance. The Torah specifically withholds the information about Avraham's unique character in order to make it clear that the Jewish people will never cease to be the Chosen People, no matter what our actions. God has chosen us, and we are forever bonded to Him. The selection and chosenness of the Jewish people is eternally valid and independent of our behavior.

While the Torah hides the true nature of Avraham's character when it introduces him, it subsequently describes Avraham's righteousness and presents him as instilling a certain value system within his children. The Maharal himself notes (ibid.) that although the chosenness of the Jewish people is eternal, the way in which God treats them is based on their living up to the value system of Avraham and the other Patriarchs, the Avot. This he refers to with the Talmudic term zekhut Avot, the merit of the Patriarchs. The Jewish people will always be God's children, but for that relationship to carry with it all its advantages, we must continue to follow the path and tradition of our forebears.

The Unique Attributes Bequeathed by Avraham

What exactly is this tradition of Avraham which has been transmitted to his descendants? The Torah itself informs us of Avraham's unique nature, and the Midrash (Bereishit Rabba 38-39) expands on this, stating that before God chose Avraham, Avraham also chose Him. From the Midrashic account, quoted succinctly by the Rambam (Hilkhot Avodat Kokhavim, Ch. 1), it is clear that Avraham seeks to know his Creator from his youth, transforming his behavior into that one on a divine mission. Avraham achieves renown as a kindhearted, caring, hospitable individual. Avraham opens the four corners of his tent to welcome wayfarers and plants an eshel, which is not merely a tree, but an opportunity for food, drink and company for all guests (Bereishit Rabba 48, 54). Avraham's uniqueness is not only apparent in his peculiar actions, but in his attempts to understand the Creator's moral and ethical teachings and to transmit it to ensuing generations.

After reading the Torah's description of Avraham, the Midrashic account of him is not surprising. In the Torah (Bereishit 18:1-5), we read of Avraham's hospitality upon the arrival of three "men" to his home. Although he is in a weakened post-circumcision condition, he runs, fetches and tarries on behalf of these wayfarers. At this point, before the destruction of Sodom, we are given a glimpse into the Godly considerations, as it were, of the Divine mind, as to whether to inform Avraham of the impending destruction (ibid., vv. 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, to the end that God may bring upon Avraham that which He has spoken to him.

God decides to inform Avraham of his plans to destroy Sodom not only because of his uniqueness, but also because he will educate his children to live by derekh Hashem, the way of God, which involves righteousness (tzedaka) and justice (mishpat). Rav Meir Simcha of Dvinsk (Meshekh Chokhma, ibid., v. 19) sees this description of Avraham's imparting these values to his children as the source of the biblical requirement of chinnukh, education, for positive commandments:

The mitzva of educating one's children in positive commandments is never explicit in the Torah, save for regarding the requirement to teach one's child Torah… However, the real source for educating one's children in positive commandments is in this verse regarding Avraham, who directs his children regarding God's commandments…

Thus, the general requirement of chinnukh is to educate our children to walk in the footsteps of Avraham, following the derekh Hashem, the path of God, a lifelong mission of justice and righteousness. The Rambam (Hilkhot De'ot 1:7) explains that this derekh Hashem is the golden mean, the proper balance of character traits and values that constitutes the middle path. This is what Avraham imparted and transmitted to his children.

Indeed, the indelible imprint of Avraham on the Jewish people goes beyond his educational messages and affects the genetic makeup of his progeny. When God chooses Avraham, he promises to make him a blessing: that his character and behavior will also serve as a boon for all of humanity. In addition, Avraham's children are to be given special benefits, although these are limited to some of his descendants.

When Avraham must banish Yishmael, his eldest biological son, God reassures him, "Be not distressed over the youth… for in Yitzchak will your offspring be considered yours" (Bereishit 21:12).

The Gemara (Nedarim 31a) expounds, "'In Yitzchak' — but not all of Yitzchak". In essence, only through one of Avraham's children, Yitzchak, and through one of his grandchildren, Yaakov, will the special blessing of Avraham's offspring be realized.

The "Genetic Inheritance" from the Forebears

The relationship of Avraham, Yitzchak and Yaakov to their progeny is not only of historical importance. The Gemara (Berakhot 16b) states:

Our rabbis taught: "Only three may be referred to as patriarchs, and only four may be referred to as matriarchs." What is the reason? …up to this point they were [particularly] important, but beyond, they were not as important.

The Gemara, however, does not state what exactly makes the first three generations so important, nor does it detail the significance of the title of patriarch or matriarch.

In Chiddushei Ha-Geonim, we find an interesting explanation of this passage (printed in Ein Yaakov ad loc.), detailing the significance of these appellations:

It seems to me that the Sages have alluded here to the fact that our three Avot are the beginning, in essence expressing the [idea found in the] Midrash (Tanchuma, Lekh Lekha Ch. 12), that everything which happened to the ancestors recurs among their descendants. Anything that happened to our forebears is etched in their children's history… Therefore, they are referred to as Avot, for they are our forebears in the formation of our makeup, and only they affect our future.

Thus, the life stories of the Avot constitute historical precedent, as well as forming the spiritual makeup of their children. Our forebears do not only serve as a source of blessing for their descendants, but also as a model of appropriate behavior. (See also Ramban, Bereishit 12:6 and 26:20.) In fact, there is reason to believe that Avraham, for example, is not only our "father"; he also exists, to a certain degree, within each of us. The Sefat Emet (Toledot 5632) explains that every Jew has a special nekudda, inner essence, of Avraham within them, and it is this that we include in our prayers by referring to God as "Shield of Avraham," protector of this nekudda of Avraham in every Jew.

This can be further understood based on the description of the Ramchal (Rav Moshe Chayim Luzzatto), who composed a work entitled Derekh Hashem. There (II, 4), he explains that God created the world with different stages of mankind. After the ostensibly perfect Adam, the first man, lowers the status of mankind due to his sin, God decrees that there be an initial period of humanity to serve as "roots" for their progeny, founding the various nations of the world. These first twenty generations of mankind nourish and impart to future generations the levels of perfection that they themselves had been able to achieve. In the twentieth generation, that of Avraham, God creates the nations. As he writes:

God then scrutinized all mankind, observing the levels that were maintained in that generation's members, according to their deeds. These qualities then became a permanent part of their nature, in their role as roots. It was thus decreed that they each should bear future generations, all possessing the qualities that befit their root ancestor.

This period ends with the Dispersion, at which time "the period when men could be considered roots came to a close." The seventy ancestors become the roots of seventy nations.

At that time God looked around to see the level that the different individuals achieved. According to the Highest Judgment, it turned out that none of them deserved to rise above the degraded level to which Adam and his children had fallen as a result of their sin. [Not a single one had risen above it all.] There was, however, one exception, and that was Avraham. He had succeeded in elevating himself, and as a result of his deeds was chosen by God. Avraham was therefore permanently made into a superior, excellent tree, conforming to man's highest level. It was further provided that he would be able to produce branches and [father a nation] possessing his characteristics.

This was the beginning of not only the chosenness of Avraham, but the inheritance of certain aspects of his personality by his children, the branches. What aspects of his personality did we inherit? The answer is seemingly explicit in the verse quoted above — keeping the derekh Hashem.

What is this derekh Hashem, which the Torah defines using the terms tzedaka and mishpat, righteousness and justice? The explanation can be understood by reviewing the Maharal's words as quoted in the previous shiur, describing the importance of derekh eretz. This derekh Hashem imparted by Avraham to his descendants prior to the Giving of the Torah is the application of "derekh eretz kadma la-Torah" of the Jewish people. Before teaching His laws directly, God presents the model for proper conduct, the derekh eretz of the Avot, and imparts it to their descendants.

While the Maharal makes it clear that God chooses the Jewish people by virtue of our being descendants of Avraham, independent of our actions, he also stresses that to be worthy of zekhut avot, we must walk in our ancestors' path. The Jewish people will always share a unique relationship with God because there is a covenant which cannot be broken. However, to receive the benefit of our illustrious ancestors' merit, we must walk in the path they trod - derekh Hashem, the path of God. Our eternal relationship with God and our divine right to the Land of Israel are eternal, but we must adhere to certain requirements in order to merit our inheritance. Derekh eretz kadma la-Torah is not only a defining characteristic of the Jewish people; it is also a mark of that which the Avot implanted.

The Rambam states that charity is an expression of the heritage of Avraham (Hilkhot Mattenot Aniyim 10:1):

We are required to be more careful about the mitzva of giving charity than about any other positive mitzva, for charity is the sign of the righteous descendants of Avraham…

Derekh eretz maintains its import even in our day, but it does not suffice. Indeed, the Gemara states that Avraham fulfilled all of the dictates of the Torah even before it was given (Kiddushin 82a). He realized that the Torah elevates people to a level which they are incapable of reaching on their own — even those of a character as unique as Avraham.

The Three Defining Characteristics of the Jewish People

Understanding that we have a model of derekh eretz imparted by our Avot while simultaneously needing the Torah to elevate our behavior allows us to unlock a fascinating Talmudic passage.

The Gemara in Yevamot (79a) tells us that compassion (rachamim) is a distinguishing characteristic of the Jewish people. It gives us the background of King David's decree forbidding the Gibeonites from marrying native-born Jews even after their conversion.

He said to them: "This nation has three defining characteristics: they are compassionate, bashful (baishanim) and kindly.

"Compassionate — as it is written (Devarim 13:18), 'And he will give you compassion and love you and increase you.'

"Bashful — as it is written (Shemot 20:17), 'So that His awe may be upon your face.'

Kindly — as it is written, 'To the end that he may command his children and his household after him' (Bereishit 18:19), etc.

"Only one who has these three defining characteristics is fit to cling to this nation."

The Gemara states clearly that the Jewish people are identifiable by three character traits representative of special moral tendencies, to the extent that those who fail to express this nature are unworthy of marrying within the Jewish community.

The Maharsha (ad loc.) explains that the sources brought in the Gemara for these three unique character traits are also representative of their nature.

Regarding compassion, the Gemara states elsewhere (Beitza 32b)… "Anyone who has mercy on God's creations, it is known that he is a descendant of Avraham…"
Regarding gemilut chasadim (acts of kindness), the verse states, "For I have known him…" Even though the verse itself mentions only mishpat and tzedaka, the Gemara has also derived from this verse all gemilut chasadim, and it is included in "to keep the way of God." Gemilut chasadim is referred to as derekh Hashem in that a person must emulate the attributes of God, as it is said (Sota 14a): "'Follow Lord your God' (Devarim 13:5) — Is it possible for a human to follow the Divine Presence… Rather, emulate His actions: just as he clothes the naked…"

In essence, the Maharsha seems to indicate that the natural tendency of a Jew pulls him or her towards rachamim and gemilut chasadim, as inherited from Avraham. The source of this calling is, in essence, a spiritual DNA that constitutes the natural state of Jewish awareness and action. We have been chosen as the children of our illustrious forebears.

However, our unique disposition also carries with it a challenge, as the Maharsha notes. Only two of the three defining character traits of a Jew are inherited from Avraham. The other, bashfulness, is in fact a state that can be achieved only through thorough Torah study. As the Maharsha (ibid.) points out, the Jewish people are known not for being bashful, baishanim, but rather for being the opposite (see Avot 5:20) azzim — shameless, prideful, obstinate. In fact, the Gemara in Beitza (25b) states: "Why was the Torah given to Israel? Because they are azzim."

For this reason they are called baishanim: it is the Torah that counteracts their strong predilection and causes their hearts to be humbled, as Rashi explains there…

It is also evident from the Gemara in Nedarim (20a) that bashfulness is a trait which we acquired at the Giving of the Torah, for it states: "If anyone lacks bashfulness, it is clear that his ancestors did not stand at Mount Sinai."

Avraham's ability to stand up against the world and maintain his convictions required a certain amount of obstinacy. This obstinacy finds itself expressed in the Jewish people's stiff neck (Shemot 32:9), and Reish Lakish (Beitza ibid.) refers to the Jews as the azzim amongst the nations, comparable to dogs and roosters. Our bashfulness is only a result of the Torah that we study; it transforms our personalities from prideful to bashful.

How can the Torah transform our personalities from azzim to baishanim? The ethical teachings of the Torah explicate the derekh Hashem that Avraham integrated into his being and instilled in his progeny. This derekh of the Torah is defined very significantly by King Shlomo, who declares, "Its ways are ways of pleasantness" (Mishlei 3:17). As explained in our first shiur, the Torah is Torat chesed, leading one on the proper path to true righteousness. Studying the Torah can truly edify us in finding the proper path, but how does it transform our characters? The secret is that learning Torah is, in essence, learning about oneself.

The Torah and the Jew's Innate Connection

The Jew's introduction to the Torah does not begin after birth. The Talmud (Nidda 30b) describes the joy-filled days of the Jewish fetus:

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."

The question is: why is it necessary to teach the fetus the Torah if it cannot possibly carry this knowledge over into its life? Why teach what will soon be forgotten? Rav Soloveitchik (Reflections of the Rav p. 61) explains what is to be gained from this prenatal education:

Rabbi Simlai is apparently saying that every Jew comes into the world with a natural responsiveness to Torah teaching. Every Jew begins with a share in Torah which was vested in him before his birth, and, though he is made to forget it, it is preserved in the deep recesses of his soul, waiting to be awakened by study and a favorable environment…

On the last day of his life, Moses, exhorting the children of Israel to be loyal to the Torah, said, "These commandments are neither hidden nor distant from you… but are very close to you, within your mouths and hearts" (Deut. 30:11, 14). When a Jew studies Torah, he finds it native to his spiritual personality and he responds to it readily. It is an act of recollecting, recapturing, bringing to the surface what was once learned and forgotten. The Torah did not impose upon the Jews some extraneous matter, foreign to their natures. Rather, Torah study and practice awaken the Jewish memory and we recall that which is inherent in the Jewish soul and is often reflected in the everyday folk wisdom of the Jewish people.

The Light of God's Countenance

The Torah that a Jew learns is reawakens the inner nature, the spirit of Avraham and the Torah taught by the angel. This may be the explanation of the concluding blessing of our daily prayers, the blessing of shalom, peace. This blessing, coming after the priestly blessing, makes reference to a special radiance that God bestows upon the Jewish people, imparting both Torah and kindness.

For with the light of Your countenance, You gave us, Lord, our God, the Torah of life and a love of kindness, righteousness, blessing, compassion, life and peace.

Beyond the Divine image common to all mankind, the Jewish people enjoy this special radiance. Part of this light manifests itself in the Jew's connection to the Torah, but the first of these rays are our birthright as the children of Avraham, the great lover of kindness. Only recognizing and accepting this unique radiance allows us to ask God to establish peace and blessing upon the unified Jewish nation with this special light, as we request in this passage: "Bless us, our Father, all of us as one, with the light of Your countenance."

Birth of a Nation: The Education of Bondage

As descendants of Avraham, our inborn disposition towards chesed characterizes us as individual Jews. We can also see that God orchestrated the history of the Jewish people on a national level to receive an educational upbringing inculcating the need for chesed collectively. In order for the Jewish people to be the nation to educate humanity about this trait, we had to go through a rearing stage, that, though difficult, would prove essential for our mission.

Avraham is himself informed by God in Berit bein ha-betarim that his children will be enslaved in a foreign land before they will be able to return to Israel. The Egyptian enslavement was clearly trying, but in hindsight one can see some of the benefits that may have occurred as a result of the difficulty the Jews endured. On the simplest level, Rav Soloveitchik notes (ibid. p. 189) that the experience of Egypt "welded twelve tribal families into one nation through their shared suffering. They entered Egypt fragmented and emerged united." It also "dramatically manifested God's involvement in the birth of the Jewish people and demonstrated His concern with their destiny."

However, the Torah provides another reason as well for the bondage, portraying it as "a necessary experience which molded the moral quality of the Jewish people for all time." Devarim 4:20 states:

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

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

Whenever the Torah wants to impress upon us the mitzvah of having compassion and sympathy for the oppressed in society, it reminds us of our similar helplessness and lowly status during our bondage in Egypt. The most defenseless elements in society are usually the slaves, strangers,

widows and orphans, and we are repeatedly enjoined by the Torah to be sensitive to their plight: "You shall not pervert the justice due a stranger or to the fatherless; nor take a widow's garment in pawn. Remember that you were a slave in Egypt"…

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

The Egyptian experience may therefore be regarded as the fountainhead and moral inspiration for the teaching of compassion which is so pervasive in Jewish Law. It sharpened the Jew's ethical sensitivity and moral awareness.

The Midrash has R. Nehemiah say this explicitly: "the Egyptian bondage was of great value for us, since it served to implant within us the quality of kindness and mercy." (Mekhilta de-Rabbi Shim'on bar Yohai Ex. 13:3) Ours is a singularly ethical culture, which expresses itself through a heightened regard for human rights and dignity.

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

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

The Jew and the Jewish people as a national collective are each endowed with a special temperament, nourished by the roots, our forebears, and simultaneously carried through the Torah's tradition of educators who exhibit the angelic qualities of caring for one's fellow Jew. However, beyond their disposition and education, we have also accepted upon ourselves a covenant to act on behalf of our brethren. The Giving of the Torah itself required a tremendous unity among the Jewish people (see Rashi, Shemot 19:2), but it become axiomatic in their acceptance of arevut, mutual responsibility (which will be discussed in a later lesson).

The next lessons will deal with the uniqueness of the Jewish covenant, focusing on the nature of the commandments in the interpersonal realm.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #04: The Need for a Divine Command (Part 1 of 2)

Introductory Questions

In the last two lessons, we described the universal elements of morality that are incumbent upon all humanity and rooted in the supernatural creation of man in the image of God. Beyond the universal elements of natural morality, the Jew has an innate disposition to do chesed, inherited from the Patriarchs, beginning with Avraham.

Taking this all into account, we might imagine that the Torah need not specify any obligations within the interpersonal realm. After all, if all mankind has been endowed with an inner moral calling, and the Jewish people have a heightened sense of this, why does the Torah not assume that everyone will act properly?

One possible explanation is that, despite man's natural sense of morality, the Torah replaces any internal conscience and dictates a code of behavior for one to follow. God has determined that the Jewish people require commandments to replace natural morality. On the other hand, one might contend that the Torah does not supplant and replace natural morality; rather, it supplements it and adds on mitzvot we would not have known on our own. However, if this is so, then we are left to wonder about the mitzvot that are logical. Why does the Torah need to command behavior that should be self-evident? Wouldn't man's innate rational nature allow one to arrive at many of the mitzvot independently? What is added to the interpersonal realm by their being commanded?

One last point arises: mitzvot are often classified in one of two categories (to which we will attempt to add a third category in lesson 6); mitzvot bein adam la-Makom, ritual commandments between man and God, and mitzvot bein adam la-chavero, commandments regarding behavior towards one's fellow human beings. However, if we think about it, since God is the One commanding us to behave in a certain manner to our friends, doesn't this indicate that even the interpersonal commandments are obligations to God as well? What purpose then does this distinction serve?

To address these questions about interpersonal mitzvot, let us look into the nature of the Torah in the wake of natural morality. Doing so will hopefully enable us to see the fascinating model of Jewish ethical observance and what makes it so unique and powerful.

Why the Need for a Command?

The idea that we could have determined the boundaries of proper interpersonal behavior on our own seems to arise from the Midrash:

"You shall keep My statutes" (Vayikra 18:4) – these are the laws written in the Torah which, had they not been written, would have deserved to be included regardless.

For example, theft, forbidden relations, idolatry, blasphemy, and murder — had they not been written, it would have been proper to write them. (Torat Kohanim, Acharei Mot 9, 13)

The examples cited by the Midrash do not depict acts of kindness, but rather restrictions of grossly harmful behavior. Yet, the question remains, if these laws "would have been proper" for mankind to implement even had they not been codified in the Torah, why did they need to be written at all?

Indeed, certain commandments are self-evident for the simple reason that man's natural morality, rooted in the supernatural divine image that God has instilled in man (see Lesson 2), dictates standards of behavior. For this reason, Rav Saadia Gaon (in his introduction to Emunot Ve-de'ot, sec. vi) and later commentators distinguish between two types of divine commands: rational laws and revelational laws; the latter group became binding at Sinai when we accepted the Torah by declaring "Naaseh ve-nishma," "We will do and we will listen" (Shemot 24:7).

If, as the Midrash and commentators declare, these rational mitzvot could easily have been developed through man's innate sense of reason, then what is gained by God's making them commandments? Seemingly, they are logical because they emanate from our natural sense of morality. In the final analysis, does our rational conscience obligate us at all in the interpersonal realm?

Unique Application to the Jew

The question is, essentially: what is the role of this natural morality after the Torah has dictated a specific set of principles governing our behavior? As Rav Lichtenstein poses it:

Does the Torah supplant or supplement universal values? ...Subsequent to the Jewish Nation's formulation of a covenant) with God, are we still bound by the more general norms that preceded it? …What happens to more universal elements? Do these fall away because of the exclusivity of the new relationship? Or do we regard the new relationship as being superimposed upon the old, but not at odds with it? [1]

An analysis of the gamut of Jewish sources creates a strong case that, in fact, the Torah does not come to replace this natural morality, but rather to elevate it and transform it. The Gemara (Sanhedrin 59a) states that it is inconceivable that there are mitzvot that are binding upon Noahides but not Israelites: "There is nothing that is permitted to a Jew, but forbidden to a non-Jew." Rashi (ad loc., s.v. La-zeh Ve-lazeh) explains:

For when [the Children of Israel] were removed from the category of descendants of Noach, they were removed in order for them to become sanctified, not in order to make it easier for them.

The Gemara seems to make it clear that the Torah seeks to elevate the naturally moral divine nature within man. Being that the basis of "natural morality" is the supernatural composition of man, it would make sense that this obligation remains intact even after the giving of Torah. Man's rational morality is a divine calling, which still has relevance. Rav Kook seems to express this idea in explaining the dictum "Derekh eretz kadma la-Torah." Indeed, moral behavior preceded the Torah, for it acts as its anchor, as he writes:

Morality in its natural state, with all its profound splendor and might, must be fixed in the soul, so that it may serve as a substratum for the great effects emanating from the strength of Torah…

Every element of Torah must be preceded by derekh eretz [natural ethical behavior]. If it is something agreeable to natural reason and uprightness, it must pass in a straight path, with the inclination of the heart and consent of the pure will implanted in man, like theft, illicit sexual relations, and modesty which are learned from the ant, the dove, and the cat, and all the more so those things which are derived from the internal cognition of man himself and his spiritual sense. [2]

It seems that God purposely ensured that man have this moral bedrock before the Torah was given. Rabbi Meir Simcha of Dvinsk relates that there are specific parts of the Torah which are written upon the hearts of the Jewish people — and to a certain extent, mankind as a whole. These intrinsic ideas serve as the guidebook for our actions even after the Giving of the Torah. Analyzing God's words to Moshe (Shemot 24:12) at Sinai, "Come up to Me, to the mountain, and remain there; then I will give you the tablets of stone and the Torah and the commandments which I have written, that you may teach them," he explains:

"Which I have written" cannot refer to the Torah and the commandments; see Rashbam. It seems that [we can understand this in light of the rabbinic dictum:] "Had the Torah not been given, we would have learned modesty from the cat, [aversion to] theft from the ant, [aversion to] sexual immorality from the dove, and [conjugal] derekh eretz from the fowl" (Eruvin 100b). Therefore [God] said, "Which I have written" — in the book of nature that I have created, which is the book of the Blessed One who created it. (Meshekh Chokhma, ad loc.)

At Sinai, then, "the book of nature" remained as one of the sources of obligation in mitzvot and morality. As Rav Lichtenstein ("Does Jewish Tradition Recognize an Ethic Independent of Halakha", p. 66) concludes: "The religious and the ethical are inextricably interwoven; one cannot divorce Halakha from morality."

In fact, for the Jew, the Torah's elevation of one's innate morality is doubly true. Beyond the natural inborn morality common to all humanity, the Jew possesses a unique soul from our ancestors, in which a merciful nature and a pull to kindness are inherent. With this in mind, we can revisit the Maharal's view of "Derekh eretz kadma la-Torah" (cited in lesson 2), wherein he explains that the Avot, the Patriarchs, exemplify derekh eretz, the proper way to act, before the Giving of the Torah. The Avot bequeathed to us their nature and exemplary behavior without a divine command, and it is upon this foundation that the Torah was given to us, to elevate our natural tendencies.

However, if natural morality is expected of the Noahide nations and is obligatory for all of mankind to some degree, what makes the Jew and Judaism unique? What exactly does the Torah add, and what remains of our natural moral calling in our singular Jewish nature?

Mitzvot Bein Adam La-Makom: The Command

Evidently, God feels that man must not rely on natural morality, with all of its importance; one must be commanded in the realm of ethical action. Jewish ethics is a divine mandate. This idea is expressed by a number of commentators at the beginning of the Mishnaic tractate of Avot, named for the Jewish Patriarchal tradition and often referred to in English as "Ethics of the Fathers". Avot contains many of the moral teachings of the sages.

Of all the tractates in the Talmud, it is specifically Avot which begins by describing the transmission of the Torah to Moshe from Sinai, establishing the chain of tradition. It starts (1:1): "Moshe received the Torah from Sinai and transmitted it to Yehoshua, Yehoshua to the elders…"

Rav Ovadya Bartenura (ad loc.) explains the reason for beginning Avot in this manner:

For this tractate is not founded on the interpretation of a specific commandment from the Torah like other tractates; rather, it consists entirely of musar (ethics) and middot (moral traits). Now, non-Jewish scholars have also produced works on similar topics, based on the ethical teachings they have developed by their own rational analysis, regarding how one should treat his fellow. Therefore, the author of the Mishna begins with the introduction, "Moshe received the Torah from Sinai," to teach you that the ethical and moral teachings contained herein are not mere rational innovations: they were received at Sinai.

The same idea of the divinity of the ethical commandments within Jewish tradition is expressed in many other areas as well. Rav Joseph B. Soloveitchik comments that the Torah's introduction to the Ten Commandments seems to go out of its way to express how our ethical calling is divine. The Ten Commandments (Decalogue) are given on two tablets, seemingly divided into five mitzvot bein adam la-makom, and five bein adam la-chavero. The Torah introduces the Decalogue with the verse, "And God spoke all [kol] these words, saying" (Shemot 20:1). Rashi explains the unique usage of the word kol:

This teaches us that the Holy One, Blessed be He, pronounced all these words in a single utterance, which is impossible for human beings.

Rav Soloveitchik explains that this singular utterance is significant in that it teaches us that "all Ten Commandments constitute an indivisible, organic unity. We have not ten commandments, but one, with ten aspects…'all' in this context means …a totality, an interdependent oneness of all its seeming parts. Faith and morality are integrally one and inseparable." (Reflections of the Rav, p. 193)

Rav Soloveitchik goes on further to explain how the Torah's message of the indivisibility of the whole of the Ten Commandments serves a dual purpose. Not only does it impress upon us the necessity of a morality based on divine commandment, it also stresses the inconceivability of separating one's ritual fulfillment from the ethical message of Judaism. "People who are ritualistically observant but ethically deficient distort Judaism. Their self-righteousness and presumed piety are hypocritical… It is moral schizophrenia to separate ethics from God." (Reflections of the Rav, p.195)

The message seems to be clear: there is a religious imperative to be moral and ethical, and it is inseparable from one's ritual observance. However, again we may ask, had the Torah not explicated what one would have logically determined on his own, what would have been insufficient in the laws one could develop based his innate sense of logic?

The Torah's Approach vs. Secular Humanism

Secular humanists believe that man can be induced and motivated to pursue ethical norms without the absolute imperative of the divine. The teachings of rationalists throughout the centuries indicate that goodness can be learnable through the intellect. Contemplating proper behavior, one arrives at an understanding that naturally leads one to its fulfillment. The source of obligation of ethical principles is reason itself, natural morality.

In a different context, Rav Aharon Lichtenstein (By His Light, p. 208) notes that Mathew Arnold defines culture as "the study of perfection" and literature, high culture, as "the best that has been thought and said in the world." It is this that is supposed to refine man.

However, Rav Lichtenstein declares, "the dismal record of human performance in this area testifies to man's most tragic failure in history." [3] The rationalist thinkers throughout the centuries have never succeeded in creating a culture of upstanding morality. Modern contemporary culture, in particular, has moved perceptibly away from many values it once cherished, "becoming increasingly vulgarized and inundated by permissiveness, hedonism, eroticism and violence" (By His Light, loc. cit.).

The Torah clearly feels that with all the power of reason and with all the influence of natural morality, commandment is necessary. In fact, the majority of the seven Noahide mitzvot seem to serve to create the basic foundations of an ethical society. According to the Ramban, they include the commandment of setting up courts, which requires the creation of an ethical society forbidding theft, kidnapping and the like (Ramban, Bereishit 34:13). We might assume that it is sufficient that a Noahide perform these commandments out of reason alone. However, the Rambam (Hilkhot Melakhim 8:11) tells us that non-Jews are obligated to perform their commandments with the knowledge that these laws are divine directives.

But why is a divine commandment necessary, when God Himself has included within our nature the rational understanding to act with certain standards of behavior?

The Torah clearly feels that reason alone is insufficient, and so it adds a divine imperative. Offhand, we may suggest a few understandings of why that would be so, some more technical and some more fundamental.

Explanations of the Need for a Divine Mandate

Reason often falls short.

On the simplest level, God's technique of commanding the obvious is based on the fact that even something that is self-evident may never be realized if one does not take the time to think about it. Thus, the divine command might merely be to remind us of what is seemingly logical, and the divine mandate does not seek to replace or strengthen the logical requirement, but rather to act as an eye-opener

However, a deeper look at the divine command seems to reflect a greater purpose. Not only is reason often inadequate in reaching morality, but it is also sometimes defective. As "natural" as natural morality is, it is also subject to re-examination and change.

Reason isn't sufficiently binding.

Plato claims that if a person understands proper behavior through logic, there is no need to command that person. Logic becomes one's religious requirement. Aristotle says that pure reason still is not enough to compel one to do something. In fact, the breakdown of Platonic thought results, in part, from his feelings that intellect alone can breed behavior, and his detractors' witnessing that it could not. (See Berkowitz, loc. cit.)

We may wonder, though, why in fact reason does not sufficiently obligate one to act morally. If man does have a divine inner urge to do right, what holds him back?

Simply stated, one often knows the right thing to do, but difficult circumstances or pure laziness hold one back. Without a binding command, man may opt to violate his own morals, just because he is too tired to act properly.

However, the human mind is very sophisticated, sometimes using its powers to convince one that given actions are in fact proper. Instead of allowing one to feel guilt over opting for easy, immoral behavior, the mind has the power to rationalize, allowing one to choose whatever feels correct. One might refer to this as the power of bribery. The verse (Shemot 23:8) states that a judge is forbidden to take even the smallest amount of money from a party to a case he is presiding over: "Do not take a bribe, for the bribe will blind those who see and corrupt the words of the righteous." Despite the fact that the judge is an educated expert in his field, the Torah is worried that he might — even inadvertently — lose his proper sense of judgment. Sometimes, man can convince himself that something is proper, when his moral sense rationally knows the opposite. This is often expressed in cognitive dissonance: an individual may know that an action is wrong or harmful, and yet he may feel compelled to do exactly that. As the famous ethicist Bertrand Russell exemplified in his life and expressed openly, knowledge of ethics does not transform someone into an ethical being. However, a divine command acts as the bottom line, preventing the rationalization which would otherwise permit the action which, deep inside, one knows is improper.

Additionally, the Torah is built on a unique understanding of the character of man in general and the character of the Jew in particular. From this perspective, man-made moral systems that are not based upon fear of Heaven are insufficient because they can be subject to change. Hence the moral relativism that has taken over contemporary culture and has led society to accept behaviors and standards that were considered to be unethical or repugnant in earlier generations.

The Sages interpret the verse (Vayikra 5:21) "When a person sins and commits a trespass against God by dealing falsely with his neighbor" homiletically, meaning that one who commits a trespass against God will eventually also deal falsely with his neighbor.

Rabbi Reuven was asked by a philosopher in Tiberias: "Who is the most contemptible person in the world?"

He replied: "One who denies his Creator, because the denial of all norms follows if one rejects God. No man violates a law unless he first repudiates the authority of the law." (Tosefta Shevuot 3:5)

Rav Soloveitchik elaborates on this:

Rabbi Reuven felt that the nonbeliever constitutes a danger to the moral fabric of society. The philosopher was astonished by his answer because faith, after all, is the private affair of the individual; and, furthermore, are not many atheists teachers of morality? The Rabbi insisted, however, that eventually atheism leads to the demoralization of the individual and society. Man can easily rationalize his crime, declare norms to be relative, and proclaim himself the arbiter of right and wrong. With most people, the baser part of their natures will tend to dominate. Indeed the moral bankruptcy of secularism is apparent to all students of our contemporary world…Morality without faith cannot sustain itself. (Reflections of the Rav, p. 194)

Rav Natan Gestetner (Le-horot Natan, Avot 1:1) explains that Rav Ovadya Bartenura's explanation of the introduction to Avot teaches us that, despite the fact that without a command we would have been able to know how to act interpersonally, the requirement to do so is divine.

"For one who acts this way out of rational understanding will not be able to maintain his convictions when faced with a situation of temptation or where moral actions will cause him a great loss." He will fail to remember that "the punishment for sins between man and his fellow is more severe than [the punishment for sins] between man and God." Evidence of this may be seen in the law that ritual obligations can be violated in most cases for pikuach nefesh, saving a life, while some opinions (though they are not accepted halakhically) rule that a person cannot rob another even to save his own life. (See Chiddushei Ha-Re'a, Ketubot 19a.) He adds, "Because man's understanding of morality is not complete, even the people of Sodom saw themselves as lawful individuals… Those people who claim they violate the Torah but maintain their moral compass are merely fooling themselves; any moral principles not rooted in unwavering commitment to the Almighty are limited by human understanding and will be pushed aside in the face of difficulty."

In next week's lesson, we aim to conclude our discussion of the need for commandment and examine the Torah's employment of this idea.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #05: The Need for a Divine Command (Part 2 of 2)

In last week's lesson, we started to develop an understanding of the need for divine commandments in the ethical realm. We indicated that reason alone is not sufficiently binding and that proper conduct can often be rationalized away' leading to the creation of a society with a corrupted sense of morality. In this week's lesson, we will add more reasons for commandment being necessary, and we will further elaborate on the concepts we have developed by analyzing Avraham's encounter with Avimelekh.

Balance of Values

Another motivation for divine ethical dictates is that reason can enable us to develop many values, but it often falls short in determining the relative strength of those values. For instance, the prohibition of causing tzaar baalei chayim, pain to animals, is clearly substantial in Halakha (See Shulchan Arukh OC 305:20), but it pales in significance when compared to providing essential human needs and saving human lives. An animal-lover's disregard for human pain is a perfect example of how an ethical doctrine can go haywire, if not rooted in some deeper, divine system of thought.

Unfortunately, not too long ago, the Jewish people experienced the most heinous of crimes against humanity at the hands of a society that considered itself to be highly cultured, ethical, and humanitarian. The stories told of many wicked individuals who viewed themselves as caring and decent are mindboggling and painful, and they express the need for a divine code of ethics.

Many of the Nazi leaders who spent their days killing humans en masse were great lovers and protectors of animals. Deputy FÃ¼hrer Rudolf Hess, of cursed memory, was a mass murderer, but he was also a vegetarian and a member of an animal rights society. His care for animals was born after when he saw a calf being led to the slaughter and could not bear the pleading look in the eyes of the animal, which sensed its impending doom. Similarly, SS head Heinrich Himmler, of cursed memory, penned a letter describing his love and care for animals, "creatures grazing at the end of the forest — innocent, helpless, unsuspecting creatures…"

Indeed, years before Hitler came to power, the story goes, the rosh yeshiva of Slabodka, Rav Moshe Mordekhai Epstein, of blessed memory, was on a trip to Germany, and he saw a woman sitting on a bench kissing her dog. In shock, he predicted: "They will be slaughtering people in this country one of these days, for it says in the verse (Hoshea 13:2), 'Butchers of people will kiss calves.'" If care for animals leads one to see animals as human, then one has failed to recognize the dividing line between man and animal, a phenomenon which may lead to the utmost cruelty toward one's fellow man.

George Steiner, in the preface to his book Language and Silence, expresses the disillusionment of the rationalists themselves in the post-Holocaust era:

We know now that a man can read Goethe or Rilke in the evening, that he can play Bach and Schubert and go to his day's work at Auschwitz in the morning. To say that he has read them without understanding, or that his ear is gross, is cant. In what way does this knowledge bear on literature and society, on the hope, grown almost axiomatic from the time of Plato to that of Matthew Arnold, that culture is a humanizing force, that the energies of the spirit are transferable to those of conduct?

A divine set of moral dictates ensures that one can maintain balance in interpersonal behavior. A higher authority directs each person as to how to balance different values.

The Torah's Definition of Truly Moral Behavior

Even setting aside the limitations of an ethical system based on reason alone, there is another fundamental element of the need for commandment in the ethical realm. The Torah, with all of its understanding of the natural morality of the divine image of man, and even with all of its awareness of the Jew's natural disposition to kindness, feels the need to define proper behavior. Judaism redefines man's natural sense of virtue, and its definitions determine truly moral behavior.

Rav Chayim of Volozhin, in his work Ruach Chayim, comments on the mishna in Tractate Avot (1:2) that teaches "The world stands on three things: Torah, serving God and acts of kindness." He explains that these foundations only existed as independent variables prior to the giving of the Torah. However, the revelation at Sinai made worship and kindliness meaningless when they are separate from the Torah. After Sinai, behaving in a seemingly virtuous manner that is not consonant with Torah dictates is improper.

Torah is first on the list (of foundations of the world), for if there would be one moment without Torah study, the entire world would revert to the chaos of the first day of creation. Moreover, Torah defines divine service and kind deeds… Lending money with interest was permitted and considered chesed before the giving of the Torah. The Taz (Yoreh Dea 160) notes that most businesses depend on loans in order to raise capital and consider it a favor if such loans are granted, even if they are charged interest. After Sinai, loaning with interest not only ceases to be chesed; it becomes forbidden, punishable by exclusion from the resurrection of the dead.

The Torah often not only transforms our innate sense of obligation to fulfill a commandment; it also provides the guidelines for proper performance, defining the parameters of that obligation. Rav Chayim of Volozhin provides another example in his commentary (ibid). He cites the anecdote of Rabbi Akiva, as a young student, coming across an abandoned corpse, a meit mitzva, which Jewish law demands be buried with all due haste. Thinking it appropriate, he picks the corpse up and carries it several miles to the nearest village for burial. Rav Akiva is told by his masters that despite his noble intentions, the law states that the greatest act of kindness for an abandoned body is to bury it right where it is found; every step of his had been, in fact, a sin (Semachot 4).

The story demonstrates that even when one intends to act properly and kindly, their rational approach may be deficient, illustrating the need for a greater authority to dictate correct behavior. Certainly divine input is also necessary in specific situations, where there can be a clash of values that lead to confusion as to the proper mode of conduct. Ethical dilemmas, such as the question of the propriety of stealing in order to save a life, can only be solved through great study of the parameters of the interpersonal mitzvot.

Divinely-Mandated Goodness

Beyond all the reasons given above, the simplest explanation for God's commanding us to follow mitzvot in the interpersonal realm is that it is His will that we be kind and ethical, not just for natural moral reasons, but also for supernatural ones. God wants to ensure that we create a society of chesed, rooted not only in our love for man, but also in our love of God. God shows that it is important to Him as well that we treat others with respect. It is through the ethical commandments that God teaches us that an immoral individual cannot be considered a religious Jew.

The society we live in, while championing the importance of ethics and virtue, is also often marred by selfishness and outlooks which focus on the individual, to the exclusion of others. As people focus on their own needs, and personal ambition is often accepted as ample reason for hurting another, refocusing on the Torah's interpersonal ideals becomes all the more important.

The Torah chooses to combat hypocrisy and provide a balanced sense of morality, rooted in the divine mandate to elevate our behavior to that of a true "kingdom of priests" (Shemot 19:6).

Case in Point: Avraham's Encounter with Avimelekh

The story of Avraham's encounter with Avimelekh, Philistine King of Gerar, explores the deficiencies of a society rooted in reasoned morality. The Torah tells us, at two different points that Avraham feels the need to hide the true nature of his relationship to his beautiful wife Sara and to portray their association as merely that of siblings. The first incident, in the kingdom of Egypt (Bereishit 12:13 ff.), is very understandable. Egypt is the capital of immoral behavior at the time, and there is no doubt that Pharaoh might have killed the husband of a beautiful woman to be able to take his wife. The society of Gerar, on the other hand, is known to be extremely ethical, with upstanding behavior and values, yet Avraham chooses to conceal the fact that Sara is indeed his wife once again, when he stays there (ibid. Ch. 20; all subsequent citations are from there unless otherwise noted). One might ask: why is Avraham so afraid to be honest in Gerar?

In fact, this question is posed directly to Avraham by Avimelekh himself. Working off the assumption that Sara is Avraham's sister, Avimelekh chooses to take her to the palace. Avimelekh is taken to task by God:

And God came to Avimelekh in a dream by night, and He said to him, "Behold, you are to die because of the woman you have taken, for she is a married woman." (v. 3)

Avimelekh, who had been told originally that Sara was Avraham's sister, complains to God. God responds that he knows what Avimelekh believed, but Avraham is nevertheless a prophet, and if Avimelekh is interested in being healed, he needs to return Sara.

The next morning, Avimelekh rises early and summons his servants, telling them the truth. He then confronts Avraham with extreme anger. He explains that as king, he stands at the helm of an ethical society, and therefore who could insinuate that he, of all people, would want to steal another man's wife?

Avraham responds duly, with a rejoinder that deserves much analysis. Avraham counters (v. 11) "For I said, 'Surely the fear of God (yirat Elokim) is not in this place; indeed, they will kill me over my wife!'"

Avraham's rejoinder seems to be very straightforward: without yirat Elokim, one cannot rely on any moral code of behavior to prevent people from committing even the most heinous of crimes, bloodshed and adultery. Though the society of Gerar might not be as openly corrupt as that of Egypt, the lack of a moral code rooted in divine commandment cannot hold its weight against temptation.

Avraham then continues his response to Avimelekh (v. 12), "Moreover, she is indeed my sister, my father's daughter, though not my mother's daughter, and she became my wife…" Avraham's justification of referring to Sara as his sister is seemingly a further rebuke to Avimelekh's system of ethics: if Avimelekh wants to live according to a system based upon the letter of the law and not its spirit, based upon the fine print and circumventing the true intent, than by his own rules, Avraham's act is morally defensible. In a moral society not predicated on yirat Elokim, any activity can be justified by finding a technical loophole or creating it in times of necessity.

The Talmud (Bava Kamma 92a) states that in fact Avraham is explaining to Avimelekh in this exchange that the twisted morality that he has observed in Gerar has the potential to be more deadly than the openly lustful behavior of Egypt. In a supposedly moral society, in order to enable the king to seize the most beautiful, albeit married, woman, her husband would have to be killed. It is specifically because the moral code forbids a relationship with a married woman that so-called morality would require taking the life of another human.

The Talmud phrases Avraham's challenge to Avimelekh's sense of values thusly: "If a stranger comes to town, one asks him about matters of food and drink. Does one ask him about his wife?" This first question posed to a visitor expresses the deadliest form of misdirected morality. As God tells Avimelekh, Avraham is a prophet, and his penetrating outlook is not based on mere fear, but on a deep understanding of the nature of a society not anchored in divine standards. Avraham explains that rational morality is often skin-deep (see Mikhtav Mei-Eliyahu Vol. 1, p. 72). The Malbim, in fact, expressed this idea in his commentary to these verses:

If we see a person who is a great philosopher, who is just in his ways and has accustomed himself to act properly based on his intellect, we still cannot trust that person, for at a time of passion he may act evilly, and the same is true of a nation… Rather than having one's intellect dominate one's passions, the fire of passion may burn for a desirable woman, for the wealth of another. In such circumstances, even one's intellect will be led astray — to murder, to engage in adultery or to commit any other evil act. There is only one force in man's soul which can guarantee that he will not sin, and that is the characteristic of yira which is planted in his soul, which comes down to one thing: yirat Elokim.

In contemporary modern society, we often see a civilization that has many admirable values, including a sense of morality and compassion for humanity. However, double talk and hypocritical behavior often reveal the true face of the most supposedly moral individuals.

Two Necessary Conclusions for Divine Morality

By commanding morality, God in essence obligates us to develop in two other areas in order to become an ethical individual. The command defines the parameters of morality and insures that one does not lose balance or rationalize immoral behavior. Only one who is familiar with the divine definitions of kindness and who feels bound by them under all circumstances can truly be ethical.

The Need for Studying the Ethical Commandments

Rav Chayim of Volozhin expands his argument (cited infra.) of the necessity to view morality as a mitzva, emphasizing the importance of learning how to perform chesed in order to become a truly kind person (chasid). He explains that the question of the relative importance of focusing one's efforts on Torah study or the performance of mitzvot (Kiddushin 40b) is in fact related to this thesis.

"Your Word is a candle for my feet, a torch for my path" (Tehillim 119:105). The Torah serves as both torch and candle, defining the mitzvot and their details in order to lead us on the path of life. The mishna (Avot 2:5) tells us: "An ignoramus cannot be a chasid"…
Even with the best intentions, one cannot properly fulfill the commandments without knowing the laws very well…. The question [regarding whether Torah study or mitzva performance takes precedence] has been resolved in the following manner: without Torah study, none of the other commandments can be performed properly… for one cannot perform a mitzva without knowing all of its detailed rules…
Torah study is not just one of the three pillars that support the world; it shapes and defines the other two, serving God and acts of kindness, as well.

Hopefully, the lessons in this series will enable us to learn the divine parameters of chesed, to know how to act properly. However, knowledge is only useful for the one who is committed to living according to knowledge, even when circumstances complicate the execution.

The Need to Develop Fear of God

We saw earlier how Avraham tells Avimelekh that he had felt the need to lie about the true nature of his relationship with Sara because he witnessed a lack of yirat Elokim, fear of God, in Gerar. Avraham evidently feels that yirat Elokim is essential for living a moral life. However, this gives rise to a question. Usually, we downplay the necessity of fearing God, focusing on the mitzva of loving God, which has more positive associations. Why would Avraham stress the seemingly secondary element of fearing God as a necessity for a moral society, instead of pointing out the Philistines' deficiency in loving God?

We may understand this by examining another teaching of Rav Chayim of Volozhin. Rav Chayim points out that people often denigrate the importance of fearing God's punishment. For that reason, we are told that one should not perform mitzvot with the intention of receiving a reward (Avot 1:3) and that one should serve God out of love and not fear (Rambam, Hilkhot Teshuva, Ch. 10). In most instances where yira is expressed in positive terms, we understand it not as fear, but as awe — achieving an extremely elevated level of standing in total reverence and astonishment at the omnipotence of God.

However, Rav Chayim, in numerous places, expresses his strong conviction that while simple fear of God is certainly not the goal at the highest level of divine service, it is an essential element of any religious commitment and should not be disparaged. With his characteristic realism, he states that one who tries to serve God only out of love and never out of fear will not succeed; one who does so will ultimately experience a spiritual downfall. He understands the mishna (Avot 2:1) that states, "One should be as scrupulous with a minor mitzva as with a major one" in the following way: "Even when performing a mitzva with ulterior motives, so that the value of the mitzva is diminished, one must still be very scrupulous, for even so its value is tremendous" (Ruach Chayim 2:1).

The fear or trepidation at the thought of committing a prohibition and the understanding of the divine reward for the fulfillment of a mitzva keep one on track even when one is not in the mood to be nice. (See also Milluim Le-Ruach Chayim, Ch. 8).

The yirat Elokim that Avraham describes to Avimelekh is the same fear of Heaven that Rav Chayim praises. It is this yira that remains strong when reason attempts to guide us to sin in the name of morality and all our lofty goals subside; it keeps us on the high road. Working on our fear of God helps us remain committed to morality even when doing the right thing is not so easy; succeeding in acting properly even under trying circumstances is a true accomplishment. As Avraham teaches us, fearing God is an essential part of being nice, another bridge between the ritual and the ethical commandments.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #06: Difference in Obligation of Bein Adam Le-chavero and Bein Adam La-Makom

The Two Basic Categories of Mitzvot:

In last week's lesson we pointed out that although many interpersonal mitzvot are rational, God chooses to command their performance, essentially making them mitzvot bein adam la-Makom (commandments dealing with one's relationship with God). If so, one might ask, what makes these interpersonal directives, these mitzvot bein adam le-chavero (commandments dealing with man and his fellow man) unique? Are they for all intents and purposes really mitzvot bein adam la-Makom, with the only singularity being that their fulfillment involves another, or are they fundamentally different in nature?

While one may think that all mitzvot have similar foundations, there are essential differences between mitzvot bein adam le-chavero and mitzvot bein adam la-Makom. When we analyze the scope of mitzvot and contrast these two categories of mitzvot, we can see that they have differences that go beyond the foci of the action. By developing an understanding of the distinctions between these two types of mitzvot, we will hopefully reveal the unique nature of interpersonal directives.

We will attempt to draw a number of conclusions based on the differences between mitzvot bein adam la-Makom and mitzvot bein adam le-chavero on three levels, namely:

1. The discrepancy in essential obligation.
2. The divergent methods of rectifying violations of these commandments.
3. The varying requirements for a birkat ha-mitzva, a blessing made prior to the performance of the commandment.

The Discrepancy in Essential Obligation:

In general, understanding a mitzva requires identifying its specific obligation. Though the Torah instructs us to perform numerous mitzvot, analysis of the nature of various laws indicates that not all mitzvot are created equal. One can speak of at least three types of obligations. Some mitzvot are result- based, focusing on achieving the result the Torah desires through the mitzva's performance. Other mitzvot are characterized by a focus on the outward action, the maaseh, the mechanical act required by the Torah. There seems to exist a third category as well, which combines the importance of a mechanical act (maaseh) with a specific long-reaching aim or purpose; merged, these two elements achieve and fulfill the essence of the commandment.

While each mitzva should be analyzed independently, one does find a striking bifurcation in the corpus of mitzvot, separating most mitzvot bein adam la-Makom from their counterparts, mitzvot bein adam le-chavero.

To better understand this distinction, let us begin by discussing the need for kavana, the proper intent to perform a mitzva in order to fulfill a divine decree.

The importance of possessing kavana in order to properly execute certain mitzvot seems to underscore the significance of the mindset accompanying the act, as opposed to the result of the action. The mitzva is not only a mere physical act, but an act performed with a mitzva-directed frame of mind.

The Talmud, in a number of places, raises the issue of whether mitzvot require kavana; i.e., is a commandment only considered to be fulfilled if accompanied by the proper intent? The Mishna Berura (OC 60, Beiur Halakha, s.v. Yesh) asserts that this debate only deals with the necessity of kavana for the mitzva, intent to perform the act as a commandment; however, there is no doubt that one must have a certain type of kavana: the proper intent for physical action. One who manages to act out a mitzva without any thought whatsoever has the halakhic status of mitasek, so this person is certainly not to be viewed as fulfilling a mitzva, as the Mishna Berura explains. The question discussed in the Talmud is whether the intent to perform an action without contemplating divine intent leaves one remiss in performing his or her duty.

This focus on the necessity of kavana seems to indicate that at least some mitzvot are not merely designed to achieve a certain result. After all, even if the desired result is achieved through one's action, the act is insignificant if one lacks proper intention and mindset. However, the Talmud does not stop there. In at least two places, the Talmud indicates that the intent to perform a mitzva, even without an actual execution, can be viewed as akin to the genuine performance of the mitzva.

The Talmud (Berakhot 6a) expounds the verse in Malakhi 3:16: "And it is written before Him… for those who think of His name" that one who conceives of and intends to perform a mitzva but is unable to do so due to circumstances beyond his control is considered to have performed the mitzva.

In Kiddushin (40a), the Talmud refers to God as joining the good thought to the unrealized act, so that one is rewarded as if one had performed the mitzva.

The idea that kavana plays a role in our favor, that the intent to perform a mitzva is almost as good as doing it, is based on God's omniscience. He takes them into account when He reviews our deeds, whether they have been completed or have been left undone because we were unable to perform them fully.

While this concept does not justify rearranging our lives to focus solely on intent rather than action, it does teach us that when we perform mitzvot, kavana serves a central role. This idea seems to be expressed concisely in the Talmudic dictum (Sanhedrin 106b) "God desires the heart (libba)."

However, alternative sources seem to indicate that the heart being in the right place is no substitute for the successful completion of a mitzva. The Mishna in Pirkei Avot (3:15) states that one is judged according to the sum of one's deeds. There is no mention of an individual's desires to perform more.

This contradiction gives rise to a rather important question. Are our successes in the spiritual realm judged by output or input? Is our intent more important than our achievement of the desired goal, or is the reverse true?

The Chafetz Chayim explains this by examining the statement made in Berakhot (28b), recited as part of the Hadran prayer upon concluding a major unit of Torah, that those who study Torah toil and receive a reward, while other do not: clearly all people are rewarded for their hard work, but only a Jew is rewarded even without the successful completion of his or her attempted goal. The Jew's input, intent, and planning are viewed as meritorious even if success is not the ultimate result. Is it really so simple that we are judged by our heart, libba, and not by our action, maaseh?

One explanation offered for the apparent inconsistency between these two statements is that while G-d in fact desires the intent of the heart more than action, the only way to prove whether in fact the heart is in the right place is to see what actions it motivates the person to do.

Analyzing the sources we are about to see might point in another direction as well: one might venture to say that these two statements refer to two different categories of mitzvot. Mitzvot bein adam la-Makom seem to be the model of the mitzvot we have been discussing until now, in which the heart takes priority. These seem to be mitzvot which have an essential component of intent, and if a person is under duress, intent may even be sufficient to be viewed as accomplishment. Mitzvot bein adam le-chavero, on the other hand, seem to be focused on the result. It is not enough for a person to intend to be good to his or her friend; one's actions are judged only by the bottom line: has a person succeeded in doing good? In fact, the sources seem to go one step further. Not only is a person not judged by intent, but the motivation may in fact be unnecessary for fulfilling the commandment. In addition, one may violate certain prohibitions between man and his fellow man even if one's heart is in the right place.

What is the source of our contention that mitzvot bein adam le-chavero are results-based? First let us take a look at the Torah itself, where we find a fascinating mitzva. Regarding interpersonal mitzvot, there is already a biblical source indicating that a person can perform a mitzva without any intent whatsoever: the mitzva of shikhcha (literally, forgetfulness), leaving one's bundles in the field for the poor. One who, during the process of harvesting his field, forgets a bundle there is bidden to leave the produce there for the poor, and the farmer fulfills a mitzva even without having acted intentionally. "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" (Devarim 24:19). When the orphan and widow take the forgotten bundle, the owner of the field fulfills the mitzva of shikhcha, even if he is unaware that the bundle has been taken.

The Midrash does not limit this fascinating novelty to shikhcha, but applies it to tzedaka, charity, as well. Some authorities go further and express this element as a component of all mitzvot bein adam le-chavero, as we shall currently see.

Yalkut Shimoni (Torah 937) learns from the verse regarding the forgotten bundle, that "if an individual loses a coin which is subsequently found by a poor man who uses it to feed his family, the Torah considers it as if the one who dropped the coin has provided for the indigent."

Unlike the sources which we quoted earlier, which speak of the importance of desire and proper intent of the heart, here the Torah is crediting an unknowing individual, who may be wondering about the whereabouts of the money that fell from his pocket, with having supported the needy because his lost money was found by a pauper. In fact, not only is it clear that the mitzva has been fulfilled here without requiring kavana for the action of giving tzedaka, it has been fulfilled without any intentional action at all! Clearly, the individual did not intend to lose his money; he would thus fall into the category of mitasek. Without ever having intent for his action at all, he is viewed as fulfilling a divine command.

Certainly this is not meant to belittle the importance of proper intent in the fulfillment of mitzvot involving one's fellow man, as the Yalkut Shimoni itself concludes: "If the Torah rewards one who has no intent, how much more so must the one who intends to give to the poor be regarded highly!"

Nevertheless, the intent seems to give a person extra credit only. At the same time, the best intentions do not seem to be viewed with much approbation if they do not culminate in an achievement.

While one might want to limit this phenomena of unknowingly performing mitzvot to giving charity alone, which of course bears a striking resemblance to shikhcha, it is clear that some authorities assume otherwise. They understand the shikhcha phenomenon not as a deviation from the norm, but as an expression of the nature of all mitzvot bein adam le-chavero.

Rav Elchanan Wasserman (Kovetz Shiurim II, 23:6) points out that there are two general categories of mitzvot: those which focus on man's action and those which focus on the result (and therefore, instead of requiring kavana, require a proper execution of the act). The same distinction, he explains, is found in negative mitzvot. Some prohibitions may be violated only by one who has malicious intent, while others may be violated if an individual's actions bring about an undesired outcome. The examples Rav Elchanan brings for results-centered mitzvot are primarily mitzvot between persons.

Rav Yosef Engel, in his work Atvan De-Oraita (13), expresses this distinction even more clearly. He explains that the fundamental distinction between mitzvot bein adam le-chavero and mitzvot bein adam la-Makom is in this area. Mitzvot bein adam la-Makom are, as the name indicates, obligations of man towards God; man is bidden to prove his desire to fulfill G-d's will. As long as the proper attempt has been made, the failure to actually execute the mitzva is irrelevant. On the other hand, mitzvot bein adam le-chavero are results-based. The Torah wants man to be beneficent to his fellow; therefore, the mitzva is judged by the upshot, by the metric of success. (Rav Engel indicates that there are some mitzvot bein adam la-Makom which are also results-based, but he refers to them as mitzvot bein adam le-chavero. This idea is also expressed in Yabbia Omer EH 1:3 and many other sources.)

The implications of this distinction are vast. God's directive to man to serve Him focuses on intent, while the instructions regarding how to treat one's fellow man seek to ensure that the other actually accrues the benefits God desires for him. Rav Chayim Shmuelevitz (Sichot Musar 74) explains that the directive of the Torah to remember that which happened to Miriam in the desert after she spoke ill of her brother (Deuteronomy 24:9) is supposed to be a daily reminder that when it comes to one's fellow man, righteous intentions do not save one from punishment if the resulting actions bring about damage. Miriam only intended well in her speaking about her brother, Moshe, but damaging speech cannot be permitted no matter how well-meaning the speaker is.

Rav Shmuelevitz goes on to explain that this is the meaning behind the statement of the Talmud (Bava Batra 16a) that despite the fact that Peninna, the wife of Elkana who was blessed with ten children, intended well when she prodded her childless co-wife Channa, she was still punished (I Shemuel 1-2). The proper mindset and even righteous intent offer no protection against the punishment due for the hurt caused to another. Peninna may have intended to stimulate Channa to pray more strongly; in fact, she succeeded in doing this. Nevertheless, Peninna hurt Channa in the process, and she was punished severely by the death of her own children.

In mitzvot bein adam le-chavero, the ends do not justify the hurtful means. (See Sichot Musar loc. cit., where he brings a number of other examples that bear out this point.)

In fact, one might explain the Mishna's statement in Pirkei Avot (5:2) that an ignoramus cannot be a kind individual in the following way: not only must one who strives for righteousness be knowledgeable in the law, but he must also be knowledgeable in human nature. All too often, we see individuals with the best of intentions who unknowingly and unintentionally damage others, such as one who organizes a tzedaka campaign for a friend without realizing that the friend does not want public charity.

With this in mind, we can start to understand how the distinction between these two categories of mitzvot indicates that the address of the action is not their only disparity. These are in fact two alternative categories, one of divine mandates aimed at man showing his desire to fulfill the will of G-d through action, and a second of divine mandates aimed at actually achieving the results of creating a more loving, giving society and averting damage and hurt from one's fellow man.

In fact, the laws of these two disparate categories seem to further bear out this distinction in an enlightening manner.

Rectifying Violations of Mitzvot Bein Adam La-Makom and Bein Adam Le-chavero:

In the process of teshuva (repentance), one seeks to repair the damage of sinful behavior. There are two main distinctions between mitzvot bein adam la-Makom and mitzvot bein adam le-chavero when it comes to the teshuva process: the requirements of ritzui (appeasing the injured party) and public confession. These disparities further establish the importance of the results-based focus of mitzvot bein adam le-chavero.

The Rambam (Hilkhot Teshuva 2:9; see Mishna Yoma 8:9) indicates that Yom Kippur, as well as the standard process of repentance throughout the year, only serve to absolve a person of sins between him and God, but not of those between him and his fellow man. In order to atone for sins against one's fellow, 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. The Rambam even uses the term ritzui, a word denoting a reÂ-creation of comity and unity, not only a willingness to forgive as part of the teshuva process. Only after the damage has been rectified and unity re-created can an individual then attempt to continue his teshuva process for violating a mitzva bein adam le-chavero vis-Ã -vis God Himself.

According to our understanding that mitzvot bein adam le-chavero are results-oriented, we may clearly explain the necessity of righting a wrong done to one's friend and obtaining his forgiveness. Even if one has seen the error of his ways and wants to repent, as long as the damage is still there, creating a distance between two Jews in place of the camaraderie the Torah desires, then the prohibition is still being violated. Only a reversal of the damage can open the gates for an individual to cleanse himself from the sin to his fellow.

This idea is further expressed in the Rambam's understanding of the need for public confession of one's sins. He writes (Hilkhot Teshuva 2:5) that it is proper that one who violates interpersonal commandments confess publicly, while one who violates obligations bein adam la-Makom needs to confess privately only. The explanation of the distinction seems to be based on the premise which we have discussed. Sins against one's fellow damage not only the victim; the harm is magnified by the way it is seen by the public.

An act of apology and confession that does not rectify the public harm done to the wronged individual is deficient. In contrast, mitzvot bein adam le-Makom, with their intent-oriented focus, are meant to remain between man and G-d. (In the upcoming lesson, we will elaborate regarding the process of forgiveness for interpersonal violations.)

The Lack of a Berakha for Mitzvot Bein Adam Le-chavero:

With this in mind, let us conclude our discussion by examining a final discrepancy between mitzvot bein adam la-Makom and mitzvot bein adam le-chavero: the need for a berakha (blessing) prior to the fulfillment of most of the former type. This is what we refer to as birkat ha-mitzva, the blessing made over a commandment, which usually consists of the standard opening, followed by the phrase "asher kiddeshanu be-mitzvotav ve-tzivanu," "Who has sanctified us with His commandments and commanded us", concluding with the title or action of the mitzva. While many mitzvot bein adam la-Makom require a birkat ha-mitzva, no mitzva bein adam le-chavero does. In fact, the Rambam (Hilkhot Berakhot 11:2) only mentions the concept of a birkat ha-mitzva in conjunction with mitzvot bein adam la-Makom, as if to say there is no room for a berakha on interpersonal mitzvot. Why not?

We noted in the previous lecture that even though human beings may have a natural sense of morality, God sees it fit to command us to perform mitzvot bein adam le-chavero. It would seem that an individual should make a berakha prior to their performance, just as one does with most mitzvot. However, this is not the case, and the commentators discuss this seeming anomaly. While a complete understanding of this issue would require a more clear definition of the purpose of a birkat ha-mitzva, our earlier discussion will shed light on the topic. We will focus on three primary explanations; that of the Rashba, who focuses on the significance of the results; that of the Or Zarua, who expounds the significance of limitations in applicability; and that of the commentators who focus on the uniqueness of the commandment for these mitzvot.

The lack of a birkat ha-mitzva for mitzvot bein adam le-chavero is already discussed in a responsum of the Rashba (I, 18), who explains:

One does not make a blessing on an action that is not completely in the hands of the performer because it is possible that the one on whose behalf the action is being performed may reject it, thus negating it. This includes gifts to the poor, loans, charity, etc.

The Rashba's explanation is clearly understood in the context of our premise. Actions done on behalf of one's fellow man are results-based. In order to warrant a berakha prior to its performance, a mitzva's successful realization must be exclusively in the hands of the person doing it. The performance of a mitzva bein adam la-Makom is completely in the hands of the doer, because it focuses on the intent of the one taking action to follow the will of God. In contrast, mitzvot bein adam le-chavero, such as giving charity and making loans, do not reach their fulfillment unless they are accepted by the recipient. Therefore, a birkat ha-mitzva is not applicable to them. The Rashba's distinction seems to be a source from the Rishonim for our understanding that the successful completion of mitzvot between man and his fellow are dependent on the intended recipient's acceptance of the doer's action.

While the explanation of the Rashba seems to confirm our distinction between the two types of mitzvot quite clearly, other answers provided by commentators on this subject seem to open the door for next lesson's discussion. This is because of the unique way in which they underscore the singularity of mitzvot bein adam le-chavero.

The Or Zarua (Hilkhot Birkat Hamotzi 140) writes that one does not make a birkat ha-mitzva for any obligation which is unceasing and constant. He includes within his list the mitzvot of chesed.

The Or Zarua seems to be explaining that a birkat ha-mitzva is necessary when an individual stops what he is doing to discharge an obligation which arises at that given moment. In contrast, chesed is ubiquitous and perpetual. A birkat ha-mitzva indicates that the mitzva's setting is limited, so a berakha cannot be made for a constant mitzva such as chesed. We aren't supposed to switch on the "be nice" button when it suits us – kindness is supposed to be a constant endeavor. Accordingly, we should not say that mitzvot bein adam le-chavero do not deserve a berakha; rather, making a berakha would almost demean them by implying that the time for kindness is a particular moment, rather than always.

A number of other commentaries focus on the inapplicability of the text of the standard birkat ha-mitzva, particularly the word "ve-tzivanu", for a variety of reasons.

The 16th-century scholar Rav Binyamin Ben Matitya (Responsa Binyamin Ze'ev 169) explains that the universal nature of mitzvot bein adam le-chavero is what precludes us from saying a berakha before performing them. The text of a berakha specifies the uniqueness of the mitzva to the Jewish people ("ve-tzivanu" — "and commanded us"), but mitzvot of kindness and the like performed on behalf of one's fellow man are applicable worldwide; therefore, they do not deserve a birkat ha-mitzva celebrating our uniqueness. (A similar idea is mentioned by the Torah Temima, Shemot 24:30.)

In a slightly different way, the Arukh Ha-shulchan (CM 427:10) explains that while our obligation in mitzvot bein adam le-chavero is indeed unique in its breadth and scope, the universal applicability hides the sanctity in these mitzvot; therefore, they are not accompanied by a berakha. Our chesed may not be the same as kindness amongst the nations, but since that is not readily apparent, we do not make a berakha.

While these explanations seem to focus on the lack of uniqueness in our system of mitzvot bein adam le-chavero, a second look may indicate quite the opposite. There is a universal appeal and applicability to kindness, but as the Arukh Ha-shulchan formulates it, this only serves to conceal the uniquely Jewish nature of chesed. God chooses to order us to fulfill these mitzvot despite the fact that we could figure many of them out on our own. The divine command actually serves to differentiate our mitzvot bein adam le-chavero from the moral codes of the rest of the world, as it simultaneously makes the singularity of the mitzvot bein adam le-chavero less readily apparent.

Why does God choose to command us and sanctify us through His commandments in the form of mitzvot that we might have decided to do without a divine command?

Rav Yechiel Yaakov Weinberg's comments on this issue may shed light on this peculiarity. He writes (Responsa Seridei Eish I:61) that the rationale for not being able to make a birkat ha-mitzva and to say "ve-tzivanu" is not the lack of uniqueness of the directive; rather, it is because we are required to perform the commandment with an inner desire, not out of compulsion. One should not give charity begrudgingly, simply because it is demanded of us, but out of an honest feeling of wanting to provide for one's fellow and to achieve the desired result that the mitzva sets out to accomplish.

With this in mind, we have seemingly come full circle. Despite the natural, universal application of the results-oriented mitzvot bein adam le-chavero, there is clearly a unique expression provided by the divine command to the Jew. Its uniqueness might be hidden to the outsider, but only an in-depth study of the halakhic requirements involved in each mitzva will serve to reveal its true nature and purpose. The divine imperative seems to express the uniqueness of the Jewish social ideal; simultaneously it lends an aspect of mitzvot bein adam la-Makom to every mitzva bein adam le-chavero.

In fact, regarding our discussion of repentance, the fact that one must also perform teshuva before God (see Hilkhot Teshuva 1:1 and 2:11) for a violation of a mitzva bein adam le-chavero seems to indicate that there is an element of divine will within the very mitzva, an aspect of bein adam la-Makom. Why is this necessary, and what does it mean? We shall see in the next lesson.

In the upcoming shiur we will address these questions while further developing an understanding of a third type of mitzva, mitzvot bein adam le-atzmo (intrapersonal commandments). I will attempt to show how all mitzvot bein adam le-chavero carry within them elements of all three types of mitzvot. I hope to further define these three types of mitzvot and delineate the various aspects of each mitzva.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #07: The Kindness of Love and Godliness

A Third Aspect to Jewish Morality

In our previous lessons, we developed the concepts of universal morality expressive of man's tzelem Elokim and the unique Jewish disposition towards chesed. We also saw that God deems fit to add commands of action in the ethical realm. These commands have a dual nature. The commandment itself transforms the ethical action into a divine dictate, a mitzva bein adam la-Makom, where proper intent is essential. However, this command also has the uniqueness of mitzvot bein adam la-chavero in its focus on the results: how does one's friend feel as a result of one's action?

There are many types of acts of kindness, however, that are not mentioned explicitly in the Torah. For instance, visiting the sick, comforting the mourner and healing the injured are not expressly commanded in any particular biblical verse; does this mean that there is no obligation to perform them? It is generally assumed that the Torah promotes all benevolent actions with a commandment. Beyond man's moral urges, God dictates that people act kindly with each other, whatever situation may arise. The question, however, remains: what is the biblical source for this instruction?

The source of an obligation is essential, for it helps us to understand the nature of the obligation. An analysis of the possible sources for this obligation seem to present a much broader scope for mitzvot bein adam le-chavero; we may discover a third element, the recognition and understanding of which is essential for one who wants to live by the divine code of ethics.

The Source of the Obligation of Gemilut Chasadim

Every morning, after reciting the blessing over the Torah, we recite the first mishna in Tractate Peia, which lists those praiseworthy actions which have no quantitative limit. The penultimate entry is gemilut chasadim, doing acts of kindness. While it is obviously of great importance, the commentators differ as to the exact source of the obligation.

At first glance, the Talmud seems to bring an explicit source for the obligation. When Yitro urges Moshe to appoint judges, he tells Moshe what he should teach them, "And you shall make known to them the way that they shall go in it" (Shemot 18:20). The Talmud explains:

Rav Yosef taught: "'And you shall make known to them' refers to their livelihood'; 'the way' refers to gemilut chasadim; 'that they shall go' refers to vesting the sick; 'in it' refers to burial…" (Bava Metzia 30b)

Though this verse seems to be explicitly expounded as referring to acts of loving-kindness, many commentators maintain that the obligation must be based on another verse.

They apparently see the Talmud's explanation as a mere asmakhta, a homily without the force of a biblical mitzva; alternatively, they view Yitro's advice as encouragement to follow the proper path of kindness, without a specific obligation to do so. In its place, these commentators offer two general requirements which may subsume obligations towards general acts of kindness: "You shall love your fellow as yourself" (Vayikra 19:18), and "Follow Lord your God" (Devarim 13:5). These commentators also bring sources to back their claims. An analysis of the Rambam's usage of these two verses will help us better understand the unique nature of Jewish kindness.

The Two Verses

The Rambam (Hilkhot Avel 14:1) seems to bring the verse "Ve-ahavta le-reiakha kamokha," "You shall love your fellow as yourself," as the source for performing acts of chesed. There, the Rambam writes: "It is a positive rabbinical mitzva to visit the sick and to comfort mourners... Even though all of these mitzvot are rabbinical, they are included in 'You shall love your fellow as yourself.'"

The Rambam elsewhere seems to present a different source for requiring ethical conduct. Understanding the Rambam's need for two sources will reveal his unique understanding of the depth of one's interpersonal obligations and offer us a model for the proper fulfillment of these obligations.

The Rambam, near the beginning of his magnum opus, Mishneh Torah, explains the parameters of both the mitzvot mentioned earlier. In Hilkhot De'ot 6:3 he details the mitzva of "Ve-ahavta" as a more general obligation of loving one's fellows by praising them publicly and being careful not to cause them monetary loss or embarrassment.

Each man is commanded to love each and every one of Israel as himself, as it is stated: "You shall love your fellow as yourself." Therefore, one should speak the praises of others and show concern for their money, just as he is concerned with his own money and desires his own honor…

While the Rambam in his comments in Hilkhot Avel seemed to attach to the mitzva of "Ve-ahavta" a general obligation for performing kindness, in Hilkhot De'ot, he seems to limit the obligation to more specific requirements. Why does the Rambam, who is legendarily systematic, choose to mention the obligation of loving one's friend in two different contexts with diverse meanings?

What further compounds the difficulty is that the Rambam in Hilkhot De'ot seems to bring an alternate source for the obligation of beneficence. In the first chapter of Hilkhot De'ot, the Rambam discusses the biblical obligation of following God's ways, and in his description, he seems to understand it as the source of the obligation to do chesed. Why would the Rambam attach the mitzva of chesed to two distinct verses? One gets the distinct impression that the Rambam is trying to reveal the dual nature of the obligation of performing acts of loving-kindness. An analysis of the mitzva of following the ways of God will help us disclose the hidden depths of this obligation.

Following the Ways of God

In a number of places, the Torah uses similar but differing formulations indicating God's desire that the Jewish people "follow His ways." The Rambam (ibid. 1:5) focuses his conclusions regarding this obligation on the following verse (Devarim 28:9):

"God will establish you as His holy people, as He swore to you, if you will keep the commandments of Lord your God and you will follow His ways (ve-halakhta bi-drakhav)." However, similar terminology is used in a number of other places in the Book of Devarim (see 8:6, 10:12, 11:22, 13:5, 26:17 and 30:16.)

The intent of the verses is very unclear and puzzling. As the Talmud puts it (Sota 14a), "Is it possible for a human to follow the Divine Presence?" How can a mortal human being attempt to act as the Perfect and Wholly Other does? What does it mean to follow the ways of God? The Sages of the Midrash and Talmud themselves ask this question and explain at least three of these verses as a call to emulate God in one manner or another. Sometimes, the Sages seem to focus on an obligation to emulate God's actions; at other times, they speak of emulating His characteristics.

The Talmud (loc. cit.), commenting on the verse "Follow Lord your God, fear Him, keep His commandments and obey His voice; and you shall serve Him and hold fast to Him" (Devarim 13:5), understands the obligation of "following God" as an injunction to perform benevolent actions, emulating God's acts of loving-kindness.

R. Chamma b. R. Chanina said: "What is the meaning of the verse, 'Follow Lord your God'? Is it possible for a human to follow the Divine Presence? Is it not written, 'Lord your God is a devouring fire' (ibid. 4:24)? Rather, emulate His actions. "Just as He clothes the naked, as is written, 'Lord God made for Adam and his wife coats of skins and clothed them' (Bereishit 4:21), so you too clothe the naked. "God visits the sick… so you too visit the sick. "God comforts the mourner…so you too comfort the mourner. "God buries the dead…so you too bury the dead."

While this Talmudic statement focuses on emulating God's actions, (clothing the naked, visiting the sick, etc.,) elsewhere, Abba Shaul explains a different verse (Shemot 15:2) as a directive to emulate Divine attributes: "This is my God, ve-anvehu" — literally, "and I will beautify Him".

Abba Shaul states: "'Ve-anvehu' — be like Him! Just as he is gracious and compassionate, you shall be gracious and compassionate." (Shabbat 133b)

Similarly, but with a slight variation, the Sifrei derives the obligation to emulate the Divine attributes of graciousness, compassion and the like from a verse instructing us "to follow all His ways" (Devarim 11:22).

Just as He is called "merciful," so should you be merciful; just as He is called "gracious," so should you be gracious... just as He is called "righteous," so should you be righteous... just as He is called "pious," so should you be pious. (Ekev 49)

Here the Sifrei focuses on the fact that God is referred to as gracious and righteous; we, His followers, must therefore emulate those characteristics.

These various understandings constitute the biblical obligation of emulating God — in Latin, Imitatio dei. This idea appears in seemingly lesser forms in other instances, in explicit verses which instruct us to model our behavior after God. We rest on the Sabbath as He did (Shemot 20:11), and the major command to be holy is formulated in the Torah as "You shall be holy because I, Lord your God, am holy" (Vayikra 19:1). Additionally, we are told, "For Lord your God... loves the stranger, providing him with food and clothing. And you too must love the stranger, for you yourselves were strangers in the land of Egypt" (Devarim 10:17-19).

However, even after the various rabbinic explications of the requirement to follow the ways of God, the obligation is unclear. What exactly does this obligation entail? Many of the early enumerators of the 613 mitzvot do not count it; others, such as the Yere'im, understood is as a mitzva: a general positive directive to keep all of the commandments (Sefer Yere'im 261). The Rambam, however, understands that these verses do not merely express a broad requirement; they represent the foundation of Jewish morality.

The Rambam's Unique Understanding

The Rambam bases his understanding of the obligation primarily, as we mentioned above, on one somewhat abstruse verse (Devarim 28:9): "God will establish you as His holy people, as He swore to you, if you will keep the commandments of Lord your God and you will follow His ways." The verse states what would seem to be a promise, a prediction. This verse is especially difficult to understand as a commandment to emulate God because it is phrased as a conditional statement and not a command. It would seem to be, if anything, more of a general guideline than a specific command. (The Rambam's son, Rav Avraham, is aware of these difficulties in his father's approach, and he deals with them in his Responsa, # 63.)

This specific verse receives little attention in Midrashic sources, save for one mention, in which it seems to be understood as a promise of beneficence towards one who emulates God's values system. The Talmudic and Midrashic explorations of the obligation to follow God's ways quote other verses which seem to express the idea in the form of a command. Why does the Rambam focus on a verse that seems not to be a mitzva at all?

Tanna De-vei Eliyahu Rabba (24) is the Midrash which expounds this specific verse.

"God will establish you as His holy people, as He swore to you, if you will keep the commandments of Lord your God and you will follow His ways" — in the ways of Heaven. Just as the ways of Heaven are being merciful and compassionate toward the wicked and accepting them in repentance, you are to be compassionate toward one another. Just as the ways of Heaven are to be gracious, bestowing gifts gratis not only upon those who know Him but also upon those who do not know Him, so you are to bestow gifts upon one another… Just as the ways of Heaven are abundant in loving-kindness, ever inclining toward loving-kindness, so are you ever to incline toward doing good to others, rather than inclining toward doing them harm.

Here, the Midrash expounds upon emulating the attributes of God, with a focus on the actions that logically extend from these attributes. A look at how the Rambam cites the obligation is very telling. In Sefer Ha-mitzvot he writes:

The eighth positive commandment is to emulate the Blessed One as far as we are able, as it is written (Devarim 28:9), "And you will follow his ways," and it is repeated (ibid. 11:22), "to follow all His ways." Our Sages explain (Sifrei ad loc.) "Just as He is called 'merciful,' so should you be merciful; just as He is called 'gracious,' so should you be gracious...

This commandment is also repeated somewhat differently (ibid. 13:5) "Follow Lord your God." This, too, is explained (Sota 14a) as emulating the good deeds and noble traits ascribed to the Blessed One — figuratively speaking, as He is transcendentally exalted above all things.

The Rambam begins with Devarim 28:9, focusing on the idea of emulating God's attributes, but he includes all of the other verses as well, beginning with the Sifrei's emphasis on what God is "called" and concluding with the Talmud's directive to emulate God's noble deeds and traits.

With this background, we are finally able to return to the Rambam's comments in Mishneh Torah, in Hilkhot De'ot (1:4-6). It is there that the Rambam cites only Devarim 28:9, and goes so far as basing his entire system of ethics on this principle. According to his reading, the "way" in which we are supposed to walk is the middle path:

The right way involves discovering the midpoint temperament of each and every trait that man possesses [within his personality], namely, that disposition which is equally distant from the two extremes...

This is the way of the wise. Every man whose traits are intermediate and equally balanced can be called a "wise man"…

We are bidden to follow the middle paths, which are the right and proper ways, as it is written, "And you will follow His ways".

Our Sages taught the following explanation of this mitzva. "Just as He is called 'merciful,' so should you be merciful; just as He is called 'gracious,' so should you be gracious." Just as He is called "holy", you shall be holy. In a similar manner, the Prophets call God by other titles: "slow to anger," "abundant in kindness," "righteous", "just," "perfect"… to inform us that these are good and just paths. A person is obligated to accustom himself to these paths and to emulate Him to the extent of his ability.

The Rambam here adds to the list of attributes the trait of holiness, and he provides a rule of thumb. God acts in ways which we identify with these qualities, and the Torah and the Prophets mention these actions because they are attributes which man should strive to achieve. The Rambam continues in the rest of the chapter to delineate how one can inculcate these behaviors, and explains "This is the heritage which our Patriarch Avraham taught his descendants, as it is stated (Bereishit 18:19): "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]."

Essentially the Rambam is informing us that derekh Hashem, the way of God which the forefathers walked in, is emulating the divine attributes to the point of being able to model one's behavior after God's actions. The focus is not only on actions, but on cultivating virtuous dispositions. It may be that for this exact reason the Rambam focuses on the verse which is a promise and not a command: the ideal of modeling ourselves after God's holiness is born of true emulation, transforming our being. God does not act because of commands; He acts because He is good. God is "called" such, but man, created in His image, can become such.

The Rambam, besides enlarging the obligation of beneficence to include a pleasant disposition, is seemingly expressing his deep-seated belief in the proper mindset of man. Human behavior should not be motivated by the spontaneous expression of feelings of warmth. Rather, man's emotions should arise as the result of a deliberate process of thought. Imitation of God requires that a person not be controlled by the unchecked expression of his emotions. Rather one should control one's feelings; motivated by one's desire to resemble God, one should seek to find the correct and proper quality, the middle path, appropriate to the situation as hand. By doing so, the Rambam transforms "Ve-halakhta bi-drakhav" into the ultimate yardstick for determining the appropriate gemilut chasadim for each case.

The Extents of Emulation

We have seen that the Rambam's approach to emulating God is to develop a virtuous disposition which leads to explicit action. This is a central theme of Judaism with far-reaching applications.

It is no surprise that gemilut chasadim features prominent in our daily prayers: in the central Amida prayer, God is addresses as "gomel chasadim tovim," the Doer of good acts of kindness. However, this idea goes further. We may find an example of the extent of the obligation of gemilut chasadim incumbent upon us in the works of Rabbi Moshe Cordovero, at the beginning of his Tomer Devora. He describes how God acts with loving-kindness even towards someone who, at that very moment, is sinning against Him:

There is never a moment that a person is not sustained by a heavenly force that fills him. You will find that there is never a time that a person sins against God, while, at that very same moment, He is not filling him with life force. Even though that person is using that force for sin, He does not withhold it from him. Rather, the Holy One, Blessed be He, suffers the insult and fills the person with life force, even though the person is expending that force, at that very moment, on sin and transgression, causing the Holy One, Blessed be He, to become angry and to suffer… This is an ineffable example of insult and tolerance.

Man is called upon to follow the ways of God with regard to this trait as well:

This is a trait that man must adopt for himself — I mean to say, tolerance. Even when one suffers insult to a great degree, one should not withhold goodness from the recipient.

Many years later, Rav Soloveitchik, working off the teachings of the Rambam and the Midrash, expanded the imperative "to follow the ways of God" to include creativity and many other elements of godliness.

The Rambam's Need for Two Verses

With this in mind, let us revisit the question we began with, as to the source of the biblical obligation of gemilut chasadim toward one's fellow. We pointed out that the Rambam seems to bring two different sources for this obligation. However, a careful look at the sources seems to explain the distinction and the need for both.

It is a positive rabbinical mitzva to visit the sick and to comfort mourners, to take out the deceased, to bring in the bride, to escort guests, and to take care of all matters at a funeral — to carry the coffin, to walk before it, to eulogize, to dig and to bury — and also to gladden a bride and groom and to provide for them all their needs. These are the acts of chesed done bodily which have no limit. Even though all of these mitzvot are rabbinical, they are included in "You shall love your fellow as yourself" — everything you wish others to do for you, you should do for your brother in Torah and mitzvot. (Hilkhot Avel 14:1)

Here the Rambam points out that there are rabbinic requirements of specific actions, rooted in the Divine imperative of loving one's fellow, "Ve-ahavta la-reiakha kamokha." Though the Torah is not specific as to how to be kind to one's fellow Jew, the Sages have edified us. However, it is all rooted in the biblical mandate to love one's fellow, which the Rambam interprets thusly: "'You shall love your fellow as yourself' — everything you wish others to do for you, you should do for your brother in Torah and mitzvot."

What is very explicit here is that the Rambam understands (for reasons that will be discussed in an upcoming lesson) that loving one's fellow is accomplished through action. Acts of love and kindness performed for one's friend are the obligation and the way in which one expresses love. This obligation is explicit in Hilkhot Avel, where the Rambam is describing acts of loving-kindness.

The obligation of following the ways of God is very different. True, the ultimate result is action; however, the focus is not doing, but becoming. As we explained above, the Rambam, in Hilkhot De'ot, is writing about the mindset and character a person should have. The Rambam introduces us to gemilut chasadim as part of the gestalt of a Jew's approach to godliness. Man, created be-tzelem Elokim, must live his life following in the footsteps of God, developing the virtuous qualities which we identify as His actions, building this godlike character which leads to beneficent action.

The Rambam's need for two sources in two distinct places in Mishneh Torah now becomes very clear. The two sources express two unique elements. As we noted in the previous lesson, actions of love, that which we would want to be done to ourselves, are part of the uniqueness of the results-oriented mitzvot bein adam le-chavero. It is these mitzvot that are distinguished from the common mitzvot bein adam la-Makom, which focus on intent. However, the Rambam's citation in Hilkhot De'ot of "Ve-halakhta bi-drakhav" conveys a distinctive aspect. The focus of Imitatio Dei is not the action or the result, but the beneficence expressed as part of one's being, because that is the sort of person that one has become.

Distinguishing between actions based on whether the obligation is interpersonal or ritual really only tells two-thirds of the story. There is a third type of commandment, as we will see in the next lesson, which is referred to by the Gra as mitzvot bein adam le-atzmo, commandments between man and himself. This term refers to the category of obligations which essentially delineate how one may become what one could be and should be.

The Three Parts of Mitzvot Bein Adam Le-chavero:

Gemilut chasadim is so fundamental (see the first lesson in this series) because it combines all three elements of divine commands — as is true of interpersonal mitzvot in general. Firstly, though many are rational, the Divine command represents a mitzva bein adam la-Makom, a ritual obligation in which one's intent is important. Secondly, the mitzvot bein adam le-chavero are uniquely focused on results (see the previous lesson): has one's friend benefited from the act, or has one's friend, on the contrary, been hurt? This obligation extends from the results-focused mitzva "You shall love your fellow as yourself." Thirdly, being kind is not only about intending to fulfill God's will or helping one's friend; it is also about developing oneself be-tzelem Elokim. One may thereby achieve what one is capable of and has been created to be. Thus, a mitzva bein adam le-atzmo is the fulfillment of "You will walk in His ways." The Torah does not want actions devoid of emotion; it seeks to shape one's personality. It wants man to become godlike. Deed is not necessarily reflective of character; a person with many severe character faults may still do good deeds. One may be said to emulate God only when one goes beyond merely performing positive deeds, undergoing an internal change, developing one's character.

In the next lesson, I hope to further develop the concepts of mitzvot bein adam le-atzmo, and we will deal with the proper balance of the three elements of interpersonal obligations.

As a little note, I hope that learning about the different elements of interpersonal mitzvot for the past month-and-a-half has started to express itself, even slightly, in our intentions and actions. The next step is to allow this study to transform our character and personality as well.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #08: Mitzvot Bein Adam Le-atzmo and Building Character

Three Elements of Mitzvot

In last week's lesson, we arrived at the conclusion that interpersonal mitzvot in fact carry with them a threefold obligation. As divine commandments, they are bein adam la-Makom, obligations to God. Furthermore, they are also uniquely bein adam le-chavero, distinct from other commandments in expressing one's responsibility to one's neighbor. However, beyond these requirements, they also entail a unique responsibility to oneself. The source for the Jewish obligation of performing chesed, kind acts, is the biblical mandate of "Ve-halakhta bi-drakhav," "And you will follow His ways" (Devarim 28:9), which focuses not only on action; it is essentially an obligation to develop an ethos of kindness. Following God's ways is neither about one's fellow, nor even God Himself (directly), but rather oneself and developing a godly persona.

This third element is defined as bein adam le-atzmo, between man and himself. Man is not only asked to develop his relationship with God and to achieve positive results on behalf of his friend, but to transform himself as well. Each Jew must maintain control over his or her environment and actions, behaving in a manner befitting the Jewish tzelem Elokim in which one is created.

The Three Fundamental Aspects of the Mitzvot

The fact that there are some mitzvot which are dedicated solely to God, while others are directed primarily towards one's fellow man, is well-accepted. The question then arises: what is the significance of this third class of mitzvot, those which are intrapersonal, bein adam le-atzmo? After all, should not the two categories of bein adam le-chavero and bein adam la-Makom include everything? What is the nature of these mitzvot bein adam le-atzmo?

In a number of contexts, a few of the great commentators have explained difficult passages based on the understanding of this third category, mitzvot bein adam le-atzmo, alongside the interpersonal and ritual mitzvot. Analyzing their explanations will help us understand the importance of this classification.

In our first lesson, we referred to the passage at the end of Makkot (24a) which details the various prophets who focused their generation's attention on specific mitzvot in order to ensure that the people maintained a proper understanding of the wider Jewish tradition. There, the Talmud notes that Mikha stresses three elements:

The prophet Mikha came and established them [i.e., the fulfillment of the six hundred thirteen commandments] upon three [ethical requirements], as it is written: "He has told you what is good and what God demands of you: only [1] to do justice, [2] to love kindness (ahavat chesed), [3] and to walk humbly with your God" (Mikha 6:8)…

Rav Yaakov Ettlinger, in his commentary Arukh La-ner (ad loc.), explains that the three requirements noted by Mikha are in fact synonymous with the three fundamental aspects of Jewish religious life referred to above.

Mikha lists three elements in accordance with three types of mitzvot; mitzvot between man and God, mitzvot between man and his fellow man, and reflexive mitzvot between man and himself. Regarding reflexive mitzvot, he mentions the requirement of justice, weighing one's actions to ensure that one is wholesome. Regarding interpersonal mitzvot, he includes the requirement of "ahavat chesed;" regarding ritual requirements, he says that one should "walk humbly with… God."

Essentially, Mikha is teaching the Jews of his generation that the three fundamental requirements of religious life are ensuring one is acting kindly towards one's brethren, forging a humble relationship with God and developing a virtuous personality of weighing carefully one's behavior. Doing so allows one to master the three elements of mitzvot bein adam la-Makom, le-chavero and le-atzmo.

Mikha refers to the element of bein adam le-atzmo as justice, properly and objectively evaluating one's actions, a necessary ingredient for ensuring one can build a wholesome personality. While the other two types of mitzvot relate to the action itself and its object, be it one's neighbor or God, the third element focuses on one's thought process. It anchors itself in the command center of a person's body, in the mind, allowing one to build a thoughtful and balanced personality.

Three Elements of Becoming a Chasid

Acknowledging a third class of mitzvot might help us understand a fascinating discussion in the Talmud. This passage (Bava Kamma 30a) relates what seem to be three divergent opinions regarding what section of the Talmud must be studied and put into practice in order for one to become a chasid, a truly pious and righteous individual.

Rav Yehuda said: "One who wishes to be a chasid should fulfill the words of Nezikin."
Rava said: "[He should fulfill] the words of Avot."
And others said: "[He should fulfill] the words of Berakhot."

At first glance, the passage seems to present three divergent opinions, albeit two of them rather original, as to the area of law most necessary for becoming pious. However, a number of commentators posit that these three opinions might not be arguing as much as presenting three necessary areas of expertise necessary for devoutly pious behavior, each focusing on a different fundamental aspect of Judaism.

The Maharsha (ad loc.) writes that all of a person's actions relate to God, to others or to oneself. Each opinion expressed in the passage focuses on one of these three categories. The study of Nezikin, encompassing civil, criminal and commercial law, allows one to perfect those actions relating to others. The study of the ethical and moral dicta in Avot helps to develop one's own character traits. Finally, the study of Berakhot, which details the laws of prayers and blessings, serves to govern the relationship between man and God. The three areas of concentration discussed in the passage do not represent three opposing opinions, but three necessary facets of religious life. A prospective chasid must pay close attention to the laws that govern the relationship between man and his fellow man, as expressed in Nezikin, must master the ethical teaching in Avot and must learn to appreciate the power and art of liturgy in Berakhot.

Three Pillars of Existence

The Gra, the Gaon of Vilna, in his commentary to Yeshayahu (Beiur Ha-Gra, Yeshayahu 1:2), takes this idea one step further. The Gra explains that the number three plays a pivotal role in the prophecies at the beginning of the book of Yeshayahu, for it represents the triad of Judaism. He points out that in the opening prophecy of Yeshayahu, the Jewish people are referred to by three names, "banim" (children), "Yisrael" (Israel), and "ammi" (My nation). The Gra explains that these terms represent the three basic elements of the Torah, and he delineates them.

First, the Gra explains, these are the three categories of mitzvot: bein adam le-chavero, bein adam la-Makom and what he calls "middot" (traits) that are "le-atzmo". He adds, following the Maharsha, that these are also the three elements of perfection one needs in order to become the chasid mentioned in Bava Kamma; however, he expands this notion by arguing that not only are these the three elements of mitzvot, but they are in fact the three pillars of the world. As the mishna in Avot teaches:

Shimon the Righteous …used to say: The world stands on three things: Torah, serving God and acts of kindness. (Avot 1:2)

The Vilna Gaon (ibid.) states: "These three elements of mitzvot are the three pillars of the world…Torah is le-atzmo; serving God is bein adam la-Makom; and acts of kindness are le-chavero."

Interestingly, the Gra identifies the pillar of Torah as the one that relates to personal perfection. While we might have identified the pillar of Torah with ritual mitzvot, the Gra seems to understand that the essence of Torah study is directed towards opening up one's character to create a deeply wholesome personality.

The Transformative Power of Mitzvot Bein Adam Le-atzmo

We have seen that these great commentators, the Vilna Gaon, Maharsha, and Rav Ettlinger, invoke the concept of bein adam le-atzmo in contexts where the Talmud stresses three fundamental elements of religious observance. They also indicated that the idea of bein adam le-atzmo is detailed in Avot, defined by weighing one's actions objectively (doing justice) and serves as a major focus of one's living in accordance with the Torah. With this in mind, let us return to last week's discussion and deepen our understanding of this issue.

In last week's lesson, we pointed out that the source for the obligation of the bein adam le-atzmo element is "Ve-halakhta bi-drakhav," following in the ways of God. The Rambam, as we saw, understands this as an obligation to develop a virtuous personality.

This idea is not academic; it allows us to take a completely new look at the mitzvot as a whole. Often, we think of them in terms of obligations and responsibilities, forgetting the spirit of the law. While this is always unfortunate, in the area of interpersonal behavior this may be devastating, as a major element of the mitzva will not be realized. The bein adam le-atzmo element is aimed at ensuring that we do not limit our focus to the actions; instead, we may look at the inner source and evaluate ourselves.

This also extends our obligation above and beyond specific mitzvot; we are bound to develop the personality of one who is capable of walking in the ways of God consistently and constantly.

What character serves as the source of these actions? We must learn not only what the Torah wants from us, but who it wants us to be.

In the area of ethics, the bein adam le-atzmo element teaches us that even if we excel in bringing happiness and pleasure to others, we are still spiritually lacking if we fail to develop a personality to which these actions comes naturally. In order to do so, we must look deeper in the Torah, weigh our actions and identify those character traits which must be developed in order to nurture this divinely inclined ethos.

The Thirteen Divine Attributes of Mercy

The idea of walking in the ways of God by modeling our characters after His attributes may be behind the idea of reciting the thirteen attributes of mercy (middot shel rachamim), as they appear in Shemot 34:6-7. They are the central refrain of the Selichot service of penitential prayers, and they are a pivotal part of the Yom Kippur liturgy. At first glance, the significant role of the repeated recitation of the 13 attributes in achieving forgiveness is surprising. However, the Talmud is quite adamant about its remarkable powers. God teaches Moshe this "order" as an antidote for sin, as expressed in Rabbi Yochanan's statement concerning the 13 middot:

"And God passed before him and proclaimed" (Shemot 34:6) — Rabbi Yochanan said: "Were it not written in the text, it would be impossible for us to say such a thing! This verse teaches us that God wrapped Himself like a cantor and showed Moshe the order of prayer. He said to him: 'Whenever Israel sin, let them carry out this order before Me, and I will forgive them.'" (Rosh Hashana 17b)

The passage continues and goes one step further, expounding the verse which describes God's making a covenant with Moshe (ibid. v. 10), that "There is a covenant made with the thirteen attributes, that they do not return empty-handed."

What is the source of their power? What appears to be some mystical formula capable of evoking Divine forgiveness may in fact be an expression of the power of the idea of bein adam le-atzmo. Only once we analyze how God interacts with the world may we translate it and apply it to our activities; only then may we understand how to inculcate it into our personalities. Understanding the word "middot" will hopefully make this more clear.

Tikkun Ha-middot — Character Development:

The Hebrew term middot is sometimes used to refer to attributes, while at other times it is used to refer to one's character. The Rambam describes at length in his Guide to the Perplexed the discussion between Moshe and God about the former's desire to understand the attributes of the latter, when he asks to be shown God's glory and His way (Shemot 33:13,18).

The Rambam (1:54) describes what Moshe is asking for:

It is therefore clear that the ways which Moshe wishes to know, and which God teaches him, are the actions emanating from God. Our Sages call them middot and speak of the thirteen middot of God, but they use the term also in reference to man, e.g., "There are four different middot among those who go to the study hall" (Avot 5:13).

The Rambam continues by defining the relationship between the middot of man and the middot of God.

They do not mean to say that God really possesses middot, but that He performs actions similar to those actions which we may perform as a manifestation of certain qualities, i.e., in certain mental dispositions, not that God has in fact such mental dispositions. Although Moshe was shown "all His goodness," i.e., all His works, only the thirteen middot are enumerated, because they include those acts of God which refer to the creation and the government of mankind. To know these acts was the principal object of the prayer of Moshe…
We have thus shown that the biblical “ways" and Mishnaic "middot" are identical, denoting the acts which emanate from God through the universe.

But why is it so important to translate the actions of God into middot understandable to our perception? The Rambam explains that doing so allows us to model our characters upon those godly attributes accessible to man.

Whenever any one of His actions is perceived by us, we ascribe to God that emotion which is the source of the act were we to perform it, and we call Him by an epithet which is formed from the verb expressing that emotion. We see, e.g., how well He provides for the life of the embryo of living beings; how He endows with certain faculties both the embryo itself and those who have to rear it after its birth, in order that it may be protected from death and destruction, guarded against all harm and assisted in the performance of all that is required. Similar acts, when performed by us, are due to a certain emotion and tenderness, called mercy and pity. God is, therefore, said to be merciful, e.g., "Like as a father is merciful to his children, so the Lord is merciful to those who fear Him" (Tehillim 103:13).

The Rambam concludes the chapter by explaining that while God is unchanging and His middot are merely the ways in which we perceive His actions, the importance of knowing them lies in our being able to model our characters after them.

We have shown why it suffices to mention only these out of all of His acts: namely, because these are the ones required for the good government of a country; for the chief aim of man should be to make himself, as far as possible, similar to God: that is to say, to make his acts similar to the acts of God, or as our Sages expressed it in explaining the verse, "You shall be holy" (Vayikra 19:2), as they said (Sifrei Devarim 11:22). “Just as He is called ‘merciful,’ so should you be merciful; just as He is called ‘gracious,’ so should you be gracious.”

Based on the understanding of the Rambam, we may reappraise the power granted to the recitation of the thirteen attributes in the Talmud; we may at least begin to comprehend. These are thirteen attributes which we identify in God’s actions that are guidelines upon which to model ourselves. These middot are what God teaches Moshe will bring our forgiveness. The recitation of the thirteen attributes is not meant to be a magical formula as much as a prescription for developing our characters. We cannot suffice with the mere recital of the attributes; we must model our lives after them and inculcate them into our very beings.

In fact this seems to jibe with a careful reading of the language of the text in the Talmud. Rabbi Yochanan has God saying to Moshe: “Whenever Israel sin, let them carry out this order before Me, and I will forgive them.” Their power does not lie in mere recitation, but in action and inculcation into one’s being. It is the actions which impress upon one’s character the middot of God that engender the godly personality which the Torah desires.

Tanna De-vei Eliyahu Zuta (Ch. 23) goes one step further mentioning that the power of the recital depends on the Jewish people "standing united in one band." The middot cannot be mere lip service; only when they are practiced until brotherhood is created are they potent.

The element of bein adam le-atzmo seeks to transform one from merely knowing how to deal with others and make them happy to actually caring about others. The end result is a person who knows that the greatest moments in history are always in private, without fanfare; who is aware that the real yardstick of character is not how one acts with others — however important that may be — but the type of person one is. Does one maintain fidelity to the godly character within himself or herself?

This may also explain why sometimes the recital of the thirteen attributes does not seem to achieve the desired result. Its recital, however many times it may be repeated, is just as much a message to ourselves as a prayer to God, empowering Him to act with His attributes of mercy, as we develop our personalities based upon them.

How to Treat the Canaanite Slave

The understanding of the bein adam le-atzmo element allows us to understand a fundamental phenomenon expressed by the Rambam. The Rambam (Hilkhot Avadim 9:8) points out that in terms of the letter of the law, one may treat his non-Jewish slave rather severely, as he writes: "It is permissible to have a Canaanite slave perform excruciating labor."

The license to treat one's slave harshly is hard to comprehend at first glance; we must therefore continue reading the ruling.

The Rambam continues:

Although this is the law, the attribute of piety and the way of wisdom is for a person to be merciful and to pursue justice, not to make his slaves carry a heavy yoke, nor cause them distress. He should allow them to partake of all the food and drink [he serves]. The earlier sages would give to their slaves from every dish of which they themselves would partake. In addition, they would provide food for their animals and their slaves before partaking of their own meals. Moreover, it is written (Tehillim 123:2) "As the eyes of slaves to their masters' hand, as the eyes of a maidservant to her mistress's hand [so are our eyes to Lord our God]." Similarly, we should not embarrass a slave by our deeds or words, for the Torah prescribes that they provide service, not that they be humiliated. Nor should one shout or vent anger upon them extensively. Instead, one should speak to them gently, and listen to their claims. This is explicitly stated with regard to the positive paths of Iyov for which he was praised (Iyov 31:13, 15)…

Essentially, the Rambam tells us that though it is permitted to treat a non-Jewish slave harshly, Jewish tradition is to treat one's slave as an honored guest in one's home, providing the royal treatment.

However, the Rambam does not stop there; in fact, he presents a fundamental tenet of Jewish values in the process.

Cruelty and arrogance are found only amongst idol-worshiping non-Jews. By contrast, the descendants of our patriarch Avraham, i.e. the Jews, to whom the Holy One, Blessed be He, grants the goodness of the Torah and prescribes righteous statutes and judgments, are merciful to all.

Similarly, with regard to the attribute of the Holy One, Blessed be He, which He commands us to emulate, it is written (Tehillim 145:9) "His mercies are upon all of His works." Furthermore, whoever shows mercy to others will have mercy shown to him, as it says in (Devarim 13:18): "'And he will give you compassion and love you and increase you."

The Rambam begins by delineating what is permitted act, but he concludes his discussion by championing the Jewish tradition, based on Israel's unique ancestral heritage: the Jew emulates God by walking in His merciful ways. Had we limited Jewish ethical duties to the mitzvot between man and his fellow or man and his God, than one would have stopped after the opening statement of the Rambam, because there is no direct requirement to treat one's Canaanite slave with honor. However, the character of a Jew — "the attribute of piety and the way of wisdom" — makes a Jew especially merciful, so that it is impossible to show undeserved cruelty to another human being.

As the conclusion of the Rambam informs us, when all is said and done, a Jew who is in touch with his spiritual DNA, inherited from Avraham, is incapable of treating a fellow human being, even his slave, harshly. All the more so, if one walks in the ways of God and develops a righteous personality, one realizes how unthinkable this is. The element of bein adam le-atzmo, the requirement to develop a virtuous personality, refines his character and teaches him that the focus is not acting, but being. A given action may be permitted, but if it is not conducive to one's divinely-inspired personality, the Jew who strives to achieve a godly character must eschew it to remain on track.

True, one might be nice to servants even without the goodness of the Torah; however, the extent of one's generosity, putting their needs before one's own, is connected to the beneficence of the Torah. It is the result of emulating God, Who, as it were, puts the needs of the Jews, His own servants, before His own. (See Likkutei Sichot Vol. xxxvii, p. 72.) This godly character can help us become godly beings.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #09: "Gadol Ha-metzuveh" and the Proper Mindset

What Should We Be Thinking?

What is the proper mindset for one about to perform an act of kindness for another? What should one be thinking when giving charity or doing other kind deeds? Should the focus be on fulfilling the divine decree, on benefitting the friend or on elevating one's character? In more day-to-day terms, should one say "I am giving charity because God commanded me to do so," or "I am giving charity because my friend is in need," or "I am giving charity because I want to make myself a charitable person"? Which one of these mindsets, if any, is to be viewed as preferable?

Logically, to answer this question, one must seek to identify the nature of interpersonal obligations. But here is where it gets sticky. We have seen that interpersonal commandments are rooted in a threefold obligation: a divine command makes them mitzvot bein adam la-Makom; a focus on benefiting one's fellow makes them uniquely mitzvot bein adam le-chavero; and a transformational element directed towards the individual performing these acts makes them mitzvot bein adam le-atzmo. However, if all three elements co-exist, which should one be thinking of when performing acts of kindness?

In order to grasp the proper mindset for performing acts of kindness, it pays to take a moment to investigate the proper outlook for performing mitzvot in general, which then may be applied to mitzvot bein adam le-chavero in particular. This question, in fact, relates to a more general issue regarding the proper outlook and intention for one performing mitzvot in general and rational mitzvot in particular: should one be actively cognizant of the command while performing a given mitzva or not? In order to deal with these issues, let us take a short look at the general discussion surrounding the proper attitude for performing mitzvot, and then relate it to our specific questions regarding logical, interpersonal mitzvot.

Greater is the One Who Is Commanded

How should we look at God's commands in the first place? The Talmud teaches that Avraham fulfilled the entire Torah without being commanded to do so (Kiddushin 82a). A priori, one would probably view this as the most noble of behaviors; after all he followed God's will without being required to do so. Nevertheless, the Talmud seems to provide us with a different outlook regarding God's commands. The Talmud tells us, in a number of instances, Rabbi Chanina's ruling and philosophy regarding mitzvot: "Gadol ha-metzuveh ve-oseh mi-mi she-eino metzuveh ve-oseh," "A person who does something being commanded is superior to one who does it without being commanded." In Bava Kamma 87a, the Talmud relates the story of Rav Yosef; as a blind man, the nature of his obligation in the mitzvot he was performing was subject to a Tannaitic dispute. Therefore, he would make a celebration when the opinion that gave greater significance to his performance of mitzvot would be mentioned in the study hall.

Rav Yosef said: "At first I used to say that if someone told me that the Halakha accords with the view of Rav Yehuda, who said that a blind person is exempt from observing mitzvot, I would make a holiday for the rabbis. What is the reason? Because [it would mean that since I am blind] I am not commanded to perform mitzvot, and yet I do perform mitzvot. However, now that we have heard this dictum of Rabbi Chanina, who said, 'A person who does something being commanded is superior to one who does it without being commanded,' if someone tells me that the Halakha does not accord with Rav Yehuda, I would make a holiday for the rabbis? Why? Because [it means that] being commanded, I deserve a greater reward."

In our day and age it is easy to understand Rav Yosef's initial inclination, that by performing mitzvot when one is under no obligation to do so, one demonstrates a greater commitment to God; the statement of Rabbi Chanina, which he seems to accept ultimately, is harder to comprehend. We usually assume that voluntary noble behavior is to be preferred above what one does, however honorably, out of a sense of obligation. Yet after hearing the statement of Rabbi Chanina, reflecting the opposite approach, Rav Yosef seemingly changes his view, at least somewhat (see commentators on Bava Kamma ibid). What is the meaning of this cryptic statement, that one who is obligated to perform mitzvot is deemed greater than the volunteer?

In fact there are many commentators that view this Talmudic passage as the source of celebrating a child's becoming bar or bat mitzva (see Yam shel Shelomo Bava Kamma 7:37). When a child reaches the age of Jewish adulthood, he or she now becomes obligated in mitzvot. The whole celebration is dedicated to rejoicing in the child's ability to perform mitzvot as a metzuveh, a commanded being, rather than as an apprentice. Again, we may ask: what is so great about being commanded?

At first glance, this might seem a little counterintuitive, but after further analysis, it becomes quite reasonable. A number of Rishonim explain certain advantages that are only applicable to one who performs mitzvot as a metzuveh.

Tosafot (Kiddushin 31a) explain that one who is obligated to perform a mitzva is more worried and anxious about failing to do it properly, as opposed to one who volunteers and has nothing to lose. The additional pressure of the yetzer ha-ra, the evil inclination, is magnified by one who is trying to fulfill an obligation. This greater difficulty in performing the mitzva is rewarded with greater divine remuneration.

Other Rishonim (see Tosafot Ha-Rosh and Ritva ibid.) focus on the fact that the individual who is commanded is fulfilling the word of God in performing the mitzva, while the individual who volunteers is doing something God appreciates, but which He has not asked him to do.

Self-Actualization or Commandment

One might take these explanations of the commentators to their logical conclusion and explain that a command enjoins responsibility, and thus it may even weigh down on one as overbearing.

While one may easily offer their services when no obligation exists, a sense of requirement often causes one to reevaluate and sometimes even sidestep the obligation. The oft-heard line "Nobody tells me what to do!" is viewed by some as applicable even to God's word.

Rav Aharon Lichtenstein explains that the fundamental teaching of this Talmudic maxim is in fact a statement of Judaism's stress on being commanded as opposed to achieving self-fulfillment.

Presumably, one who is eino metzuveh ve-oseh, who is not commanded but nevertheless performs, acts in accordance with his personal inclination and therefore attains more self-fulfillment than one who is simply commanded, "Do this!" No one asks the commanded individual whether he likes what he is doing. Yet Chazal said, "Gadol ha-metzuveh ve-oseh," thus placing at the center or even at the apex of our spiritual lives the sense of being called and commanded. This is what religious existence in general is about, and certainly applies to Judaism more than to most other religions. (By His Light, p. 51)

Rav Lichtenstein expounds on the benefits of experiencing the element of command in mitzvot, tracing it back to the Garden of Eden and "Va-yetzav Hashem Elokim al ha-adam," "And Lord God commanded the man" (Bereishit 2:16):

A metzuveh leads a theocentric rather than an anthropocentric life. He is guided by God's will, not by his own likes and preferences.... If you are commanded, you do not pick and choose among commands— that would be living an anthropocentric life, placing yourself in the center and building everything around yourself. "Va-yetzav Hashem Elokim al ha-adam" means, first and foremost, that God's will is at the center; your will may be factored in, but only secondarily. …Furthermore, we should seek to relate to mitzvot as being intrinsically good; in this sense, we identify with the mitzvot on a personal level. But at the same time, we must not lose sight of the element of command within them. This can explain why Chazal say, "Gadol ha-metzuveh ve-oseh mi-mi she-eino metzuveh ve-oseh." If someone is a metzuveh ve-oseh, then in addition to doing something which is good, he also acts out of a sense of response to God's demands. The experience of being commanded is something which he has in addition to the fact that he does something right and good, and this makes him greater than one who is eino metzuveh ve-oseh. (By His Light, pp. 53-56)

This explanation may find psychological backing in Frankl's fascinating explanation of the need for a command for true self-fulfillment.

[M]an is responsible and must actualize the potential meaning of his life. … The more one forgets himself – by giving himself to a cause to serve or a person to love – the more human he is and the more he actualizes himself. What is called self-actualization is not an attainable aim at all, for the simple reason that the more one would strive for it, the more he would miss it. In other words, self-actualization is only possible as a side effect of self-transcendence. (Victor Frankl, Man's Search for Meaning, p.133)

When all is said and done, the idea of "Gadol ha-metzuveh" is focusing on the element of command, extolling the virtue of every mitzva as being bein adam la-Makom, stemming from a divine decree. If we would stop here, the proper answer to our initial query would seemingly be that one should definitely focus on the element of command when performing mitzvot, and one should be cognizant of the fact that one is doing an act of kindness because God commanded them to do so. However, when it comes to mitzvot bein adam la-chavero, one might wonder if this is indeed applicable — true, the reward might be greater, but is the element of command so central?

When Does This Apply?

The Talmud applies "Gadol ha-metzuveh ve-oseh mi-mi she-eino metzuveh ve-oseh" to certain mitzvot in particular, but it does not explicitly limit the concept to these cases. However, some commentators express the sentiment that it should be limited in its application. Rabbeinu Tam's somewhat cryptic opinion falls in this category.

As cited in Shitta Mekubbetzet (Bava Kamma 87a), Rabbeinu Tam explains that the dictum "Gadol ha-metzuveh ve-oseh" is only applicable to mitzvot "that would have been worth writing, even had they not been written, such as the seven Noahide commands."

This statement of Rabbeinu Tam was originally assumed to limit this rule to the seven Noahide commandments, and it was therefore questioned by a number of commentators who pointed out that the Talmud applies this principle to other commandments as well. Rav Moshe Feinstein deals with this statement of Rabbeinu Tam and says that his intention is not to limit the concept to the seven Noahide commandments per se; indeed, these bind everyone, including non-Jews, and to say otherwise would be against the Talmud. Rather, Rabbenu Tam's intention is that the rule of Rabbi Chanina does not apply by all commandments.

If mitzvot have an understandable reason, it is not clear that one is performing the mitzva to fulfill God's desire, for it is possible that the individual is only performing this deed due to the logical reason — e.g., tzedaka and honoring one's parents. Regarding these mitzvot, it is specifically the commandment that gives divine significance to the act.
This principle applies specifically to logical mitzvot; there, one must feel a sense of obligation, as otherwise the fulfillment of these commands will be dictated by logic and not by religion. (Iggerot Moshe, YD 1:6)

Rav Moshe Feinstein's explanation seems to underscore the difficulty at hand. What should be the mindset of someone about to perform a command? Rav Moshe Feinstein seems to indicate that specifically when fulfilling logical mitzvot one should be cognizant of the command, or else they erase any divine element.

However, his comment seems not to be agreed upon by all. In fact, other commentators seem to take the opposite approach, preferring the natural fulfillment of logical interpersonal mitzvot in place of a sense of commanded responsibility.

Rav Ovadya Yosef (Yabbia Omer, YD 6:29) deals with question of whether one can perform mitzvot in a dirty area which is unfit for making blessings. After quoting some sources, he questions those who attempt to prove that one can do so from the fact that one can give tzedaka in an unclean area. He explains that the reason not to perform a mitzva in an unclean place is that it is not proper to think about the Creator in an unfit area, so one cannot have proper kavana (intent). Yet regarding tzedaka, one need not think about the Commander of the mitzva; rather, one should focus on providing benefit to his friend. He cites the following explanation in the name of the Noda Bi-Yehuda:

The reason why one must perform [other] mitzvot in order to fulfill God's word, as opposed to tzedaka, for which this is not necessary, is because all [other] mitzvot are meaningless if not done for to fulfill their Divine command. If one were to shake a lulav, to wear tefillin or tzitzit, without intending to do a mitzva, then one would provide no benefit for himself, for it is the commandment itself which engenders significance to the act; therefore, the mitzva must be performed with the intent to fulfill God's word. However, regarding tzedaka, even though there is no mitzva, there is still benefit for the poor individual who receives it [and therefore the act is significant even without the proper intention]…

In the responsum, Rav Ovadya continues to quote other sources which seem to express the same idea and apply it to all interpersonal mitzvot. As we explained in lesson #06, the uniqueness of mitzvot bein adam le-chavero is that the aim is to benefit one's friends and neighbors; the Noda Bi-Yehuda, therefore, claims that one need not think of the command in the process.

If kavana is required for a given mitzva, then one would be limited in its fulfillment, restricting one's ability to provide for the poor to a place where one could fulfill the divine command properly. Since the mitzva is significant even without a command, the proper intent may include benefiting the poor even without intending to fulfill the word of God. Similar differences of opinion can be seen regarding the discussion of why interpersonal mitzvot do not contain a blessing; let us examine this.

Relationship between the Commandment and the Blessing

In lesson #06, we saw a number of opinions as to why there is no blessing made on interpersonal mitzvot; some of them are particularly pertinent to our current discussion. Rabbi Yechiel Yaakov Weinberg (Seridei Esh I, 61) relates his explanation to limiting the applicability of "Gadol ha-metzuveh ve-oseh":

It is true that regarding all the mitzvot we say, "A person who does something being commanded is superior to one who does it without being commanded" and we recite the blessing [which includes the words], "and [He] commanded us." Nevertheless, in the case of sending food to others on Purim, it is better that a person give of his own free will, out of a feeling of love for his fellow Jew. If he gives only because God has so commanded, he diminishes the measure of love. The same applies to charity; if a person gives out of compassion or love for his fellow Jew, it is better than one who gives because of the command and out of coercion… It may be [also] on this account that we do not recite a blessing over honoring one's father or mother.

The Arukh Ha-shulchan and others (see lesson #06) explain this differently. They maintain that the reason interpersonal mitzvot lack a blessing is not because we cannot say "And commanded us" when our fulfillment does not discharge an obligation; rather, it is because these mitzvot apply elsewhere as well, so that the commandment is not readily recognizable. Others explain that since the fulfillment of these mitzvot requires the acceptance of the recipient, one can never be sure of their fulfillment until it is too late to recite a blessing. These opinions seem to recognize the element of command as significant regarding interpersonal mitzvot, but they hold that the lack of a berakha is the result of a technical limitation.

The Seridei Eish, while explaining why no berakha is recited, explains the outlook of one who benefits his friend only because he is commanded to do so. The question of the proper mindset regarding interpersonal mitzvot puts us in a catch-22. In fact, whichever direction we go on this issue seems to bring us to a halt. If we were to perform charity or other mitzvot out of a sense of obligation and coercion, we would be showing that we lack compassion, as the Seridei Eish seems to indicate. Conversely, as Rav Moshe Feinstein explain Rabbeinu Tam's view, if we were to give charity because we have compassion for the poor individual, with no thought to the Godly command, are we really performing a mitzva at all? Are not we merely giving charity to satisfy our feelings of concern for another?

The Maharal explained that this dichotomy is in fact referenced in the Torah, when it presents the mitzva to give charitable, interest-free loans.

"If You Provide a Loan…"

The Torah expresses the mitzva of providing free loans in a rather unusual language.

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)

Rashi comments on the first word, im, which is usually translated "if". This would seem to indicate that one has a choice. He explains that this is one of the three cases in Scripture where the word im is used to introduce an obligation.

The Maharal, in his Gur Aryeh super commentary (ad loc.), asks: why indeed does the Torah use the term im if it is in essence placing an obligation upon us to provide loans to the needy? He explains this with a principle relevant for our discussion:

For if a person would fulfill these dictates because he is obligated to fulfill the decrees of a king, this would not be the desire of God, for God wants man to fulfill the command out of his own desire to do so…
Indeed, if a person would do these three acts out of a sense of being decreed to do so by the king, unwillingly, this would not be something for God to be proud of.

The Maharal continues and explains why these three commandments in particular, although binding, should not be performed out of a sense of obligation but rather a sense of desire. Regarding providing interest-free loans, he explains:

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 done out of the desire of a good heart, as it is written (Devarim 15:10), "And your heart must not be bad."

The Maharal in general champions the approach that all commands should be performed with an understanding of their essence. He explains that the very name of the Torah, which literally means teaching, is significant: it is not called the Mitzva because the essence of a mitzva is to carry out the order of the commander. God has a completely different intention in giving the Torah to the Jewish people, "for He desired that we understand and comprehend the essence of each mitzva" (Derush al Ha-mitzvot 50a). Nevertheless, the Maharal here seems to go one step further: although every mitzva should be performed with the understanding of its background, the performance of these mitzvot is predicated upon one's mindset, and for that reason the Torah begins "Im" (see Gur Aryeh Ha-shalem, fn. 232).

What the Maharal expresses regarding the Torah's formulation of giving loans may be true for all interpersonal mitzvot. The mitzva must be performed out of a desire to provide for one's friend; otherwise, the one doing the mitzva have missed its very point.

To Be Continued

After being faced with divergent opinions which seem to negate each other — should we should focus our fulfillment of interpersonal mitzvot on the glorious sense of being commanded or on the inner calling of our kind nature? — we might wonder aloud: can one really assume that all mitzvot are created equally, requiring the same mindset?

Is the generosity and love of the human heart to be subject to the same halakhic formalization as the laws of Shabbat? Are the dictates of law and obligation going to reduce what should be the overflowing goodness of spirit to a matter of fulfilling one's duty, according to the sections and subsections of the Code of Jewish Law? Is there not a contradiction between the very idea of chesed, of loving-kindness, and law, obligation, and duty? Is this not an area where halakha should have retreated, so as not to overwhelm the very virtue it is trying to promote?

On the other hand, we began with Avraham's performing mitzvot without a command. Though his behavior was a sign of nobility, it would not necessarily be as noble in our day. Avraham knew that the Torah represented the will of God, and he transformed his nature to desire its fulfillment. The world was not yet ready for the Torah because it required a nation, which was only in its infancy then. However, in our day, after the revelation at Mt. Sinai, when commandment is part and parcel of our existence and identity, the element of command is essential. Can we really be kind without relating to it?

In next week's lesson, I hope to show how this dispute seems to have actually begun much earlier; indeed, it can be found in a number of comments of the Rishonim. I will attempt to arrive at an outlook that will satisfy all approaches. We will just conclude with a story which illustrates the dilemma.

The tale is told of a man who gave a poor man some money and, after walking away, ran back and gave the poor man another set of coins. When asked afterwards what the reason for this was, he responded, "When I originally gave him the money, I did it because I could not allow myself to pass by a pauper without providing him with something. After walking away, I realized I had not performed the mitzva of tzedaka, as I did not think of the command; therefore, I ran back to give him money with the proper intent."

Did this man do the right thing? What would you have done?

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #10: Proper Mindset II — Should One be Tempted Not to be Nice?

In last week's lesson, we saw that the sources seem to differ on the proper mindset for fulfilling interpersonal mitzvot. Should one be actively cognizant of the divine command during the fulfillment, or should one focus on the benefit to the recipient? Alternatively, should one perhaps strive to make the fulfillment natural, an outgrowth of one's kind disposition? This question of whether one should fulfill ethical commandments due to an inner calling or due to a divine command seems to relate to the issue discussed in the Rishonim of whether it is preferable to perform divine commandments with or without the temptation to violate them.

Fulfilling Mitzvot amidst Temptation — A Sign of Greatness or Weakness?

The Rambam, in chapter 6 of his Eight Chapters (the introduction to Tractate Avot) deals with the issue of the proper attitude for one who fulfills the divine will. Is it better for a person to desire to sin but overcome his desire, or is it better not to even contemplate sinning? He points out that, at first glance, the philosophers and Sages argue over this issue. The philosophers extol the righteous individual who has no desire to do evil, elevating him above the individual who merely practices self-restraint over his desires. After explaining the Prophets ostensibly seem to accept the same outlook, the Rambam indicates that the Sages actually view things differently.

However, when we examine the view of the Sages in this matter, it appeared to be different, for they have said: "The greater the man, the greater his evil inclination" (Sukka 52a). This indicates, on the contrary, that the great man is the one whose evil inclination is great but who can control and rule over it.

The Rambam adds that the rabbinic dictum that "One's reward is commensurate with the amount of suffering" (Avot 5:23) seems to indicate that one who has a desire to transgress the word of God but nevertheless fulfills it has a greater reward than one who has no negative inclination.

However, the major proof-text that the Rambam brings to express that the ideal is to overcome one's desire for the forbidden in order to fulfill the will of God is the Sifra (quoted by, Rashi Vayikra 20:26):

One should not say, "I am disgusted by pig's meat; I have no desire to wear clothing containing shaatnez (wool-linen blends)." He should rather say, "I would like to do these things, but what can I do? My Heavenly Father has forbidden me from doing them!"

How do we know that this is the proper attitude to adopt? Because it states (Vayikra 20:26), "I have separated you from the other nations to be Mine," which implies that our separation from these other nations should be solely for God's sake. One should refrain from the forbidden act in such a manner that he accepts the yoke of Heaven upon himself.

From this text, the Rambam deduces that man ought to have a desire to transgress which he conquers in order to fulfill the word of God. The Rambam continues by arguing that, in fact, there is no contradiction between the philosophers and Sages; indeed, both are correct, but under different circumstances. The Rambam distinguishes between more rational mitzvot (mishpatim), which one should have no desire to disobey, and non-rational mitzvot (chukkim; singular, chok), concerning which the ideal is to refrain only because of God's command. Those unethical acts which the Torah prohibits, such as murder, theft, cheating, etc. are obviously to be rejected and repulsed, as the philosophers have indicated, and we must develop within ourselves a strong aversion to these actions. The individual who craves such things has a deficient soul and a defective character, as all these commandments belong to the category concerning which our Sages have said that had they not been written in the Torah, they would still be worthwhile.

For those Torah prohibitions which are non-rational -- i.e., they have no independent logical basis other than the fact that they are the Torah's commands, such as the dietary restrictions, not wearing shaatnez, etc. -- we are told that we should not condition ourselves to despise these acts, but rather we should refrain from them solely for the sake of Heaven. It is here that our Sages stress the attitude that despite the fact that one might want to violate, he should restrain himself based on the word of God.

This is the simple understanding of the Rambam, who appears to address our quandary. Yet, while the Rambam stresses that observing chukkim should be characterized by self-restraint, his position regarding mishpatim is not agreed upon by all. Rav Yaakov Emden, the Yabetz, in his commentary on the Rambam's Eight Chapters, points out that while the Rambam's position is logical, he cannot accept it. After asking forgiveness of the Rambam for disagreeing with his position, he writes:

Consider the opinion in the Talmud (Berakhot 34b) that states "In the place where penitents stand, even completely righteous individuals cannot stand"… We must say that when the soul desires to violate even logical mitzvot, but the individual takes hold of himself and withstands the temptation, one is deemed greater than the righteous individual who has no desire to sin. The dictum "One's reward is commensurate with the amount of suffering" is stated without restriction or distinction, and it certainly applies to the logical mitzvot, which one has tremendous desire [to violate], such as stealing or forbidden relationships, though they are logical mitzvot.

The Yabetz continues to explain at length that in essence, man will always desire to violate God's commandments, and the one who garners strength to fulfill the will of God is always to be preferred to the one who follows His laws without qualms. In conclusion, he writes:

In fact, the opinion of the philosophers [quoted by the Rambam] is not the way of the Torah, for the one who does the just and the good by performing obviously righteous acts for the reason that they are good for the world and rationally obligatory will not find favor in the eyes of God, nor will he receive a reward for "the just and the good in the eyes of God," though he will be rewarded for his actions. In any case, the one who overcomes his desires in order to fulfill the word of God is certainly greater.

Rav Emden's position seems to be that though one will be compensated for all righteous actions that he performs, the highest reward goes to the one who performs them amidst temptation to sin.

Therefore, performing them because one feels they are proper and righteous will be rewarded to a lesser extent. At first glance, this approach of the Yabetz seems to be stressing the element of commandment even regarding obviously logical mitzvot. This approach would seem to be reinforced by the principle of "Gadol ha-metzuveh ve-oseh," as discussed in the previous lesson. The idea of the Yabetz seems to find expression in an extreme manner in Sanhedrin 76b and Rashi's comments there. The Talmud states that God takes a harsh view of a Jew who returns the lost object of a non-Jew, and Rashi (s.v. "Ve-hamachazir") explains:

He equates and associates the non-Jew with the Jew, and he shows that he himself does not believe that returning lost objects is a commandment of the Creator, for he returns objects even to non-Jews, concerning whom he has no such commandment.

This statement of Rashi finds further expression in Siddur Rashi (348). There, the students of Rashi express their teacher's disgust over those who give the special Purim gifts to the poor to non-Jews along with Jews (although general charity must be shared with both). At length, they describe the severity with which Rashi views this act, concluding that Rashi sees this not as giving charity for the sake of Heaven, but rather as a foolish act of wasting money.

Though providing for the poor is clearly necessary, Rashi wants us to realize that we must do so according to divine principles, for otherwise it reflects a humanistic outlook, detached from God.

Should the Logical Mitzvot be Natural?

The proper attitude for the performance of rational mitzvot may in fact be at the heart of the dispute of two great sages about the Jewish people accepting the Torah at Mount Sinai. The Ten Commandments are introduced with the verse (Shemot 20:1): "And God spoke all these words, saying (lemor)." The sages note that the word "lemor" is generally used to mean "to be repeated," and implies that the Jewish people required verbal acceptance of the commandments, which would have to be confirmed by Moshe and the Jewish people. However, the sages (Mekhileta ad loc.) argue about the exact wording of this acceptance: "Lemor" — they said "Yea" for each positive commandment, and they said "Nay" for each negative commandment; this is the opinion of Rabbi Yishmael.

Rabbi Akiva says: for both positive and negative commandments, they responded in the affirmative, "Yea".

At first glance it seems as if this dispute focuses on a minor point; however, Rav Soloveitchik expounds on its significance and explains that the two Sages are presenting their opinions on the proper motivation for performing mitzvot. When one accepts the message and heeds the call of another, they can do so in obedient acquiescence, saying "yea", or with an inner urge to act in harmony with moral and religious norms, saying "nay".

Rabbi Yishmael's view of the response of the Jewish people is quite understandable based upon the sources we have presented. When it comes to the not easily understood chukkim, the focus of our fulfillment is the command, the essence of being a metzuveh ve-oseh, a commanded being. However, with logical mishpatim, such as interpersonal mitzvot, which contain an easily understood rationale, "their implementation is motivated not by normative coercion but by existential need of lonely man created in the image of the Infinite to do mitzvot. By practicing morality, man senses his drawing nearer to his Creator." (Derashot Harav, p. 234)

For this reason, according to Rabbi Yishmael, the negative commands, those which forbid us to murder or steal etc., require a response in the negative, "No, we will listen," — we accept the message dutifully and wholeheartedly. For instance, the people respond to "You shall not murder," with "No, we reject murder on our own, for we hate to extinguish life."

However, Rabbi Akiva understands this differently and maintains that the Jewish people respond affirmatively to all of God's pronouncements, even the negative ones, implying that all precepts require commitment and surrender to God, even the logical ones. They accepted all mitzvot as a command, essentially saying, "Yes, we surrender to Your will; we accept the norm; we shall comply with it."

Rabbi Akiva maintained that morality is not based on man's cognitive abilities, even in regard to mishpatim, rational mitzvot, since certain aspects are inaccessible to human moral exploration and illumination… One must teach the people how to surrender their intellectual pride and arrogance, and commit themselves to the Almighty, even when we are unable to comprehend the moral necessity and practical utility of the chok. Secular ethics have failed because the concept of chok is not acceptable to secular man. If the integrity of the moral law is to be preserved, then one must accept the chukkim, to abstain from acts that seem to hold great promise, and conversely, to act in ways that may seem illogical and even painful. (Derashot Harav, ibid.)

This understanding seems to assert the importance of the divine command, even for logical mitzvot. Rav Soloveitchik comments that though this disagreement is not one of Halakha, he is still tempted to apply the principle "The law accords with Rabbi Akiva when he argues with one disputant" here. In other words, Rav Soloveitchik is taken by the idea of the importance of accepting the divine command even in the ethical realm.

However, inculcating this idea seems rather difficult. Should we really be walking around saying to ourselves, "I would love to kill this individual who just fell, but what can I do? God has said 'You shall not murder,' and on top of that, He requires us to be kind to others, so instead of killing him, I will help him up!" Is that what Rabbi Akiva and the Yabetz mean to imply?

Why We Must Honor Our Parents

A short analysis of the mitzva will hopefully make this a little more clear. On the simplest level, honoring one's father and mother is a direct outgrowth of the logical norm of showing gratitude. As the Chinnukh (Mitzva 33) writes:

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, and he should 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 in his early years.

The Chinnukh goes on to indicate that while there are uniquely Jewish elements to honoring one's parents, the base mitzva is clearly logical and equally applicable to all nations. In fact, the Talmud (Kiddushin 31a) relates a fascinating story of the extent that a non-Jew went to honor his parents.

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.

The Talmud uses a non-Jew as the model for honoring one's parents, even to the extent of losing a great business deal in order not to wake one's father. But if the Talmud can prove from a non-Jew the extent of the mitzva, is there anything unique about a Jew's obligation?

The Approach of the Netziv: Dual Nature of Interpersonal Obligations

The Netziv, in his approbation to the Chafetz Chayim's work Ahavat Chesed, goes to great lengths to try to explain the delicate balance of recognizing the necessity of chesed without a divine imperative, while at the same time appreciating the command.

The Netziv explains that from the dawn of mankind, the Torah refers to people as "brothers" (see Bereishit 4:2) , for "part of the framework of man, who was created differently than all other creatures and animals, is the brotherhood which is supposed to exist amongst humans." This is reflected in the makeup of the earth as a world of kindness (Tehillim 89:2), which obligates all human beings to be kind to each other.

The Jewish people, though, are endowed with an ingrown disposition toward chesed (based on Yevamot 79a; see our third lesson); therefore, God requires of the Jews higher standards of ethical behavior. Nevertheless, explains the Netziv, the Torah repeatedly seeks to clarify its position: even though being part of humanity requires ethical standards of behavior, God commands the Jewish people specifically to maintain these values and requires that the Jews remain cognizant of these commands. Essentially, beside the general interpersonal requirement to be nice to one's friend, one also must be beneficent due to a divine imperative.

The Netziv explains that the idea interpersonal mitzvot being divinely commanded reflects itself in the standards of the law as well as its reward. As a divine imperative, the parameters of the law are defined by God, not by one's inner feelings of kindness. While providing a loan with low interest might be considered kind, God's command determines a different level of chesed, requiring lending one's fellow money at no interest at all. The second ramification of the divinely ordained elements of the mitzva is reflected in the reward one receives for fulfilling the mitzva. Any mitzva which is commanded has an extra reward for being fulfilled in the land of Israel, while any obligation which is purely rational would be treated equally everywhere in the world.

The Netziv continues and illustrates his position using the mitzva of honoring one's father and mother. The basic obligation is rational and logical, for one must show gratitude to one's parents, as expressed in the explanation of the Chinnukh. This rational element makes the mitzva incumbent even upon non-Jews, as the Talmud cites regarding Dama Ben Netina's exemplary act of honoring his father. However, the Netziv writes that the Torah goes out of its way to indicate that the Jew's fulfillment of honoring one's parents is unique, in that the Godly command gives it its special system of laws as well as a exceptional reward. It is for this reason that in the Ten Commandments (Shemot 20:11), the Torah stresses the land of Israel in connection to the reward for honoring one's parents, for the divine imperative is always rewarded more extensively in the land of Israel, even if the mitzva is logical as well.

Honoring Parents and the Red Heifer:

With this in mind, let us return to the Talmudic passage for the conclusion of Dama Ben Netina's story, in which we discover something astonishing. What is most surprising regarding Dama's tale is his reward. The Talmud details that after losing the opportunity to sell his stone for the Ephod due to his unwillingness to wake his father, he is blessed the next year with a cow that could make him much more wealthy: a para adumma (red heifer), which is extremely rare and worth a fortune. The ashes of the para adumma are needed for purifying one who has come into contact with a corpse.

The next year, the Holy One blessed be He, gave Dama his reward, and a para adumma was born in his herd. The Sages went to him to purchase the heifer. Dama said to them "I know that if I would ask of you all the money in the world, you would give it to me. However, I ask you only for the amount of money that I lost as a result of honoring my father."
Rabbi Chanina said: "Now, if this is true of one who is not commanded, all the more so for one who is commanded," for Rabbi Chanina said, "A person who does something being commanded is superior to one who does it without being commanded."

What is the message of the Talmud? Is it to be viewed as mere coincidence that after honoring his father dutifully, of all the ways to earn a fortune, Dama is blessed with a red heifer? It has been noted that one would be hard-pressed to find two mitzvot discussed in the Talmud which are more in opposition: honoring one's parents is one of the most logical mitzvot, while the purifying power of the para adumma is one of the most difficult to understand, the prototypical chok.

Dama's reward for honoring his father, in the form of the inscrutable para adumma, is a lesson for the Jewish sages who are prepared to pay top dollar for his cow: the two requirements are, in fact, not so different. For the Jews, unlike the non-Jew Dama, honoring one's parents is not merely logical but divine, and it has special parameters, similar to the para adumma. In fact, in a future lesson on honoring one's parents, we will investigate whether Dama acts properly by not waking his father under these circumstances.

Conclusion

Where does this leave us? What seems to be one contradiction after another may in fact be complementary. The element of command is essential, as Rabbi Akiva maintains and as is later stressed by the Yabetz and the Netziv; it is this command that gives properties of the inscrutable para adumma to the 'obvious' mitzva of honoring of one's parents. As Rav Moshe Feinstein explains (see our previous last lesson) it is specifically by logical mitzvot that recognizing the divine command is essential for insuring that the act performed is a mitzva, and not just a nice gesture. Nevertheless, while this acknowledgment is an essential element of recognizing the word of God and the divine framework, allowing the command to remain like the inscrutable para adumma is almost criminal.

It is on the basis of this that the Rambam states his opinion in his introduction to Avot. The objective of the ethical command in not mere action, but a mindset as well. Its goal is not just doing chesed, but ahavat chesed, loving kindness, a personality defined by an affinity for performing acts of kindness. The divine imperative seeks to impart an attitude, instructing us to internalize the religious guidelines, while at the same time focusing on the Godly ideals transmitted. Even the Rambam may agree to the Yabetz that praiseworthy is the one who fulfills even the most basic of commandments with desire not to, but only at the beginning.

After seeing the divine command in the ethical area, one is supposed to undergo an attitude adjustment; one must inculcate the norm into one's personality, developing an aversion to the forbidden and a love for the required ideal.

The disputes we have seen may be partly based on different stages of the same outlook. As the Netziv maintains, the bottom line is that all mitzvot are commands, but there is also a logical element. The command provides the framework and guidelines for the rational mitzva. One is called upon to act not only in accordance with one's instincts and intuitions, but to identify with what God wants. Initially, one's understanding may not be in sync with God's, but one's spiritual existence cannot be realized through inner tension and struggle, but rather only through inculcated appreciation. "Gadol ha-metzuveh ve-oseh mi-mi she-eino metzuveh ve-oseh," "A person who does something being commanded is superior to one who does it without being commanded."

A person indeed should enjoy his Avodat Hashem and feel fulfilled by it—but not because these were initially his own desires and intuitions. These started as being God's will, which you are commanded to fulfill. But you have molded yourself in such a way that you find joy in responding to command; your self-fulfillment comes from living the life of one who is called, rather than the life of one who is guided solely by his own inner feelings. (By His Light, p. 58)

In other words, a mitzva always begins as bein adam la-Makom, between man and God. Whether one is actively cognizant of the command during his actions depends upon his stage of development. When one is still learning to comprehend and appreciate the various aspects of the mitzva, the command is essential, "gadol ha-metzuveh." One is obligated, one is not merely quieting the conscience but in fact fulfilling the will of the Almighty, who leaves one no other option. The only choice is to be nice and considerate. At this stage, one is also bidden to remove humanistic inclinations, as Rashi stresses, and to try to focus on the mitzva itself.

After further study, one comes to appreciate the benefits one's fellow can experience, specifically based upon the divine guidelines with their unique element of bein adam le-chavero, aimed at providing for others in the most effectively kind way. As long as one has begun with the divine calling, one can focus now not on the obligation as much as the internalized caring for one's neighbor.

Nevertheless, the ultimate goal is developing the personality of which the Rambam speaks. Though one is not expected to develop this overnight, the goal is to form an attitude in which one is completely in sync with the command, to the point that one does not even feel it. One who has reached this level is kind to others because this is the person one has become. In being honest to oneself, bein adam le-atzmo, one is simultaneously honest to God's vision of what man can and should become.

The individual described at the end of last week's lesson, who gave charity twice, may have done the right thing, because he indicated that he was only at the beginning of his moral development. Providing charity to silence one's conscience is nice, but if one is unaware of the charitable obligation and does so merely because one is embarrassed to see a pauper, then one is not fulfilling the mitzva, and it makes sense to give charity once again, the right way. However, if one develops one's personality to the point of recognizing the Godly mandate of caring and providing for the unfortunate, then the initial giving of tzedaka need not be "because God commanded this action," but rather, "because I have developed the personality of living a life of inculcated commands."

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #11: The Obligation of Mishpat, Careful Scrutiny of One's Actions

After spending a number of lessons developing the basis for the obligation of performing acts of chesed, kindness, we must take note of the fact that the Jewish tradition of morality is much more extensive. The prophet Yirmeyahu informs us that God desires not only chesed; He upholds two other ideals as well, and He expects His handiwork to do the same:

Thus says God: Let not the wise man glory in his wisdom, Neither let the mighty man glory in his might, Let not the rich man glory in his riches; But let him that glories glory in this — that he understands and knows Me, That I am God, who exercises chesed, Mishpat and tzedaka on earth; For in these things I delight, Says God. (Yirmeyahu 9:22-23)

These verses, which the Rambam chooses to conclude his Moreh Ha-nvukhim with, describe the unique Jewish tradition of morality and the emphasis that God places on the ideals of mishpat (justice) and tzedaka (righteousness), along with chesed. We have already discussed the term chesed, which in its simplest form means kindness. The importance of kindness, and especially the uniquely Jewish understanding of kindness, is an undeniable part of Jewish tradition. But what is the meaning of tzedaka and mishpat; why does God desire them as much as chesed?

If Yirmeyahu were the only one to mention these terms, then we could afford to give a simplistic explanation, but these terms reappear in some of the most important verses describing the Jewish tradition of morality. The mention of these ideas of tzedaka and mishpat, sometimes in place of the more natural term chesed, seems to indicate that a proper definition and precise classification of all three of these actions is essential for understanding the unique Jewish tradition of Divine morality.

These terms appear in numerous other places — notably, in our daily prayers, in the blessing of justice, we refer to God as "the King who loves tzedaka and mishpat." King David is referred to as performing "mishpat and tzedaka to all" (II Shmuel 8:15).

In Makkot 24a (see lesson #01), the Talmud cites the prophets who based the mitzvot of the Torah on certain overarching principles; it is mishpat that appears in the top three and the top two, while chesed and tzedaka are mentioned only once each:

The prophet Mikha came and established them [i.e., the fulfillment of the six hundred thirteen commandments] upon three [ethical requirements], as it is written: "He has told you what is good and what God demands of you: only [1] to do justice, [2] to love kindness (ahavat chesed), [3] and to walk humbly with your God" (Mikha 6:8)…
Yeshayahu came again and established [the mitzvot] upon two, as it says, "So said God: [1] Guard justice and [2] perform righteousness" (Yeshayahu 56:1)…

Once again, these three terms reappear as central themes, but mishpat is mentioned in both verses underscoring the Jewish tradition. But what is mishpat, and why is it so central?

We may find an answer to this in the Torah's description of the heritage of our patriarch Avraham. Most would assume that Avraham's legacy is rooted in his extreme kindness and hospitability, his unique form of chesed for which he gains renown. However, after the Torah's description of Avraham's hospitality towards the three wayfarers (Bereishit 18:1-5), God describes Avraham's uniqueness in providing a legacy of tzedaka and mishpat. (See lesson #03, in which we quoted the Meshekh Chokhma's view that this verse is the source of the obligation of chinnukh, education). God decides to inform Avraham of his plans to destroy Sodom not only because of his uniqueness, but also because he will educate his children to live by derekh Hashem, the way of God, which incorporates righteousness and justice.

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, to the end that God may bring upon Avraham that which He has spoken to him." (Bereishit 18:17-19)

What exactly is Avraham's tradition of tzedaka and mishpat, and why does it pre-empt the mention of Avraham's chesed? This verse also describes these terms as reflective of the derekh Hashem, the way of God; thus, understanding their power may help us reveal the secret to the way of God that we desire to follow.

The Rambam's Understanding of Derekh Hashem

Defining the terms will hopefully be helpful in understanding a difficulty in the Rambam's view which we discussed in lesson #07. The Rambam is analyzing these same verses about Avraham, and he concludes that this refers to the golden mean, the proper mode of human behavior. He explains that we are to walk in the moderate ways of God, fulfilling the dictate of "Ve-halakhta bi-drakhav," "And you will follow His ways." The Rambam writes that a person who adopts this path is in fact following the way of God:

We are bidden to follow the middle paths, which are the right and proper ways, as it is written, "And you will follow His ways".
Our Sages taught the following explanation of this mitzva. "Just as He is called 'merciful,' so should you be merciful; just as He is called 'gracious,' so should you be gracious." Just as He is called "holy", you shall be holy. In a similar manner, the Prophets call God by other titles: "slow to anger," "abundant in kindness," "righteous", "just," "perfect"… to inform us that these are good and just paths. A person is obligated to accustom himself to these paths and to emulate Him to the extent of his ability. (Hilkhot De'ot 1:5-6)

Rambam concludes by saying that this way is derekh Hashem, the way of God referred to in our verse:

And since the Creator is known by these titles, and this is the middle path which we must follow, this way is called "the way of God," and this is what Avraham taught his children, as it is written: "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]"… And one who follows this path brings goodness and blessing to himself, as it is written: "To the end that God may bring upon Avraham that which He has spoken to him." (ibid. 7)

The Rambam's explanation is fascinating but at the same time it is very difficult to understand. The Rambam describes derekh Hashem, which Avraham sought to bequeath to his descendants, as the golden mean, maintaining balance in one's character traits. How does the Rambam know that this is what the Torah means? Could one not claim that the "way of God" is exercising every positive character trait in the extreme — being the most humble, the most generous, the most merciful, etc. After all, there is no mention in this verse that moderation is the way of God; how does the Rambam know that this is what this verse refers to? By defining tzedaka and mishpat, we will be able to understand the Rambam's position here as well.

Defining Tzedaka and Mishpat

Tzedaka, at first glance, seems very understandable; nevertheless, in our next lesson, we will try to explain its deeper meaning. The real question is the following: what is mishpat, and why is it so essential to the Jewish tradition? Indeed, if we attain a better understanding of mishpat and its status as one of the defining character traits of the Jewish people, we may redefine tzedaka as well. After all, if chesed cannot stand alone, and if tzedaka and mishpat seeming supersede it in the unique heritage of Avraham, each term must be defined more precisely, with an eye towards its unique Jewish message.

The Hebrew word "mishpat" is literally translated as "justice." At first glance, one can imagine that the Torah commands us to love justice or even to build a system of justice, but the Jewish tradition goes beyond this, hailing mishpat as one of the defining ideals of the Jewish people.

In the second-to-last chapter of his Moreh Ha-nvukhim (III:53), the Rambam explains the three concepts we are discussing, based on the verse in Yirmeyahu that we began with. He explains chesed, as going beyond, doing more than is required of one — such as doing more for another person than one is required to. Tzedaka, on the other hand, means "granting to everyone that which is due to him, and giving to every being what is deserved." Mishpat is "applying judgment as is proper in each case, whether giving benefit or punishment."

The noun mishpat denotes the act of deciding upon a certain action in accordance with justice, which may demand either mercy or strictness.
We have thus shown that chesed denotes pure charity and tzedaka, kindness, prompted by a certain moral conscience in man, and being a means of attaining perfection for his soul; mishpat, on the other hand, may in some cases find expression in revenge, in other cases in mercy.

Rav S. R. Hirsch has a similar explanation for the cryptic verse (Bereishit 15:6) "He regarded it for him as tzedaka":

Tzedaka is not identical with mishpat; tzedaka is always mentioned beside mishpat as something different. Only one who does both mishpat and tzedaka fulfills his duty in life. When God does tzedaka, He bestows favor on His creatures out of His grace, not on account of their merit. Mishpat stems from the root "shafat"… The basic meaning of the root is to put something in its proper place; the primary meaning of shafat is thus to impose order. Mishpat does not make one rich nor add to what exists; it merely maintains what exists and restores things to their rightful owner.

The commentators express that mishpat entails judgment. It is an act of careful reflection on what is necessary, and how one deserves to be treated. With this understanding of mishpat, one can understand the Rambam's explanation of the way of God and the middle path.

Understanding “The Way of God”:

Rav Aharon Lichtenstein explains how the Rambam’s definition of mishpat and tzedaka explains the nature of the golden mean.

In light of this explanation by Rambam, we can now understand what brings him to understand "the way of God" as he does. Since the verse goes on to say, "to perform righteousness and justice," rather than "to perform kindness," Rambam concludes that the text is not talking here about an educational policy that calls upon a person to maintain every trait in the most excessive and extreme fashion. That would be "chesed," which indicates excess. Rather, the verse discusses an approach that teaches that every trait should be maintained in moderation, such that the person will not stray from the middle path.

It should be added that the verse suggests that in order to arrive at performing righteousness and justice, a person must first lay the foundations of a lifestyle that represents "the way of God." Someone whose actions are motivated by momentary considerations may do some good here and there, but this will not be a structured, consistent process, and there is no way of him passing it on to future generations. Only a person who builds himself a structured way of life in which he controls his personality traits and maintains each in a measured, deliberate fashion, is able to perform "righteousness and justice" and also to bequeath his path to his children and household.

With this in mind, Rav Lichtenstein explains why in other instances the Rambam seems to praise extremes in one’s relationship with God. For example, he describes the proper adoration of God as boundless lovesickness for Him (Hilkhot Teshuva 10:2). Nevertheless, he still refers to the middle path as that of moderation.

Only a person who has established for himself the foundations of "righteousness and justice" can strive for the boundless love of God described in Shir Ha-shirim, after which he returns unharmed to his routine lifestyle. Only a person whose path in serving God is a solid, consistent one, rather than a collection of rapturous religious moments, can bequeath his path "to his children and his household after him." (Rav Aharon Lichtenstein, Sicha on Parashat Vayera, “The Way of God”)

First, one must develop an approach to life built on tzedaka and mishpat, carefully weighing his actions, knowing when to administer the letter of the law and when to be more kind. With this in mind, we can understand an explanation of the Rambam’s golden mean cited in the name of Rav Soloveitchik zt”l, redefining the nature of the path of moderation.

Rav Soloveitchik is quoted as saying that moderation does not mean using every attribute in its middle application, for the simple reason that moderate behavior is not the appropriate response to every situation. The golden mean must govern a person's general approach to life, rather than dictate his conduct under all circumstances. The Rambam bids us to use sound judgment and reason when deciding how to act, rather than maintaining a consistent pattern of behavior at one extreme. At times a person must act forcefully, while other instances call for a more mild demeanor. While some situations require one to deal exactingly and inflexibly, others dictate adaptability and the willingness to forego. (See Rav David Silverberg, Parashat Vayera, Virtual Beit Midrash)

The Rav's understanding is expressive of the balanced life of tzedaka and mishpat, a synthesis of kindness and justice. Careful analysis of every situation allows one to determine the most appropriate mode of action.

The way of God taught to us by Avraham is the way of sound reason, clarity, sensibility, and careful, patient decision-making. In essence, one who follows the golden mean is in control of himself and is carefully able to scrutinize every situation. Such an individual uses his sense of mishpat, not as a judge in the courtroom, but a judge over his own actions, arbitrating the proper mode of behavior.

Every Jew is a Judge

In fact, one might suggest that mishpat is the overarching obligation of the Jew. While the concept of judgment is often viewed as the domain of the appointed judges of the community, this may in fact be only part of the story.

The commentators wonder why it is that Avot, the tractate that deals with many ethical issues, appears in the section of the Talmud known as Nezikin, which deals with damages. Two of the Rishonim who dealt with the question arrive at seemingly different conclusions, but a deeper look may indicate that these answers are very much related.

The Rambam, in his introduction to the Mishna, provides a well-developed lengthy discourse on the order of the various tractates, and he addresses this seeming anomaly.

And after completing the discussion of all the necessities of judges, the Mishna inserts Tractate Avot. It does so for two reasons. Firstly, in order to tell you the truth of the Mesora and Jewish tradition… and secondly, in order to inform us the ethical teachings of the various Jewish scholars of blessed memory, in order for us to learn from them, and it is the judges that need this more than anyone else. For if a regular individual does not study ethical teachings, the damage is minimal, for he has only caused himself damage. However, if a judge is unethical or immoral, he destroys himself and the nation through the damage he inflicts. Therefore, Tractate Avot begins with laws addressing directly the judges…

The Rambam goes on to enumerate various lessons for judges that appear at the beginning of Tractate Avot; properly studied, these lessons improve the judicial system. The Rambam concludes that a judge who inculcates the lessons of Avot will become like a master physician who knows exactly when and how to use each and every means of healing; similarly, the judge who masters these teachings will know exactly when to be strict or easygoing in judgment, and he will not cause any unnecessary damage through his decisions.

Thus, the Rambam stresses that Avot is placed in Nezikin, the section of the Oral Law dealing with criminal, civil and commercial law, because its main message is aimed at judges. The Me'iri, on the other hand, seems to understand differently. He writes in his introduction to the tractate that "the subject of this tractate is to awaken man to perfect his attributes and actions in order to achieve the 'ultimate perfection,' i.e., the perfection of the soul." The Me'iri continues by saying that, for this reason, Avot is the tractate which the Talmud (Bava Kamma 30a) points to for self-improvement, as it contains various explications of the wholesome character.

At first glance, one might understand that the Rambam and the Me'iri are providing diametrically opposed outlooks as to the audience of Tractate Avot.

The Rambam views it as directed towards the judges, designed to perfect their character in order that they may judge properly, while the Me'iri sees the tractate as directed towards improving the personality of each and every individual.

On the one hand, one cannot deny the various laws, especially at the beginning of the tractate, that seem to provide directives to judges: "Be deliberate in judgment" (Avot 1:1), "Questions the witnesses thoroughly" (ibid. 9) and the like. On the other hand, how could the Rambam focus on these directives when numerous elements of the tractate seem to deal with lessons for the ordinary Jew, not just the judge?

We may understand that the two explanations provided, that of the Rambam and that of the Me'iri, are not contradictory but rather complimentary. As the Me'iri notes, the tractate is directed towards improving the character of every individual, but as the Rambam states, perfection of character is most important for the judges, whose decisions will impact other people and society. Avot is in fact the tractate for the judge, but every individual acts as a judge, and is involved in dispensing mishpat, justice. While some individuals administer justice in courts, others do so in the marketplace or the like. Any time one interacts with his fellow man, he acts as a judge. He, sometimes unwittingly, weighs his neighbors' actions and determines if he feels they have acted properly. Only someone who has inculcated the lessons of Avot can be a judge in the courtroom as the Rambam notes, but as the Me'iri adds, the teachings of Avot are also essential for every Jew who interacts with his fellow man, for he too is a judge of the other's actions, and only proper control can lead to the proper administration of justice.

Mishpat: Weighing Every Action with Precision

The approach that man is a judge over himself and that his actions should be carefully weighed and analyzed as if by a magistrate, is expressed clearly in many of the commentaries on the Torah's directive (Devarim 16:18) "Judges and officers you shall appoint in all your gates." The simple explanation of the verse is that every community must insure that they set up a court system in every city, along with officers of the court who can enforce the decisions. However, Itturei Torah, a collection of Torah gems, quotes a number of commentators who understand the verse as referring to the individual as a judge over himself as well. Among them are the words of Rav Simcha Bunim of Peshischa:

Whenever you, as an individual, have a decision to make, appoint judges and officers: "judges" to weigh carefully whether your decision is a correct one; and once you have decided, appoint "officers" to carry out that which you have decided, just as an officer enforces the decisions of the court. Indeed, many of the best intentions are wasted because of people's failure to carry them out into practice.

The Toledot Yaakov Yosef takes this idea one step further: the way one judges others should be in line with how one judges oneself.

"Judges and officers you shall appoint in all your gates" — for you, for yourself. First judge yourself, and using the same yardstick, judge others. Do not be lenient with your faults while judging harshly the same fault in others; do not overlook sin in yourself while demanding perfection of others.

If this is the case, then one can understand what we saw in lesson #08 from Rav Yaakov Ettlinger's Arukh La-ner: that the prophet Mikha's directive of doing mishpat refers to mitzvot bein adam le-atzmo, the intrapersonal directives, aimed at insuring a wholesome personality. As he explains, mishpat is defined as "weighing one's actions to ensure that one is wholesome."

The Chazon Ish's One Character Trait:

With this in mind, we can understand the fascinating opinion of the Chazon Ish, expressed in his philosophical work, Emuna U-vitachon (Faith and Trust). He writes that the prevalent understanding is that man has many character traits, all of which act independently and must be perfected individually. He maintains a contrary understanding: that there is in fact one attitude which determines whether an individual will be able to protect his character or not.

The teachers of morals have declared that the ways of perfecting character traits are a separate chapter in the discipline of perfecting one's service of Hashem; furthermore, they have even worked on breaking up the defects into separate ones such as anger, pride, craving, love of honor, love of dispute, vengefulness, spite etc. As this system of thinking has become common, many people have become convinced that perfection is made up of different parts. True, this is so when it comes to illness of the spirit and when it comes to finding ways to combat corrupting elements, but at the root of all the character traits, there is only a single good trait and a single bad one. The bad trait is that of leaving natural life to its natural processes. If a person makes no efforts to the contrary, he will become skilled in all the bad traits…all to the extreme. He will not even lack one of the bad traits enumerated by the sages.

The good trait is the absolute determination to put moral feeling above that of desire, and from that starting point, a person can fight against all the bad traits together. This determination cannot be partial, for a person whose intellect and high quality of soul have awakened him and influence him to choose the good, when he is feeling elevated, strives for endless good and cannot be satisfied with the good he does. He sees in front of him an eternal and infinite world, and hates all the bad traits together.

According to the Chazon Ish, any failure in character development is rooted in the one negative trait, of taking things as they go without much attention to the necessary action in every situation. The positive trait, on the other hand, is that of Truth, weighing carefully each and every action under any circumstance that might arise, in order to determine the proper mode of action for every situation.

Conclusion: The Power of Mishpat

Our discussion of mishpat reflects the fact that Jewish tradition recognizes the importance of control over one's sensibilities and traits, and using carefully weighed actions in response to all situations that might arise. A balanced life requires that one realize that all his actions, especially interactions with others, must be reflective of "the way of God," "the King who loves tzedaka and mishpat."

Mishpat and tzedaka are not only the legacy of Avraham; they are not merely Mikha and Yeshayahu's essential fundamentals of the Torah; they are also the ideals which we are supposed to inculcate into our being. In the fifteenth-century Responsa Yakhin U-Voaz (Vol. I, ch. 134) we find this stated explicitly. Rav Duran explains that if the verse in Yirmeyahu declares that one can only glory in one's knowledge of God, in being one who administers chesed, mishpat and tzedaka, then these are obviously essential ideals which must define our character.

Acting in this way is the antidote for the terrible predicament of exile that the Jewish people continue to suffer from, as the prophet Yeshayahu writes:

Zion will be redeemed through mishpat, and those who return to her through tzedaka. (Yeshayahu 1:27)

May it occur speedily in our days.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #12: Mishpatim — Appreciating God's Precepts, in Study and Practice

Mishpat and Mishpatim

In last week's lesson, we discussed the concept of mishpat, and we explained its fundamental significance within the Jewish moral tradition. A Jew is given the opportunity to follow in the footsteps of Avraham, dispensing mishpat and tzedaka, and thereby to walk in the ways of God. The Jew who succeeds in inculcating mishpat in his life gains control of his character, and he is able to act in every situation with the necessary action and reaction.

The word "mishpat" appears in the Torah not only in its singular, independent form, but also as the root of the plural "mishpatim," often translated as precepts. The word "mishpatim" is a generic word for rational mitzvot, but in a number of contexts, it specifically refers to interpersonal civil laws. The prominence of the ideal of mishpat is expressed through the appreciation of the system of rational mitzvot, mishpatim. In numerous places in the Torah, God repeats that the unique contribution of His legal system is exemplified by the righteous chukkim (decrees, non-rational laws) and mishpatim which He presents to the Jewish nation.

In order to understand the significance of the mishpatim, as well as the outlook and actions they entail, we will first delineate the uniqueness of the mishpatim and explain the Torah's distinction between chukkim and mishpatim. Why does the Torah choose to differentiate between the two terms?

Uniqueness of Mishpatim

Clearly, every society needs a set of laws dealing with civil issues; therefore, one can imagine that there need be nothing overly unique in the Torah's system. Yet, in a number of contexts, the mishpatim of the Torah are described as extremely special. The singularity of the Jewish system of justice is in fact expressed succinctly in a verse from the psalms recited in our daily prayers:

He relates His word to Yaakov, His decrees and precepts to Israel. He did not do so for any nation; they know not such precepts — praise God! (Tehillim 147:19-20)

Rav Avraham Yitzchak Bloch of Telz explains these verses in the following way. There is a seeming anomaly in God's revelation at Mount Sinai: one would imagine that the Ten Commandments would all be uniquely Jewish, yet the second half contains some logical mishpatim, which are presumably accepted by Jew and non-Jew alike. God thereby demonstrates to the Jews, as described in these verses, that even the seemingly logical mishpatim cannot be truly known by the nations. (See Tehillim, ArtScroll Tanach Series p.1719)

The premise that even logical commandments shared by Jew and non-Jew alike are indeed different is seemingly expressed in the midrashic description of God offering the Torah to other nations before presenting it to the Jewish people. In Pirkei De-Rabbi Eliezer, Rabbi Tarfon describes God's offers and the various nation's rejection:

The Holy One, Blessed be He, 'shone forth from Se'ir' (Devarim 33:2) and revealed himself to the children of Esav… and said to them "Will you accept the Torah?"

They replied, "What is written in it?" "Do not commit murder" (Shemot 20:12), said God. "Go away" the children of Esav retorted. "We cannot abandon the blessing of Yitzchak to Esav, for he said (Bereishit 27:40): "By your sword you shall live."

From there, God proceeded to appeared to the children of Yishmael… "Will you accept the Torah?" He asked. "What is written in it?" they inquired. "Do not steal" (Shemot 20:12), said God. They responded, "We cannot stop doing what our ancestors did…" At that point, God sent angels to all the other nations of the world…

The scene is rather startling. After all, the mitzvot that Esav's and Yishmael's descendants are uninterested in and unable to accept are logical precepts; these prohibitions are binding upon non-Jews as part of the seven Noahide commandments. Why would one reject the Torah due to unwillingness to accept what one is obligated to do anyway?

One approach is to compare the Jewish precepts to the corresponding Noahide ones; this reveals that many of the Jewish laws are far more inclusive. For instance, the prohibition against killing for a Noahide proscribes outright bloodshed, while for a Jew, even publicly embarrassing his fellow man is considered bloodshed (see Bava Metzia 58b).

One might even go a step further and contend that the tradition of the Torah requires one not only to avoid forbidden actions, but in fact to develop one's personality and an outlook based on its reality.

Rav Hirsch, in his commentary to these verses, notes another beautiful aspect of the Torah's mishpatim unknown to other nations. The rational, legal system of any country, based upon a social contract, is always subject to change and amendment. For instance, if the citizenry agrees that its desire to know the inner lives of others is more important than maintaining standards of privacy, then a paparazzi society will develop, in which each member continually looks to invade the other's privacy in order to sell a good story. However, the divine mishpatim are eternal and unchanging. God's expectations of what human society can and should achieve, setting standards of privacy, kindness, and goodwill, can never be outvoted by a majority. These mishpatim are unique to the Jew, and they are readily apparent when looking at the standards of the Torah versus those of the secular society around us.

This uniqueness is expressed powerfully by Moshe as he introduces the mitzvot in his final speech to the Jewish people, extolling the amazing laws which he has transmitted from God to the Jewish people.

See, I have taught you decrees and precepts as Lord, my God, has commanded me, to do so in the midst of the land to which you come, to possess it. You shall safeguard and perform them, for it is your wisdom and discernment in the eyes of other nations, who shall hear all these laws and say "Surely a wise and discerning people is this great nation!" For which is a great nation that has a God Who is so close to it, as is Lord, our God, whenever we call upon Him?

And which is a great nation that has righteous decrees and precepts, such as this entire Torah that I place before you today? (Devarim 4:5-8)

Moshe's teaching of the Torah is in fact an expression of the righteous law system which recognizes the closeness of the Jewish people to God and their wisdom among the nations.

The Ramban describes in his commentary to the verse why it is that Moshe specifically mentions "decrees and precepts", chukkim and mishpatim. He writes that "through mishpat, the world is upheld" (see Mishlei 29:4), and he continues by describing the world's recognition of the unique mishpatim of the Jewish people:

And Moshe then says that observing the chukkim and mishpatim yield great benefits, for they are the source of glory and admiration from other people for those who perform them, end even the Jews' enemies praise them for observing these commandments. Furthermore, Moshe adds in verse 7 that these mishpatim have a benefit beyond compare, as God is close to them whenever they call upon Him, and even the nations contemplate this and realize that the chukkim are performed by the Jews… and the chukkim and mishpatim are righteous and fair.

The Universal Obligation of Dinim

It should be noted that, according to a number of opinions, the Torah's high regard for mishpatim may be seen even in the obligations of non-Jews in this area. The Ramban (Bereishit 34:13) supports this position in defining the parameters of the Noahide obligation of dinim or dinin, laws, one of the seven commandments which non-Jews are commanded to observe:

In my opinion, the meaning of "laws" which the Sages have counted among the seven Noahide commandments is not just that they are to appoint judges in each and every district; beyond this, He commanded them concerning the laws of theft, overcharging, defrauding and withholding a hired man's wages; the rules of guardianship of property, rape and seduction; the principles of damage and wounding a fellowman; laws of creditors and debtors; laws of buying and selling, and their like. They are similar in scope to the laws with which Israel was charged…

The Ramban thereby expresses his view that all nations of the world are required to develop a system of justice upholding the parameters of civil law that the Jewish people are commanded in the Torah.

The Rema, the author of the Ashkenazic glosses on Shulchan Arukh, goes as far as to entertain the possibility in his responsa (Teshuvot Ha-Rema, ch.10) that non-Jews might be obligated to decide monetary law in accordance with the fourth volume of Shulchan Arukh, Choshen Mishpat, which encompasses civil law.

Nevertheless, despite the importance of a legal system which binds all nations of the world to observe ethical, interpersonal civil norms, the Jewish system of mishpatim is still unique.

Indeed, Rav Chayim of Volozhin is quoted as saying that the obligation of non-Jews cannot possibly be identical to the Jewish one, on account of the verse cited earlier: "He did not do so for any nation; they know not such precepts."

Furthermore, the Ramban himself, in the continuation of the above-cited passage, lists a number of distinctions between the Jewish system of justice and the non-Jewish one. While God cares about all nations, and He requires that they build a legal system similar to the one which the Torah's prescribes for the nation of Israel, there is it is a truly unique bond between the Jewish people and God, as expressed in the mishpatim. This is what Moshe declares that even the nations of the world realize. What is this bond, and what is its significance?

Placement and Significance

The centrality of the idea of mishpat and the specifics of the mishpatim is expressed by the position of the eponymous Torah portion, Parashat Mishpatim, particularly its first three chapters (Shemot 21-23), which contain mostly civil laws, rather than ritual laws. This unit is sandwiched in between two narratives of the Giving of the Torah on Mount Sinai. The preceding portion, Parashat Yitro, contains a detailed account of the Giving of the Torah, the incredible display of God's greatness and magnificence at the Convocation at Sinai, in which God gives the Torah and the Jews receive the Torah (ibid. 19-20). At the conclusion of this unit, a few ritual laws are mentioned, and then the Torah begins to detail the civil laws of Parashat Mishpatim. However, immediately after these chapters, the Torah returns (ibid. 24) to the depiction of the Giving of the Torah, including the Jewish declaration of acceptance, the words "Naaseh ve-nishma," "We will do and we will listen."

Why is it that the civil laws are presented in the middle of this whole description of the Giving of the Torah? Why do they deserve such a central position in the Torah? An analysis of the introductory verse of Parashat Mishpatim and the remarks of some commentators will help us to understand this. The verse (21:1) begins:

And these are the precepts that you shall place before them.

The commentators wonder about the use of the initial conjunction, the letter "vav", usually translated "and". If the civil laws are introduced at the beginning of Parashat Mishpatim with the letter vav, what is the connection to the previous unit?

The Ramban (ad loc.) quotes a statement of the Sages:

And thus did the Sages say in Midrash Rabba (Shemot Rabba 30:15): "The entire Torah depends on mishpat; therefore, the Holy One, Blessed is He, gave the dinin immediately after the Ten Commandments."

The Ramban also explains that civil laws are an expansion of the fundamentals of interpersonal relations already mentioned — foremost among them, "You shall not covet" (ibid. 20:13):

If a person does not know the law governing a house or a field or other property, he will think that it is rightfully his and he will covet it and take it for himself. Therefore he said to Moshe, "Place before them just judgments that they may practice among themselves, and thereby they will not covet what is not legally theirs." (ibid)

Rashi also deals with the significance of beginning with a vav and mentioning these laws next to the description of the Altar.

Whenever "and these" appears, it adds on to that which has been stated previously. Just as the above-mentioned were given at Sinai, so too, these commandments were given at Sinai.

Why is the passage of dinin juxtaposed with the preceding passage of the Altar? This tells you that you should place the Sanhedrin adjacent to the Holy Temple.

The comments of the Ramban and Rashi express the centrality of mishpatim. As Rashi writes, all these laws were given at Sinai; they are all divine, even the ones dealing with the societal concerns of all nations. The judges of the Sanhedrin sit in the Holy Temple, for the adjudication of civil law is as holy as the Altar itself. Furthermore, as the Ramban writes, "The entire Torah depends on mishpat." Mishpat and mishpatim are central to Judaism.

Meeting God on Earth

The laws of the Torah, dictated in the Written Law and defined and elaborated upon in the Oral Law, are a means of applying God's standards and bringing them down to this world. The mishpatim, which comprise the basis of the Jewish legal system, are the means of translating the will of God into the everyday situations that arise. The judge, basing his decisions on the mishpatim, is expressing God's will as taught by the Torah. This idea is expressed clearly by Rav Shemuel bar Nachmani:

Rav Shemuel bar Nachmani said in the name of Rav Yonatan: "Any judge that renders a judgment that is absolutely true causes the Divine Presence to rest upon Israel, as it is stated: 'God stands in the divine assembly; and in the midst of judges shall He judge' (Tehillim 82:1). But any judge that renders a judgment that is not absolutely true causes the Divine Presence to depart from Israel…" (Sanhedrin 7a)

God is present in assemblies that issue judgments in accordance with his laws. This carries with it tremendous obligations for the judge.

And Rav Shemuel bar Nachmani said in the name of Rav Yonatan: "A judge should always view himself as though a sword is resting between his thighs, and Gehenna is open beneath him…"

In a number of contexts, the Ramban expresses this idea as well. He establishes that judges who proceed in accordance with Godly mishpatim in fact represent a rendezvous with eternity, where God actually takes part in the trial through the mouthpiece of the judges.

The Ramban (ibid. v. 6) discusses why the Torah refers to judges with the term "elohim", a name usually reserved for God himself. He begins by quoting ibn Ezra:

Rabbi Avraham ibn Ezra says that judges are called "elohim" because they uphold the laws of God in the land.

Simply stated, ibn Ezra seems to understand that judges act as agents of God in administering His justice. While this is already an audacious statement, the Ramban takes it one step further.

But in my opinion… this alludes to the fact that God is with the judges in matters of justice. It is He Who really declares who is innocent and who is guilty…

The Ramban goes on to list a number of verses referring to God standing with the judges and administering justice through the courts. In conclusion, he brings support for this concept from Shemot Rabba (30:24):

When a judge sits and judges truthfully, the Holy One, Blessed be He, leaves the highest heavens, as it were, and causes His Divine Presence to dwell alongside [that judge]…

The judges, according to the Ramban, in their knowledge of God and His mishpatim, are worthy of God's standing in judgment with them, as the verses depict literally. In Devarim (19:19), the Ramban explains that this is the reason why the law states that conspiring witnesses found guilty after the defendant has already been punished will not receive his punishment: God, Who sits with the judges, ensures that they rule properly.

God would not allow the righteous judges, who stand before Him, to spill innocent blood, for "the judgment is God's" (Devarim 1:17)… All this is testimony to the great eminence of the judges of Israel and to the guarantee that the Holy One, Blessed be He, agrees with them and is "with them in the matter of judgment"… for they are indeed standing before God… and He leads the judges on the true path.

Love of Mishpatim, Love of Justice, Love of Beit din

If the mishpatim are the expression of the wisdom and will of God, than there are a number of practical ramifications. Rashi (Devarim 4:9) indicates that the Torah's warning against forgetting the commandments is a warning against forgetting even a small element of these laws; anyone who does so will be viewed as foolish by the nations, rather than wise and discerning. For the very reason that the interpersonal laws are bestowed by God, they require precision in order for one to fulfill them properly.

Most importantly, a reverent view of the mishpatim translates into a respectful view of the court, the beit din. The courtroom is not merely a place for dealing with disputes, but a venue for seeing the brilliant view of God , as voiced by the judges, regarding the interpersonal situation at hand. For this reason, the Torah explicitly mentions that disputants must bring their case to beit din to determine who is in the right and who is in the wrong:

When there will be a grievance between people, they shall come to the court, and they will judge them; they will vindicate the righteous one and find the wicked one guilty. (Devarim 25:1)

Moreover, based upon our approach, going to beit din is essentially translating God's will, as expressed in the Torah, into one's everyday life. It is a means of coming "face to face" with the divine will and being able to apply it to one's life.

Practically speaking, one must find a beit din which is respected and does their job as prescribed, upholding the Torah's system of justice as representatives of God on this earth. Going to beit din is nothing less than seeking out God's counsel on the situation.

For this reason, both litigants should be happy to go to beit din, not in order to fight, but in order to find the answer to the honest question: which one is correct? They will both be happy with the verdict, because their sole desire is to act in accordance with the divine system of righteous laws, handed down from God. The Talmud (Sanhedrin 7a) even cites a beautiful aphorism:

Yet another used to say: Let him who comes from a court that has taken from him his cloak sing his song and go his way.

Said Shemuel to Rav Yehuda (Shemot 18:23): "This is alluded to in the verse, "And all this people as well shall come to their place in peace."

This is a saying expressed by an ordinary individual, but the great sage Shemuel finds a Biblical source for it. It means that even though the court ruled against him, removing his coat as payment to the other party, the losing party should be happy that wrongly acquired property has been removed from his possession.

Regrettably, people are not always so appreciative of the beit din. In his masterwork, Emuna U-vitachon, the Chazon Ish spends two chapters (3-4) dealing at length with issues of morality and character development. He attempts to show how many people who express outward piety are in fact fooling others, and sometimes even fooling themselves. The yardstick for identifying one whose love for the Torah is pretense is whether he avoids litigation in beit din. The Chazon Ish condemns these individuals, who will do whatever they can to avoid having to present their case in beit din, even when invited amicably to do so, as haters of God's law. At one point, he goes so far as to refer to the individual who avoids going to the beit din as "rotten to the core." Though his outward appearance and even his view of himself might be that of a Torah-loving and Torah-living Jew, his unwillingness to go to the beit din to settle a dispute is a sign he has no interest in performing God's will and does not really love God's Torah.

Unfortunately, the view of the beit din in the eyes of many is very negative. While some of this may be the result of certain courts failing to uphold the proper standard, the Chazon Ish presents a number of reasons why people reject a beit din for seemingly noble reasons, which he dismisses as excuses for those who do not really love the Torah.

To the dismay of the lovers of mishpatim, the situation has deteriorated to the point that many view an invitation to a beit din as a threat, and the party who wants to do so is often viewed as the instigator. Unfortunately, while sometimes there may be ulterior motives, the Jewish approach to the process of mishpat and din as realized between two practicing Jews has always to honor and cherish it. The Chazon Ish's approach indicates that those who take an anti-beit din outlook under all circumstance are nothing more than haters of the Torah; they have not studied enough Torah to appreciate the law, and it is they who undermine the view of God as expressed by the beit din.

Defining the Terms: Chukkim and Mishpatim:

To conclude our discussion, a more exact definition of mishpatim will serve us well. It is often understood that the distinction between a mishpat and a chok is in the taam (underlying reason, logic, purpose) of each type of mitzva. A chok has a reason unknown to man; it may have no reason. A mishpat, on the other hand, has a taam. However, this distinction seems lacking and imprecise.

In fact, it seems that even chukkim have some message for us as well (see Derashot HaRav, page 227), but if so what does it mean that they lack a taam? The Sages do not hesitate to give reasons for the para adumma (red heifer), despite the verse's calling it the quintessential "decree of the Torah" (Bamidbar 19:2). On the other hand, certain mishpatim seem very difficult to comprehend. For instance, the Ran, in his celebrated Derashot (Derush 11), explains that many laws in court aim to express the divine view of a situation, even though extrajudicial measures will be necessary to ensure that social justice is maintained. If so, what does it mean when we differentiate between chukkim and mishpatim based on whether the commandment has a taam or not?

Rav Yitzchak Berkowitz develops a rather novel interpretation of the distinction between chukkim and mishpatim; it has far-reaching implications for the manner of studying them. The confusion, he explains, comes from the literal translation of taam as reason. This is not exactly accurate. The Talmud (Yevamot 23a) discusses the opinion of Rabbi Shimon, who expounds the taam of the verse in a way at odds with the majority opinion. The Talmud explains that Rabbi Shimon not only provides the rationale for the laws; he defines the parameters of the mitzva based upon its taam. The taam, according to Rabbi Shimon, is the defining factor of the mitzva, giving it its structure, with all the halakhic ramifications the taam indicates.

Rav Berkowitz explains that this understanding of taam is also what lies at the root of the distinction between chukkim and mishpatim. The question is not whether a mitzva has a reason or not, but whether that reason affects the application of the law. A chok does not have a taam, meaning it is an absolute rule. Indubitably, it has a reason, but it does have a reason that can limit its expression and parameters. A mishpat, on the other hand, is the exact opposite: the definition of the mishpat is the taam. The very same act in one case will be a mitzva, and in another case, it will be sinful. Being kind and considerate of others by definition requires understanding whom one is dealing with: what they need and how one can help. Any attempt to create broad legal interpersonal demands is doomed to failure. The Torah seeks to inculcate the proper principles; the variables of each situation will determine the exact action. This is also reflected by the view (see lesson #06) that interpersonal mitzvot are oriented towards results, not actions; only an action that upholds the Torah's principle is sufficient.

In short, a mishpat is a principle and a chok is a rule. This allows us to explain Rashi's comment regarding the necessity of teaching the reasoning behind the mishpatim; Rashi explains the Torah's directive (Shemot 21:1) to place the mishpatim "before them," as an indication of how these mishpatim should be taught:

The Holy One, Blessed be He, said to Moshe: "Do not think of saying, 'I will teach them the chapter or the law two or three times until they know it well, as it was taught, but I will not trouble myself to enable them to understand the reasons for the matter and its explanation.'"

Therefore, it is said: "You shall place before them," like a table, set and prepared to eat from, before the person.

The implications of this approach are far-reaching. It is insufficient to learn the laws, even to memorize them; rather, one must develop an understanding of the taam of each law, the principle behind it, by which every individual, every judge of his fellow man, must live. In these lessons, we are trying to develop an understanding of these principles. It is these principles which should be our guiding light in creating a society based on God's system and code of behavior. Hopefully, this community will not need a beit din, as each person will infuse society with Godliness. Certainly, this is why the idea of mishpat is so complicated. It is not enough to know the rules. One must learn how to apply them and how to make judgment calls. Moreover, one must be sensitized and transform oneself. One must also realize, at the same time, that mishpatim are divine, absolute rights and wrongs, just like chukkim. Mishpatim are equally full of detail. It is not enough to love one's neighbor; one must learn the principles of how to do so, and one must acquire the precision to apply them.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #13: Tzedek, the Tzaddik and the Anti-Tzedek of Sedom

The legacy of Avraham is expressed succinctly with the attributes of tzedaka and mishpat, which lead Avraham's descendants to walk in the way of God. We have seen that these two terms reappear in numerous contexts, sometimes with the additional attribute of chesed. After focusing our discussion in previous lesson on the meaning of mishpat and its implications for understanding mishpatim, we will now draw our attention to the next element, tzedaka, to be followed by a lesson on chesed. What is the true definition of tzedaka, and how does it interact with mishpat and chesed?

The common conception is that tzedaka means charity. In truth, in the verses in the Torah (Devarim 15:7-11) that discuss the mitzva of charity, the word tzedaka does not appear (though it does appear in Nevi'im and Ketuvim). How, then, should we define tzedaka? Why do we use it as a term for charity?

The Rambam's Definitions

In lesson #11, we noted that in the second-to-last chapter of the Rambam's Moreh Ha-nvukhim, he defines the terms tzedaka, mishpat and chesed. Chesed is complete beneficence, while mishpat is strict justice. Tzedaka, on the other hand, is in between.

The term צדקה is derived from צדק 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 צדקה is not used in the first sense, and it does not apply to the payment of what we owe to others. When we therefore give the hired laborer his wages or pay a debt, we do not perform an act of צדקה. But we do perform an act of צדקה when we fulfill those duties towards our fellow-men which 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 צדקה for you" (Devarim 24:13). When we walk in the way of virtue, we act righteously towards our intellectual faculties, paying it its due; and because every virtue is thus צדקה, Scripture applies the term to the virtue of faith in God. See the verses "And he believed in God, and he accounted it to him as righteousness" (Bereishit 15:6); "And it shall be our righteousness" (Devarim 6:25).

Thus, the Rambam explains that chesed is going beyond, doing more than is required of one – e.g., in assisting another. Tzedaka, on the other hand, means giving everyone his due and giving to every being what it deserves. Mishpat is applying justice as is proper in each case, whether it is to one's benefit or detriment.

The Requirement of Tzedaka

This approach stands in opposition to the common assumption that tzedaka is charity, an act of pure kindness not required by law.

The Talmud states (Bava Batra 8b and Ketubot 49b) that an individual can be forced to give tzedaka. The commentators note that this seems to run contrary to the principle that "Any positive commandment for which the reward is written explicitly in the Torah, the court cannot force someone to perform it." The mitzva of tzedaka has an explicit reward stated (Devarim 15:10), and therefore one might wonder: how can the courts enforce payment?

There are a number of responses given by the commentators, but the Ketzot Ha-choshen (290:3) presents an approach that is pertinent to our discussion. The Ketzot explains that regarding the mitzva of tzedaka, for which the Torah states a reward, there can be no compulsion, but tzedaka is not only a mitzva; it is also a monetary obligation. Every individual has obligations to the needy, and one must realize that, to a certain degree, his money does not belong to him. This debt of tzedaka translates into a lien on one's property. The Ketzot explains a number of anomalies based on the idea that, beyond the mitzva of tzedaka, there is a debt which the courts can compel one to pay. (See Rav Yair Kahn's essay, Alei Etzion vol. 2, pp. 145-151.)

Though this understanding of tzedaka seems rather novel, this is exactly what the Rambam explains about the term tzedaka referring to charity. The Rambam explains, as we saw, that when a person gives charity to a poor person, this is not chesed but rather tzedek – because through the giver's action, he is giving his own soul its due. A person's soul strives for perfection and for positive traits. When a person behaves in this way, he is performing tzedek towards his own soul. Chesed is the correct term only where there is a complete favor, exceeding that which the soul requires.

The Rambam's understanding of the required charitable obligations recognizes that Jewish tzedek involves what others may consider charity; nevertheless, tzedek is actually righteousness, doing everything that one is supposed to do.

Rav S.R. Hirsch (Bereishit 15:6) expresses this idea in explaining why G-d considers Avraham's faith in him to be tzedaka.

In some cases, one who performs tzedaka merely acts in accordance with the strict requirements of the law… On the other hand, tzedaka is not synonymous with mishpat: tzedaka is always mentioned beside mishpat as something different. Only one who does both mishpat and tzedaka fulfills his duty in life. When God does tzedaka he bestows favor on his creatures out of His grace, not on account of their merit.

Mishpat stems from the root shafat… The basic meaning of the root is to put something in its proper place; the primary meaning of shafat then is to impose order. Mishpat does not make one rich nor add to what exists; it merely maintains what exists and restores things to their rightful owner.

Tzedaka from the root tzedek is something else… in other words, to give the other person what he needs, to be good to him, to seek his welfare and wellbeing. Tzedek rectifies the world and promotes the happiness of the individual and the community. Through this attribute, every creature will have the benefit of the conditions intended for it by Divine design. It is the goal of God's direction of the world. From man's point of view, tzedek is the ideal. Any divine or human act that brings the individual or the community nearer to this goal is tzedaka…When man acts with tzedek towards his fellow man, he acts benevolently toward him and fulfills an obligation to God as well.

Tzedaka then is the whole life of faithfulness to duty. Mishpat is only the negative side, shunning evil, whereas tzedaka is the positive realization of the good.

The Tzedek of Avraham

After spending a couple of lessons discussing the necessity and power of mishpat, let us elevate our discussion one level. After appreciating justice, one can try to strive for tzedek, becoming a tzaddik — one who takes the concept of justice one step further, obligating him to be true to himself as well, aiming to achieve the ideal. To appreciate the concept of tzedek and the Jewish tradition of tzedaka which the Rambam deems a defining characteristic of the Jew (Hilkhot Mattenot Aniyim 10:1), we must view the tzedek of Avraham against the backdrop of the moral degradation of Sedom. The reason for this is rather simple: the Torah explicitly differentiates between the moral tradition of Avraham and the moral degradation of the city of Sedom.

In fact, the verse explaining Avraham's legacy appears in the context of informing Avraham about Sedom. In the preceding lines (Bereishit 18:1-5), we read of Avraham's hospitality upon the arrival of three "men" to his home. Although he is in a weakened post circumcision condition, he runs, fetches, and tarries on behalf of these wayfarers. At this point, before the destruction of Sedom, we are given a glimpse into the Godly considerations, as it were, of the Divine mind, as to whether to inform Avraham of the impending destruction:

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, to the end that God may bring upon Avraham that which He has spoken to him. (Bereishit 18:17-19)

God decides to inform Avraham of his plans to destroy Sedom not only because of his uniqueness, but also because he will educate his children to live by derekh Hashem, the way of God, which involves tzedaka and mishpat, righteousness and justice. Avraham's tradition is the tradition of tzedek. As Rav Hirsch notes, this verse describes the reason why Avraham was chosen — not to be empowered or enriched, but:

To be the founder and educator of a nation charged with a noble mission…. I shall support and assist him in his mission as the educator of a people… He is to bring about the great and unique educational miracle of instilling in his beloved son, child of his old age, the guiding principles, spiritual and practical, of this future nation.

Therefore, explains Rav Hirsch, all future achievements are ascribed to Avraham for instilling this educational message, which stands in stark opposition to that of Sedom.

The task for which Avraham's descendants are to be trained is to do tzedaka and mishpat… which means doing what is good and upright in human relationships, as just now exemplified by the hospitality of Avraham. The two elements are the antithesis of the way of the people of Sedom, who are socially bad and morally sinful.

Rav J.B. Soloveitchik takes this idea one step further, explaining how Avraham's universal message of tzedaka and mishpat is not just faith, but action:

Avraham's faith in God was not only abstract faith. It resulted in a commitment to tzedaka and mishpat.

There was hospitality, sympathy, compassion, the readiness to fight for justice and defend it… One who believes in God must be merciful and understanding, tolerant and charitable, ready to defend the weak and the helpless. Avraham did not have the system of mitzvot bein adam la-Makom, commandments regulating relations between man and God, but he had an ethical system that had to be carried out and implemented. (Abraham's Journey, p. 58)

Rav Soloveitchik continues by noting that Avraham's message to the world stands in stark contrast to that of Sedom. Sedom's success might even be viewed as a sign that Avraham's persistence in educating the world had not succeeded and would not succeed so long as Sedom flourished. Rashi (Bereishit 18:2) quotes from the Midrash (Bereishit Rabba 50:2) that every angel is only given one assignment at a time. Avraham was approached, the Talmud explains (Bava Metzia 86b), by three angels in the guise of men: one to announce the birth of Yitzchak, one to destroy Sedom and the third to heal Avraham (from his circumcision).

One might wonder why these angels have to come together. Why must the angel heralding the birth of Yitzchak, Avraham's successor, be accompanied by the angel sent to destroy Sedom? Rav Soloveitchik explains that Sedom's prosperity seemed to be a testament to the world that Avraham's message was not absolute. "As long as Sedom prospered, Avraham's doctrines, sermonizing and preaching meant nothing. One cannot preach goodness and kindness if malkhut ha-rish'a, the kingdom of evil, is rich and powerful." The angel which comes to announce the birth of Yitzchak is, in other words, announcing that Avraham would have a successor. This is also a pronouncement that Avraham's message of kindness, charity and hospitality, the teaching which Sedom scoffed at, has a future. Simultaneously, another angel comes to declare that Sedom, Avraham's powerful opponent, is about to be destroyed. The angels come together because the two themes go hand in hand; Avraham's success in disseminating his message requires the destruction of Sedom.

Rav Soloveitchik notes that despite the fact that Sedom is a barrier to Avraham's message, Avraham does the unthinkable: he pleads for their salvation.

If we had been in his place, we would simply have prostrated ourselves and thanked God for destroying the kingdom of evil so that our task would be simplified. But Avraham pleaded for Sodom, knowing that its survival meant his own defeat. He was ready to accept defeat in order to give Sodom an opportunity to reform and restore itself. Avraham dropped his hatred for Sodom and his love for his mission. He was ready to sacrifice his life and have his new Torah appear to be a total failure. He was prepared to forgo his hopes and his vision for the future just so that Sodom would not be destroyed. (ibid., p. 170)

God Teaches Avraham the True Definition of Tzedek and Mishpat

Yet Avraham does not just plead for their salvation; he speaks to God with uncharacteristic harshness, questioning the righteousness of God's plans. Avraham evidently feels that moral education can turn the tide. If there are at least ten righteous individuals in the city, then Sedom still has a chance to reform itself. He may even feel personally responsible for the welfare of Sedom, a nation he saved from the clutches of the four powerful kings, allowing them to rebuild their cruel society (Bereishit 14:21). However, God's response, is that no, there is no future for Sedom; they cannot be corrected; they must be destroyed.

The first issue that arises is the following: why does God inform Avraham in this way, leading Avraham to question his decision?

Secondly, at first glance, witnessing the difficult language which Avraham uses to question of God, one wonders: how could the righteous Avraham speak with such harshness? After all, God informs Avraham because of his commitment to educating his children to follow the way of God, yet Avraham now questions divine justice. What is to be gained by this encounter?

One might explain that a careful reading of the verses seems to indicate that God was informing Avraham for the simple reason that the verses indicate; Avraham is to educate his progeny in tzedaka and mishpat. This is Avraham's goal and desire. Nevertheless, God has to ensure that Avraham is fully cognizant of the true meanings of these terms. Tzedaka is Avraham's motto, mishpat is his dear treasure, and he understands that Sedom is different. What Avraham fails to realize is that sometimes those exact middot call for destruction. Sometimes, a people may have strayed so far from the proper path that their whole outlook has become corrupted. It is specifically mishpat and tzedaka which called for their obliteration.

This seems to emerge from the verses, which indicate that Avraham is calling into question God's tzedek and mishpat, the two elements of Avraham's legacy which motivate God to inform him of His plan to destroy Sedom.

Avraham came forward and said, "Will you also stamp out the tzaddik along with the wicked? What if there should be fifty tzaddikim in the midst of the city? Would you stamp it out rather than spare the place for the sake of the fifty tzaddikim within it? It would be sacrilege to You to do such a thing, to bring death upon the tzaddik along with the wicked, so that the tzaddik will be like the wicked. It would be sacrilege to You! Shall the judge of all the earth not do mishpat? (vv. 23-26)

A careful reading indicates that Avraham refers to tzedek repeatedly, and he demands that God, "judge of all the earth," perform mishpat. In the ensuing discussion, Avraham continually mentions the number of tzaddikim in the city, lowering the number to ten, with a promise from God that even if ten tzaddikim live in the city, it will not be destroyed. Avraham returns to his place, only to witness the next day the smoke rising from the destruction of Sedom.

Avraham had evidently been convinced that tzedek and mishpat would require that Sedom be spared. God allows Avraham to realize that tzedek and mishpat must not be blind to corruption, even the corruption of a loving heart. Tzedek calls for righteous accounting; it is its very basis. Avraham learns that tzedek and mishpat do not mean righteousness and justice in isolation. Sometimes mishpat and tzedek require one to realize that corrupt and unjust societies like Sedom cannot be helped.

In order to appreciate this lesson about the limitations of tzedek and mishpat fully, we must delve into the evil character of Sedom, to see where it went wrong and what we should be fixing in our own lives.

Misplaced Justice

Avraham's desire to save a region from destruction despite his knowledge of its evil ways seems quite understandable. Any city-state with a monarch must have a strict code of legal conduct. It must be a law-abiding society. Though the laws may be cruel, there is what to work with. After all, the citizens respect authority and communal responsibility. Educating the inhabitants to institute a more just legal system could do the job.

However, it seems that God is impressing upon Avraham that perverted tzedek and mishpat create the worst and most destructive society of all. A lawless populace can be educated, but a misplaced system of tzedek and mishpat can erase even ten tzaddikim from a metropolis, while simultaneously making the less-than-pure inhabitants utterly incorrigible. In order to understand this fully, we have to delve into the character of the citizens of Sedom. What could allow a society to get to a point where not even ten righteous people can be found, where education cannot succeed in uprooting the evil outlook that persists? This is essential for understanding tzedek.

The sin of Sedom is rather mysterious based on a simple reading of the Torah. What exactly did they do to become a society lacking even ten righteous individuals to prevent its destruction? On this issue, the Torah is very reticent:

And God said: "Because the scream of Sedom and Amora is great, and because their sin is very grievous, I will go down now, and see whether they have done altogether according to its cry, which has come to me." (vv. 20-21)

The Torah has already told us (13:13) that "The people of Sedom were evil and sinners before God exceedingly." However, it is unclear what made them more evil than others. Nonetheless, where the Torah is concise, the Prophet Yechezkel (16:49-50) is more explicit:

Behold this was the iniquity of your sister Sedom: Pride, fullness of bread, and abundance of idleness was in her and her daughters; she also did not strengthen the hand of the poor and needy. And they were haughty and committed an abomination before Me; therefore, I removed them when I saw it.

While Yechezkel presents the picture of a very cruel society, how does failing to "strengthen the hand of the poor and the needy" call for the obliteration of a city?

An analysis of the Midrashic sources yields a still darker picture of Sedom: a society based on social norms of iniquity beneath a cloak of legality. The inhabitants of Sedom relapsed, returning to antediluvian crimes. The Midrash Rabba (31) teaches that they would steal items worth less than a peruta, the minimum amount for criminal liability. Sin was sanctioned; violating the cruel laws was not.

Pirkei De-Rabbi Eliezer (25) states that public ordinances were issued, making it the law of the land that pity was a capital offense:

They issued a proclamation in Sedom saying: "Everyone who strengthens the hand of the poor and needy with a loaf of bread shall be burnt in the flames."

Lack of hospitality was not merely the norm; it was mandated and required. A violation of city edicts, e.g., providing for the indigent, was punishable by death. There was just one family in Sedom which had lived in the presence of Avraham been able to learn from him: the house of his nephew Lot. After moving to Sedom, Lot's family had to adjust to their new life, where the hospitality of Avraham — indeed, any act of charity — was outlawed. Some of Lot's children apparently married the local folk and completely accepted the new societal norms. One of his daughters, Pelotit, presumably influenced by her great uncle and her father, could not embrace a life without doing kindness. The Yalkut Shimoni (Vayera 83) reports that "the scream of Sedom" is not metaphorical; it is a reference to the actual scream of little Pelotit, condemned to the flames because she violated the city ordinance by helping the poor.

One could imagine that the people of Sedom had arrived at their legal system based on some deep-seated beliefs — for instance, that each man gets what he deserves from God. However, the verse in Yechezkel seems to speak of haughtiness and the failure to perform kindness. The Tosefta (Sota 3, quoted in Sanhedrin 109a) describes their mindset as based on an understanding of the beautiful land they had (13:10-11) and a fear that outsiders would flood their region and take it over. The Ramban expresses this clearly:

The people of Sedom intended to prevent the entry of all strangers. They believed (as our Rabbis maintain) that many people would come to their land on account of its fertility. They refused to share their bounty with the less fortunate… Yechezkel similarly testifies that this was their offense… They rebelled in their prosperity and persecuted the poor… According to our Sages, they were notorious for every kind of evil, but their fate was sealed due to their persistence in failing to support the poor and the needy. They were continually guilty of this sin, and no other nation could be compared to Sedom for its cruelty.

When God relays to Avraham the impending destruction of Sedom, He mentions that he is going to see whether this "scream" of inhospitality is true. Yet, there seems to be no explicit mention of a test by the angels to see whether Sedom deserves destruction. The Akeidat Yitzchak says that the investigation of Sedom (referred to earlier, v. 21) is accomplished through seeing the way the angels are treated as guests in the city. Lot is tested to see if he will let them in, his family to see how they will react, and the rest of the city to see how they will respond to Lot letting strangers into his home. The results of the examination are telling; the entire city comes to punish the visitors and teach them a lesson.

Thus, the whole citizenry fails the test. On the one hand, the inhabitants come in the name of law and order, after hearing that a citizen was providing for wayfarers. No request of Lot's, not even to allow him and his family to provide for their guests within his own home, could save them. A law is a law, whether moral or corrupt. The morals of the city had been corrupted. Education may fix anything other than corrupted justice. And through that, the fate of the city is sealed. Misplaced morality leads to destruction, because the very message of hope, tzedek, cannot survive amidst such perversion.

Lot had ingested the hospitality of Avraham, and he welcomes the wayfarers, even offering his daughters in their place. His desire is to do something noble, but he expresses it with his warped values — either due to his failure to learn properly from Avraham or due to the effect that this society has had on him. Whether laws are formed by mistaken beliefs, misplaced logic, or pure greed, the bottom line is always the same: a corrupt society corrupts its people.

The Shem Mi-Shemuel explains that the blindness which the angels brings upon the city's inhabitants as they riot at Lot's door (v. 11) is an expression of the blindness of their outlook. They simply do not understand. "And they were unable to find the door" — the door of repentance was not opened to them, so they continued in their evil ways until they were destroyed.

Rav Hirsch (v. 19) puts it nicely as he answers some pressing questions: What was the message of the despicable system of justice employ in Sedom? Where did it go wrong that it had to be destroyed?

Sedom was a pleasure-seeking world, addicted to sensual enjoyments, a world that ultimately valued a person only to the extent that he was useful or provided pleasure.

Precisely such a world is likely to twist the idea of strict justice into a double-edged sword of shameless sophism, arguing, "What I have is mine, and what you have is yours" (Avot 5:10). According to this worldview, egoism is a sacred principle of life, helplessness is considered a crime, and offering assistance is considered a folly and an offense against the public welfare. Under the rule of the principles of Sedom, entitlements were dictated only by achievements, not by needs; the poor and the needy were despised. Only a wealthy man, like Lot, who was bound to provide jobs and profit, could perhaps be granted rights; but begging was forbidden, and those who could not support themselves, were punished, imprisoned and exiled.

Mishpat without tzedaka is deprived of the human spark, and it turns into cruelty. By contrast, Avraham's testament to his descendants places tzedaka before mishpat. What is more, in certain cases the legal code of the children of Avraham regards tzedaka too as mishpat, a legal obligation… Avraham is to direct his children to give Jewish tzedaka, not the pittance to the poor that makes the giver proud and humiliates the recipient, nor the public aid designed to protect the rich against the bitter anger of the destitute and despairing. He is to direct his children to practice the mitzva of tzedaka, which entitles everyone who is in need to exercise rights vested in him by God. This mitzva helps the poor stand tall before the rich and makes the rich man realize that he is merely the custodian of funds that rightfully belong to the poor.

Tzedaka before Mishpat

Rav Hirsch notes the seeming anomalous terminology used by God in defining Avraham's means of propagating the way of God, by educating his children to tzedaka and mishpat. As noted earlier, "Mishpat, as the word literally means, is plain justice, whereas tzedaka is the benevolence that is incumbent upon one as a duty."

Rav Hirsch explains why, although the Torah normally mentions mishpat before tzedaka, here the opposite order is used:

The rule is that first one must do mishpat and only then tzedaka. Tzedaka can never atone for a breach of mishpat. To steal or deal dishonestly with one hand while dispensing charity with the other hand from wealth acquired by theft or in some other dishonest fashion is nothing but an abomination to God. Of one who brings an offering from stolen property Scripture says: "I, God love justice; I hate robbery in an offering" (Yeshayahu 61:8). Only he who has clean hands may ascend the mountain of God and stand in His holy place (Tehillim 24:3-4). Hence, mishpat comes first, and tzedaka only thereafter.

In our verse, however, tzedaka is placed first, because here it is necessary to raise the forceful protest of the Torah of Israel against the view of life and the state policy of Sedom. The world will be redeemed not through mishpat, but through tzedaka. Avraham's descendants are destined to bring this message to the world and teach it to all its people.

Avraham's love of mankind, reflected in his desire to save Sedom, knows almost no bounds. However, God's directive is simple: realize that your love of mishpat and your definition of tzedek are not mine. Following the law is commendable, but if the law is not built on the principles of tzedek and mishpat as Rav Hirsch explains, then tzedek can be destructive.

It would be nice to think of Sedom as an echo of an eradicated past, never to arise again amongst humanity in any way, shape or form. There are, however, numerous unjust societies that have arisen throughout time, and many have their roots in Sedom-like behavior. However, what is particularly disturbing is that, at certain times, the Jewish people seem to behave similarly.

In next week's lesson we will discuss the implications Sedom-like behavior, middat Sedom, which sometimes enters into our own societies. A true nation of tzedek must obliterate any element of this behavior.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #14: Tzedek II — Middat Sedom and Its Relation to Us

In last week's lesson, we developed the concept of tzedek, righteous behavior rooted in feelings of legal obligation and responsibility. We tried to illustrate how God seeks to clarify for Avraham the proper definition of tzedaka and mishpat, by revealing to him that the legal system of Sedom has produced an incorrigible society, to which the only remedy is destruction. We started to identify Sedom's corrupt system of legalized cruelty; in fact, a true understanding of their outlook is essential for recognizing similar inclinations amongst ourselves.

Before identifying the evil of Sedom, we must be very clear on what the Jewish understanding of tzedek is, as we discussed last week. A proper delineation of tzedek is essential for any individual who strives to be a tzaddik, a righteous individual, one who fulfills all the dictates that Avraham gave to his descendants. An accurate definition of tzedek is essential for another reason as well. Sometimes we find ourselves giving undue credit to ourselves because of "righteous" behavior that we exhibit. While this is indeed praiseworthy, many of our activities are rooted in obligations; the simple reason is that they express an outlook of Jewish justice in which not everything we have is truly "ours."

Rav Eliyahu Eliezer Dessler explains that a priori, people may feel that tzedek, righteousness, should demand that all which they own is truly theirs; however, this is, in fact, viewed as characteristic of Sedom. Avraham's beseeching God on behalf of Sedom reveals that there is no tzedek and there are no tzaddikim in Sedom. He explains why this is:

Truthfully, when God gives out property to individuals, he gives out property that in reality belongs to others; if so, what belongs to my friend is in my possession, even though it is really his. So says the Rambam. My father zt"l would say that even a friendly face when greeting your friend is an entitlement that others have a right to demand from you, and if you do not provide it for your friend, then you are performing an injustice… Therefore, the root of tzedaka is tzedek, because it is unjust not to give to another what, in fact, is rightfully his. This is Jewish justice… outside of the realm of chesed. (Mikhtav Mei-Eliyahu vol. 5, p. 36)

Sedom's outlook stands diametrically opposed to this Jewish understanding of tzedek. They espouse the philosophy "What I have is mine, and what you have is yours" (Avot 5:10) — unless "I" know how to appropriate "what you have" legally. This becomes known as "middat Sedom", the behavior, trait or values-system of Sedom, for all generations.

At first glance, it may seem that the mentality of Sedom is merely ancient history, necessary for a proper understanding of the passages in Bereishit discussing the cities of the Jordan Plain. Unfortunately, as the prophets have already alerted us and as the Talmud has brought the message home, middat Sedom persists well beyond the era of the Patriarchs; it is part of modern history and current events as well. It has even insinuated itself, in certain ways, into the actions of Jews in the past, and it continues to haunt us in our day.

What is worse is that since middat Sedom is rooted in a corrupted understanding of tzedek, many who act in this way actually view themselves as completely righteous. This proves to be a real spiritual impediment, preventing them from changing their ways.

The Sages are very cognizant of the fact that middat Sedom is not a thing of the past, and they outline a gamut of behavior known as "middat Sedom," Sedom-emulating behavior. They not only advise us against this behavior; at some points, the rabbinic courts even intercede in order to ensure that people will not, even unwittingly, act in the manner of Sedom. What lies at the root of middat Sedom, and how does the Sages' awareness of it express itself in Jewish law?

Middat Sedom

The Mishna in Avot (5:10) lists four different character types revolving around one's attitude towards property, both his and others'. One character type is defined by some authorities as representative of middat Sedom, the outlook of Sedom:

There are four attributes (middot) among people: a) One who says, "What I have is mine, and what you have is yours," is an average character type, but some say this is middat Sedom; b) "What I have is yours and what you have is mine," is unlearned; c) "What I have is yours and what you have is yours," is pious; d) "What you have is mine, and what I have is mine," is wicked.

Among the character types listed here are the unlearned, the wicked, the pious, and the initial character type which some define as average and others as "middat Sedom." Regarding this first individual mentioned in the mishna, the one who says "What I have is mine and what you have is yours," the question can be asked: how could it be that the two opinions are so divergent? Some scholars consider this attitude to be innocuous, average, while others view it as the root of all evil, middat Sedom. The various commentators attempt to understand the distinction between the two opinions in ways that would explain their diverging outlooks. Rabbeinu Yona asks this question in a very straightforward manner.

This [disagreement] raises a question. How can it be that the Sages of the Talmud disagree about the classification of middot? Everyone is familiar with them and agrees as to what they are. The prophet Yechezkel explicitly states that withholding charity is the midda of Sedom and our Sages (Ketubot 68a) often call one who does so totally wicked…

One can divide the various explanations into different categories:

A group of commentators explained that the attitude "What I have is mine and what you have is yours" is to be viewed differently depending on one's motives; it is not identical for all who share this attitude. For instance, Rabbeinu Yona explains that the Mishna is definitely not referring to a difference of opinion as to how to view one who does not give tzedaka. Rather, it must refer to someone who gives charity for the wrong reasons, and therefore there is room for different outlooks on this individual. He identifies the person discussed as one who provides for others out of a sense of religious obligation, while inside he is selfish; he will, therefore, only provide what the strict halakha obligates him to give.

It must be that they only disagree about the specific characteristics which this mishna refers to, namely giving charity as required by Halakha, because the giver is God-fearing, but not because he is generous. By nature he is not a giver, but a miser. He is not generous, for he does not want the world to benefit from his property.

He also does not want to benefit from others, because "one who hates gifts will live" (Mishlei 15:27). This is average; some say it is the trait of Sedom. However, even if he is not naturally generous, he still does give to the poor when asked because he is God-fearing. If so, what does it matter what sort of nature he has? His behavior is average. Others say that his behavior is characteristic of Sedom; its roots are evil, and it distances one from generosity.

Rabbenu Yona seems to imply that the second opinion in the mishna holds that middat Sedom can be very subtle; it does not necessarily refer to someone who refuses to give charity. Even one who provides for the needy without the proper measure of generosity might fit into this category, which is a rather scary thought.

Rav Hirsch explains succinctly that this attitude, while objectively average, is liable to undermine an individual's caring heart, until it completely corrodes a person's empathy:

It would seem that the idea that every person should keep that which is his and that no one else should derive benefit from the property of another is midway between good and evil. Some, however, feel that it is a most reprehensible attitude, because it would expunge from the human heart and mind the guiding principle of loving-kindness without which man would lose his divinely-given nobility, and human society would be deprived of the goal ordained for it as its destiny.

Many others commentators view the directive as societal. One individual in a community who does not want to share with and does not expect others to share with him is tolerable. However, when it becomes the prevalent attitude of society, then one will witness the cruel and deplorable outlook that will infest the minds of all inhabitants, so much so that major efforts will be made to protect this middat Sedom. (See Lachmei Toda and others.)

Institutionalized Evil

Differentiating between the individual and societal outlook is essential. As we saw in last week's lesson, the extreme evil of the outlook of Sedom is the result of the institutionalization of evil by an entire society, contrary to Avraham's embrace of tzedek. The absence of ten righteous individuals in the city is testament to the fact that this infectious outlook has become pervasive and requires destruction.

The story is told of a righteous German, a non-Jewish woman who employed extreme means to try and save a Jewish family during the Holocaust. She risked her life numerous times, but she succeeded in harboring a number of Jews during the terrible ordeal that engulfed the Jewish people of the day. Years later, after a reunion was organized with the woman and the Jews that she had saved, now accompanied by their descendants, the survivors finally garnered the courage to ask the question they had been wondering about for years. "Why did you do it? Why did you risk your life to change total strangers? You were a loyal German citizen; what was it?"

With a tear in her eye, the woman responded: "I was very afraid of the destruction of Germany in the aftermath of the war. I was familiar with the Biblical account of the city of Sodom, and thought to myself, if there were at least ten righteous people then Germany would be saved. I did it because I wanted to save Germany. Unfortunately, it appears that there were not another nine righteous people…"

The commentators on the mishna seem to be expressing a slippery-slope argument. If one individual in the locale espouses a mentality of strict legality: "I will not share my things with you, but do not worry, I will not expect you to do so in return," the society can continue to function effectively. However, if this mindset becomes pervasive, then all of society will start resembling Sedom, and one might not be able to find a true tzaddik in its midst. As one honestly looks into one's behavior and the mentality of one's neighbors, one may find that this mindset is not as foreign as originally thought.

Kofin al Middat Sedom

At some points, the Talmud tells us, middat Sedom becomes not only disagreeable, but actionable; the courts will then compel one to exhibit proper behavior. Middat Sedom does not only appear in Avot in the mishna we quoted, detailing the proper outlook and personality. In fact, it is a guiding principle in the interpersonal behavior that our Sages deem improper for people, although it does not violate the letter of Torah law.

The Talmud (Bava Batra 12a) deals with the division of property between two partners, or partners dissolving their partnership. The Talmud discusses a case in which one brother owns a field adjacent to his dead father's land; he stands to gain more if the property is divided in a way that will give him all the land bordering his property. The other brother resists, with the claim that legally property is usually divided otherwise; he too prefers the field closest to his brother's border, for reasons not readily apparent.

One opinion in the Talmud rules that the second brother has the legal right to claim the standard division of property; after all the field his brother wants may receive more rainfall that year (Rashi ad loc.). However, the Talmud rules in favor of the opinion of Rav Yosef, "Kofin al middat Sedom," "We compel for the trait of Sedom." In other words, this is an instance where the courts will demand of and force the resisting brother not to emulate the traits of the inhabitants of Sedom. In this case, there is no apparent loss for the second brother, and the first brother will certainly benefit by having the estate divided to his advantage; the courts will not allow the second brother to exhibit middat Sedom, though he is acting within his biblical rights.

The Talmud continues to discuss whether the same would hold true in a case where they divide an estate that includes two tracts of land, each situated on an adjacent irrigation canal. The Talmud concludes that the guiding principle is that one party has no right to object to something which causes him no loss and benefits the other party; in any such case, the court will not allow the unwilling party to resist. The crime, exhibiting middat Sedom, consists of upholding the letter of the law for no real benefit of one's own, but simply in order to cause a loss to one's fellow man.

Obviously, the guidelines for what determines a loss must be defined clearly, but the lesson is unambiguous. Even while attempting to uphold a legalistic view, a person might be expressing the attitude of Sedom. The courts step in to educate the Jew that this is middat Sedom and will not be tolerated.

The Talmud (Eruvin 49a) applies the same principle regarding a community eruv (see Ritva) and in other contexts. What emerges is a principle: the Sages will not allow any behavior wherein one stands to limit another's benefits for no reason.

Zeh Neheneh Ve-zeh Lo Chaser

The Talmud in Bava Kamma deals at length with the question of whether an owner can charge another who benefited monetarily from his property (zeh neheneh) even though there was no monetary loss to the owner (zeh lo chaser). Why should it be prohibited to collect rent in this case? Many commentators view the basis for the directive as the same principle of "Kofin al middat Sedom," even though this is not invoked explicitly.

The Talmud's initial discussion deals with a squatter, who would be willing to pay for lodging if necessary but lives on another's property without permission, rent-free. The Talmud poses the question (Bava Kama 20a):

Can the squatter say to the owner, "What loss have I caused you?" Perhaps the owner can say to him "You have benefitted from my property."

In essence the Talmud is asking if, in a case of "Zeh neheneh ve-zeh lo chaser," the owner can still demand compensation from the beneficiary.

The implications of "Zeh neheneh" are far-reaching, dealing with everything from copyright law to sharing other's products and the like. However, without entering into the legal parameters, the morality of the rule is obvious: attempting to collect money for benefiting others without any loss is illegitimate.

Nevertheless, one question which must be addressed is the following: what is the source of the rule that the court will prevent one from exhibiting middat Sedom? After all, the rights-holder only wants to collect what he is entitled to by Torah law, not by the laws of Sedom, so what could be the problem?

The commentators (see Ezrat Yisrael CM 119) offer a few different mitzvot as the possible biblical source for this directive; loving one's neighbor, returning lost objects and the like. What is especially noteworthy, though, is that none of these mitzvot are usually enforceable in court. The courts cannot normally force someone to love his neighbor or to return a lost object, but here the courts intervene to subvert middat Sedom. Evidently, when one's unwillingness to help another is seen not only as ungenerous but anti-generous, evoking the behavior of Sedom, then the affront to tzedek is so grave that the courts feel the need to uproot the behavior, lest the judicial philosophy of Sedom begin to spread throughout society.

Modern Effects of Middat Sedom

Is middat Sedom still so tempting to the modern Jew? While we may recoil at the idea, further analysis calls this assumption into question. On the one hand, the Rambam views tzedaka as a defining character trait of the Jew:

We are required to be more careful about the mitzva of giving charity than about any other positive mitzva, for charity is the sign of the righteous descendants of Avraham… (Hilkhot Mattenot Aniyim 10:1)

However, even in our chesed-filled societies, sometimes we fall prey to the attitude of Sedom, as the following story may indicate.

Rav Levi Yitzchak of Berdychev assumed rabbinic leadership of his community with the express stipulation that he only be called to communal meetings when new measures were to be decided for the community. In one meeting, he was invited to deal with the novel proposal that those collecting charity would not be able to go house-to-house in the town; they would only be allowed to congregate outside the synagogue. After hearing the proposal, Rav Levi Yitzchak was upset and demanded to know why he was brought to such a meeting. The town elders were surprised and responded: "But the proposal under discussion is new, and we need the Rav's approval."

Rav Levi Yitzchak responded, "This is not a new idea. The idea of limiting opportunities for the poor and not wanting to help others originated in Sedom."

In fact, the possibility of middat Sedom is a far greater danger in a wealthy society. The fertile terrain of the Jordan Plain enabled Sedom to continually build its wealth. There was plenty for everyone, but greed prevented the citizens from sharing. In order to ensure that the less fortunate would not immigrate to the region, they instituted limitations on the less-fortunate visitors. These unrighteous decrees reflected a desire not to be bothered by needy guests; similar sentiments in our day may reflect a measure of a similar attitude, which must be challenged.

The Talmud in Bava Batra (7b) goes so far as to say that one may not configure the entrance to his property in a way that would prevent the poor from being heard if they should come to his home to collect charity. The Jewish idea of tzedek requires not only giving tzedaka but also enabling those in need of assistance to enter and to share with another Jew their needs.

The Effects on Lot

The power of a negative society to affect its inhabitants and transform their attitudes and actions is reflected by Lot's behavior. Lot, on the one hand, is seemingly driven by a pursuit of wealth, reflected in his desire to live in Sedom and the fact that his shepherds quarrel with those of Avraham. Conversely, Lot also spends a great deal of time living by Avraham's side, and there is reason to believe that assimilates some of Avraham's values, especially hospitality. The Ramban (Bereishit 19:8) attempts to identify the deficiencies in Lot's behavior.

From the praise of this man, we may glean his reprehensibility. For on the one hand, he exerted himself greatly for the sake of his guests to save them because they had come under the shelter of his roof; but the fact that he sought to appease the men of the city by relinquishing his daughters to sexual criminality — this was nothing but evil-heartedness, for it showed that the matter of sexual licentiousness was not repugnant in his eyes, and in his opinion, he was not doing a great injustice to his daughters.

It seems that the Ramban is indicating that even though Lot learns values from Avraham, his mindset is still corrupted in Sedom. Rav Yitzchak ben Moshe Arama, 1420-1494, expelled from Spain due to the Inquisition, contrasts in his commentary, Akeidat Yitzchak (19:12), the hospitality of Lot, who waits until the last possible moment to invite his guests, with that of Avraham, who runs to welcome them.

It is evening, the men have nowhere to go; they look distinguished, and it is a time when it is natural to offer hospitality. Avraham, on the other hand, who has been busy talking to God, is in physical discomfort. It certainly is not the time of day when one expects visitors to drop in.

Despite all this and the nondescript appearance of the strangers, Avraham invites them in a manner that makes them feel as if they are honoring him by accepting the invitation. Lot invites the strangers in a manner that makes them keenly aware that they are a burden upon him. He asks them to detour, to be gone at the first opportunity in the morning; he does not even mention food. Only after the men make it clear that they have no other place to go, that they must spend the night in the street, does Lot become persuasive, in a belated effort to make up for the ungracious manner in which he had tendered the invitation originally.

One might offer another explanation. Lot has learnt from Avraham the importance of the act of inviting guests, but he has not inculcated its true message. Hospitality is not defined by a person's actions; it is supposed to be an element of an individual's personality. Even if Lot has originally learnt from Avraham's personality, Sedom's outlook has caused his decay. Furthermore, seemingly Lot's public life is different from his private one. Once the guests are in his house, he spares no effort on their behalf; however, on the outside, he acts almost like all the other inhabitants of Sedom, embodying the adage, "When in Rome…"

Middat Sedom in the Past

The commentators discuss the striking similarities between the account of the evils of Sedom and the incident of the concubine in Giva, a story in Shofetim 19-20 of the gruesome rape and murder of a concubine by Jews of the tribe of Benjamin in the city of Giva. A number of commentators try to explain the differences and why the terrible affair of the concubine in Giva does not approach the level of wickedness of Sedom. (See Ramban and Abarbanel, Bereishit 19:8.) We will suffice with one explanation which explains that legalization is what distinguishes Sedom in their evil.

Rav Yitzchak Arama explains the difference between one who has sin deeply rooted in his behavior and one who is tempted by sin. He points out that this distinction is often expressed in varying terms: a rasha is one who is internally wicked while a choteh is a sinner. A choteh is one who commits an isolated sin, as opposed to the rasha, whose mind and spirit have become corrupted. A choteh might be overcome with passion and then sin, but he will realize the error in his ways after his lusts have cooled. The rasha, on the other hand, has a corrupt mentality. He will, therefore, not have remorse, nor will he ever start the process of repentance; thus, he is incurable. This is the difference between Sedom and the Benjamites.

The problem of Sedom was that there was not just a crime of unbridled passion, ignoring existing laws that should have restrained the people. These people had crafted a system in which no law could act as a restraint upon their evil inclinations. They ordained penalties… if someone were to step out of line and extend help to outsiders. (Akeidat Yitzchak, Bereishit 20)

Sedom's society was upheld by a perverted way of justice, where the legal system ensured that they would forever continue their evil ways, as resha'im, wicked individuals who had come to accept improper behavior as just. They had no hope. Members of the tribe of Benjamin, on the other hand, had done a despicable act in the heat of passion. They needed to be punished for this behavior reminiscent of Sedom, but they were not destroyed wholesale because they were only sinners for the moment; there was the hope for repentance. God will wipe out a society for cruelty only if this behavior has infected the society's mindset.

The Antidote — Tzedek

The attribute which stands in direct opposition to the mindset of Sedom is the Jewish concept of tzedek, espoused by Avraham and passed down to his progeny. It is righteousness coupled with the realization that even "what I have" is "mine" only inasmuch as it allows me to be the one to give it to someone less fortunate. As Rav Yitzchak Arama writes:

Our Torah has bent over backwards to include a host of legislation regulating our conduct in matters related to extending help to others, of a financial or a physical nature: tzedaka, loving-kindness, interest-free loans… even assisting an enemy when loading and unloading his donkey. These are all examples of how not to emulate the behavior practiced by the men of Sedom. (Akeidat Yitzchak, Bereishit 20)

The righteousness of the Torah must be appreciated as it acts as a guiding light to shape our outlook. As the Torah states, tzedek is the defining characteristic of the Torah's laws:

See, I have taught you decrees and precepts as Lord, my God, has commanded me, to do so in the midst of the land to which you come, to possess it. You shall safeguard and perform them, for it is your wisdom and discernment in the eyes of other nations, who shall hear all these laws and say "Surely a wise and discerning people is this great nation!" For which is a great nation that has a God Who is so close to it, as is Lord, our God, whenever we call upon Him? And which is a great nation that has righteous decrees and precepts (chukkim u-mishpatim tzaddikim), such as this entire Torah that I place before you today? (Devarim 4:5-8)

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #15: Chasidut and Chesed

In earlier lessons, we spoke of the act of performing chesed and detailed the Rambam's two sources for gemilut chasadim. True chesed is more than an assortment of actions; as we saw within the Rambam's conceptualization of walking in the ways of God, it is also a personality. Beyond the personality of a tzaddik, who is involved in the tzedek and tzedaka, as we have discussed previously, there is the character of one who not only performs but embodies chesed: namely, a chasid (plural: chasidim). Chasidut is the lifestyle represented by such a person. Although they have a common root, chesed is usually translated as kindness and chasidut as piety. What connects them?

The Talmud is replete with stories of individuals characterized as chasidim and the noble acts they perform. We often find the phrase: "It once happened with a particular chasid…" (See Berakhot 30b, Nedarim 10a, etc.) Behavior which is ideal but not obligatory for all is referred to as middat chasidut (Shabbat 120a, etc.), and certain laws which are binding upon the pious are known as mishnat chasidim (Yerushalmi Terumot, Ch. 8). What is the basic connection between all of these uses of the root chasid?

An analysis of the various terms indicates that their usage is not arbitrary; rather, it is rooted in varying definitions of positive personalities. A tzaddik is not identical to a chasid, and at first glance, surprisingly, the chasid seems to be the preferred personality. Understanding the distinction between the two personality types is essential to being able to move from chesed, one of three pillars of the world (Avot 1:2), into chasidut. A baal chesed is someone who is involved in chesed, readily performing acts of kindness; a chasid is one driven by a personality of chasidut. They are to be differentiated from the tzaddik, who is driven by tzedek. What will become clear is that the search for chasidut is essential for every Jew, not only for the select.

Chesed, Mishpat and Tzedaka: Three Acts, One Personality

The prophet yirmiyahu informs us that God performs acts of chesed along with mishpat and tzedaka, and He desires and hopes that His handiwork follow His lead: Thus says God: Let not the wise man glory in his wisdom, Neither let the mighty man glory in his might, Let not the rich man glory in his riches; But let him that glories glory in this — that he understands and knows Me, That I am God, who exercises chesed, Mishpat and tzedaka on earth; For in these things I delight, Says God. (Yirmiyahu 9:22-23)

This source, which the Rambam chooses to conclude his Moreh Ha-nvukhim with, describes the unique Jewish tradition of morality: God stresses the attributes of mishpat and tzedaka along with chesed. We have already noted that the term chesed, in its simplest form, means kindness. The importance of kindness, especially the uniquely Jewish variety, is an undeniable part of our tradition. The Rambam, as we have seen, defines the distinction each of these various terms; now we will see how he distinguishes chesed from the other two.

The Rambam (Moreh Ha-nvukhim I, 53) explains that unlike mishpat and tzedaka, which are rooted in some sense of obligation, chesed is something which one does even though it is undeserved.

In our commentary to Avot (5:7) we have explained the expression chesed as denoting an excess [in some moral quality]. It is especially used of extraordinary kindness. Loving-kindness is practiced in two ways: firstly, we show kindness to those who have no claim whatsoever upon us; secondly, we are kind to those to whom it is due, in a greater measure than is due to them. In the inspired Writings, the term chesed occurs mostly in the sense of showing kindness to those who have no claim to it whatsoever. For this reason, the term chesed is employed to express the good bestowed upon us by God: "I will mention the loving-kindness of God" (Yeshayahu 63:7). For this reason, the very act of the creation is an act of God's loving-kindness. "I have said, 'The Universe is built up in loving-kindness'" (Tehillim 89:3) — i.e., the building up of the Universe is an act of loving-kindness. Also, in the enumeration of God's attributes, Scripture says: "And abundant in loving-kindness" (Shemot 34:6).

The Rambam explains tzedaka as being derived from tzedek; it denotes the act of giving everyone his due and of showing kindness to every being as deserved. In Tanakh, it is often used to refer to the fulfillment of duties towards one's fellow man, imposed by one's conscience; e.g., when we heal the wound of the sufferer. When we walk in the way of virtue, we act righteously towards our intellectual faculty and pay what is due unto it. At the same time, mishpat denotes the act of "applying judgment as is proper in each case, whether giving benefit or punishment."

Based upon the Rambam's definitions of these three concepts, there are three character types that embody these types of actions, as we shall see.

The Search for Chasidut

Throughout the generations, there have been various movements to return to the traits that define the chasid, so preciously to the Sages. Two of the more famous ones were those led by Rav Yehuda Ha-chasid (1140-1217), whose teachings are contained in Sefer Ha-chasidim, and by Rabbi Yisrael Baal Shem Tov (1698-1760). Their goals were to inculcate the character traits that make one into a chasid. Rav Moshe Chayim Luzzatto (1707-1747) in his masterwork, Mesillat Yesharim (Path of the Just), seeks to outline the path for someone to achieve chasidut, as we will soon see.

The goals of these movements and the works that accompanied them were not to have chasidut limited to the few, but to implant its teachings into the minds of the many. Even the greatest detractors of the Baal Shem Tov's movement did not question the interpersonal ideals of the movement; they only questioned the educational means of achieving that piety. After all, the goal of becoming a chasid is explicitly expressed by the Sages, as it says:

"To follow all His ways" (Devarim 11:22)... just as He is called "pious," as it says (yirmiyahu 3:12) "For I am pious, says God," so should you be pious. (Sifrei Ekev 49)

In order to define the nature of chasidut, we must see where it is mentioned and what is the common theme and denominator for all who express this behavior.

Defining the Character of the Chasid

A series of mishnayot in the fifth chapter of Tractate Avot define different types of people by the actions they perform. Regarding our discussion of Sedom, we have seen that one who says "What I have is mine, and what you have is yours" (10) is viewed by some as displaying behavior characteristic of Sedom. The continuation of the mishna indicates that one who says "What I have is mine, and what you have is yours" is a chasid.

In the next four mishnayot, the term chasid reappears three times to define a specific character type. The following mishna discusses four temperaments, and it refers to the chasid as one who is "hard to anger and pacified easily." Two mishnayot later (13), we find four types of charitable donors, the chasid being the "one who feels he should give and others should give as well." In the following mishna (14), we find a list of four types of individuals who go to the house of study, including "one who goes to the study hall and studies effectively", who "is a chasid."

What is the common denominator between these four character types that allow one to be considered a chasid?

The Rambam, in his commentary to the Mishna, defines the term chasid, providing a classification (quoted in the passage in Moreh Ha-nvukhim above) that encompasses all references to the chasid. He explains:

A chasid is the wise individual who rises in levels of performance and character until he does more than required… His actions are greater than his wisdom, and therefore he is called chasid… A chasid is one who acts lifnim mi-shurat ha-din (above and beyond the requirements of the law).

Seeing that a chasid is one who does above and beyond what is necessary, all characteristics of the chasid are now appropriate, for he is one who does not suffice with the minimum. Thus, someone who has extreme concern for others is not content with just wanting to help others himself; he wants all to take part in the kindness, and he is therefore a chasid. Similarly, one who runs to the study hall and uses his time there wisely is a chasid, for he has high aspirations of achievement.

Chasidut means that one does not look to do only that which is required, but to take things one step further. For this reason, we find sources that indicate that a chasid is better than a tzaddik. This even has halakhic ramifications. The Or Zarua (Hilkhot Aveilut 422) writes:

My heart tells me that just as one does not bury a minor sinner next to a major sinner, so too one should not bury a tzaddik next to a chasid. For a tzaddik is one who upholds the entire Torah, as it is commanded, fulfilling mitzvot and eschewing forbidden acts; but a chasid is one who sanctifies himself with that which is permitted to him [by performing above and beyond the strict legal obligations].

The Dangers of Attempting to Be a Chasid and the Need for Study

A chasid seeks to go above and beyond the minimum; he embraces acts and traits based on the spirit of the law, which are not normative to all. While this is an extremely commendable course of action for one who executes it properly, it is also dangerous for one who fails to apply the message appropriately.

As much as the genuine chasid is praiseworthy, the misguided chasid is lamentable. The Mishna advises one to approach chasidut with the adequate Torah knowledge to ensure proper execution, citing a teaching of Hillel the Elder:

He used to say: "A boor cannot be sin-fearing, an am ha-aretz (ignoramus) cannot be pious, a bashful one cannot learn, a short-tempered person cannot teach." (Avot 2:5)

While at first glance, one might translate the mishna as dictating that one without Torah knowledge cannot be a pious or righteous individual, based on our analysis, that does not seem to be accurate.

Rabbeinu Yona explains in line with our understanding; though an am ha-aretz can act properly and even be a tzaddik, he cannot be a chasid.

There was no need to say that a boor cannot be a chasid, because he cannot even reach the level of fearing sin. He is so totally empty that he will not even know how to avoid sin. However, an uneducated person who is in contact with others, can fear sin. Since he has good middot and some degree of clear thinking, he will know how to protect himself from sin. He can be a tzaddik, doing and keeping what he is told to do.

Nevertheless, only one who is great in Torah can know how to approach and attain the level of piety. Piety requires purity of heart, refinement of the soul and every one of the other positive middot. The ignoramus lacks the wisdom which would carry him from the middle of the road to the pious extreme of chasidut, doing more than what is strictly required by the letter of the law. This is why he is called an am ha-aretz — literally translated, "people of the world." His behavior is in keeping with the way of the world.

Essentially, Rabbeinu Yona views Hillel as conclusively differentiating between the tzaddik and the chasid. The former does all that he is told to do and is open to all who act in accordance with what is written in the law books. The latter, on the other hand, the chasid, who attempts to go above and beyond the call of duty, must truly be knowledgeable of the law, so as not to err by misapplying the laws.

The concept of a misguided chasid is further expressed in Sota. The Mishna (Sota 3:3) indicates that among the four individuals who can destroy the world is a chasid shoteh, a foolish pietist.

The Talmud (Sota 20a) explains what a chasid shoteh is.

What is the case of the chasid shoteh? For example, a woman is drowning in the river and he says "It is not proper conduct for me to gaze at her and save her [thus he allows her to drown]."

The Yerushalmi explains similarly that a chasid shoteh is one who is wearing tefillin and takes them off before diving into the water to save a drowning individual. His extreme care for his tefillin causes him to be deficient in the overarching mitzva of saving a life.

The Rambam, in his commentary to the mishna, explains that this individual is called a chasid shoteh because he takes his piety to foolish extremes.

A chasid shoteh is explained by the Talmud as one who exaggerates his circumspection and attempted precision in mitzvot to the degree that he is despised by other individuals.

He does things he is not obligated to do, as if he is an imbecile, in his desire for chasidut. Regarding this, the [Babylonian] Talmud in Shabbat and the Yerushalmi say that "one who is not obligated to do something and does it anyway is considered a fool."

The Rambam goes on to explain that individuals who express a misguided balance of piety are often hiding their true destructive natures. Going lifnim mi-shurat ha-din requires one to be rooted in normative behavior, and his additional voluntary actions must stem from a careful balance so as not to make him a misguided chasid.
Similarly, the Maharal explains the above-mentioned rule from Avot that a chasid is one who says "What I have is mine, and what you have is yours" in the following way: one is only a chasid if one realizes his magnanimity needs restrictions. One who provides too much is not a chasid but a fool. For this reason, the Talmud indicates that one should not give more than twenty percent of his wealth to charity (under normal circumstances).

The Chazon Ish (Emunah U-vitachon, Musar Ve-halakha) takes this idea to its logical extreme and writes that one who does not know the halakhic guidelines of various intricate situations cannot hope to achieve chasidut. Thus, one can understand the Talmudic passage which advises one to study in order to reach chasidut. True piety must come from the Torah's definitions of proper behavior; the only question is what should be studied, and on this issue the Talmud has a fascinating and enlightening stance.

Three Elements of Becoming a Chasid:

In lesson 8 we saw that the Talmud (Bava Kama 30a) relates what seem to be three diverse opinions of what one should study in order to become a truly pious and righteous individual.

Rav Yehuda said: "One who wishes to be a chasid should fulfill the words of Nezikin."

Rava said: "[He should fulfill] the words of Avot." And others said: "[He should fulfill] the words of Berakhot."

We explained that thought at first glance, the Talmud seems to present three divergent opinions, a number of commentators note that these three opinions might not be arguing as much as presenting three necessary areas of expertise necessary for devout behavior, each one focusing on a different fundamental aspect of Judaism.

The Maharsha (Bava Kama ibid.) writes that all actions of a person relate either directly to God, to others, or to oneself. Each opinion expressed in the Talmud focuses on one of these three categories. The study of Nezikin is in order to perfect actions relating to others, the study of Avot is to develop one's own character traits, and the study of Berakhot is to govern the relationship between man and God. The three areas of concentration discussed in the Talmud are not three opposing opinions, but three necessary facets of religious life. An aspiring chasid must pay close attention to the laws that govern the relationship between man and his fellow man, as expressed in Nezikin, master the ethical teaching in Avot, and learn to appreciate the power and art of blessings. However, the Maharsha adds that to be a chasid means to intend to do everything in its ideal fashion. He concludes, therefore, that the chasid must study these three areas to ensure that he is well-rounded and not only exceptional in one area of his existence.

However, one may still ask: why do these particular areas of study lead one to become a chasid? Based upon our definition of chasid, we can understand the comments of the Maharsha to this Talmudic passage.

The Maharsha also holds that the three areas of study mentioned in the Talmud are the three basic areas of religious behavior, but he understands it a little differently. One must be whole in his own self, in his relationship with God and in his relationship with his friend. He explains that contrary to common misconceptions, chasidut in interpersonal relationships is not expressed through one's outpouring of kindness on behalf of others. The reason why Rav Yehuda suggests that one who wants to become a chasid should study the laws of Nezikin is because that area allows one to express their inner goodness in their interpersonal relationships.

Not causing damage is the real expression of chasidut in interpersonal relationships — that his neighbor will not experience any damage by his hand. For if one is not diligent in preventing damage to his friend, then he is not a chasid. Therefore, Rav Yehuda advises one who wants to become a chasid to fulfill the dictates of Nezikin. However, Rav Yehuda does not advise one to perform great acts of chesed or give charity, for though this is clearly proper — one should be generous to others — still, this does not represent great chasidut. Rather, it is only when one goes out of his way to ensure that in no way shape or form will he be responsible for damage to another, that one can be considered a true chasid. (Maharsha, Chiddushei Aggadot, Bava Kama 30a)

The Maharsha goes on to explain that damaging another is reflective of a bad soul; one does not achieve any benefit from his hurting another. Harming another expresses that one has an evil soul, hurting another without any personal gain. On the other hand, guarding oneself from causing any possible damage to another is expressive of a wholesome character. This is the behavior of one who prevents damage to others, even when he has no personal stake or benefit.

What the Maharsha wants to express is that being involved in acts of chesed is surely commendable, but that is one of the reasons why true chasidut requires also preventing damage. In many situations wherein one gives charity or the like, there is someone to recognize the good will of the giver. Conversely, if one goes to extremes to prevent damage to another, no one will necessarily notice. No one will realize that the individual who picks up the banana peel from the stairs in fact saves the life of someone who walks down the stairs ten minutes later. Partly because there will be no one to commend the one who prevents damage, doing so reflects a pure heart and represents true chasidut.

A particularly poignant tale may bring this home for us. After the Versailles Hall tragedy in Talpiot, Jerusalem in 2001, in which the second story of a venue collapsed during a wedding celebration, killing dozens and injuring hundreds of people, municipal inspectors made their rounds to various establishments to ensure that they all met building specifications. After inspectors analyzed a particular restaurant, they informed the owner that although his building officially met minimal standards and they could not force him to reinforce the building, it would be a good idea to do so anyway, to guarantee that no structural problems would arise in the future. The owner decided to act immediately as a chasid would, and he paid out-of-pocket eighty thousand dollars in order to reinforce and strengthen the building's foundations. Under normal circumstances, the public would never have known about this act of chasidut, going to great extremes and expense to prevent damage. This act of chasidut did become known, unfortunately, because this restaurant, Sbarro pizzeria on Jerusalem's Jaffa Road, was attacked by a suicide bomber ten weeks later. Though the results of the bombing were destructive in

their own right, without the reinforcing of the building's foundation, the entire building would have collapsed and many more would have been killed.

This owner, Noam Amar, and all of his ilk who go to extremes to prevent damage or injury to others are the true chasidim amongst us. Others may be willing to give to charity and the like, but if they are not willing to prevent damage — all the more if they are willingly involved in damaging others — they are not chasidim. Quite the contrary, they represent the antithesis of chasidut.

In our next lesson, I hope to delineate the path to chasidut as espoused by Rav Moshe Chayim Luzzatto, as well as the parameters of acting lifnim mi-shurat ha-din: when is this behavior truly voluntary, and when does it translate into an actual obligation?

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #16: The Chesed of Love & Chasidut

The Tzaddik and the Chasid

In our previous lesson, we discussed the distinction between tzedek and chesed. While tzedek encompasses behaviors of righteousness that one might feel an inner obligation to perform, chesed is kindness in excess of any requirements. This distinction also applies to those who excel in each of these qualities respectively, the tzaddik and the chasid: a tzaddik is one who performs all that is required exactly, but a chasid is one who goes above and beyond the call of duty — lifnim mi-shurat ha-din, beyond the letter of the law. As we saw, therefore, contrary to the common understanding, the chasid is the preferable personality, for he strives to go beyond his responsibilities as he provides for others. For this reason, we noted, classic Jewish works stress the importance of achieving (small-c) chasidut, and the (big-C) Chasidic movement of the past 250 years has attempted to help individuals develop themselves as chasidim, developing a relationship with God not limited to what is required, but based on what is proper.

In order to appreciate the ramifications and underlying goals of these principles, we must analyze the description of chasidut in the classic early 18th-century treatise Mesillat Yesharim; then, we may understand the nature of lifnim mi-shurat ha-din. Once we have done this, we may turn in our next lesson to a seeming anomaly in the teachings of the Chasidic movement which arose a few decades later. On the one hand, as we have explained, this movement sought and seeks to develop chasidim, not just tzaddikim, but the teachings of Chasidism recognize the need for seeking counsel and being in the court of a leader. This leader, who is supposed to be exceptionally sincere in his worship, is known as "the tzaddik." If the whole goal is not to limit ourselves to righteousness but to strive for more, why is the one who has succeeded in this endeavor referred to by what seems to be a lesser title?

The Perils and Difficulties in the Search for Chasidut

In order to understand the path to chasidut in all of one's endeavors, and how it plays itself out uniquely within one's interpersonal obligations, let us look at the road describe in Mesillat Yesharim, The Path of the Just. Rav Moshe Chayim Luzzatto (known affectionately by his Hebrew acronym, "the Ramchal") is the author of this manifesto, which was credited by the Gra, the great Rav Eliyahu of Vilna, with not containing any extra words in its first chapters. In the introduction, he explains that the purpose of life, which he identifies as wholesomeness and chasidut, is rarely achieved. Because chasidut is the root of the character of the chasid, we must follow carefully the words of the Ramchal in order to understand what chasidut is and how to succeed in acquiring it.

The Ramchal explains, in his introduction to Mesillat Yesharim, that, unfortunately, morality and ethics are not studied properly by those who are capable of understanding them and are left to those who are not capable.

There are those who go more deeply into sacred studies, into the study of the holy Torah, some occupying themselves with halakhic analysis, others with Midrash and others with legal decisions. They leave the study of achieving perfection and chasidut to those who do not succeed in their advanced studies. There are few, however, who devote thought and study to the perfection of their divine service — to love, fear, devotion and all of the other aspects of chasidut. It is not that they consider this knowledge unessential; if questioned, each one will maintain that it is of paramount importance and that one who is not clearly versed in it cannot be deemed truly wise. Their failure to devote more attention to it stems rather from its being so manifest and so obvious to them that they see no need for spending much time upon it.

Consequently, this study and the reading of works of this kind have been left to those of a not particularly sensitive, almost dull intelligence. These you will see immersed in the study of chasidut, not stirring from it. It has reached the point that when one sees another who acts like a chasid, he cannot help but suspect him of being a dullard. This state of affairs results in evil consequences both for those who possess wisdom and for those who do not, causing both classes to lack true chasidut and rendering it extremely rare. The wise lack it because of their limited consideration of it, and the unwise because of their limited grasp. The result is that chasidut is construed by most to consist in the recitation of many psalms, very long confessions, difficult fasts, and ablutions in ice and snow - all of which are incompatible with intellect and which reason cannot accept.

The Ramchal reveals that the devastating result of this situation is that no one truly achieves chasidut: one who is capable of understanding does not engage in its study, so that it has no place in his mind. Therefore, he maintains that this must be studied: "It is inconceivable that we should find time for all other branches of study and none for this study!"

However, the Ramchal is aware that one cannot jump or skip steps. Developing the character traits of wholeheartedness and chasidut requires work. It also requires one to follow a path, which he delineates based on Rabbi Pinechas ben Ya'ir's statement on Avoda Zara 20b:

Torah leads to watchfulness; watchfulness leads to zeal; zeal leads to cleanliness; cleanliness leads to separation; separation leads to purity; purity leads to chasidut; chasidut leads to humility; humility leads to fear of sin; fear of sin leads to holiness; holiness leads to the Holy Spirit, and the Holy Spirit leads to the Revival of the Dead.

He concludes:

After we have recognized the truth of this principle, and it has become clear to us, we must investigate its details according to its stages, from beginning to end, as they were arranged by Rabbi Pinechas ben Ya'ir in the statement which has already been referred to in our introduction. These stages are: watchfulness, zeal, cleanliness, separation, purity, chasidut, humility, fear of sin, and holiness. And now, with the aid of Heaven, we will explain them one by one.

Chasidut Defined!

In chapter 18 of Mesillat Yesharim, the Ramchal is finally ready to detail exactly what is included in the trait of chasidut. While many feel that chasidut is rooted in fasting and self-abnegation, the real foundation of chasidut is something else. Here he refers to the specific chasidut that we are discussing, based on an attitude. He explains:

Instead of exerting and wearying themselves to know the way of God with clear, rational knowledge, they act like a chasid on the basis of what first occurs to them, without submitting their ideas to an examination in depth and without weighing these ideas upon the scales of wisdom.

Unfortunately, he laments, people have gained a misimpression of Chasidut:

They have made chasidut repulsive to most people, the intelligentsia among them. For the pseudo-saints give the impression that chasidut lies in foolishness and runs counter to intelligence and logic; and they lead people to believe that chasidut consists entirely in the reciting of many supplications, in lengthy confessions, in exaggerated wailings and bowings, and in esoteric flagellations (such as immersion in ice and snow, and the like) by which a person mortifies himself.

He expresses the need for study based upon the mishna which we cited in the last lesson (Avot 2:5), which states that an am ha-aretz (ignoramus) cannot be a chasid. One must study in order to reveal how to truly become a chasid.

The root of chasidut is epitomized in the statement of our Sages of blessed memory (Berakhot 17a), "Fortunate is the man whose toil is in Torah and gives pleasure to his Creator." The underlying idea is this: it is known which mitzvot are binding on all of Israel and to what extent one is bound by them. However, one who truly loves the Creator, may His Name be blessed, will not endeavor and intend to fulfill his obligations by means of the duty which is acknowledged by all of Israel in general, but will react in very much the same manner as a son who loves his father, who, even if his father gives only a slight indication of desiring something, undertakes to fulfill this desire as completely as he can. And though the father may air his desire only once, and even then incompletely, it is enough for such a son just to understand the inclination of his father's mind to do for him even what has not been expressly requested. If he can understand by himself what will bring pleasure to his father, he will not wait to be commanded more explicitly or to be told a second time.

Thus, one's relationship with God is meant to be similar to any other relationship of love; he will not limit himself to that which he is commanded to do. Rather, he will read between the lines to know what would make the Other happy. In chasidut, one must be driven by a love of God.

If one is bound with a love which is truly strong, the lover will not say, "I have not been commanded further. What I have been told to do explicitly is enough for me." He will rather attempt, by analyzing the commands, to arrive at the intention of the commander and to do what he judges will give him pleasure... Such a man may be called "one who gives pleasure to his Creator."

With this in mind, the Ramchal summarizes the concept of Chasidut:

Thus, chasidut is a comprehensive performance of all the mitzvot, embracing all of the relevant areas and conditions within the realm of possibility… To what has been explicitly stated, we add that which we may deduce from the explicit commandment in order to give pleasure to the Blessed One.

The Chasid in Interpersonal Relationships

Chasidut, as defined by Rav Moshe Chayim Luzzatto, is indicative of one's bond with God. It is rooted in a relationship of love, which leads one not only to seek to identify what is required but what is wanted and desired by the object of one's love, in this case God. It is seeking to please God by showing one's expressed desire to do His will, even what is not required of him.

Beyond this pervasive chasidut in one's service of God, there is a unique form of chasidut in the interpersonal realm. This involves interacting with other individuals with that same ideal of going above and beyond the call of duty. This is the basis of the classification of a chasid as one who goes lifnim mi-shurat ha-din. The chasid is driven by the same desire in the interpersonal realm, but this time, he seeks not only to make God happy by going that extra mile, but to benefit his fellow in the process as well. The chasid does not ask "What am I required to do for my friend?" but rather: "What should be done? What would make God and my fellow man happy?"

Chasidut is expressed in how one does chesed. Contrary to the baal chesed, who merely performs kind acts, the chasid lives a life of chesed. As we saw in lesson #08, the Rambam explains the source of the obligation to perform acts of loving-kindness as two-fold: "You shall love your fellow as yourself" (Vayikra 19:18) obligates one to perform acts of kindness; "And you will follow His ways" (Devarim 28:9) commands one to develop a personality of kindness.

Interestingly enough, through the words of the Ramchal, the two obligations essentially merge. The Ramchal explains that the source of chasidut is love; therefore, one must analyze the expressed desires of one's object of love to see all that one can provide to please the beloved. Thus, when it comes to chasidut as practiced toward one's fellow man, the obligation of loving one's fellow is essentially a guiding principle for achieving the desire to benefit the other. Being driven by this feeling of loving his fellow, one is able to do much more than is required for others, thereby also developing the character that God so desires of us when He commands us to "follow His ways."

This will also explain the Rambam we quoted in lesson #08 that says that while all acts of kindness are fulfillments of the mitzva of loving one's fellow, they are only rabbinical obligations. Due to the fact that loving one's fellow is a charge to develop the attribute that will allow one to do more than obligated, the biblical focus is not on the specific requirements. The question now becomes the following: how do we develop this love, and what does it truly entail?

Growth in Chesed

Rav Eliyahu Eliezer Dessler, in his famed work Mikhtav Mei-Eliyahu, discusses at great length various aspects of chesed. He argues that one must have the goal of transforming oneself into a loving giver, emulating God. (In a future lesson on loving one's fellow, we will develop Rav Dessler's idea that the derivation of ahava (love) is the root hav (to give); giving instead of taking lies at the basis of all relationships of love). However, being aware that one cannot develop these feelings overnight, he illustrates a plan of action for how one can train oneself to cultivate this personality. Before one possesses the noble urge of giving that reflects the innermost satisfaction and joy, he has to nurture it. At first, one might perform acts of chesed to satisfy even personal or selfish desires, if the goal is to train oneself in acts that will accustom him to a new outlook.

For example, in his service of God he may act she-lo lishmah, that is to say, out of concern for himself (but acting she-lo lishmah leads one to act lishmah [Pesachim 50b]). He may do things… for a reward for himself. In mitzvot between man and man, in addition to these motivations, he will act out of compassion and sympathy, which are not motives of pure, unselfish love, since basically they are self-centered, their aim being to avoid the pain caused by seeing the other person's distress.

Though the real goal of chesed is giving, one may begin the process of cultivating a personality of chesed by taking. Still, despite it being the opposite manner of the established goal, Rav Dessler advises:

Nevertheless, it is highly advisable to make use of all motivations of this kind for spiritual purposes. This is the meaning of that difficult saying of the Rabbis (Berakhot 54a): "'You shall love Lord your God with all your heart' (Devarim 6:5) — with both of your inclinations, the good and the bad." A person on the way up must make use of his bad qualities themselves — that is, his selfish urges — for the sake of his spiritual progress.

Rav Dessler continues to advise one on methods of slowly cultivating the love of giving. One might explain, that the line one crosses from his chesed based on selfish taking to his chesed based on giving is line differentiating between doing chesed and being a baal chesed. However, the goal of a chasid is to take it even one step further.

The Torah's Chesed

A chasid is one who lives by chesed, who is driven by a sense of love so deep that he always wishes to provide more and more, lifnim mi-shurat ha-din. This understanding may be driven home by the Alter of Slabodka's explanation of why the Torah need to command us to perform chesed even though logic dictates its necessity (see lesson #02). He explains that the chesed of Torah is a new form.

The chesed of the Torah is to feel a person's pain even if he himself does not feel it (because of education or environment). The chesed of the Torah is to reach inside a person's profoundest depths, where there is cause for his pain. Man's submerged needs are also part of life. In his innermost depths, he feels them. They too require fulfillment. (Or Ha-tzafun, p. 230, Chesed shel Ha-Torah)

Without the Torah's urging us to practice a different form of chesed and become a chasid, we might have easily stopped the process of cultivating chesed at the early stages Rav Dessler describes. It is our search for chasidut, to provide more than one could possibly have asked for, that defines our unique tradition. A chasid is not only someone who is willing to help or even who wants to help; he must help. He searches for opportunities to provide chesed.

Understanding the Needs of People

As a final remark, let us note that a chasid in interpersonal relationships knows chesed and knows people. Mishpatim, the interpersonal laws, are principles which require different actions in different contexts. For this reason, knowledge is important; one must understand how to apply the exact principles of behavior. Simultaneously, knowledge of other people and their needs is also essential. In fact, one might explain that this is contained in the deeper meaning of the aforementioned mishna in Avot.

An ignoramus cannot be a chasid.

As we explained, to go beyond the call of duty, one must be knowledgeable in the Torah in order to understand the guidelines. To know how to glean from God's commands what he really would want us to do, we must study His word. When it comes to interpersonal relationships, one must also understand the unique needs of the object of his love — in this case, his fellow man. It is here that we must recall the Talmudic dictum: "Just as their faces are different, so their characters are different (Berakhot 58a)." A chasid in interpersonal relationships realizes that he must study human character in general and the person he wants to help in particular to be sure that he knows what will really benefit the other

In fact, if we go one step further, we can see that studying one's fellow Jew is not necessarily different from studying Torah. The Talmud states:

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 the one witnessing it to tear his garments). (Moed Katan 25b)

Rav Soloveitchik, in a beautiful homily entitled, "The Jew is Compared to a Sefer Torah," brings numerous other proofs to this idea. For our purposes, if a Jew is like a Torah scroll, one must not be an am ha-aretz in the needs of his fellow Jew; just as he would not want to be an ignoramus in Torah, one must also be knowledgeable about one's fellow man.

The same holds true for the need to understand oneself. Sometimes, one's desire to provide chesed can surpass normal boundaries and be unhealthy and even detrimental. The chasid has to be cognizant of his own needs, the needs of his friend, and the mitzvot of the Torah; these also act as guidelines for the one who, driven by love, will want to do more. Uneducated love can actually develop into hatred, so the level of chasidut is the level of a knowledgeable individual.

In the next lesson we will discuss the halakhic parameters of acting lifnim mi-shurat ha-din. Interestingly, we will find that sometimes going beyond the letter of the law is not left for the chasidim alone; sometimes, it is encourage and may even be obligatory.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #17: Din and Lifnim Mi-shurat Ha-din

Can Chasidut Be Obligatory?

In the past two lessons, we have dealt with the character of the chasid, who constantly seeks to further his observance by acting lifnim mi-shurat ha-din, beyond the letter of the law. At first glance, the chasid is a character who acts in an optional yet optimal manner; however, an analysis of the nature of acting lifnim mi-shurat ha-din seems to present a very different picture. By analyzing the nature of acting lifnim mi-shurat ha-din, we will have a greater appreciation and understanding of the chasid. Ultimately, we will emerge with a new sense of the overwhelming kindness of the Torah.

The translation of the term implies going beyond the din, beyond strict legal obligations, providing what is not technically required on behalf of another; it is certainly notable but apparently optional. However, the sources seem to reveal a different picture. The Talmud finds a biblical source for acting lifnim mi-shurat ha-din, and in some cases it seems that acting lifnim mi-shurat ha-din is not only earning extra credit; it is obligatory. A series of Talmudic passages may serve to restructure our understanding of the laws. The Talmud, in multiple contexts, presents the responsibility of certain individuals to act lifnim mi-shurat ha-din, above and beyond the letter of the law.

The Source of Obligation

The requirement of lifnim mi-shurat ha-din is presented by the Talmud as rooted in Yitro's advice to Moshe when he advises him to establish a court system and appoint judges (Shemot 18:20): "And you shall show them the way they shall walk therein and the action which they shall do."

For Rav Yosef taught: "'And you shall show them' — teach them their life's course; 'the way' — this alludes to visiting the sick; 'they shall walk' — to burying the dead; 'therein' — to exercising kindness; 'and the action' — to din proper, 'which they shall do' — to lifnim mi-shurat ha-din." (Bava Metzia 30b)

Though this verse is really only Yitro's advice to Moshe, still surprisingly the Talmud expounds "which they shall do" as a reference to going beyond the letter of the law, juxtaposing acting lifnim mi-shurat ha-din with fulfilling mandatory elements of behavior. The conjunction would seem to indicate that extralegal behavior is not always optional. Could that really be true?

Reason for Jerusalem's Destruction

The same passage of the Talmud is very fascinating for a different reason. It presents the reason for the destruction of Jerusalem as its inhabitants' unwillingness to forgo the letter of the law and execute judgments lifnim mi-shurat ha-din.

Rabbi Yochanan said, "Jerusalem was destroyed only because its inhabitants decide cases according to Torah law."

The Talmud asks: "Should they have instead decided case according to the laws of tyranny?"

Rather, say that Jerusalem was destroyed because they limited their decisions to the letter of the law of the Torah and did not act lifnim mi-shurat ha-din.

The commentators wonder why this mistake should be so grave. After all, they relinquished the opportunity to earn extra credit, but they still acted in accordance with the Torah laws. Is this not accurate?

The Ben Yehoyada (op. cit. 30a) explains that in fact the Jewish people had performed very heinous crimes and deserved destruction on their account. Nevertheless, had the Jews acted lifnim mi-shurat ha-din with each other, had they not been exacting with their neighbors, God would not have been exacting with them. However, once they treated each other with the strictness of the law, God did in kind and punished them for their sins.

This understanding seems to focus on the hidden charm of lifnim mi-shurat ha-din and its power to allow God to act in tandem with us, forgoing His strict justice when we do the same. However, one might offer another explanation: that acting lifnim mi-shurat ha-din is so fundamental to our existence that the refusal to apply its principles is at least a symptom of negative behavior which is actually deserving of destruction.

Let us delve into the parameters of the laws of acting lifnim mi-shurat ha-din to learn its importance and the reason for the destruction of those who reject it.

Cases in the Talmud

The source cited above from Bava Metzia is actually treated as normative law by Rabbi Chiya, who lays out money in order to fulfill the verse, although he has no legal obligation to pay (Bava Kamma 99b-100a).

There was a certain woman who showed a dinar to Rabbi Chiya to verify its authenticity, and he said to her that it was a good coin. The next day she came before him and said to him, "I showed it [to purchase something] and they said to me that it is a bad coin and will not pass as currency." Rabbi Chiya said to Rav, "Go exchange it for her, and write on my ledger: 'This was a bad deal.'"

The Talmud wonders why Rabbi Chiya replaces her coin; as an expert money changer, he is free from such an obligation. The Talmud answers:

Rabbi Chiya went beyond the letter of the law [in compensating the woman] as Rav Yosef taught... "'Which they shall do' — to lifnim mi-shurat ha-din."

The fact that Rabbi Chiya pays for damage which he brought about, despite his legal exemption, is explained using the verse cited above. This is understandable, as we have seen that this verse of Yitro's advice teaches us the requirement of acting lifnim mi-shurat ha-din. However, in other circumstances, actions lifnim mi-shurat ha-din are justified without any Biblical source at all. Let us take one instance:

Rav Yehuda was following behind his master Shemuel in the market, and he said to Shemuel, "If one found a purse here, what is the law?"

Shemuel said to him: "These belong to the finder.
Rav Yehuda continued, "If a Jew comes and gives an identifying mark, what is the law?"

He said to him: "Then he is obligated to return it." "How can both be true?"

Shemuel replied: "[The latter ruling is acting] lifnim mi-shurat ha-din."

It is like the incident involving Shemuel's father, who found donkeys in the desert. He returned them to their owners after a full twelve months had elapsed, lifnim mi-shurat ha-din. (Bava Metzia 24b)

What is particularly interesting is that in this case, Shemuel tells Rav Yehuda that "he is obligated to return it" in order to act lifnim mi-shurat ha-din. Can there really be an obligation to do so? If so, where does this obligation stem from? Before attempting to deal with whether there can be a requirement to act lifnim mi-shurat ha-din, let us examine another case of acting beyond the letter of the law, a case in which a completely different verse is used.

"The Way of the Good"

Possibly the most extreme and fascinating case of extra-judicial action is brought later in Tractate Bava Metzia (83a): regarding Rav's extreme directives to Rabba bar Bar-Chanan.

Rabba bar Bar-Chanan had a keg of wine broken by porters. He took their cloaks as payment. They went and told Rav.

Rav said to [Rabba bar Bar-Chanan] "Return them their cloaks!"

Rabba asked Rav, "Is this the law?"

Rav answered, "Yes, as it is written (Mishlei 2:20): 'In order that you may follow the way of the good.'" Rav thereby gave them back their cloaks.

They then said to Rav, "We are poor people, and we labored the entire day; we are starving and have nothing to eat."

Rav then said to Rabba bar Bar-Chanan: "Pay them their fee!"

He asked Rav: "Is that the law?"

Rav answered him: "Yes! For the verse continues (ibid.): 'And keep the paths of the righteous.'"

According to this passage, not only is Rabba bar Bar-Chanan directed to forgo the damages caused by the clumsy porters so as to "follow the way of the good," but furthermore he is instructed to pay them, so as to "keep the paths of the righteous." Rashi (ad loc.) explains that Rabba bar Bar-Chanan is advised to act in this manner, despite the obligation of the porters to pay for the damage they caused, in order to go beyond the letter of the law, lifnim mi-shurat ha-din.

However, can one really imagine a world in which an individual may never receive compensation for damaged property? Does acting lifnim mi-shurat ha-din truly entail such behavior?

The Different Types of Lifnim Mi-shurat Ha-din

Tosafot note that the various passages in the Talmud regarding extra-judicial responsibility refer to different verses. In the first case, in which Rabbi Chiya pays despite his exemption, the source of obligation is Yitro's "Which they shall do." In the case of returning lost objects unconditionally, no source is brought, while Rav's extreme directive to Rabba bar Bar-Chanan is based on a verse in Mishlei, "Follow the way of the good." Tosafot attempt to understand the reason for this discrepancy. What are the exact criteria for determining which particular source is used, and what are the implications of the diverse verses?

Tosafot explain that the different sources are expressive of three different types of acting lifnim mi-shurat ha-din. One must differentiate between cases in which one refrains from using a potential exemption and cases in which one goes above and beyond the call of duty. Tosafot clarify this in detail:

1. In situations in which others are obligated to pay, but some privileged individuals are exempt for one reason or another, then the first source, "Which they shall do" is used. Here the obligation of acting lifnim mi-shurat ha-din tells a privileged individual to forgo the exemption and to act as others are required to. Thus, we may understand the cases in Bava Kamma, as they deal respectively with a scholar and a professional money-changer, both of whom are exempt due to their standing; they are advised to act as others would.

2. In cases in which no real loss is incurred, the verse is not cited. Returning the purse is such a case, because legally there is no obligation; nevertheless, since the finder does not stand to lose anything ultimately, it is proper to conduct oneself in an upright manner and to act lifnim mi-shurat ha-din.

3. The other verse from Mishlei, "In order that you may follow the way of the good," refers to cases in which there is not only no obligation, but going beyond the letter of the law will actually result in a financial loss (such as Rabba bar Bar-Chanan's accepting the loss of his barrels and furthermore paying the workers). In such a case, the verse from Shemot cannot obligate one to incur a loss; therefore, it is only the verse in Mishlei that indicates that one should accept the loss.

Essentially, Tosafot are pointing out that not all cases are identical. Under certain conditions, the law representing the Torah's goal is plain and clear. The Torah spells out that one must pay for damages he has caused or help others load and unload their donkeys. Even if the Torah sees fit to remove a given obligation from certain specific individuals, that does not mean that they should accept that discharge. Going lifnim mi-shurat ha-din, as expressed by Yitro, is a call to act in accordance with the God's desired actions even when they are optional. Still, in other cases, one who carries no legal obligation but incurs no loss for going beyond the letter of the law is also supposed to understand that God wishes one to act in accordance with His will even with no requirement. The third case, though, is exceptional behavior that is even beyond the confines of acting lifnim mi-shurat ha-din, and it is irrationally compassionate conduct, which is certainly not even suggested for all, as we will see soon.

A discussion regarding peshara is useful for understanding the nature of going lifnim mi-shurat ha-din.

Peshara: Compromise and Arbitration

The Talmud (Sanhedrin 6b) discusses the merits of choosing to forgo strict justice and agreeing to a legal decision of peshara, compromise, by the court. All agree that after the judges have started to adjudicate the case on the basis of strict din, calling for a decision of rightful justice, the judges cannot open the floor to a compromise. However, there is a disagreement as to whether beforehand a compromise can or even should be suggested. Three opinions are presented in the Talmudic passage. One opinion states that it is forbidden to offer a compromise; rather strict justice should always prevail. A second opines that it is permitted to offer a resolution of compromise, not adhering to the simple legal dictates. Finally, a third opinions holds that it is in fact a mitzva for the courts to offer a compromise (before the claims of the litigants are heard).

Within its discussion, the Talmud notes that the two great brothers, Moshe and Aharon, differed on this issue:

But let the law cut through the mountain, for it is written (Devarim 1:17), "For the judgment is God's." And so Moshe's motto was: Let the law cut through the mountain. Aharon, however, loved peace and pursued peace and made peace between man and man, as it is written (Malakhi 2:7), "The law of truth was in his mouth, unrighteousness was not found in his lips, he walked with Me in peace and uprightness and did turn many away from iniquity."

Rashi (s.v. Aval) explains that Aharon would suggest compromises in order to make peace before the argument flared up and the individuals arrived at court as litigants. Tosafot (s.v. aval) add that Aharon would not serve as a judge, and, therefore, there was no question that he was permitted to offer a compromise.

Nevertheless, the whole discussion seems to invite a question: does a compromise not call into question the validity of the Torah's legal system? Does it not seem to indicate that the judges can arrive at a more just decision if they ignore the law and arbitrate on their own?

Due to this question and other factors that arise from the Talmudic discussion, it seems that peshara is in fact an agreement by the two parties not to start the mechanism of din, but rather one which operates lifnim mi-shurat ha-din, allowing the judges to deliver a verdict beyond the letter of the law. It is not that the laws of the Torah are insufficient or lacking; rather, the overall desire of God sometimes may only be achieved by taking into account situational necessity, which peshara allows for and din does not. In short, peshara is an application of the principles of the Torah to the situation at hand. Its whole existence is a celebration of lifnim mi-shurat ha-din: not abrogating principles but applying them in a judicially permitted extra-legal situation.

In a celebrated speech, partially recorded in Reflections of the Rav, Rav Soloveitchik explains the merits of pesharah by explaining the difference between a verdict of din and one of peshara, particularly in the role of the dayyan, the judge, in each respectively:

Din pits one party against the other… The law is administered with cold impartiality and its decisions are dictated by objective data. One party emerges the victor, his case is vindicated.

The plea of the other is denied. Discord and resentment persist even at the court docket is cleared and the case is closed. The legal issue has been resolved but human bitterness continues to fester.

In pesharah, however, social harmony is the primary concern of the dayyan… The goal is not to be juridically astute but to be socially healing. The psychology of the contenders, their socio-economic status and values, as well as the general temper of society, are the primary ingredients employed in the pesharah process. These considerations are evaluated within the broad halakhic parameters of the Hoshen Mishpat, and the final resolution of the conflict is a delicate and sensitive blending of both objective legal norms and the subjective humanistic goals. For this reason, pesharah is the preferred alternative. (Besdin, p. 53)

Peshara is not an abrogation of the law. It does not contradict Halakha; in fact, it shares much with it. It is mishpat, but as the Talmud (loc. cit.) explains, it is what the prophet Zekharya refers to as "mishpat shalom" (8:16) — a peaceful judgment. For the same reason that going lifnim mi-shurat ha-din is preferable to following the din, so too it is ideal for both parties to agree to resolve their conflict through peshara, rather than seeking a court verdict, din.

However, a question remains: what entitles the judge to know what parameters to employ when deciding a case of peshara? Rav Soloveitchik formulates the question thusly: "But what guide does the dayyan employ in pesharah?"

In essence, the answer seems to be that rather than focusing on the unique applications of the law that arise in this specific circumstance, the judge must decide to compromise and reconcile the contradictory claims of the claimants by an application of the overall message of the Torah that is derived from analyzing its laws.

In a pesharah case the dayyan forms his judgment out of his conscience, his sense of justice, fairness and charity. He employs his da'at Torah, his sense of Torah fairness, stemming from his intuitive sense of rightness. His is a humane approach, reflecting Torah sensitivity and his love of his fellow man… (op cit. p. 62)

With this in mind, we can understand why the Rambam (Hilkhot Sanhedrin 22:24) states, "A court that always settles cases through peshara is praiseworthy," and the Shulchan Arukh rules that it is a mitzva to offer peshara (CM 12:2).

Obligations for All or for Special Individuals

At this point, pursuing peshara and going lifnim mi-shurat ha-din seem to be notable but still optional. One who wants to follow in the footsteps of Aharon, suggesting compromise and promoting forgoing one's legal rights in order to help others, is following a path which is ideal, though not obligatory. However, the commentators argue as to whether going lifnim mi-shurat ha-din is in fact something which may be mandatory. While the Rosh (Bava Metzia 2:7) is of the opinion that it is not, the Mordekhai (Bava Metzia 257) holds that one party may be compelled to go lifnim mi-shurat ha-din. The Rema (CM 12:2) quotes both opinions on the matter as normative halakha.

How can one compel another to uphold standards beyond the legal definition? We have already seen (lesson #14) that in certain cases, an act that is viewed as emulating Sedom may not be tolerated, and the court will step in based on the principle of kofin al middat Sedom, forcing one to abjure such behavior.

Rav Aharon Lichtenstein explains that this is also rooted in the idea of going lifnim mi-shurat ha-din ("Does Jewish Tradition Recognize an Ethic Independent of Halakha?" Modern Jewish Ethics, p. 75). However, not all legal yet disagreeable behavior is treated equally. As Tosafot point out, there are different gradations of such behavior, and the court will not always step in to require one to uphold the loftier standards of the spirit of the law.

Beyond this, the court must also take into account the individuals involved. The Bach explains that the custom is to force people to act lifnim mi-shurat ha-din if they are wealthy and capable of doing so. The law states the lowest common denominator of obligation, but clearly those who are capable of doing more should do so, and sometimes the courts may require it.

Yet, there is also another category of individuals who may carry an added obligation. Rabbeinu Yehonatan (Shitta Mekubbetzet, Bava Metzia 24b, s.v. Naaseh) seems to rule that a distinguished individual, by virtue of his stature, is obligated to go beyond the letter of the law. This would explain how Rav orders the wealthy and scholarly Rabba bar Bar-Chanan to pay the careless porters for their work. The obligations of a distinguished individual, a chasid who is known to be respectable, go far beyond what any legal system could obligate.

This opinion is very notable; it seems to reflect the fact that Yitro's idea of going lifnim mi-shurat ha-din is stated in the context of the guidelines of behavior for the Jewish people as distinguished judges are installed for them. Often those who are scholarly and know the law are able to devise and identify legal loopholes in order to allow them to act in the manner they see fit without having to violate any laws. However, Judaism takes a dim view of this behavior: it is not only frowned upon; it is totally disallowed. Sedom was the city of legalized evil, where they stole less than a peruta's worth in order to be escape legal culpability. This is unthinkable for the descendants of Avraham: the scholar and the dignitary must live on a different plane, by higher standards. One might think that after they are separated and elevated from the masses, so much so that there are certain obligations which others have that they are free from, they may forgo their other interpersonal responsibilities. Nevertheless, they have an obligation of gemilut chasadim, even when it is difficult; they must act above and beyond the letter of the law.

A Deeper Understanding

This all becomes understandable when viewed against the backdrop of last week's lesson on chasidut. The goal of the Torah's laws is to build principles: to inform us what God loves and to allow anyone who really loves God to learn from them how God really desires for us to act.

The law cannot be abrogated, but it is not supposed to be used in situations where the strict literal definition will call into question the entire gamut of God's desire. The Talmud even accompanies the explication of the responsibility of going lifnim mi-shurat ha-din with the statement that "Jerusalem was destroyed because they limited their decisions to the letter of the law of the Torah and did not act lifnim mi-shurat ha-din." The reason for this is that sticking to the legal exemptions when it is clear that doing so will in fact undermine the whole purpose of the law is, in essence, "illegal." Although it is technically permitted, it is not in consonance with the will of God, which the law seeks to express.

Sometimes doing something extra is a sign of chasidut; it is rooted in a special dose of love of God. Conversely, failing to go beyond the letter of the law is an expression of a lack of love of God. At the very least, we may say that for certain individuals, those who have the means and the scholarly knowledge, there is an expectation to act on a different plane; following the technical requirements of the law may make one culpable in God's eyes.

The idea that the law should always determine positive behavior is indicative of the legalized cruelty of Sedom. Therefore, Jewish tzedek declares that some things which appear to be ours really belong to others. But how can one know? At what point does middat chasidut tell one to surrender to others? After all, we are not talking about Sedom's laws, but the righteous laws of the Torah

In fact, Rav Aharon Lichtenstein (op. cit. p. 66) remarks that the interpersonal laws are clearly not just specific directives, but yardsticks:

[H]owever, we recognize that Halakha is multiplanar and many-dimensional; that, properly conceived, it includes much more than is explicitly required or permitted by specific rules.

The Tzaddik and the Chasid

With this in mind, let us return to the question which we posed last week and attempt to answer it. We wondered why it is that those who embrace the concept of chasidut, who teach the importance of rising above mere tzedek, refer to their great leaders as tzaddikim. Would it not be more appropriate to call them chasidim?

Based on our explanation, the terminology is understandable. True, the chasid acts beyond the call of duty; however, the true tzaddik is the one who recognizes that even his acting beyond the letter of the law is in fact within the requirements of the law. If one understands that acting as a chasid is not done for extra credit, but that it is the real goal, he is the true tzaddik whom all should follow.

For Next Week:

In our next lesson, I hope to show that the Torah in fact includes a specific verse to ensure that we understand Judaism not only through its specific laws, but also through the spirit those laws wish to impart.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #18: The Right and the Good

In last week's lesson we saw that though the Torah dictates a distinct system of law, din, in some circumstances, Judaism suggests and even requires one to act lifnim mi-shurat ha-din, beyond the letter of the law. The one question we have not addressed yet is how we can understand a set of laws that in some circumstances are meant to be overridden: how can it be that the Torah's laws are abrogated to uphold the spirit of the law? Where does this unique idea come from?

The basis of the Torah's provision that one should study its legal dictates and apply them beyond their minimalist requirements may be found in an explicit verse.

Moshe Rabbeinu prefaces his major speech in Devarim with a consistent message, emphasizing the need to follow the commandments and the will of God and to put them into practice in one's daily life. There we find a verse which seems to be somewhat repetitious:

And do the right (yashar) and the good (tov) in God's eyes, so that it will be good for you, and you will come and inherit the good land that God swore to give to your fathers. (Devarim 6:18)

How important is this verse? R. Elazar (Avoda Zara 25a) explains that Devarim is referred to as "sefer ha-yashar," "the book of the right," for the simple reason that it contains this verse. The implication of this Talmudic statement is that this phrase is so significant that it essentially underscores the concluding book of the Torah. But why is this so?

Rav Barukh Epstein (Torah Temima 6:74) asks this question and explains that the behavior described in this verse is a guiding principle of the whole Torah:

Why is this verse elevated above all others, so much so that it is responsible for the title of the entire book? One may understand this based on what is written in Shabbat (31a), that "You shall love your fellow as yourself" (Vayikra 19:18) is the essence of the entire Torah — just as one wishes only to do yashar and tov for himself, so too one who forgoes his own needs in order to benefit another is establishing the foundation of the entire Torah. Therefore, the entire Torah is predicated on this teaching.

While the significance of this particular verse is highlighted by the Talmudic statement cited above, the general idea of striving to live a life which is just in God's eyes is repeated numerous times in the Torah.

Purity of Action

It is noteworthy that the verse above does not merely demand that one perform right and good actions; one must perform "the right and the good in God's eyes."

This addition might be viewed as innocuous if not for the fact that the Torah seems to juxtapose this terminology with verses which describe how one should not act in ways that are only "yashar in his eyes" (see Devarim 12:5). In a number of places, the Torah seems to distinguish between individuals who do what is yashar in their own eyes, thereby bringing upon themselves trouble, and those who are inspired to perform that which is both tov and yashar in God's eyes.

In fact, Shofetim 17:6 introduces the terrible tragedies of the pre-monarchic era of the Jewish people with the statement:

In those days there was no king in Israel; everyone would do the right in his eyes.

Thus, the Torah is calling for actions which are consonant with God's definition of yashar, as opposed to man's. It is clear that one should strive to be upright in God's eyes, performing that which God deems decent and proper. For this reason, throughout Neviim and Ketuvim, the repeated question is whether people are living according to what is yashar in their own eyes or in God's eyes. But what determines what is right and good in God's eyes?

Before delving into that question, we should note that a number of commentators note the significance of the repeated mention of the phrase "in God's eyes."

The Alshikh points out that the Torah's formulation indicates that one's rightness and goodness should not only be expressed through one's external behavior, but in his heart as well — which is "in God's eyes," for He sees what is in one's heart.

One's attributes of chasidut should not be superficial, in place for all others to see, without reaching one's heart. One should do "the right and the good in God's eyes," for God sees even when others are not around. Goodness is valid only if one truly achieves it in God's eyes. (Alshikh, Devarim 6:18)

The Specifics

To understand the parameters and significance of "the right and the good in God's eyes," we must identify exactly what defines ha-yashar and ha-tov. What new exhortation can be included in this verse that is missing from the other sources? What is the specific contribution of this verse that cannot be deduced from any other commandment in the Torah?

Rashi (ad loc.) already tells us that this verse teaches one to go above and beyond explicit responsibility:

"The right and the good" –this implies a compromise beyond the letter of the law.

In essence, Rashi seems to view it as a general injunction related to what we discussed in last week's lesson. Going above and beyond the minimalistic legal requirements is advised if not mandated by the Torah. This is "the right and the good" in God's eyes.

However, the Talmud (Bava Metzia 108) also gives this clause a specific meaning, regarding what is known as "the rule of the neighbor." This law gives precedence to a neighbor when a landowner sells his property. The Talmud even states that if someone else purchases the property before the neighbor has a chance to buy it, then the courts can undo the sale and allow the neighbor to buy it. Why is this so? "Because," the Talmud explains, "it says: 'And do the right and the good in God's eyes.'"

Furthermore, the Talmud (Bava Metzia 16b) applies this verse to another law. The Rambam codifies it in Hilkhot Malveh Ve-loveh 22:16:

When the court evaluates and expropriates a property for a creditor — whether from property in the creditor's possession or property that was in the possession of a purchaser — and afterwards, the borrower, the person from whom the property was expropriated, or their heirs, acquires financial resources and pays the creditor his money, the creditor is removed from that landed property. For property that was evaluated and expropriated should always be returned to its owners, as mandated by the charge: "And do the right and the good."

The Rambam concludes Hilkhot Shekheinim (Laws of Neighbors, 12:5) by explaining the first law:

Even when a person sells property which he owns to another person, his colleague, the owner of the property neighboring his, has the right to pay the purchase price to the buy and remove him from his purchase. The purchaser who comes from afar is considered as the agent of the neighbor. This applies whether the original owner's agent conducted the sale, or whether the property was sold by the court, the privilege of a neighbor is granted. Even if the purchaser was a Torah scholar, a non-immediate neighbor and a relative of the seller, while the neighbor was an unlearned learned person with no family connections to the seller, the neighbor receives priority and may remove the purchaser. This practice stems from the charge: “And do the right and the good." Our Sages said: "Since the sale is fundamentally the same, it is right and good that the property should be acquired by the neighbor, instead of the person living further away."

The Principle of the Torah

However, a number of commentators see in these verses not only a general call to be the right and the good, but a description of the overall message that the mitzvot of the Torah seek to inculcate in the Jew. The essential elements of the Torah, the blueprint of creation, enable us to take our natural tendencies and elevate them. God, the creator of mankind in His image, chooses a nation to receive the Torah as the guidebook for ethical behavior. The Ramban, in his commentary to this verse, explains this clearly:

Our rabbis expound this verse beautifully. They have said that this refers to compromise and going beyond the letter of the law. The intent of this is as follows: at first, it states that one is to keep His decrees and His testimonies which He commanded; now, it states that even where He has not commanded anything, one must give thought, as well, to do what is good and right in His eyes, for He loves the good and the right.

Now, this is a great principle, for it is impossible to mention in the Torah all aspects of man's conduct with his neighbors and friends, and all his various transactions, and the ordinances of all societies and countries. But since it mentions many of them – such as, "You shall not go up and down as a talebearer" (Vayikra 19:16); "You shall not take vengeance, nor bear any grudge" (ibid. v. 18); "Neither shall you stand idly by the blood of your neighbor" (ibid. v. 16); "You shall not curse the deaf" (ibid. v. 15); "You shall rise up before the hoary head" (ibid. v. 32) and the like – it comes back to state in a general way that, in all matters, one should do what is good and right, including even compromise and going beyond the requirements of the law.

Other examples are “the rule of the neighbor” and their statement that one's youthful reputation should be unblemished and one's conversation with people pleasant (Yoma 86a). This must be true in every form of activity, until one is worthy of being called "good and right."

The Ramban's formulation here demonstrates his understanding that the Torah guides us not only in action, but in spirit. This conviction of the Ramban is expressed elsewhere in his commentary as well. Most famous, is his commentary to Vayikra 19:2, "You shall be holy because I, Lord your God, am holy." The Ramban explains that the implications of the verse are that even one who fulfills all the verses of the Torah is liable to be short of holiness. One who seeks to live by the letter of the law and find legal loopholes will actually become a fool (naval) by authorization of the Torah.

A person can keep the letter of the Torah and yet violate its spirit. The Torah does not detail every event and situation that could possibly arise, not out of a lack of ability, but because its goal is to allow the commandments to serve as the guidebook for what God really wants. Putting the two comments of the Ramban together, it becomes apparent that within one's relationship with God, the Torah commands one to view the big picture, to be holy. The commandment to be holy is between man and God, while doing the right and the good is to inject the spirit of the law into the actions between man and man.

Rav Simcha Zissel Broide, Rosh Yeshiva of Yeshivat Chevron, explains the words of the Ramban.

"And do the right and the good" is not a specific mitzva but a general mitzva: to delve deeply into the understanding of mitzvot and the reasons behind them; to comprehend and contemplate and appreciate, through the mitzvot that we are commanded to perform, also those obligations that are not explicit. We must develop an understanding of what is really God's desire from us, and what is good and right in His eyes. (Sam Derekh, Ha-yashar ve-hatov, Introduction)

The Maggid Mishneh (Hilkhot Shekheinim 14:5) explains the parameters of this mitzva along the lines of the Ramban:

Similarly, regarding the verse, "And do the right and the good," this means that a person should conduct himself with other people in a good and right manner. It would have been unbefitting to command the particulars, for while the Torah's mitzvot apply at all times and in every hour and in all circumstances, so a person must perforce perform them, man's traits and conduct vary in accordance with the hour and the personalities involved. The Sages, of blessed memory, recorded a few helpful particulars which fall under these general rules, some of which they made the equivalent of absolute din, while other apply ab initio and by the way of chasidut. All, however, were ordained by the Sages.

The fact that proper conduct varies according to the circumstances and according to the individuals involved in a particular case demonstrates the importance of applying the principles of the Torah to the situations at hand. Only carefully studying the laws and understanding that the overriding principle of ethical conduct is doing "the right and the good" can enable us to translate the Torah's message of ethical behavior into practice.

Rav Yeshayahu Shapiro, known as the Admor He-chalutz (d. 1942) expresses eloquently the overriding principles which stem from the obligation to "be holy" and to do "the right and the good."

The injunction "You shall be holy" implies that the letter of the law must not be strictly adhered to; rather, as the Ramban phrases it, "One should follow the intention of the Torah."

Whoever wishes to achieve a perfect observance of the Torah cannot be satisfied with adhering to its explicit rulings. He must penetrate deeper in order to arrive at the ultimate aim of these rulings. He must not only think of that which is good and right in his own eyes but that which is "the right and the good in God's eyes." It would seem that the latter injunction added by the Torah to its list of rulings is superfluous since all the divine precepts are designed to show mankind the correct way of living. However, there are many things which are permitted by the letter of the law and are only forbidden from because of the requirement to "[d]o the right and good in God's eyes." Regarding the seizing of property for a debt, our Rabbis stated that the law does not demand the return of such property, but it is to be returned in accordance with the injunction of "Do the right…" This special injunction demonstrates that Judaism is not satisfied with limiting active evildoing; it aspires to eradicate potential evil from the soul of man. (Quoted by Nechama Leibowitz, Parashat Vaetchanan)

Balancing the Law and its Spirit

The question which remains is the following: to what degree does the spirit of the law prevail? At what point is one to glean from the Torah that one must go beyond the letter of the law and provide more? Secondly, can one violate a prohibition forbidden by the letter of the law if doing so will allow one to uphold the spirit of the law?

Rav S. R. Hirsch begins his commentary on this verse by explaining the difference between yashar and tov: yashar is that which fits with one's essence; tov is that which is in line with God's purpose in creating the world. He goes on to declare that this verse is the guiding principle for our interpersonal behavior, the Torah's announcement that it is insufficient to fulfill the dictates of justice and the requirements incumbent on man; we must live on the principles of seeking the yashar and the tov derived from the Torah. Included within this is the willingness to give up on that which is rightfully ours when it is much smaller than the benefit to others.

Our conduct is to be guided by the standard of "the right and the good in God's eyes." Our Sages interpret this statement as a principle that explicates the Torah's requirements regarding our social behavior. It is not sufficient to fulfill the requirements of justice and duty explicitly set forth in the Torah; rather, we are to conduct ourselves according to the general idea of "the right and the good," as derived from the Torah's laws.

Thus far, Rav Hirsch merely eloquently expresses the guidelines endorsed by other commentators as well. However, he continues to provide practical expressions of this principle.

This principle teaches us that we are to forgo a right to which we are legally entitled to if the advantage we would gain from claiming that right is relatively small compared to the advantage the other party would gain if we were to waive our claim.

Rav Hirsch goes on to describe that this is the common denominator of the various laws learnt from this verse. For instance, the right of a neighbor to have first dibs on buying a field is based on the idea that the field provides more benefit for him than for any other purchaser. If he were to acquire it, then he would be enlarging his field, and he would save on expenses and the like. It is "tov" to allow him to gain more, whereas the right of anyone else to buy the property pales in comparison to the gain he will achieve by purchasing it.

Rav Hirsch continues by providing specific meanings for the terms "tov" and "yashar".

Perhaps "Do the right and the good" can be interpreted as follows: the tov adds something to the yashar and modifies its performance. In doing so, the yashar takes into consideration the higher tov. The yashar is what one is entitled to by right, free from wrongdoing. The tov is any positive purpose the advancement of which is in accord with God's will. This then is the tenet that is stated here. Even if you are legally entitled to something, forgo it for the sake of a higher, positive, and good purpose. Forgo your undisputed right out of consideration of another person's welfare. In cases of compromise, the litigant sacrifices some of his legal rights for the sake of peace. The tov that modifies the performance of the yashar is, in the former cases, brotherly love, and in the latter case, love of peace.

In Devarim 12:28, the Torah states the same message, but in the opposite order:

Listen with care to all these words that I command you, so that it will be good for you and for your children after you forever, for you will do the good and the right in Lord your God's eyes.

Why is there a need for another verse? What is the significance of the difference in order? Rav Hirsch concludes his commentary to 6:18 by explaining.

Below, the wording is reversed. Accordingly, there the yashar modifies the performance of the tov: do good only in the right way. The end shall not justify the means; do not attempt to do good by crooked means.

Essentially, the second verse teaches us the following lesson: it is not enough to make sure that all of one's yashar actions fulfill the dictates of the tov in God's purpose for the world; one must also limit one's tov based on the yashar. A righteous end does not justify corrupt means. Even the intention to advance the divine purpose does not provide a license for all activity aimed at achieving that goal.

The Confluence of Spirit and Law

Rav Aharon Lichtenstein deals with this issue in his seminal essay, "Does Jewish Tradition Recognize an Ethic Independent of Halakha?" One of the points that Rav Lichtenstein develops is that the Torah's directive "Do the right and the good," according to the Ramban's understanding, includes within Halakha ethical principles which are not stated explicitly in its laws. As he writes:

If, however, we recognize that Halakhah is multiplanar and many-dimensional; that, properly conceived, it includes much more than is explicitly required or permitted by specific rules, we shall realize that the ethical moment we are seeking is itself an aspect of Halakhah. The demand, or, if you will, the impetus for transcending the din is itself part of the halakhic corpus. (Modern Jewish Ethics, p.70)

Love of God

In conclusion, the idea of looking more deeply into God's commandments and contemplating God's true desires is essentially a part of the Rambam's description of the mitzva of loving God.

We are commanded to love God, that is to say, to dwell upon and contemplate His commandments, His injunctions, and His works, so that we may obtain a conception of Him, and in conceiving Him obtain absolute joy. This constitutes the love of God and is obligatory.

As the Sifrei says: "It is stated, 'And you shall love Lord your God' (Devarim 6:5). How is one to manifest his love for God? Scripture therefore says (ibid. v. 6): 'And these words which I command you today shall be upon your heart,'" for through this [i.e. contemplation of God's words] you will learn to discern Him by whose word the universe came into existence. (Sefer Ha-mitzvot, Positive Commandment 3)

If we succeed in allowing our love of God to push us to study the Torah, so that we may apply its values towards living a life based on the right and the good, then we will joyously be taking a great step towards eliminating the baseless hatred which destroyed our Temple.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #19: Being Yashar and the Attribute of Yashrut

Introduction

In last week's lesson, we learnt about the significance given to the verse in Devarim (6:18) instructing us to "do the right (yashar) and the good (tov) in God's eyes." We noted the singular importance of the verse which, according to the Ramban and others, is a general directive to ensure that all our actions, even those not required or prohibited by any explicit commandment, be in line with the Torah's description of yashar and tov. But what exactly is the definition of these two terms, "yashar" and "tov"? Concerning the former in particular, a specific definition will not only help us develop a proper understanding of this all-important verse; it will also enlighten us to appreciate the many other verses and statements of the Sages using this term.

The word yashar literally means "straight," and it is generally understood in metaphorical contexts as a reference to moral rectitude, "upright" or "right". The adjective (plural form: yesharim) is also used to form different nouns, from the biblical yosher and yeshara and the Midrashic yashrut to the modern term yashranut. For a proper understanding of the term and its implications, we must view it in context, especially where it appears alongside other words or in their place.

The Mishna in Avot (6:1) lists the character traits that one who studies Torah in its ideal form develops. It states:

Rabbi Meir stated: "Whoever engages in Torah study for its own sake, merits many things; furthermore, the creation of the entire world is worthwhile for his sake alone… The Torah clothes him in humility and fear of God; it makes him fit to be righteous, pious, right and faithful…"

The first two terms are familiar to us — the characters of the tzaddik and the chasid we have explicated — but the question remains: what is yashar? How does it differ from the other positive traits mentioned in the passage? While some may view the Mishna's lengthy listing as mere poetry, a proper definition of these concepts and the differences between them will allow us to understand and appreciate their unique messages and directives for right behavior.

Yashrut of God and Man

In more than one verse, God is described as a yashar and the teachings of the Torah are referred to as yesharim. The need to define yashar is made more pressing by the Torah's usage of the term in addition to more common descriptions of God; it seems to add another divine characteristic. An example of this phenomenon is found in Parashat Ha'azinu (Devarim 32:4) near the end of the Torah in its reference to God and His attributes.

The Rock! Perfect is His work, for all His ways are justice; a God of faith without iniquity, righteous and right is He.

Our forefathers are referred to as yesharim as well, as we will discuss below. If yashar is a description of God, then it makes sense that individuals who succeed in modeling their life based on God's teachings should achieve that similar distinction.

What is even more startling, is that yashar is not only a description of God and the Torah, but is also used as the defining characteristic of man from the time of his creation. The verse in Kohelet (7:29), which we will analyze at length below, attests to man's being created yashar but failing due to his searching out "reckonings".

Yashrut seems to be an essential character trait of mankind, and its absence or suppression leads man to extreme troubles. Thus, emulating the Patriarchs, who are known as yesharim, who model God's attribute of being yashar and retain man's innate yashrut, is clearly of utmost importance. It therefore makes sense that the Ramchal entitles his classic work on spiritual growth "Mesillat Yesharim" — the mesilla (path) of the yesharim is the way for man to realize his potential. As he maps out the levels described by Rabbi Pinechas ben Ya'ir, he attempts to educate individuals to become yesharim, not tzaddikim or chasidim. The overwhelming importance of becoming yashar is self-evident from the fact that developing yashrut essentially allows someone to return to his original inborn attribute.

Furthermore, the name of the Jewish people, Am Yisrael, may also indicate the unique heritage of yashrut that is reserved for the Jewish people.

Let us now examine the details of how the term "yashar" is used in Tanakh and the Sages' writings.

Sefer Ha-yashar

The term "sefer ha-yashar" (the book of the right) is used in a number of verses in Tanakh (Yehoshua 10:13, II Shemuel 1:18). The Talmud (Avoda Zara 25a) records a dispute as to which book of Tanakh referred to as sefer ha-yashar.

The first opinion states that sefer ha-yashar always refers to the Book of Bereishit, which records the actions of the ancestors of the Jewish people.

Rav Chiya bar Abba said in the name of Rabbi Yochanan: "This is the book of Avraham, Yitzchak and Yaakov, who are known as yesharim, as the verse indicates (Bamidbar 23:10) "May my soul die the death of yesharim."

The verse in Bamidbar is a quote from the Aramean prophet Bilam, who is aware of the peaceful passing of the Patriarchs. He, too, wishes to die a tranquil death, and he therefore declares his desire to die painlessly, as they did. His reference to the Patriarchs as yesharim is used by Rabbi Yochanan as proof of the fact that sefer ha-yashar is the chronicle of the right-living Patriarchs.

Bilam is not privileged to have God accede to his request. The verse states (Bamidbar 31:8) that Bilam dies by the sword of the Jewish people, a painful expiration. Evidently, Bilam is aware of the yashrut of the forefathers, and he acknowledges that their righteous, painless passing is a direct result of this attribute of theirs.

Though he admires their final moments, he is nevertheless unwilling to live his life in the way they did, and therefore his passing and his eternal suffering are constant testaments to his lack of yashrut. Thus, he is undeserving of this honor.

Why does Bilam fail to act with the yashrut of the Patriarchs if he recognized its importance? Bilam, after all, is a wise individual? What is the source of the disconnection between his knowledge and his actions? Understanding yashrut as expressed in the acts of our ancestors will provide us the answer.

Bilam's Downfall

The fact is that Bilam's straying from the straight path of the Patriarchs represents the challenge that all mankind faces; his failure demonstrates the characteristics that might lead to one's downfall.

While yashrut seems to be an attribute that must be acquired, as presumably the Patriarchs did, it is also described, in the verse in Kohelet referenced above, as being innate.

But, see this I did find: God has made man right, but they sought out many reckonings. (Kohelet 7:29).

Man is created yashar, but he may lose that trait through his pursuit of "reckonings".

The Rambam posits, along these lines, that one who is aware that he has moral deficiencies and fails to try to heal them as he would try to do for his physical ailments is, in effect, leaving the path of yosher.

Similarly, those who are morally ill desire and love bad traits; they hate the good path and are too lazy to follow it. They find it exceedingly burdensome according to their sickness. Yeshayahu (5:20) the prophet speaks of such people: "Woe to those who call the bad good, and the good bad, who take darkness to be light and light to be darkness, who take bitter to be sweet and sweet to be bitter." Concerning them it is stated (Mishlei 2:13) states: "They leave the paths of yosher to walk in the ways of darkness." (Rambam, Hilkhot Deot 2:1)

The Metzudat David understands the above verse in Kohelet in a similar manner (though his explanation of the end is somewhat different).

"God has made man right" — this is because I know that God created man to be yashar, i.e., to follow the middle path in character traits, such as anger, sadness, mercy and the like, rather than go to either extreme; a person who follows this behavior is recognizable as a yashar person... However, human beings seek many designs, at times turning to one extreme… (Metzudat David, Kohelet 7:29)

Man is created to be yashar, morally straight and admirable; it is his searching after various "reckonings" that move him in different directions.

In a lengthy piece near the end of his commentary on the Torah (Meshekh Chokhma, Devarim 30:11), Rav Meir Simcha of Dvinsk relates his thesis of the pure creation of man in the image of God, with a sense of yashrut. This is what is often referred to as sekhel ha-yashar, the right mind. When he refrains from overanalyzing, man has an inner purified sense of justice and morality.

This is similar to the idea of natural morality, which we discussed at the beginning of this series. The only force that can destroy this inner sense of moral judgment is man himself, attempting to acquire more than his due, initiating schemes and reckonings and conniving to achieve things that he does not really deserve, thereby corrupting his inner sense of Divine morality, the legacy of his being created in the image of God.

The Rambam (Moreh Ha-nvukhim 3:12) relates a similar thesis in his description of the true cause of most bad things in the world, and he too references the verse in Kohelet cited above. The Rambam points out a grave misunderstanding of man's role in the trials and tribulations that befall mankind:

Men frequently think that the evils in the world are more numerous than the good things; many sayings and songs of the nations dwell on this idea. They say that a good thing is found only exceptionally, whilst evil things are numerous and lasting…

The Rambam goes on to delineate three classes of misfortune and explains that while there are some evils which come about through natural disasters, most come about by human hands:

The second class of evils comprises such evils as people cause to each other, when, e.g., some of them use their strength against others. These evils are more numerous than those of the first kind: their causes are numerous and known; they likewise originate in ourselves, though the sufferer himself cannot avert them. …

However, the Rambam continues, the greatest source of evil in the world and the prime cause of harm is not the natural world or other people, but man harming himself.

The third class of evils comprises those which each one causes to himself by his own actions. This is the largest class, and it far outnumbers the second class. It is especially of these evils that all men complain; few men are found that do not sin against themselves by this kind of evil. Those that are afflicted with it are therefore justly blamed in the words of the prophet, "This has been by your means" (Malakhi 1:9). The same is expressed in the following passage, "He that does it destroys his own soul" (Mishlei 6:32). In reference to this kind of evil, Shelomo says, "The foolishness of man perverts his way" (ibid. 19:3). As he has already explained, this kind of evil is man's own work, as it says, "But, see this I did find: God has made man right, but they sought out many reckonings" (Kohelet 7:29), and these inventions bring the evils upon him…

As the Rambam describes, when it comes down to it, man is often his own worst enemy. He is born yashar and has the perfect nature for success. Thus, man's perversion stem from his own devices; he alone is responsible for his failures through his betrayal of his inner yashrut. The cause of this failure is expressed effectively through an analysis of the differences between the first of the yashar Patriarchs, Avraham, and his admirer but polar opposite, Bilam. The mishna (Avot 5:19) lists three character traits that define the differences between Avraham's disciples and Bilam's disciples:

Anyone who has the following three traits is among the disciples of our forefather Avraham, and whoever has three opposing traits is among the disciples of the wicked Bilam.

Those who have a good eye, a humble spirit and an undemanding soul are the disciples of our forefather Avraham.

Those who have an evil eye, an arrogant spirit and a greedy soul are the disciples of the wicked Bilam.

How are the disciples of our forefather Avraham different from the disciples of the wicked Bilam? The disciples of our forefather Avraham enjoy the fruits of their good deeds in this world and inherit the World to Come… but the disciples of the wicked Bilam inherit Gehenna and descend into the well of destruction…

The difference between Avraham's disciples and Bilam's disciples is expressed in their character. Do they feel that their achievements warrant that they receive special treatment, or do they recognize their subservience to a higher cause? In fact, both Bilam and Avraham were prophets for the nations of the world — Avraham for the simple reason that there was no Jewish people yet. Avraham achieved yashrut because of his clinging to proper and humble character traits.

Sometimes it is specifically the bright individuals, or those who think they can play the system, who fail to take heed; all too quickly, they start down the path of neglecting their yashrut. The right paths are travelled by those who do what they know is right without questions. Rav Yitzchak Arama (Akeidat Yitzchak, Kohelet 7:29) explains that sometimes the search for intrigues and ingenuity causes a person to outsmart himself; in trying to become overly wise, one loses his hallmark innate simplicity

The Maggid of Mezritch is quoted as explaining the need to see differences in the disciples rather than the prophets themselves. Yosher is subverted when one presents himself in a way different from his true nature. Bilam pretends to be a God-fearing individual, but this is a faÃ§ade, an exterior to hide his true feelings and lack of rightness.

Likewise, a number of commentators on the verse in Kohelet call our attention to the verse's explanation for what may lead one to lose his yashrut. The Alshikh explains that this verse expresses the downfall of King Shelomo, who, though created yashar, expounded the reason of the prohibition for a king to take too many wives. Eventually, he permitted himself to marry numerous wives, explaining that the reason did not apply to him. This was an act of seeking reckonings, setting aside the Torah's wisdom, and it caused him to veer from the straight path.

The importance of yashrut is evident in a number of sources that explain that yashrut is not only a positive character trait, but the defining attribute for one who wants to act in accordance with the will of God. Rav Chayim Shmuelevitz says (Sichot Musar, p. 347), "Yashrut is the most important attribute amongst all others, and all other attributes require it. Any deviation from the path of yashrut, even in the slightest aspect, can cause death…"

Yashrut, in essence, is the attribute necessary to ensure that one's actions are true to one's inner knowledge. One who is straight and yashar does not try to outsmart the system, and therefore he is true to his inner knowledge and honest with himself. A life without yashrut is a life where knowledge is compartmentalized and completely disconnected from actions. Thus, Bilam's life is the antithesis of yashrut; his desire to die, rather than live, in the way of yesharim effectively explains the source of his downfall. In his plea, he expresses his inner knowledge of how essential and beneficial it is to be yashar, to walk the straight and narrow path without trying to outmaneuver God, but his desire to try to attain things that are not meant for him causes him to attempt to outwit God and to be left with nothing.

The Netziv's Explanation of Sefer Ha-yashar

The Netziv, in his introduction to the first volume of the Torah, explains the reason that Bereishit, the book of the Patriarchs, is called sefer ha-yashar, the book of the right. His explanation expresses the reason why yashrut is so essential, especially for interpersonal behavior. He writes:

The Book of Bereishit is called by the Prophets "sefer ha-yashar", as explained in the Talmud Avoda Zara (25a)… as of Rabbi Yochanan: "This is the book of Avraham, Yitzchak and Yaakov, who are known as yesharim, as the verse indicates, "May my soul die the death of yesharim."

One must understand, why is it that Bilam refers to our forefathers specifically with the term yesharim, and not by another reference such as tzaddikim, or chasidim? Secondly, why is this book in particular referred to with the term "yesharim"? And why is Bilam's prayer for his end to be like the death of yesharim?

The Netziv continues by providing a unique explanation for the term yesharim, based on the above-cited verse in Ha'azinu that refers to God as both tzaddik and yashar.

The matter is explained by the verse in the Song of Ha'azinu (Devarim 32:4): "The Rock! Perfect is His work … righteous and right is He." The specific praise of God as yashar is used to explain the righteousness of God's judgment in destroying the Second Temple because of "a crooked and perverted generation" (ibid. v. 5). We may explain that during the Second Temple, there were tzaddikim and chasidim, as well as those who toiled in the words of Torah; however, they were not yesharim in their dealings with others. Due to the baseless hatred in their hearts towards each other, they suspected that those who disagreed with them on religious matters were Sadducees or heretics. This brought them to bloodshed under false pretenses and many other evils until the Temple was destroyed. This is the justification for the destruction: for God is yashar and God could not tolerate tzaddikim like these. Rather, [God prefers] people who act in a way that is yashar even in worldly matters, not those who act crookedly even for the sake of Heaven; this causes the destruction of creation and the annihilation of the world's population.

In the Netziv's understanding, it is insufficient to be a tzaddik and even a chasid, even to study Torah; as the Talmud explains, the people of the generation of the Second Temple's destruction had all of these qualities. If one lacks yashrut, the direct simplicity of being straight and caring about others, then God cannot stand or tolerate these "righteous" individuals. The Patriarchs, he goes on to explain, were very different:

And this was the praise of the Patriarchs, that besides their being tzaddikim, chasidim and lovers of God in the most perfect way, they were also yesharim; that is, they conducted themselves towards others, even towards despicable idol worshippers, with love; they cared about providing for their benefit, as that keeps the world in existence. Thus, we see that our patriarch Avraham prayed for the city of Sedom, even though he hated them and their king with the utmost enmity due to their evil ways, as is clear from his statement to the king of Sedom; still, he sought their survival…

For this reason, the book of Bereishit, which delineates the actions of the Patriarchs, is known as sefer ha-yashar. Bilam, in a moment of divine inspiration, was not shocked by the evil of his ways, by his failure to be a tzaddik or chasid along the lines of Avraham, Yitzchak and Yaakov, for he was a prophet for the nations of the world. Indeed, his head was steeped in impurity…

Nevertheless, it was inappropriate for him to seek to uproot an entire nation, which is not the right way to preserve the world. This is why he cried out, "May my soul die the death of yesharim" — i.e., the ones who preserve Creation.

This yashrut allows one to truly be righteous, for when one cares about all of God's creations, about all of mankind, one acts with them accordingly. The Patriarchs serve as the model. They cared even about their enemies! How much more so must they have cherished their neighbors and friends; thus, one must desire what is good for others and follow in the Patriarchs' path.

The concluding verse in Hoshea (14:10) states:

Who is wise and will understand these things, understanding and will know them? For God's ways are yesharim; tzaddikim will walk in them and sinners will stumble over them.

The words of the Torah enable the truly righteous to follow the proper path, as long as they understand that the words of Torah are yesharim; God cannot be outsmarted or outwitted. Quite the contrary, as we saw last week, the directive to do the right and the good requires that one apply the proper set of behaviors that one knows to be right, even when the literal, legal understanding allows one to act differently.

The Rambam's View of the Tribe of Levi

What can enable one living in this world, pulled in numerous directions by various reckonings, to succeed in staying on the straight path?

As we saw in the first source from Avot, the learning of Torah is supposed to empower someone to be as yashar as he was when created; studying God's word allows one to continue improving his personality. This is actually explicitly mentioned by the Rambam when he explains the power and achievement of one who decides to dedicate his life to the study of Torah. A cursory reading of the Rambam's statement might lead one to believe that he is using mere poetic imagery; however, in the work Ora Ve-simcha, by the former head of Yeshivat Chevron in Jerusalem's Geula neighborhood, the author points out that the Rambam's imagery is built on the verse in Kohelet, among other sources.

The Rambam, in discussing the special status of the tribe of Levi (Hilkhot Shemitta Ve-yovel 13:13), asks:

Why did the tribe of Levi not receive a portion in the inheritance of the Land of Israel and in the spoils of the area like their brethren? Because they were set aside to serve God and minister unto Him and to instruct the people at large according to His just paths and righteous judgments, as it is stated (Devarim 33:10), "They will teach Your judgments to Yaakov and Your Torah to Yisrael." Therefore, they were set apart from the ways of the world…

The Rambam goes on to describe how the tribe of Levi was set aside from the other tribes due to their duty of being the teachers of Torah for the masses. "They are God's legion," as the Rambam says, and, therefore, they must be treated differently. Nevertheless, the Rambam continues, this unique status is not limited to the tribe of Levi.

However, not only the tribe of Levi, but any one of the inhabitants of the world whose spirit generously motivates him, so that his wisdom impels him to set himself aside and stand before God, to serve Him and to minister to Him and to know God, so that he walks in a yashar way, as God made him, and he removes from his neck the yoke of the many reckonings which people seek, he is sanctified as the Holy of Holies. God will be His portion and heritage forever, and He will provide what is sufficient for him in this world like He provides for the priests and the Levites…

The Rambam depicts the one who dedicates his life to the service of God as being able to walk in a yashar way, as God made him. This is a direct quote of the verse in Kohelet. As the Rambam continues, he succeeds by removing all the reckonings which can sway one from the straight path. It is the study of Torah and the model of its heroes that enables and empowers man to arise above the petty reckonings of life and behave in a yashar manner.

The Patriarchs were yesharim because their dedication to and their relationship with God enabled them to keep their eye on the target and not lose sight of their values by attempting to advance through devious reckonings. The Torah can empower us to act in the same way and joyously, as the verse describes:

God's directives are yesharim; they gladden the heart. (Tehillim 19:9)

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #20: The Jewish Imperative of Simcha

One of the most important facets of a religious existence is the element of simcha. Although, for lack of a better expression, we will translate this term as referring to happiness and joy, its true meaning, as we shall see, is much deeper.

A number of relatively familiar sources reflect the necessity of simcha in one's religious existence. The verse recited in the weekday prayers declares:

Serve God with happiness; come before him with joyous song. (Tehillim 100:2)

A statement of Rabbi Nachman of Breslov has been immortalized in the popular song "Mitzva gedola lihyot be-simcha tamid," "It is a great mitzva to be happy always":

It is a great mitzva to be happy always and to make every effort to determinedly keep depression and gloom at bay. (Likkutei Moharan II, 24)

While we must understand why simcha is so necessary and why it is a mitzva, an additional question must be asked: how does the element of simcha relate to the interpersonal realm? Is joy in spiritual endeavors a part of each individual's unique responsibility, or does the Torah expect each individual to seek out the joy of others as well?

Our investigation of this issue will reveal that the Torah explicitly places a responsibility upon each Jew to bring joy to others, especially in situations in which happiness is necessary. This is equally true for unfortunate individuals who find happiness hard to come by. However, the real novelty of the Torah's requirement of simcha is that the role of bringing joy to others is not only for the practical purposes of creating an atmosphere of joy. Clearly, laughter is contagious and one who tries to enthuse others is liable to get enthused himself, but the Jewish imperative to make others happy is based on a clear distinction. There are two types of joy: frivolity (holeilut), which one should shy away from, and holy simcha, which is an indispensable part of one's religious existence.

One's personal simcha is judged and determined by the level of one's involvement in bringing joy to others. Clearly there is a practical benefit to extending simcha, in that one who is involved in bringing joy to others has to be, at least outwardly, acting in a joyous manner. As we shall see, gladdening others is not a merely practical, utilitarian measure; it is the true yardstick for achieving an honest expression of simcha, which the Torah so heartily encourages us to achieve.

"For you did not serve Lord your God amidst happiness…"

Beyond the above-cited sources directing one to live a life of simcha, the importance of simcha in one's religious life is expressed by a verse in the middle of the lengthy Tokhacha (Rebuke) that describes the terrible calamities that will befall the Jewish people if they fail to heed the word of God in Devarim 28. While the passage begins by saying (v. 15), "And if you will not listen to the voice of Lord your God," indicating that the reason for the destruction is disobedience, the continuation of the Tokhacha seems to present a very different and even startling reason (v. 47):

For you did not serve Lord your God amidst happiness and goodness of the heart, when everything was abundant.

The simple meaning of the verse is that the Jewish people earn destruction not due to their refusal to fulfill God's laws, but due to their failure to do so with simcha.

The Rambam, towards the end of Hilkhot Teshuva (9:1), expands on this verse, explaining how serving God with simcha is a prerequisite for benefitting from the blessings God wishes to bestow upon His people; sadly, the opposite is also true: service of God which lacks simcha calls for the calamitous curses of the Tokhacha.

There are certainly practical benefits of being happy. These utilitarian aspects of simcha enable joy to be a major tool for one's spiritual service of God. In fact, Rabbi Nachman's source for the "great mitzva" is the requirement to care for one's health, based on the verse (Devarim 4:9) "Take care of yourself and guard your soul diligently." (See also Yad Rama, Sanhedrin 17b.)

Eminent physicians, too, have spoken at length about this, that all illness is the product of gloom and depression. And joy is a great healer… In the future, all sickness will be remedied through joy…

The rule is that a person has to be very determined and to put all of his strength into being nothing but happy at all times. Human nature makes one draw oneself into gloom on account of life's vicissitudes and misfortunes, and every human being is filled with suffering. Therefore, a person has to exercise great effort in forcing himself to be happy at all times and to bring himself to joy in any way he can — even with silliness. (Likkutei Moharan II, 24)

However, the tremendous punishments of the Tokhacha would be rather extreme if the only purpose of simcha were its practical, utilitarian results. The requirement of simcha seems to express a religious ideal, an ideal for which one may be held liable if one abandons it.

Religious Joy

Elsewhere, the Rambam describes the demeanor that one should have constantly, reflecting his advice to follow the Golden Mean:

One should not be overly elated and laugh, nor be sad and depressed in spirit; rather one should be same'ach (happy) at all times, with a friendly countenance. The same applies with regard to his other traits… (Hilkhot Deot 1:4)

The Rambam essentially tells us that not only is there a difference between sadness and simcha, but also between excessive lightheadedness and simcha. For the Jew to succeed in achieving the desired state of simcha, he must harness the happiness in a controlled, riveting manner.

With this in mind we can understand the Talmud's description of a unique type of joy known as simcha shel mitzva (the joy associated with a mitzva).

One should not rise to pray amidst a state of sorrow, nor amidst slothfulness, nor amidst laughter, nor amidst chatter, nor amidst lightheadedness, nor amidst idle words — but rather amidst simcha shel mitzva. (Berakhot 31a)

It is this element of simcha shel mitzva which is indispensable for a Jew who wants to rise in his spiritual awareness. The Gemara (Pesachim 117a) uses almost the exact same phrases to define the necessary state of mind for one to achieve prophecy.

The Divine Presence does not rest amidst a state of sorrow… but rather through simcha shel mitzva…

The Rambam (Hilkhot Yesodei Ha-Torah 7:3) indicates that a prophet who desired to have a vision would play music in order to reach a level of joy upon which the Shekhina could rest.

What is unique about this simcha shel mitzva? What distinguishes it from the characteristic happiness that we are so familiar with? The Rambam explains that simcha shel mitzva may only be attained through constant work.

The simcha with which a person should rejoice in the fulfillment of the mitzvot and the love of God Who commanded them is a great service. Whoever holds himself back from this rejoicing is worthy of retribution, as it is stated (Devarim 28:47), "For you did not serve Lord your God amidst happiness and goodness of the heart."

Whoever holds himself proud, giving himself honor and acting haughtily in such situations, is a sinner and a fool. Concerning this, Shelomo warned (Mishlei 28:10): "Do not seek glory before the king."

In contrast, anyone who lowers himself and thinks lightly of his person in these situations is truly a great person, one worthy of honor, who serves God out of love. Thus, David, Ling of Israel declared (II Shemuel 6:22): "I will hold myself even more lightly esteemed than this and be humble in my eyes," because there is no greatness or honor other than being happy before God, as it says (ibid. v. 16), "King David was dancing wildly and whistling before God." (Rambam, Hilkhot Lulav 8:15)

Part of this simcha, according to the Rambam, is the realization of being connected to and in the presence of God. It is this expression of joy which is holy, as well as a religious expression. It is both a tool for attaining closeness with God and distinct from mere merriment and elatedness.

In Mesillat Yesharim (ch. 19), the Ramchal describes this simcha as well.

The second main branch of love is happiness, a fundamental principle in divine service, in relation to which David exhorted us (Tehillim 100:2), "Serve God with happiness; come before him with joyous song…"

Moreover, our Sages of blessed memory have said (Shabbat 30a), "The Divine Presence comes to rest upon one only amidst simcha shel mitzva." In relation to the aforementioned verse, "Serve God with happiness," they said (Midrash Shocher Tov, ad loc.), "R. Aibu said, 'When you stand before him in prayer, let your heart rejoice that you are praying to a God without parallel.'"

This is true happiness, rejoicing that one has been privileged to serve the Blessed Master, Who has no equal, and to occupy oneself with His Torah and His mitzvot, which embody true perfection and eternal preciousness. Shelomo, in his wisdom, expressed the idea thus (Shir Ha-shirim 1:4): "Draw me on; we will run after you. The King has brought me to his chambers; we will rejoice and be happy in you." The further a person is privileged to enter into the chambers of the knowledge of the greatness of the Blessed One, the greater is his happiness, and his heart rejoices within him. …

We find that the Holy One, Blessed be He, stormed against the Jews because they omitted this element in their Divine service, as it is said (Devarim 28:47): " For you did not serve Lord your God amidst happiness and goodness of the heart, when everything was abundant."

David saw how the Jews donated towards the building of the Temple; he observed that they had already attained this trait, so he prayed that it would remain with them and not depart, as it is said (I Divrei Ha-yamim 29:17-18): "And now, Your people that are found here I have seen offering to You with joy. O Lord, God of Avraham, Yitzchak and Yisrael, our fathers, preserve this eternally for the inclination of the thoughts of the heart of Your people, and set their hearts aright with You."

Similarly, the Kuzari expresses that simcha for the Jew is as indispensable and precious as the other essential aspects of emotional connection to God, fear and love.

Our Torah, as a whole, is divided between fear, love, and happiness, by each of which one can approach God. Your contrition on a fast day brings you no closer to God than your joy on the Sabbath and holy days, if it is the outcome of a devout heart. Just as prayers demand devotion, so also is a pious mind necessary to find pleasure in God's command and law; you should be pleased with the law itself from love of the Lawgiver. You see how much He has distinguished you, as if you had been His guest invited to His festive board. You thank Him in mind and word, and if your joy leads you so far as to sing and dance, it becomes worship and a bond of union between you and the Divine Influence. Our Torah does not consider these matters optional; it lays down decisive injunctions concerning them… (Kuzari II, 50)

Bringing Simcha to Others

Understandably, if simcha is a religious ideal, as we have seen, the expression of its obligation in the interpersonal realm takes on new importance. The prominence of simcha as an interpersonal responsibility is reflected in a number of explicit obligations to bring joy to others in specific circumstances. Some of these obligations are so important that one is discharged from all other obligations while involved in gladdening these specific individuals. The explicit requirement is expressed in the Torah within a man's obligations to his wife at the beginning of their marriage. In the Talmud, we find the directive for others to bring joy to a newly married couple. In addition, God demands that we show concern for the unfortunate and bring some joy into their lives.

When a man marries a new wife, he shall not go out to the army, nor shall it obligate him for any matter; he shall be free for his home for one year, and he shall make happy (ve-simach) his wife, whom he has married. (Devarim 24:5)

The Talmud speaks of the requirement of bringing simcha to a groom in the context of partaking of his wedding feast.

And Rav Chelbo said in the name of Rav Huna: "Anyone who benefits from the banquet of the bridegroom and does not make him happy violates the spirit of the five "sounds" that are mentioned in the following verse, as it is stated (Yirmiyahu 33:11), "The sound of joy and the sound of happiness, the sound of the bridegroom and the sound of the bride, the sound of them that say, 'Give thanks to the Lord of Hosts.'"

And if he does gladden the bridegroom, what is his reward?

Rav Yehoshua Ben Levi said: He merits the Torah, which was given with five "sounds"… (Berakhot 6b)

The requirement to bring joy to the young couple is unique in that one stops his learning of Torah in order to bring joy to the bridegroom. However, through his adding joy to the wedding, the scholar is awarded with the blessing of the Torah itself. Bringing joy to those who are beginning a life of happiness together is amply rewarded by God.

Beyond the specific requirements of gladdening others at specific times in their lives, the Torah prescribes various mitzvot requiring one to care for and love the convert, the widow, and the orphan, individuals who often lack joy. However, most unique to the requirement to bring joy to others is the redefining of the individual's imperative of simcha: one does not suffice with one's own joy; one seeks to actively extend it to others. This is a reflection of the uniquely Jewish idea of simcha, as we shall see.

Interpersonal Simcha

Certainly, there is an element of following God's ways in bringing simcha to others. God actively seeks to bestow goodness upon his creations (Derekh Hashem, ch. 2) and the Torah itself is described as a bringer of joy.

God's directives are right, they gladden the heart. (Tehillim 19:9)

In Avot, the Mishna takes the element of simcha in Torah one step further by declaring that one who studies Torah in its ideal form, lishmah, for its own sake, not only brings enjoyment to himself, but to others as well.

Rabbi Meir stated: "Whoever engages in Torah study lishmah merits many things: furthermore, the creation of the entire world is worthwhile for his sake alone… He loves God and he loves mankind; he makes God happy and he makes mankind happy." (Avot 6:1)

It is here that the religious devotion directly translates into a gladdening experience, for the student of Torah and for mankind as a whole. However, the religious element of simcha takes the interpersonal obligation one step beyond.

Mattanot La-evyonim and the Joy of Being Kind like God

After understanding a number of the basic sources discussing the concept of simcha and its imperatives, one must envision the Torah's definition of simcha as not limited to personal enjoyment; quite the contrary, one lacks simcha unless one brings it to others as well. When commanding each Jew to rejoice during the festivals, The Torah (Devarim 16:14) states:

You shall be happy on your festival together with your son and your daughter, your male and your female servants, the Levite, the stranger, the orphan and the widow in your gates.

The Torah links the happiness one shares with members of one's household to one's generosity in inviting the unfortunate. The Rambam records this as the defining factor of whether one's happiness reflects simcha shel mitzva or the rejoicing of his stomach.

The rejoicing mentioned in the verse refers to sacrificial peace offerings… nevertheless, included in this charge to rejoice is that he and the members of his household should rejoice, each in a manner appropriate for him….

When a person eats and drinks (in celebration of the festivals), he should also feed strangers, orphans, and widows, as well as other poor unfortunates. When a person locks the gates of his courtyard … and does not provide food or drink to the poor and miserable, his happiness is not the happiness associated with a mitzva, but the happiness of his gut… Such happiness is a disgrace, as it is stated (Malakhi 2:3) "I will spread dung on your faces, the dung of your feasts." (Hilkhot Yom Tov 6:17-18)

Similarly, in Hilkhot Chagiga (2:14) the Rambam states:

If one partakes of sacrifices and does not bring joy to the together with him, to him are applied the words of censure (Hoshea 9:4) "For them, their sacrifices will be like the bread of those aggrieved; all who partake of it become impure…"

Whoever forsakes a Levite, refrains from bringing him joy, or delays giving him the tithes during the festivals violates a negative commandment, as it is stated (Devarim 12:19): "Beware lest you abandon the Levite."

Joy is essential for the Jew, but not the mere utilitarian state of happiness; rather, it is the religious ideal which is central, and this requires providing for others. The Rambam expresses practical ramifications of this. When faced with the dilemma of whether to focus one's energy for the Purim holiday on the elaborate festive meal, on the mishloach manot (portions of food for friends) or on the unique obligation of mattanot la-evyonim (gifts for the indigent), the Rambam issues a surprising ruling:

It is preferable for a person to be more liberal with his donations to the poor than to be lavish in his feast or in sending portions to his friends. Indeed, there is no greater and more splendid happiness than to gladden the hearts of the poor, the orphans, the widows and the strangers.

One who brings happiness to the hearts of these unfortunate individuals resembles the Divine Presence, of which it is stated (Yeshayahu 57:15): "To revive the spirit of the lowly and to revive those with broken hearts." (Hilkhot Megilla 2:17)

The Rambam's reasoning is clear. With all the importance of the other mitzvot of Purim (which clearly are not to be neglected), the acts which should bring one the most joy are not the acts of drinking or dining or even sharing food with one's friends, but rather the act of bringing joy to the unfortunate. That is what makes man like God! It requires reframing our understanding, but the message is truly powerful. This is simcha shel mitzva, the uniquely Jewish imperative of holy joy.

Grabbing the Gloomy and Bringing Them to the Circle of Joy

One of the most influential advocates of the importance of simcha is Rabbi Nachman of Breslov. Throughout his works, he extols the importance of simcha and the many virtues that it has to offer. Near the end of his masterwork, Likkutei Moharan, he explains:

Here is an analogy: sometimes, when people are happy and dance, they grab someone outside the circle who is depressed and gloomy. Against his will, they bring him into the circle of dancers; against his will, they force him to be happy along with them.

Rabbi Nachman continues that this is the essential power of simcha. Happiness has the ability to wipe away one's gloom and sadness and immediately elevate an individual to a much cheerier dimension. He explains that the ultimate act of serving God through simcha is to actually embrace that transformation.

Yet greater still is to gather courage to actually pursue gloom and to introduce it into the joy, such that the gloom itself turns into joy… It is like a person who comes to a celebration where the abundant joy and happiness there transforms all his worries, depression and gloom into joy. Thus, he grabs the gloom and introduces it against its will into the celebration, as in the aforementioned analogy.

This is the meaning of "They will attain happiness and joy, as sadness and sighing flee" (Yeshayahu 35:10). The sadness and sighing run from joy… Happiness and joy will catch up with and seize sadness and sighing as they flee and run from celebration, in order to introduce them, against their will, into jubilation.

While Rabbi Nachman speaks of introducing the sad individual to the circle of joy only as an analogy for his beautiful idea of transforming gloom to elation, one might take the idea one step further (and there are certainly ample reasons to assume that this was Rabbi Nachman's intention). One who seeks real joy cannot only focus on his own gloom; he must actively seek out those who are destitute and unfortunate, who cannot find a reason to be joyous and are therefore wallowing in feelings of depression. The one who really wants to be same'ach must bring these individuals into the circle, supply their needs and help fill their joy. If one focuses not only on his individual needs of joy but on the happiness of others, he grasps simcha shel mitzva. This is the heart of the mitzva of being joyous.

It is truly difficult to maintain a feeling of simcha constantly, and understandably one may feel sadness at different times. However, striving to attain the Jewish concept of simcha may simultaneously help one achieve that joy. By learning to enjoy giving to others, by helping the unfortunate — inviting them to our meals, caring for them and providing for their needs — we will hopefully begin to appreciate that which we have. Simultaneously, learning that our joy is linked to the gladness of others allows us to take a step towards embracing the unique experience of simcha shel mitzva.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #21: "Kedoshim Tihyu" – The Holiness of Interpersonal Perfection

"Kedoshim Tihyu"

Many of the explicit legal directives regarding interpersonal behavior, from positive commandments such as loving one's neighbor to negative commandments such as the prohibition of taking revenge, appear in Chapter 19 of Vayikra, the first half of Parashat Kedoshim, although we do find ritual mitzvot interspersed with the social ones. Parashat Kedoshim begins with a very general and at the same time enigmatic opener, which seems to present a common theme for the various mitzvot mentioned there. The introductory verses state:

God spoke to Moshe, saying: "Speak to the entire assembly of the Israelites and say to them, 'You shall be holy (kedoshim tihyu), for holy am I, Lord your God.'" (Vayikra 19:1-2)

Rashi (ad loc.) quotes the Sifra, noting that the Torah speaks here to "the entire assembly of the Israelites" because of the importance of this section:

This teaches that this chapter was delivered in full assembly (i.e. in the presence of all of Israel). Why was this so? This is because a majority of the Torah's essential laws are contained therein.

Rashi's comment is rather intriguing, especially after a perusal of the various mitzvot introduced by this statement. The chapter seems to discuss assorted commandments, with a large concentration of interpersonal directives. There seems to be no clear connection or order; therefore, one may wonder: what makes this section so special? Secondly, what is the intended meaning of holiness and the directive to be "kedoshim"?

Throughout Tanakh, the term kadosh (the singular of kedoshim) has many diverse intentions; at times, it refers to bodily cleanliness, purification, abstaining, separating, etc. In general, kedusha (holiness) is associated with a specific act; however, in this introductory verse at the beginning of Kedoshim, the directive "You shall be holy" seems to stand alone. What does it mean?

One who studies these verses is liable to get the feeling that gathering the entire assembly to teach them the section of the Torah dealing with so many essential laws serves to express a major underlying concept of Judaism. "Kedoshim tihyu" does not specifically refer to a unique act of kedusha; it directs each Jew to a comprehensive life of kedusha. The question that then arises is the following: what does such a life entail, and how do the various mitzvot which are introduced with this imperative of "Kedoshim tihyu" lend to that kedusha?

In fact, various commentators, differing on the specifics but presenting the same general theme, understand this verse as expressing a fundamental tenet of Jewish life.

The Rambam understands it as a general principle to keep the entire Torah; consequently, he rules that it is not an individual mitzva, but rather a universal commandment, "a general exhortation to keep all the commandments of the Torah and to be holy by complying with its precepts and restrictions" (Rambam, Sefer Ha-mitzvot, Shoresh 4).

Rashi, based on the Sifra, explains that this verse is not introducing Chapter 19, but rather summarizing Chapter 18, which deals with the forbidden sexual relationships. The holiness which the verse describes is "abstaining from forbidden relations and from sin."

Other commentators accept Rashi's application of holiness to the self-control necessary for refraining from sensual gratification, but they explain that this is to be viewed more as symptomatic of the general overall quality of holiness that should be a mark of every Jew's personality. Notably among the various commentators, the Ramban explains that this directive has far-reaching ramifications and is meant to ensure that the spirit of the Torah's laws is to be maintained even when legal loopholes exist.

The Ramban's Stress on the Spirit of the Law

The Ramban (ad loc.) begins by citing Rashi's comment based on the Sifra, that one must be restrained in his sensual relationships. However, the Ramban notes, this actually appears in the Sifra in more general terms: "You shall be removed." He goes on to argue that the Sifra seems to indicate that to be holy, it is insufficient to merely separate oneself from forbidden relationships; one must exhibit overall abstemiousness, so as not to "become a degenerate with the sanction of the Torah."

The idea of this commandment is that the Torah proscribes the forbidden sexual relationships and the forbidden foods, but it permits correspondingly the cohabitation of a man with his wife and the consumption of meat and wine. Accordingly, the sensual man could find room within the law to be steeped in the carnality of his wife or his many wives, to guzzle wine and to gorge himself on meat and to speak as he pleases all vile things, for these things are not explicitly prohibited in the Torah. But if so, he will become a degenerate with the sanction of the Torah. Therefore, this verse, "You shall be holy," comes after the Torah details the forbidden relationships; it commands in a general statement that we shall be removed from the excesses of permissible acts.

The Ramban seems to indicate that this admonition, "Kedoshim tihyu," implies that beyond the explicit norms, there is a wealth of unwritten requirements, in order to ensure that one lives a life of holiness. He continues:

Hence the specified total prohibitions are followed by a general exhortation of restraint, even in things permitted: limiting intercourse… to the fulfillment of the precept of reproduction; refraining from excessive wine-drinking — indeed the nazirite is called "holy" by the Torah — and pondering the ills of drunkenness, as exemplified by the stories of Noach and Lot… One must also shun gluttony and unseemly talk, as the verse states, "And every mouth speaks obscenity" (Yeshayahu 9:16), in order to attain purity…

The Ramban concludes his remarks on this verse by indicating that this is not the only place in the Torah where, after mentioning a series of laws, the Torah issues a general statement to ensure that not only the letter of the law is fulfilled, but the spirit as well. One example he brings is Devarim 6:18, the requirement to do the right and the good.

We have seen in previous lessons how this verse directs one to ensure that all of his interpersonal actions maintain the spirit of God's desire for upright behavior. Evidently, the requirement of "Kedoshim tihyu" reflects one's responsibility to maintain the spirit of ritual laws and mitzvot bein adam le-atzmo, laws between man and himself. In order for an individual to maintain control over his desires and to succeed in his ritual requirements, he must develop a sanctified personality. It is this personality that will enable him to regulate his behavior and not to be tempted to ignore the spirit while maintaining the letter of the law. This is how the Ramban interprets the dictum (Yevamot 20a) "Sanctify yourself by that which is permitted to you."

The Ramban explains that man can develop a sanctified personality by modeling his character after God's holiness. Sanctity is restricted to those who use the physical world but are not owned by it. The world has purpose that the Torah allows one to unlock, but only if the spirit of its teaching is maintained.

Inculcating a Holy Character

With the Ramban's comments in mind, it is not surprising that a number of commentators introduce another element to the imperative of "Kedoshim tihyu" which is very pertinent to the interpersonal realm. In fact, both the Rambam and the Ramban cite "Kedoshim tihyu" as an imperative in line with the all-important directive (Devarim 28:9) of following the ways of God (see lesson #06). Indeed, this idea already appears in Midrashic sources, and it is the simple explanation of the verse: one must be holy, for God is holy.

The Rishonim list kedusha as one of God's attributes that man must emulate in God: "Just as I am holy, so too you should be holy." A number of Midrashic sources even refer to "Kedoshim tihyu" as an explicit requirement to emulate God's holiness, similar to the general directive to walk in the ways of God (see Moreh Ha-nvukhim I, 54, Schwartz edition, fn. 35).

In one chapter in his Moreh Ha-nvukhim, the Rambam seems to understand "Kedoshim tihyu" as the basis for the directive to walk in the way of God and to emulate God's mercy and compassion.

For the chief aim of man should be to make himself, as far as possible, similar to God: that is to say, to make his acts similar to the acts of God, or as our Sages (Shabbat 133b) expressed it in explaining the verse "Kedoshim tihyu": just as He is gracious, so be you also gracious; just as He is merciful, so be you also merciful. (Moreh Ha-nvukhim I, 54)

The Rambam seems to view walking in the ways of God and being holy like Him as expressing two sides of the same coin. The ways of God are inherently ideal, and modeling ourselves after Him serves to sanctify ourselves and our actions.

This idea may appear in the Ramban's writings as well. In his Iggeret Ha-Kodesh, "Kedoshim tihyu" is used as a directive to be a shining example for the nations of the world.

It is known that servants act based upon the way they observe their masters, and He, our master, is kadosh with an incomparable holiness. As our Sages z"l explained on the verse, "And you will follow His ways" — just as He is holy, so should you be holy; just as He is compassionate, so should you be compassionate (Sifrei Ekev 49). Thus, all the Jewish people's actions are modeled after the unification of God's names, and therefore, they model their actions after God's, as it says (Vayikra 11:44) "And you shall sanctify yourselves, and you will be Holy, for I, God, am holy."

Since all our actions are similar to the actions of God, it turns out that any time we do the right and the good, we sanctify His great name as it says (Devarim 4:8) "And which is a great nation that has righteous decrees and precepts, such as this entire Torah that I place before you today?" for through them we model ourselves after God. Conversely, if we do not act properly, we defile the name of God, as expressed in Yoma 86a…

Here the Ramban turns our attention to the fact that following the laws of the Torah, and walking in the ways of God are the means to achieving a life of holiness. Because this holiness is Godly, it will be apparent to all, and the nations of the world will be able to observe our actions, observe a unique sublimity, and thereby notice a unique Godly connection.

Man's holiness involves inculcating God's attributes through following His will, a process through which man's character is purified. The Chinnukh (Mitzva 611) explains the rationale of what he entitles "The Precept to Emulate the Right and Good Ways of Blessed God" in a similar vein.

Our Sages of blessed memory have said, "Just as He is called 'merciful,' so should you be merciful; just as He is called 'gracious,' so should you be gracious; just as He is called 'righteous,' so should you be righteous;" just as He is called "holy," so should you be holy. The theme here is entirely to convey that we should educate our spirit to behave with good actions such as these and the noble qualities by which He, Blessed be He, is described by way of metaphor, to signify that He relates toward His human beings with these good characteristics…

The Chinnukh goes on to explain that though we cannot achieve his tremendously exalted status, we can attempt to inculcate within ourselves the holy traits that express our understanding of God's pure actions.

"Kedoshim Tihyu" in the Interpersonal Realm:

"Kedoshim tihyu" does not only require developing a holy character. As we may see in this line as well as the directives that follow, the Torah focuses our understanding on the realms wherein the holiness imperative is most apparent. As we noted above, the directive "Kedoshim tihyu" introduces numerous laws, many of them interpersonal requirements.

Rav S. R. Hirsch (Vayikra 19:1) analyzes the order of the portions and laws, explaining how Parashat Kedoshim relates to the preceding portion, Parashat Acharei Mot:

Parashat Kedoshim follows the chapter on sexual immorality, and it outlines, in succinct principles, the character of a holy Jewish life. These are the principles of the mishpatim of a society built on the basis of God's justice… This is why the chapter begins with honoring one's parents, the cornerstone of all morality… This is also why the social commandments introduced in this chapter enjoin mandate traits of character. They train a person to be sincere and upright, brotherly and forgiving, and they base the life of the society on love of one's fellow.

These virtues cannot be enforced by state power. Failure to practice them will not be penalized by any human court. Their prevalence in a society depends solely on the character of its members.

In his commentary to the next verse, Rav Hirsch goes one step further in defining the nature of the law of "Kedoshim tihyu":

The mitzva of "Kedoshim tihyu" is a command to strive for the highest degree of human moral perfection… Every person is summoned to attain the highest level…

He continues to explain how this can be achieved:

Kedusha means to be ready and willing to perform all that is good; a person cannot attain this virtue unless his whole being is so steeped in morality that the opposite of good, i.e. the inclination to evil, no longer has a place within his being…

Indeed, much work is required of anyone seeking to attain the heights of kedusha. Kedusha is attained through mastery over all of one's powers and faculties and over all the temptations and inclinations associated with them; in all things, one must be ready and willing to do God's will.

How may this be accomplished? He goes on to explain that it requires practice:

As with any other art, virtuosity in this, the highest morality, can be attained only through practice — training one's moral willpower to master the inclinations of the heart…

Rav Hirsch thereby highlights this idea of bringing kedusha into one's life through the positive effects of self-mastery and middot.

Rav Moshe Feinstein (Derash Moshe vol. I, p. 196) explains that the use of the word "kedoshim" in the interpersonal context comes to teach us that "even the commandments that deal with obligations between man and his fellow, such as honoring one's parents and refraining from theft and robbery, must be observed because they are God's command and not because they are improper, as the non-Jews understand them." He explains that the role of the mitzvot are not only to teach man how to act, but to allow him to "change his nature and his ways in order that his body and his thoughts" are transformed.

The Torah then proceeds to enumerate the mitzvot which one cannot observe unless he is holy, e.g. to understand the mitzva of fearing one's father and mother, even if he is superior to them. One must also realize that the charity due the poor is not a gift, but rightfully theirs, and if one does not give, he is robbing the poor of what is rightfully theirs. These mitzvot can be understood properly only if one is holy.

Understanding of Kedoshim Tihyu:

One cannot conclude any discussion on the topic of "Kedoshim tihyu" without making mention of Rav Shimon Shkop's fascinating introduction to his masterwork, Shaarei Yosher. Rav Shimon Shkop explains how "Kedoshim tihyu" is a fundamental tenet of the Torah's outlook on interpersonal relations. He begins by explaining that by God's creating man be-tzelem Elokim, in His image, He implanted within man the desire to do good for others. This, Rav Shimon Shkop maintains, stands at the heart of "Kedoshim tihyu".

Blessed shall be the Creator, and exalted shall be the Maker, Who created us in His image and in the likeness of His structure and planted eternal life within us, so that our greatest desire should be to do good to others, to individuals and to the masses, now and in the future, in imitation of the Creator (as it were). For everything He created and formed was according to His Will, Blessed be He, [that is] only to be good to the creations. So too His Will is that we walk in His ways, as it says "And you will follow His ways."

This means that we, the select of what He made, must constantly hold as our purpose the sanctification of our physical and spiritual powers for the good of the many, according to our abilities. In my opinion, this whole concept is included in God's mitzva "Be holy, [for I am Holy]."

He makes reference to the aforementioned explanation of the Ramban:

The Midrash (Vayikra Rabba 24:9) explains God's thoughts behind this verse: "Can you [truly] be like Me? This is why I continue, 'For I am holy,' to teach you that My Sanctity is above yours." After all, the foundation of the mitzva of sanctity, as explained in Torat Kohanim, is "'You shall be holy' — you shall be removed." The Ramban, in his commentary on the Torah, explains at length this notion of separation as alluded to in this mitzva; it is separation from excessive comfort and pleasure – even if these delectations are not prohibited to us. In one illustrative statement, he writes that it is possible for a person to "become a degenerate with the sanction of the Torah;" see his holy words there.

However, he wonders how, according to the Ramban's explanation, the Midrash can compare God's holiness to man, as they seem to be unconnected.

This explanation is incumbent upon us to understand. In truth, the holiness He expects of us bears some similarity to His, except that His Holiness is more general and inclusive. Still, if we say that the essential idea of the holiness He demands of us (in this mitzva of "Kedoshim tihyu") is to distance ourselves from the permissible, how does this kind of holiness have anything to do with Him?

After asking this question, he explains the meaning of this verse somewhat differently, though still using an element of the Ramban's idea:

And so, it appears, in my limited understanding, that this mitzva includes the entire foundation and root of the purpose of our lives. All of our work and effort should constantly be sanctified by doing good for the community. We should not commit any act or movement, nor receive any benefit or enjoyment, that does not have in it some element of helping another. As understood, holiness is essentially being set apart for an honorable purpose – namely, that a person straightens his path and strives constantly to make his lifestyle dedicated to the community. Then, by anything he does, even for himself, for the health of his body and soul, he may also fulfill the mitzva of being holy, for through this he can also do good for the masses. Through the good he does for himself, he can do good for the many who rely on him. However, if he derives benefit from some kind of permissible thing that is not needed for the health of his body or soul, this benefit is in opposition to holiness. In this act, he is benefiting himself (for that moment, as it seems to him), but no one else…

Consequently, this holiness is comparable to the Holiness of the Creator, to some small degree. The actions of the Holy One in all of Creation, the fact that in each and every moment He continues to cause the universe to exist — these acts are sanctified for the good of others. So too, it is He wills that our actions be constantly sanctified for the good of the community, and not for our personal benefit.[1]

Conclusion

The mitzva "Kedoshim tihyu" is clearly a fitting directive to introduce the various requirements of interpersonal behavior. To be kadosh, one must not only master his outward behavior but also control himself; one must transform his character to a Godly level. All too often, people think that Jews who attend to their spiritual duties neglect their moral responsibilities. The sources which we quoted indicate quite the opposite. It is only one who bases his life on God's characteristics who sanctifies his life, and his ethical behavior reaches perfection as well.

In the next few weeks, before discussing particular mitzvot, we will focus on the character development that "Kedoshim tihyu" requires, the way we may shape our actions in order to live a life of holiness.

[1] However, he continues with a caveat that will be addressed in an upcoming lesson. The principle remains that one cannot be fully holy like God, so that everything one does is directed only for the good of others; at some level one must take care of one's own needs, which is not necessary for God.

…Therefore, He desires only to bestow good upon His creations, but what He wants from us is different; as Rabbi Akiva teaches us, "Your life comes first" (Bava Metzia 62a). [Our Sages] left us a hint of it when they interpret the verse "You shall love your fellow as yourself" (Vayikra 19:18) in a negative sense: "That which is hateful to you, do not do to your peers" (Shabbat 31a). In terms of obligation, it is fitting for a person to place his own good first.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #22: "Kedoshim Tihyu" II: The Role Model and Social Mindfulness

In last week's lesson, we discussed the divine imperative of "Kedoshim tihyu," "You shall be holy" (Vayikra 19:2), directing man towards a life of emulating God in all that he does. Elements of kedusha (holiness) may also be found in Judaism's relationship to the social sphere. We noted last week a couple of unique elements of the mitzva of "Kedoshim tihyu": it is addressed to the entire assembly of the Jewish people and it predicates the requirement to become kedoshim on God's being kadosh.

In order to further understand this significant mitzva, we must define the nature of kedusha. In many contexts, it seems that kedusha entails separateness (perishut), as explained by Rav Meir Twersky, in his essay, "You Shall Be Holy":

What, however, does a life of Kedusha entail? Let us approach this question etymologically. Kedusha etymologically denotes separateness (see commentary of Malbim to Vayikra 19:2). Hence, HaKadosh baruch hu who is transcendent and infinite is described as Kadosh. … Kedusha etymologically also denotes consecration, designation… Now clearly the concepts of separateness and consecration are interrelated, and, in reality, Kedusha has but one etymology. Consecration pre-supposes separateness. …

To repeat our original question: what does a life of Kedusha entail? A focused, consecrated life. But focus and consecration perforce assume separateness. Separating oneself from pursuit of pleasure, separateness from careerism, and the like. In a word, separating oneself from the mundane as an end unto itself and all forms of egotism. Such separateness facilitates and fosters consecration. Consecrating oneself - one's ambitions, energies, talents, and above all, time - to Hashem Yisborach.

Viewing kedusha as consecrated separateness can be understood as the sole drive of the Jew who wants to fulfill the directive of "Kedoshim tihyu." Thus, the Talmud (Taanit 11a) reports of the nazirite:

R. Elazar says: "He is termed holy, as it is said, 'He shall be holy, he shall let the locks of the hair of his head grow long' (Bamidbar 6:5). If this man, who denied himself wine, only is termed holy, how much more so he who denies himself the enjoyment of many things!"

If a nazirite is called "kadosh" because he separates from the world and from bodily pleasures, this, to some degree, must be the main purpose of aspiring to kedusha.

While one cannot deny the importance of separating oneself in order to achieve kedusha, a number of commentators explain certain elements of the kedusha imperative in such a way as to limit one's perishut. They state unequivocally that it is clear that when we speak of separateness, this concept is expressed in terms of mingling with others and positively expressing Jewish character in society.

A life of kedusha is a life that will bring about kiddush Ha-shem, a sanctification of God's name, in all of man's endeavors. This starts first and foremost with developing one's character, which we began to discuss in last week's lesson. "Kedoshim tihyu" requires modeling oneself after God and thereby inculcating His ways. It also includes living in society as a holy individual rather than separating from it.

A Life of Kedusha

Jewish holiness is a holiness of life. We do not view martyrdom as the goal of every child; we do not worship the shaheed. Rather, we place on a pedestal the principle "You shall live by them" (Vayikra 18:5), that one must survive by the mitzvot. As the Talmud (Sanhedrin 74a) teaches, "'You shall live by them' — not die by them." This imperative, which is only overridden under the most extreme conditions, also has a positive implication: to live through the mitzvot.

This idea of living through the mitzvot is further explored in the teachings of the Kotzker Rebbe. According to him, one must sanctify oneself within society, while realizing that one cannot be an angel. He explains the verse "And holy people you shall be for Me" (Shemot 22:30) as a directive to be "heilige mentschen," Yiddish for sanctified human beings.

The Ketav Sofer (Vayikra 19:1) spells out the meaning of being holy like God. On the one hand, God is completely separate from this world, truly holy, as He is incomprehensible in the definitive terms of our universe. Yet while God is above the world, He also fills the world, as the entire universe is full of His glory (Yeshayahu 6:3).

As Seforno notes, man is created in God's image; this allows him to create kedusha as well, by limitations and separations. The Seforno explains that all the commandments mentioned in the previous chapters, detailing the forbidden foods etc., are not goals in their own right.

He now says that the purpose of all these warnings is that [the people] be holy. This is in order that they may imitate their Creator as much as possible, as was the original intent when man was created, as it says "Let us make man in our image, after our likeness" (Bereishit 1:26)... And it is fitting that you be like Me, as much as possible, in mind and deed… (Seforno Vayikra 19:2)

The Chatam Sofer explains similarly, noting the fact that the laws here were taught during a general assembly. He explains that, as Rashi notes, "Kedoshim tihyu" involves perishut. He explains that though separation from the material world is necessary for kedusha, there is more to the story:

One should not conclude that the Torah advocates complete isolation from one's environment. On the contrary, the Torah's ideal is to interact with one's contemporaries and thereby bring them closer to Torah. As a result of being so immersed in disseminating Torah, it is entirely possible that one's own spiritual growth may suffer. Nonetheless, a truly holy person persists in transmitting Torah among the masses, regardless of the spiritual sacrifice involved… The fact that Parashat Kedoshim was said in a public assembly indicates that kedusha requires a commitment to make an impact on others.

For a Torah nation to exist, the Chatam Sofer explains, it must have a physical existence, a body, even though it is the soul which is the source of all potential. This requires a great deal of immersion into general affairs, teaching and disseminating Torah, until the nation achieves its ideal of creating a "kingdom of priests and a holy nation" (Shemot 19:6).

In the Hebrew edition of his commentary, Torat Moshe, his son, Rav Shimon Sofer, is quoted in a letter explaining that the proper model for a life of kedusha is perishut in private and a public posture that is more compatible with society's expectations of engagement with the world.

Along the lines of the recommendation found in Chovot Ha-levavot, that one should observe "mourning in private and present a happy countenance in public," the Chatam Sofer himself privately separated himself from worldly desire; internally, he shunned the physical. Nevertheless, the outside world could not detect his unique stature, for he did not advertise his inner feelings.

This fulfills the directive of being kadosh like God. God towers above the universe, but He is involved through His Providence. Similarly, we may endeavor to leave an impact on our peers while maintaining distance from the materialism of the world.

The Chatam Sofer, in his commentary on Parashat Kedoshim, further develops this idea by explaining that this lies at the heart of the distinction between the lives of Chanokh, the great-grandfather of Noach, and his descendant, our patriarch Avraham.

The life of Chanokh is a classic example of the sheer impossibility of human beings trying to emulate God by living in isolation. Chanokh, who in his own personal life attained a level of great religious devotion, was so removed from this world that we may deduce that he turned a blind eye to the many faults of his contemporaries, and eventually he left this world in the guise of an angel.

On the other hand, if we are looking for a role model of kedusha whom we can emulate, let us turn to Avraham Avinu. Despite his exalted status, he mingled with his contemporaries and had a great impact on them. It is this aspect of kedusha, concern for the spiritual welfare of others (while maintaining high personal standards), that is the essence of "Kedoshim tihyu."

Applicable to All

The verse states: "Speak to the entire assembly of the Israelites and say to them, 'You shall be holy, for holy am I, Lord your God.'" The Torah assures us that every one of us is capable of achieving kedusha "for holy am I, Lord your God." Kedusha is attainable for all; it is not restricted to the gifted or popular, but the heritage of all Jews.

The Or Ha-chayim, who interestingly enough is also referred to as "Ha-kadosh," comments that the verses imply that everyone was gathered together for the directive of "Kedoshim tihyu" because kedusha is for everyone; it exists not only in action, but in thought as well:

…This is the meaning of our verse: if you are presented with an opportunity to commit a sin and you refrain from taking advantage of that opportunity, you have fulfilled the commandment to be or to become holy. The reason God commanded Moshe to tell this commandment directly to the whole congregation of Israel was to inform them directly of this and to show them how easy it was to be counted amongst the people described as holy.

The Chatam Sofer says similarly that kedusha applies equally to men and women; there are different approaches, but the same message of attaining a life of kedusha.

If kedusha is applicable to all, this also seems to imply that one should not have to separate himself totally from the world or from the Jewish people in order to become kadosh.

Certainly, at some points, solitude might be called for, but the pursuit of kedusha can be a public, even national activity.

This is the paradox of the Jewish people in general, who on the one hand are separated from the rest of the world, as a nation which dwells separately (Bamidbar 23:9) which nevertheless is meant to affect the world as a "light unto the nations." (Yeshayahu 42:6) Similarly, the entire tribe of Levi was separated from the rest of the Jewish people, but they were their teachers as well (Rambam, Hilkhot Shemitta Ve-yovel 13:12).

Kedusha involves separating oneself in deed from the masses, but being an active member of society, a role model. Any separation and isolation in the process is designed only to allow one to have a greater impact on society upon one's return.

Why does a Jew not have to escape the world to embrace kedusha? For the Jew, there is no sense of despair and hatred towards the world. We understand that the world created by God is very good (Bereishit 1:31), one must nevertheless learn to control the physical and not be controlled by it. Kedusha entails the ability to use the world for its holy causes. Indeed, according to Kabbalistic teachings, this allows one to reveal the divine sparks that abound in every creation.

On this issue, Judaism distinguishes itself in its directive to be holy. Holiness is not to be defined as running away from the world and the physical; holiness requires being a part of society — to allow holiness into everyday life and to uncover the holiness inherent in it.

Rav Yonatan EybeschÃ¼tz (Tiferet Yonatan, Parashat Kedoshim) writes that the directive of "Kedoshim tihyu" does not meant to withdraw from society and live as a hermit, abstaining from all worldly enterprise; on the contrary, this lesson was taught in front of the whole assembly to clarify that holiness must be in consonance with society.

The Sages denounced such behavior (abstinence). Indeed, those who worship God perfectly must in their conduct please both God and their fellow beings, rather than renouncing the accepted social and civic norms. Indeed, widespread withdrawal undermines the natural order, ruins civilizations and destroys the fabric of our nation.

This is the meaning of the rabbinic dictum (Avot 2:2): "Well-founded is the Torah in conjunction with worldly occupation." Hence, all individual abstention must accord with the capacity of the entire nation. On the other hand, any regimen restricted to the individual, which overburdens the nation as a whole, actually contradicts perfection.

Rav Joseph B. Soloveitchik zt"l explains how the halakhic expressions of kedusha teach us that even though it might seem that the easiest way to achieve holiness is by running away from an imperfect society and living in isolation, holiness is in fact only expressed in the presence of an assembly.

This principle totally denies the mystics' assumption that ecstasy is possible only in a state of absolute withdrawal. On the contrary, Judaism states that God joins with the individual only in the merit of the community which is loyal to Him and seeks Him. If man separates himself from the community, he is not worthy of cleaving to God. The prayers exalting God's holiness may not be uttered unless ten men are present- "And I will be sanctified among the children of Israel" (Vayikra 22:32). Judaism has grasped the importance and influence of the environment… ("U-vikkashtem Mi-sham," p. 89)

Kiddush Ha-shem — Leading an Exemplary Life:

This concept of being kadosh has tremendous relevance for the way an individual acts as well. The name of God is desecrated when a person who studies Torah fails to relate to other people in a fitting manner. The sanctification of His name is just the opposite: when the name of Heaven becomes beloved through man's personal example, this is kiddush Ha-shem.

As it was taught [in a beraita]: "'You shall love the Lord your God' (Devarim 6:5) — this means that the name of Heaven should become beloved through you.

"[This means that] one should read [Scripture], study [Mishna] and serve Torah scholars, and his dealings with people should be conducted in a pleasant manner. What should people say about him? "Fortunate is his father who taught him Torah; fortunate is his teacher who taught him Torah. Woe unto people who do not learn Torah. This person who learned Torah — see how pleasant are his ways, how refined are his deeds!" Regarding him Scripture says: '[God] said to me, "You are My servant, Israel, through whom I am glorified"' (Yeshayahu 49:3)." (Yoma 86a)

However, the opposite is also true. The same way one can engender kedusha, they can also desecrate the name of God by creating the impression that adherents to the Torah are immoral.

"As for one who learns [Scripture], studies [Mishna] and serves Torah scholars, but his business transactions are not conducted faithfully, and whose manner of speaking with people is not pleasant — what do people say about him? "Woe unto his father who taught him Torah; woe unto his teacher who taught him Torah. See how perverse are his deeds and how ugly are his ways!" Regarding him, Scripture says: '[They came among the nations… and they profaned My holy name] when it was said of them, "These are the people of the Lord, but they departed His land"' (Yechezkel 36:20)."

Clearly, a special obligation falls upon those who study Torah to make the name of Heaven beloved to other people; one who strives to live a life of kedusha should do so in a way that others may view positively. This idea underlies the laws regarding the dress of a Torah scholar (Hilkhot Deot, ch. 5). A Torah scholar must be presentable so that people do not view his scholarship as an impediment to socially-accepted norms of cleanliness.

However, action is obviously more important than dress, specifically in the moral realm. In order for one to have a positive impact on others, he must perfect his character and develop exemplary middot. Nevertheless, even that is insufficient; one must constantly be on guard not to allow even his permitted activity to be misinterpreted in a way that would shed negative light on the Torah. Regarding the mitzva of kiddush Ha-shem, the Rambam (Sefer Ha-mitzvot, Positive 9) writes:

The idea of this mitzva is that we are commanded to publicize this true faith and to fear no one in doing so…

The Rambam goes on to describe that this includes the willingness to give one's life in the face of a tyrant who orders a Jew to abandon his religion by worshiping idols, upon pain of death. However, in the description of the prohibition of desecrating the name of God, the Rambam is more explicit. The Rambam begins by noting that the prohibition has three parts, the third pertaining to particular individuals:

If a man known for his saintliness and uprightness does something which appears to be a transgression to the general populace — something which is unbecoming to him, though it may be [technically] permitted — he has desecrated the name [of God]… (Sefer Ha-mitzvot, Negative 63)

This is the "Kedoshim tihyu" imperative of "Sanctify yourself with what is permissible to you." If any act can be misinterpreted by others as reflecting moral deficiency, then it must be carefully avoided.

Rav Yehuda Amital (Jewish Values in a Changing World, pp. 150-151) notes that the highest form of education is the one in which the teacher is not consciously instructing, nor is the student consciously learning. We may see it as similar to the Rambam's hierarchy of charity (Hilkhot Mattenot Aniyim, ch. 10), in which the giver and recipient being unaware of each other's identities is preferable. Rav Amital explains:

Every educational institution, by its very nature, has a built-in problem: the student knows who is teaching him, and the teacher knows who he is teaching. This situation - direct education of which both sides are fully conscious - frequently arouses internal opposition on the part of the student against accepting the teacher's world outlook and moral admonitions. This situation is liable to hurt the teacher as well, who, knowing that he is serving as a role model, may conduct himself in an unnatural manner. The greatest educational impact is achieved when the teacher is unaware that he is teaching and the student is unaware that he is learning. This is the meaning of "that the name of Heaven shall become beloved through you" - that a person through his ordinary conduct should bring about a sanctification of God's name, without even being aware that he is influencing others through his behavior.

Rav Kook's Stress on Imparting the Moral Teachings of the Torah

Rav Kook stresses in his writing the importance of expressing the Moral perfection of the Torah. According to Rav Kook, the denial of God always begins with the immoral conduct of people who claim to represent the faith. He points out that those who deny God almost always begin not through criticism of God, but with criticism of the conduct of those who claim to believe in Him. It is such criticism that causes the loss of faith. Rav Kook therefore explains that the remedy for dealing with denial of God is the sanctification of His name:

There should be no place whatsoever for this fraudulent denial to spread in the world… But it comes with moral objections raised against unfit conduct seen among people of Torah and faith…

The basic cause for all the confusion, which brings evil into the world by way of evil ideas, is the sin of desecrating God's name. Corresponding to it is the great power of the sanctification of God's name, which issues forth from a Torah scholar who conducts his business dealings in a pleasant manner and speaks gently to others… For good and moral conduct, in the form of good actions and good traits practiced by righteous and God-fearing Torah scholars, constitutes the best way to remove the mistaken foundation of moral denial. (Eder Ha-yakar, p. 43)

In a similar vein, in the recently revealed work of Rav Kook, Li-nvukhei Ha-dor (ch. 3), he writes that we must look at the Torah with an understanding of the moral perfection of its teachings. By doing so, Rav Kook writes, we will succeed in understanding the Torah properly. This will enable us to live a life filled with proper devotion.

"Kedoshim tihyu" is a directive aimed at the entire congregation, because holiness is attainable by all. Though Kedusha entails separateness, and one might assume that the easiest way to achieve holiness is through isolating oneself from the world and society in general, it also mandates involvement. A real life of kedusha is one which can be appreciated by others in society. Those who have come to a greater understanding of God must act more morally than others, as they are constant ambassadors, representing prominently a life of holiness. This is the trademark of "a holy nation" which, through its distinction and separation, has the capacity to impact positively on all of mankind.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #23: Yediat Hashem — Knowing God and Purifying One's Character

The Religious Imperative of Refining One's Character

In our day and age, the term self-improvement has become part of popular culture; therefore, it is worthwhile to look back into our tradition in order to see if Judaism has unique teachings regarding ethical values. In fact, much has been written of late regarding the relatively recent phenomenon of non-Orthodox Jews dedicating time to study the works of the Musar movement in their thirst to identify a Jewish approach to ethical discipline and moral improvement.

While it is often assumed that the emphasis on working on one's character first gained importance with the founding of the Musar movement in the nineteenth century, nothing could be further from the truth. Aside from its explicit mention in the words of the Sages, the stress on character development pervades the works of many Jewish thinkers, particularly the Rambam. However, the following question remains: to what degree is character perfection a means to an end, and to what degree is character perfection a religious ideal in its own right?

The Connection between Action and Character

The Chinnukh is well-known for his position on the connection between one's mentality and his actions. In explaining the rationale of many mitzvot, he explains that outward actions affect one's thought process; thus, certain actions are needed in order to influence one's character. In his explanation of Mitzva 16, he introduces his opinion:

Know that a person is influenced in accordance with his actions. His heart and all his thoughts follow the deeds with which he occupies himself, whether good or bad. Thus, even a person who is thoroughly wicked in his heart… if he will arouse his spirit, constantly striving and occupying himself with the Torah and the mitzvot, even if not for the sake of Heaven, he will turn at once toward the good. With the power of his good deeds, he will deaden his evil impulse, for one's heart is drawn after his actions. And even if a man is essentially righteous… but he engages constantly in impure matters… then, at some point in time, he will turn from the righteousness of his heart to become completely wicked. Indeed, it is a known and true matter that every man is influenced in accordance with his actions, as we have stated.

The opinion of the Chinnukh that one's actions affect one's mindset also expresses the importance of one's character for fulfilling the deeds required of him. Yet once again, one might understand that the importance of character remains at the practical, utilitarian level. However, the Rambam seems to add another dimension.

The Dual Nature of Character Development

The Rambam is commonly considered to be an extreme rationalist, a thinker stressing study and knowledge; nevertheless, he wastes no opportunity to illustrate and elucidate the importance of tikkun ha-middot, character development . At some points, his emphasis is on the practical benefits of tikkun ha-middot, while in other places he glorifies the religious import of a wholesome personality.

In chapter 5 of Moreh Ha-nvukhim, the Rambam speaks of the importance of working on perfecting one's character before commencing any deep thinking or analysis:

We take the same position; we think that a person, when he commences to speculate, ought not to embark at once on a subject so vast and important; he should previously adapt himself to the study of the several branches of science and knowledge; he should most thoroughly refine his moral character and subdue his passions and desires, the offspring of his imagination. When, in addition, he has obtained the knowledge of the true fundamental propositions, the comprehension of the several methods of inference and proof and the capacity of guarding against fallacies, he may approach the investigation of this subject.

The Rambam here is merely explicating the essential need for proper character in order to investigate any subject. Someone who is overly lazy or lacks control of his desires will be unable to focus sufficiently; such a person will not arrive at the proper conclusions from their initial investigations. His mind might even be swayed to permit something his uncontrolled desires prevent him from resisting. At other times, however, the Rambam discusses the religious imperative of cultivating a refined character. The Rambam is aware that one might take this idea for granted, so when mentioning the need of teshuva (repentance) for character flaws, he directs his teaching to those who might disagree:

You ought not say that repentance applies only to sins which entail action, such as fornication, robbery, and theft. Rather, just as a person needs to repent for these, so too he needs to probe which bad character traits he may have and to repent for them: anger, enmity, envy, frivolity, the pursuit of wealth and honor, the pursuit of foods, and the like. For all of this, a person needs to repent. In fact, these sins are more complex than those which entail action, for when a person becomes immersed in these, it is very difficult to part from them. Thus, the verse (Yeshayahu 55:7) says, "Let the evil person forsake his path, and the iniquitous person his thoughts." (Hilkhot Teshuva 7:3)

The Rambam's call to teshuva not only for sins "which entail action" but also for "bad character traits" expresses his conviction that one's poor character is not just a cause of failure in other aspects of spiritual life; it is a religious failure in its own right. (See "A Pure Heart: Refining Character and Balancing Values" in HaRav Aharon Lichtenstein's By His Light.)

The Avodat Ha-melekh notes that the Rambam expresses similar sentiments elsewhere. In Hilkhot De'ot 6:7 the Rambam writes that one is obligated to give reproof not only to one who sins, but even to one who is "pursuing a path which is not good." The Avodat Ha-melekh understands this to mean that the Rambam is applying the obligation of rebuking a sinner to one who exhibits negative character traits; even actions which are not explicitly prohibited, but which reflect a deficient character, are spiritually corrosive and therefore sinful.

Knowing God, the Source of Character Refinement

The following question remains: what is the source of the obligation of character development? Is it merely an aspect of "walking in the ways of God" and "being holy," or is there some particular obligation regarding perfecting one's character? Indeed, this may lead us to another question: how distinct is the Jewish doctrine of morality? Can one learn how to act properly from teachings which are not Torah-based? The more we view ethical teachings as a means to an end, the more the lessons should be universal. On the other hand, the more we see character development as a uniquely Jewish religious doctrine, the more we should expect to find distinctions within Jewish sources.

While we will only deal with the tip of the iceberg, by identifying the biblical source for character development, we will see that Judaism has a unique moral message regarding personal improvement and character development. The Jewish system, built around hilkhot bein adam le-chavero, recognizes the practical benefits of a sterling character. However, it often presents character development as a religious imperative, one which reason seems to indicate is unique to Jewish tradition.

We will begin with the fascinating words of the Chazon Ish; he notes that the interpersonal directives in the Torah are not additions to the ritual laws, but rather part and parcel of the Jew's religious personality.

There is a notion that the perfection of one's traits relates to the mitzvot between man and man, and the obligation to fear Hashem relates to the mitzvot between man and his Creator. Stemming from this is the idea that there are people who have perfected their observance of mitzvot relating to man's personal relationship with his Creator but are lacking the correction of their traits; they are thus wanting in their relationship with other people.

However, anyone who looks deeply into this notion cannot harbor such an idea. For truly, he whose traits are as they were when he was created, unchanged by morality and added knowledge, so that he is in the grip of his evil inclination instead of the other way around, cannot possibly have achieved perfection in mitzvot between man and his Creator. If he seems to be observing them somewhat, that is only because he does not confront any of his bad traits while doing them. When he does meet up with their resistance, his fear of God will not be strong enough to withstand it … In other words, this man is rotten to the core, for it is his evil inclination that rules: all his mitzva observance stems from habit, as it fits in with his sense of honor, his desires and the natural flow of his life. But just try to insult him, and his behavior will undergo a complete transformation. (Chazon Ish, Emuna U-vitachon, ch. 3)

The Rambam's Source for Character Development

If we analyze the Rambam's teachings on character development, we may clearly see his understanding of its religious nature. The Rambam begins his magnum opus, Mishneh Torah, with the mitzva of knowing God, yediat Hashem. This mitzva is often known as the mitzva of emuna, commonly translated as faith in God. The Rambam, however, (at least in Mishneh Torah) refers to the mitzva as yedia, actual knowledge of God. Even the word "yedia" must be clarified. Although it refers to intellectual knowledge, it also carries with it the biblical connotation of "intense connection," as in: "And Adam knew (vayeda) again his wife, and she bore a son" (Bereishit 4:25). The Rambam's mitzva of knowing God requires understanding that leads to a feeling of an intimate connection with God.

This idea continues to express itself throughout the Rambam's first book of Mishneh Torah, understandably called Sefer Ha-madda, the Book of Knowledge. The second unit of the book is Hilkhot De'ot. "De'ot" (singular: de'a) is clearly culled from the same root as madda and yedia, but its translation is a little sticky. A careful reading of the unit indicates that the term de'a has different connotations at different points, but the unit clearly begins by discussing man's character traits. The Rambam opens Hilkhot De'ot as follows:

Each and every man possesses many character traits. Each trait is very different and distant from the others… (Hilkhot De'ot 1:1)

The Rambam's use of the term de'a in terms of character traits is only the first clue to his opinion of the connection between knowledge of God and character perfection.

In 3:2, he vividly expresses his conception of how knowledge of God should be the guiding force in man's life:

A person should direct his heart and the totality of his behavior to one goal, becoming aware of God, Blessed be He. The [way] he rests, rises, and speaks should all be directed to this end. Thus, whoever walks in such a path all his days will be serving God constantly, even in the midst of his business dealings, even during intercourse; for his intent in all matters is to fulfill his needs so that his body will be whole to serve God… Concerning this matter, our Sages have directed us and said: "All your deeds should be for the sake of Heaven." This is what Shelomo declared in his wisdom: "Know Him in all your ways, and He will straighten your paths" (Mishlei 3:6).

The Rambam then goes on to develop, in the fourth chapter, the regimen for one to maintain a healthy body. However, this statement of the importance of yediat Hashem appears at the end of two chapters devoted to maintaining a healthy character. Careful reading of these chapters indicates that the basis of character perfection is in fact knowledge of God. He begins (2:1):

To those who are physically sick, the bitter tastes sweet and the sweet bitter. Some of the sick even desire and crave that which is not fit to eat, such as earth and charcoal, and hate healthful foods, such as bread and meat. It all depends on how serious the sickness is.

Similarly, those who are morally ill desire and love bad traits, hate the good path and are too lazy to follow it. Depending on how sick they are, they find it exceedingly burdensome.

The Rambam then discusses the remedy for the morally ill:

They should go to the wise, who are the healers of the souls. [The wise] will heal them by teaching them [how to acquire proper] traits, until [the wise] return them to the good path. Concerning those who recognize their bad traits and do not go to the wise to heal them, Shelomo says (Mishlei 1:7): "Fools scorn wisdom and correction."

This comes after the Rambam's explanation of derekh Hashem, the fulfillment of "following His ways", in the first chapter. Because God is described in Tanakh in terms that enable us to understand the desired behavior, we may know the proper way to act. Essentially, if one thinks about it, the mitzva of character-building entails studying God's way of dealing with the world and modeling oneself after Him. In other words, the mitzva of yediat Hashem, knowing God, translates itself into an obligation to learn God's system, the desired character traits, and to model one's behavior upon them.

The implications of the Rambam's opinion are tremendous. After all, the Rambam seems to say that the ultimate refinement of character is not based upon the results of one's actions, but rather based upon God's system, revealed to those who know Him. Many have attacked the Rambam's stress on the intellectual aspects of our tradition, but the depth of the Rambam's opinion becomes apparently only when one understands his view of the connectedness of man's mindset, character and inner world. Knowledge is of utmost importance, but only so long as it moves its possessor toward a state of Godly conduct in this world.

The Four Perfections

Just as the Rambam begins Mishneh Torah with the importance of knowing God, he concludes it with the same idea. The Rambam ends the final unit, Hilkhot Melakhim, with his view that the Messianic era will be a wondrous time during which mankind will be able to focus solely on knowing God. However, it is specifically his conclusion to Moreh Ha-nvukhim, the book directed to the confused intellectual, which reveals how much the knowledge of God is connected to the personality of man.

In the final chapter of Moreh Ha-nvukhim, the Rambam is discussing chokhma, wisdom. He writes that there are four main areas of perfection that people attempt to achieve. The Rambam delineates these types of perfection, then goes on to explain why the first three cannot be man's aim: their sublimity is not inherent, but rather ancillary to their unique identity. The Rambam writes:

The ancient and the modem philosophers have shown that man can acquire four kinds of perfection. The first kind, the lowest in the acquisition of which people spend their days, is perfection as regards property; the possession of money, garments, furniture, servants, land, and the like. The possession of the title of a great king belongs to this class. …

The second kind is more closely connected with man himself than the first. It includes the perfection of the shape, constitution, and form of man's body; the utmost evenness of temperaments; and the proper order and strength of his limbs. This kind of perfection must likewise be excluded from forming our chief aim, because it is the perfection of the body, and man does not possess it as man, but as a living being… (Moreh Ha-nvukhim III, 54)

The third type of perfection the Rambam delineates is perfection of moral behavior. Interestingly enough, the Rambam writes that this cannot be man's true aim because it only reflects actions when in the presence of others; it is not inherent to man's being.

The third kind of perfection is more closely connected with man himself than the second perfection. It includes moral perfection, the highest degree of excellence in man's character. Most of the precepts aim at producing this perfection, but even this kind is only a preparation for another type of perfection, and it is not sought for its own sake. For all moral principles concern the relation of man to his neighbor; the perfection of man's moral principles is, as it were, given to man for the benefit of mankind. Imagine a person being alone and having no connection whatsoever with any other person: all his good moral principles are at rest; they are not required, so they give man no perfection whatsoever. These principles are only necessary and useful when man comes in contact with others.

As the Rambam writes, moral perfection does not seem to be the chief goal. Explaining the fourth type of perfection, he gives the crown to it: perfection in the knowledge of God, which is integral to man's essence.

The fourth kind of perfection is the true perfection of man: the possession of the highest, intellectual faculties, the possession of such notions which lead to true metaphysical opinions as regards God. With this perfection, man obtains his final object; it gives him true human perfection: it remains his alone, it gives him immortality, and on its account, he is called man. Examining the first three kinds of perfection, you will find that, if you possess them, they are not your property, but the property of others; according to the ordinary view, indeed, they belong to you and to others. However, the last kind of perfection is exclusively yours; no one else owns any part of it…

The prophets have likewise explained to us these things, and they have expressed the same opinion on them as the philosophers. They say distinctly that perfection in property, in health or in character is not a sought-after quality worthy of pride and glory for us: the knowledge of God — i.e., true wisdom — is the only perfection which we should seek and in which we should glory. Yirmeyahu, referring to these four kinds of perfection, says (9:22-23): "Thus says God: 'Let not the wise man glory in his wisdom, neither let the mighty man glory in his might; let not the rich man glory in his riches. But let him that glories glory in this — that he understands and knows Me, that I am God, who exercises mercy, justice and righteousness on earth; for in these things I delight,' says God."

The Rambam, however, continues and adds a twist. Though he states in his explanation of the third perfection that moral character is not the ultimate goal, here he writes that knowledge which fails to express itself in one's character is pointless:

Having stated the sublime ideas contained in that Scriptural passage and quoted the explanation of our Sages, we will now explore what the remainder of that passage teaches us. The prophet does not content himself with explaining that the knowledge of God is the highest kind of perfection; for if this had been his sole intention, he would have said, "'But let him that glories glory in this — that he understands and knows Me,'" and would have stopped there. Alternatively, he would have said, "that he understands and knows me that I am One," or "that I have not any likeness," or "that there is none like me," or a similar phrase. He says, however, that man can only glory in the knowledge of God and in the knowledge of His ways and attributes, which are His actions… This is expressed in the words, "'That I am God, who exercises mercy, justice and righteousness on earth.'"

The prophet thus, in conclusion, says, "'For in these things I delight,' says God." This indicates that the object is for man to practice "mercy, justice and righteousness on earth." In a similar manner, we have shown (I, 54) that the object of the enumeration of God's Thirteen Attributes is the lesson that we should acquire similar attributes and act accordingly. The object of the above passage is therefore to declare that the perfection in which man may truly glory is attained by him when he has acquired — as far as this is possible for man — the knowledge of God, the knowledge of His Providence and of the manner in which it influences His creatures in their production and continued existence. Having acquired this knowledge he will then be determined always to seek mercy, justice and righteousness, and thus to imitate the ways of God. We have explained this many times in this treatise.

Essentially, what the Rambam declares in his concluding teaching is that real knowledge of God requires developing a unique personality, one of thoughts which are sacred, one of an inner life of depth, one of a mindset transformed by the intellect. This idea is similar to that of the Chinnukh quoted earlier. One should strive for yediat Hashem, but not only in the intellectual realm; one must extend it to the emotional realm as well.

Knowing God should lead one to develop a refined character; Godly wisdom must be constantly expressed in one's human personality. This formulation differs from the third conception of perfection, which is deficient because its morality focuses on how one deals with others only. The heightened fourth conception of perfection, that of knowing God and expressing that knowledge in one's character, is wholly unique: one's character is a reflection of one's inherently holy being, not an expression of how well one has learned to deal with others, by making friends and influencing them.

However, we now encounter a thorny problem. Here, the Rambam seems to view yediat Hashem as the basis of the religious imperative of proper character development, yet the Rambam is known to be the champion of learning proper character traits from other sources, as he indicates at the beginning of his work Eight Chapters. This anomaly will be discussed in our next lesson.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #24: The Uniqueness of Jewish Character and Ethics

Knowledge of God and Character

In last week's lesson we saw that the Rambam concludes his monumental work Moreh Ha-nvukhim by indicating that the mitzva of knowing God is the ultimate perfection, and it carries with it the need to adopt the Godly approach to morality and justice. Only one who has internalized God's attributes of mercy and His ways of dealing with mankind can truly be considered a Knower of God.

Rabbeinu Yona begins his commentary to Avot with a similar idea. In his commentary to the first mishna, he explains the first teaching of the Men of the Great Assembly:

"Be deliberate in judgment (din)" — this is directed to those individuals who arbitrate justice, that they should not decide based merely on their initial reasoning, but only after great deliberation… One who judges too quickly is a negligent individual… Therefore, one who rules on Torah law should think extensively before arriving at conclusions.

Rabbeinu Yona goes on to note that the use of the term "din" for judgment is quite significant, since this term "dinin" is often used to refer specifically to monetary and civil law, rather than to ritual and religious law.

This makes the admonition stronger for dinin than for other verdicts, for they are a great principle of the knowledge of God. As Yirmiyahu the Prophet said (9:22): "'He understands and knows Me, that I am God, who exercises mercy, justice and righteousness on earth; for in these things I delight,' says God." How can someone know God? Is it not impossible to do so? But this is the way to know Him, through judgment and justice, for God also renders such judgments. This is the meaning of the verse (ibid. 22:16): "'If one does justice to the poor and destitute, it is good; is this not knowing Me?' says God."

The judge must be precise, because adjudicating interpersonal conduct requires tremendous knowledge of God. God does justice and is good, and only adequate understanding of His ways can truly allow us to apply His moral teachings to our interpersonal issues.

Can We Learn Character from Non-Jewish Sources?

We concluded our last lesson by linking one's interpersonal development to the knowledge of God, leaving us with a question. The question relates to an interesting anomaly in the understanding of the Rambam, and it will hopefully serve to clarify for us the issue of whether there is a uniquely Jewish tradition of character development and refinement. It is the Rambam who expresses unequivocally the relationship between knowing God and perfecting one's character, yet it is the Rambam as well who seems to champion the idea of learning character from other sources.

At the start of his work Eight Chapters, his introduction to Tractate Avot, in which he begins to develop his teachings on character, he writes explicitly that many of the ideas contained in this work are culled from outside sources, even non-Jewish ones:

It is important to know, though, that I did not originate the ideas expressed or the explanations offered either in these chapters or in my commentary. Rather, they have been collected from the words of the Sages in the Midrash, the Talmud and in their other works, as well as from the words of earlier and later philosophers [Jewish and non-Jewish], and from the works of many others. Accept the truth from whoever utters it.

Once in a while, though, I will quote verbatim from a well-known work [without indicating that it is a quote]. There is nothing wrong with this, since I am not taking credit for what someone else already said, and because I hereby acknowledge [what I will be doing].

I also will not say "So-and--so said this"… because that is unnecessarily wordy. Furthermore, it might make a reader who does not accept the author reject it… Therefore, I have decided to leave out the author's name, for my aim is to help the reader and explain what is hidden away in this tractate.

The Rambam's unabashed dictum, "Accept the truth from whoever utters it" [see Rav Avraham Ben Ha-Rambam in Ma'amar Odot Derashot Chazal regarding accepting truth no matter what the source], tells us that he is not afraid to learn even issues of character development from non-Jewish sources. The Rambam continues that the only reason he will not inform the reader of the exact source is for the sake of clarity and so that the idea will not be rejected, even if the thinker is not appreciated by the reader.

Many have searched for the exact sources of the Rambam and have found that the Rambam bases much, if not most, of his explanations regarding the proper character traits and the golden mean on the works of Aristotle's Ethics and Al-Farabi's Fusul al-Madani (See Raymond L. Weiss's Maimonides' Ethics: The Encounter of Philosophic and Religious Morality, p. 23, for comparisons of the works.) At some points, the Rambam quotes extensively from these works, as he himself admits. It has been pointed out that some difficulties within the Rambam's words are understandable by looking at the sources (see Yad Le-Rambam by Rav Elchanan Samet, p. 22, footnote 23), as the Rambam is not afraid to tell us that he culled from sources he deems true.

The Rambam's message "Accept the truth from whoever utters it" would seem to be evident from a number of statements of the Sages. The Mishna (Avot 4:1) determines that: "Who is the wise one? The one who learns from every man." The simple understanding would be that everyone in the world has what to teach us (see the commentaries ad loc.). Furthermore, the Midrash seems to say explicitly that one can find wisdom in the nations, though they do not possess Torah.

If someone tells you that there is wisdom (chokhma) amongst the nations, you shall believe them, as it is written (Ovadya 1:8), "I will eradicate wise men from Edom and understanding from the mountain of Esav." However, if someone tells you that there is Torah amongst the nations, you shall not believe him, as it says (Eikha 2:9): "Her king and her officers are amongst the nations; there is no Torah." (Midrash Rabba Eikha 2:12)

The appreciation of the wisdom of non-Jewish scholars is further expressed by the blessing recited upon seeing a non-Jewish scholar (OC 224:6), "Blessed… Who has given of His wisdom to flesh and blood." (See Teshuvot Ve-hanhagot 4:197 and Meshaneh Halakhot 7:116 regarding public praise of non-Jewish knowledge).

However, the same Midrashic source cited above recognizing the nations' wisdom states that "Torah" cannot be found among the nations. If the source of personal conduct were doing that which the wise say is beneficial, one can imagine accepting guidance from the nations of the world; but if the definition of moral and ethical behavior is that which is Godly, then the source should be restricted to those who are in touch with the Godly ideals. This idea may be expressed efficiently by the verse in Tehillim (147:20): "He did not do so for any nation; they know not such precepts."

How can the Rambam seemingly play both sides? How can he express refining one's character as an aspect of religious worship and the knowledge of God, yet derive it from non-Jewish sources? Essentially, the bottom line question remains: is character development chokhma or Torah?

The Chazon Ish on Non-Halakhic Moral Teachings

We might contend that one has nothing to lose, other than the time better spent doing and studying other things, by learning the wisdom of outside experts on morality. However, the Chazon Ish explains otherwise. He even goes so far as to enumerate the dangers of studying ethical works, the books of musar, if they are composed by Jewish authors who are not adequately versed in the teachings of Halakha.

Some have spent their time since youth perfecting their character traits by studying books that teach people how to do so, but they have not learned the laws of judicial matters. Therefore, they have not acquired the love of justice and are more susceptible to moral illness and the perversion of justice than those simple people who have not studied the matters of Fear of God and the ways of perfecting one's traits. The evil inclination has a way of placing undue pride and firmness of opinion in the heart of the person who seeks perfection, so that such a person looks on the masses from above. He feels much superior to them, and all his actions are, in his eyes, the most generous and perfect deeds. He will be amused to think that he is being suspected of robbery — "for my deeds are always beyond the letter of the law," he thinks, "and are straight and good. The need to observe the law does not apply to me! It is meant for people who love themselves and whose deeds are imperfect and who lust for money; it is not meant for those who possess Fear of God and who have perfected themselves." Moreover, anyone who suspects him is considered by him to be showing disrespect towards Torah scholars and desecrating the honor of God. (Emuna U-vitachon, p. 82; see also p. 70)

The Chazon Ish is expressing the need to perfect one's character in a way aligned with the halakhic definitions of proper behavior. The danger of thinking one has perfected oneself without having done so, as the Chazon Ish describes, is very acute indeed. It is often the individuals who speak constantly about justice and fair play who are the greatest forces of divisiveness. The halakhot of interpersonal relations and the analyses of God's recipe for good character are both necessary for successful character refinement. Being aware of the Rambam's usage of worldly knowledge in this arena is useful: we may note the limitations of learning from outside sources as well as see the ways in which these sources may be helpful or may be harmful.

The Rambam's Selective Use of Outside Wisdom

A further look at the Rambam's culling from outside sources will reveal that some aspects of character development are in fact chokhma; like all types of wisdom, they may be gained from outside sources. At the same time, the understanding of the unique "Torah" teaching of Jewish character development requires an entirely new outlook. Independent of the question of whether it is recommended or worthwhile to view outside sources instead of focusing on the Jewish ones, analyzing the approaches of those who admittedly cull from outside sources will help enlighten us.

The Rambam accepts many of the ethical teachings of Aristotle and Al-Farabi; at the same time, he adds to and rejects others based upon Jewish sources. When one looks at the works side-by-side, one finds striking similarities between Aristotle's words and the Rambam's. Indeed, at some points, we seem to find precise word-for-word quotations of these non-Jewish sources. However, Rav Elchanan Samet (Yad La-Rambam, ch. 1) notes that what may be qualitatively minimal differences actually display a complete deviation from the foundational tenets of Aristotelian ethics. In terms of one's outward behavior, the Rambam seems to accept a lot from Aristotle. However, regarding one's inner feelings, the Rambam presents a completely different model.

Rav Samet notes that the Rambam differs from Aristotle not only regarding the ethical foundations of morality, but also regarding the purpose of refining one's character. Aristotle determines the basis of character perfection by those actions which meet society's approval, and he claims that the purpose of refining character is to bring mankind to its ultimate happiness. These theories lie at the heart of Aristotelian ethics: one must live based on the ethical principles that reflect man's virtue and will lead to happiness.

The Rambam's point of departure in studying ethics is not the pursuit of happiness but the religious ideal of "Ve-halakhta bi-drakhav," following the ways of God (Devarim 28:9, see lesson #07) as accomplished through "yediat Hashem," knowing God (see lesson #23). Therefore, the Rambam will, by definition, only accept the qualities that reflect God's system of character perfection and those that enable man to fulfill his Godly mission on Earth. The Rambam, therefore, stresses repeatedly (Hilkhot De'ot 1:5-6; Eight Chapters, end of ch. 4; Moreh Ha-nvukhim I, 54) that man must model his character after God's precedents and use all of his faculties to reach the one goal of knowing God. A flaw in one's character does not just limit one's happiness; it reflects a religious blemish, what the Rambam terms a "sickness of the soul," which will prevent one from receiving prophecy.

The Rambam's selective use of Aristotle's teachings is also reflected by his need to find sources in Jewish tradition for lessons he wants to accept. Unlike Aristotle, who arrives at his conclusions through philosophical analysis and logic, the Rambam requires Jewish sources to be the final arbiter of the veracity of his conclusions. Aristotelian ideas may express the Torah's teachings, but if they do not have a source or contradict tradition, than they cannot be accepted.

Based on these principles, the Rambam's halakhot of character development become completely different than those of Aristotle. The Rambam not only finds sources for the ideas he accepts, but he chooses to veer from Aristotle's teachings in certain instances in a way that reflects a rejection of the basic premises. Though the Rambam, like Aristotle, praises "the golden mean," also known as "the middle path," which prescribes the ideal as a balance in one's character traits, he teaches that there are exceptions to the rule.

Regarding the need for humility and distancing oneself from anger (Hilkhot De'ot 2:3), the Rambam teaches that there is no middle path; one must eradicate from oneself all vestiges of anger, and one must be completely humble. The Rambam does not merely deviate from Aristotle's requirement for balance in anger and haughtiness; he thereby departs from the fundamentals of Aristotle's outlook on life.

Rav Samet (p. 25) notes that Aristotle teaches that the ideal man, "the great soul," is full of the awareness of his greatness, giving off the impression of his greatness wherever he goes. As Aristotle writes, "The great soul is radical in the way in which he appreciates himself… for he requires for himself that which he is entitled to (because of his greatness)." Aristotle, who views perfection of character as a means to the end of achieving happiness and as a means of elevating oneself above the masses, believes that one must act with the haughtiness that is appropriate, and one has the privilege of being angry when necessary.

The Rambam, though, accepts the Torah of the Sages over the wisdom of Aristotle, and teaches that the Mishna's lesson, "One should be exceedingly humble-," (Avot 4:4) is addressed to great men as well. Ethical conduct is part and parcel of building a Godly personality and, therefore, just as one can never become God, one can never allow oneself the privilege of haughtiness. Character perfection is the product of modeling oneself after God and recognizing the constant need for continued development, never allowing oneself to bask in the glory of one's ethical achievements. It is specifically the scholars and "great souls" to whom the Rambam looks to reflect the ideals of humility and modesty, for that is the Godly ideal.

The Rambam's selective use of Aristotle, to the point of rejecting the tenets, seems to be giving us an important message. It is true that reflection and experimentation, empirical investigations and the research of non-Jewish scholars may be very helpful in providing information about behavior and feelings. This information can be very helpful in understanding and formulating the concepts that our Torah teaches us regarding proper ethical action and character development. However, the determining factor as to whether this information can and should be accepted or applied is whether it gives expression to concepts that we find in the Torah. The one studying the information must begin by asking: "Is there a verse or source to back up this point?" After further investigation, the student must determine if this knowledge fits into the Torah's outlook of proper development and fits into the halakhic guidelines of behavior.

According to the Rambam, plagiarizing Aristotle's ideas would be subjecting our outlook to the wisdom of the nations; selective acceptance, coupled with altering concepts, allows a deeper understanding of the Torah's true guidance. While outward behavior may be understood well by those who dedicate their lives to studying it, the Torah focuses on the soul of an individual. The primary objective in Judaism is not to perform actions that bring happiness outwardly or to enable achieving things with others; it is to craft one's personality. One's ethical personality must be a reflection of one's knowledge of God and walking in His ways, and this makes all the difference.

Similarly, in our study of contemporary works regarding behavior and personality, we may take the Rambam's methodology to heart. We may discover, as the Rambam suggests, that once we analyze the research based on the Torah's outlook of etiquette, the result may stay the same, but the underlying principles and attitudes may be very different. Often the actions praised by other sources express values which do not only differ from those of the Torah-based outlook; these values may in fact be entirely antithetical. Though understanding them may be somewhat beneficial, it is only when viewed through the Torah's prism that they become truly worthwhile and effective.

The Tiferet Yisrael's "Av" of Character Development

A source for this understanding may appear in the Mishnaic commentary of the Tiferet Yisrael (1782-1860). In his introduction to tractate Avot, the Tiferet Yisrael explains:

Early sources have written that this tractate is called "Avot" (fathers) because all the moral teachings cited in all of the works of Jewish scholars, as well as those of the scholars of other nations, are included in this text — if one reads it carefully. Therefore, its teachings are the avot of those things which are hinted in it...

Thus, upright thinking and character are the "fathers" that engender adherence to the Torah, through which one can purify his body and soul and fulfill his obligations to God and man.

The Tiferet Yisrael notes that the teachings of Avot act as the categories and chief principles not only of the dicta of morality expressed by our Sages, but by non-Jewish scholars as well. The nations of the world may have much to enlighten us with regarding ethical conduct, but the message is only beneficial and acceptable if it can be placed in the context of the teachings of Avot. One cannot accept blindly the ethical wisdom of the nations, though one can use their experience and wisdom amidst the lessons of the teachings of "The Father" of ethical considerations.

In his explanation of the first mishna, the Tiferet Yisrael explains why Tractate Avot begins by mentioning Moshe's receiving the Torah from Sinai:

One should not think that in order to attain the World to Come it is sufficient to work on perfecting one's soul by learning Torah and fulfilling its teachings without improving one's character. This is not true, for the punishment for faulty character traits is extremely severe [see Yevamot 21a]…

Therefore, Avot begins with the order of the transmission of Torah … to teach you that derekh eretz is also Torah, and all is from Sinai.

Furthermore, it also seems to me that it begins with the transmission of Torah, because "If there is no derekh eretz, there is no Torah…"

Rav Aharon Lichtenstein (Alon Shevut Bogrim 5 [5755]) expresses the fundamental distinction between the Jewish outlook and the modern one in a similar vein:

In the modern world, the pervading perception is that musar is a discipline that is applicable between man and his fellow man, bein adam le-chavero. Moral behavior is understood as treating ones friend morally — caring about his honor, his finances and the like. However, the Jewish perception rejects this approach completely. Anyone who has the spirit of Judaism emanating from him understands that musar is not a discipline that is applicable only between people. Rather, man is required to be honest in speech, dover emet, not because his friend will be hurt by his dishonesty, but rather because the attribute of truth unto itself is so desirable and proper. Musar is determined by standards independent of interpersonal needs. We must stick to truth for the simple reason that the "seal of God is truth." (Author's translation)

The Torah values expressed by the Tiferet Yisrael and Rav Lichtenstein are what cannot be learnt from the nations, even if we accept their wisdom pragmatically.

This understanding is also in line with the approach of Rav Tzadok Ha-kohen of Lublin. He explains the distinction between chokhma and Torah in the following way: only the latter affects one's inner soul. This is why the Torah takes precedence over the wisdom of the nations: the Torah represents God's wisdom, and it is the ultimate chokhma. (See Peri Tzaddik, Va'etchanan, no. 9; he writes about this extensively elsewhere as well. See also Maharal, Netzach Yisrael, ch. 31).

This series of shiurim is dedicated to taking that first step in understanding the Torah's unique message, empowering the writer and the readers, giving them some of the tools necessary to accept the truth from the wisdom of the world, but ONLY THE TRUTH. Indeed, as the Chazon Ish writes, "perfecting" one's character in a way incongruous with Jewish principles can be disastrous.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #25: Geneiva and Gezeila — Much More than Theft

The Importance of the Prohibitions

We have spent a number of lessons developing the philosophical backdrop for the Torah's interpersonal directives. Though many of the mitzvot may be logically deducible, the fact that God commands us to fulfill them serves a dual purpose: this not only provides a ritual basis for that which is rational, but also extends the parameters of these laws by providing guidelines that uphold the standards of kedusha (holiness) that God so desperately wants us to embrace. With this in mind, when approaching the individual interpersonal mitzvot, it is important for us to note how the Torah defines the prohibitions and requirements; it will quickly become obvious that the directives are not only meant to guide our actions, but also to shape our religious outlook. Following the example of the verses in Parashat Kedoshim, we will start by discussing the prohibition of geneiva, commonly translated as stealing.

It is not surprising that the Torah forbids geneiva. It is quite evident that it is improper, possibly immoral, for anybody to steal from somebody else. Unfortunately, there are those who baulk, both in practice and in mindset, at the proscription of stealing, to the point that the Midrash claims that the descendants of Yishmael were unwilling to accept the Torah simply because it dares to forbid geneiva (Eikha Rabba 3). Notwithstanding the detractors, it is not astonishing that the Torah prohibits geneiva; still, it is remarkable how much prominence it gives to this seemingly obvious prohibition. The Torah mentions the injunction against stealing in the Ten Commandments, "Lo tignov;" even though our Sages (Sanhedrin 86a) explain that it in fact refers to kidnapping; it is significant that the root of geneiva appears in the Decalogue.

Moreover, we also find "You shall not steal" (this time "Lo tignovu," in the plural) as the first in a long list of interpersonal directives in Parashat Kedoshim (Vayikra 19:11), where it seems to be an essential step in creating a holy people. Furthermore, only a few verses later, the prohibition seems to be restated with slightly different terminology. It is contained in a chapter that mentions numerous different forbidden actions which seem to be akin to geneiva, such as the prohibitions of cheating workers or not paying them on time. What does this mean?

The Verses and Their Message

A careful look at the sources of the prohibitions of different types of theft indicates that the Torah does much more than merely forbid stealing. As in many situations, in order to gain a clearer picture of the nature of these concepts, we must analyze the verses in context and with an open mind.

In the first chapter of Parashat Kedoshim, which famously opens with "Kedoshim tihyu," the imperative to sanctify one's life (see lessons 21and 22), we find a whole slew of interpersonal mitzvot which express the elements of kedusha in one's life.

The first interpersonal mitzva mentioned in this context is the prohibition of stealing, with the language "Lo tignovu," alongside prohibitions of falsehood. A couple of verses later we find the seemingly similar prohibition of gezeila (commonly translated as robbery) amongst the prohibitions of mistreating workers.

You shall not steal, you shall not deny falsely and you shall not lie to one another: You shall not swear falsely by My Name, thereby desecrating the name of your God; I am God. You shall not cheat your fellow and you shall not rob (lo tigzol); you shall not keep a worker's wage with you until morning: (Vayikra 19:11-13)

A careful analysis of the verses seems to invite a number of questions. For instance, what are the differences between the various prohibitions mentioned, and why are they all necessary? The first thing that the commentators comment on is the placement of the prohibitions. They wonder why they appear in Kedoshim altogether, specifically after the laws of leaving parts of the harvest to the poor. Regarding the latter issue, the Ibn Ezra comments:

"You shall not steal" follows the laws of the gifts to the poor in order to stress the gravity of the crime of stealing. If one is commanded to give to the poor from that which is his, certainly he is forbidden to rob his fellow man.

The terminology of the prohibitions is also of extreme importance. At times, the concept of theft is referred to as geneiva; at others, it is referred to as gezeila. Due to the importance of defining these terms adequately and appropriately, we will use the terms discussed in the Torah in order to portray the distinction between the two separate prohibitions.

The Talmud (Bava Kamma 79b) defines the difference between gezeila and geneiva thusly: gezeila is a public act of thievery, wherein one plucks an object out of the hands of another with his awareness. Geneiva, on the other hand, is taking from another in secrecy, by the concealment of the night or through a devised scheme. This leads to a distinction between two types of thieves, the gazlan and ganav, respectively. The Talmud then explains why a ganav is treated more severely than a gazlan, being obligated to pay double if caught red-handed.

The disciples of Rabban Yochanan ben Zakkai asked him why the Torah treats a ganav more severely than on a gazlan. He replied: "The latter equates the honor of the servant with the honor of the Master, while the former does not equate the honor of the servant with the honor of the Master."

The simple understanding of this passage is as follows: as far as the act of theft is concerned, both geneiva and gezeila are identical, but they differ in the degree of the audacity of the method chosen for this criminal endeavor. In either case, the Master (God) sees the evil that one is committing; however, the ganav compounds his error by demonstrating that he is worried about the servant (human beings) and what he may do. The gazlan, on the other hand, is simply and universally heedless. Moreover, other passages seem to indicate that the prohibition of geneiva even includes acts that do not include a loss of money for the other.

The Talmud (Bava Metzia 61a-b) deals with the Torah's list of similar restrictions, all of which forbid the taking of other people's money illegally. The Talmud asks why the Torah delineates so many distinct prohibitions rooted in not taking advantage of others monetarily, such as usury (ribbit), overcharging (onaa) and robbery.

After a lengthy discussion, the Talmud states that even though many of the prohibitions could in fact be derived from each other, some of them could not. The underlying assumption of the Talmud seems to be that all of these prohibitions are really rooted in the monetary loss caused by the perpetrator. However, the Talmud then continues and asks the same question about geneiva; why do we not derive geneiva from ribbit and onaa? The Talmud tells us that the added prohibition comes to include injunctions against acts we might never have thought to forbid.

What is the need for the injunction "Lo tignovu"? In order to teach us that one may not steal even in order to cause pain to another and that one may not steal even in order to incur a double penalty.

The Talmud introduces a new level of the prohibition of geneiva. The Torah forbids taking another's property secretly not only for nefarious, selfish ends, but even if one has no intention of causing a monetary loss. Taking another's property in order to annoy them, even with the intent to return it, is included. However, even more astoundingly, the act of geneiva is forbidden even when one knows a friend is in need of money and unwilling to take charity. A possible means of benefiting the other is to steal their possessions and to be caught red-handed; then one is obligated to pay back double the value. Though the motives are positive, we learn, the act of geneiva is not to be permitted in any way, shape or form.

What is the gravity of the prohibition of geneiva? Let us return to the uniqueness of the Torah's description of the prohibition. The commentators take note of the various different prohibitions of dishonesty mentioned in the verses prohibiting geneiva. Rashi (Vayikra 19:11) comments:

If you steal, you will come to deny the truth; then you will lie and eventually perjure yourself.

The commentator Rav Chayim Paltiel (Vayikra 19:11) takes this idea one step further, explaining the connection of the prohibition of geneiva to the previously mentioned requirements to leave part of the yield for the poor. One who fails to meet his responsibilities will enter into a life of deception and dishonesty, leading to geneiva and various lies.

Not everyone involved in geneiva begins as a thief; some evolve into it. A little act of pilfering ushers one into a world of deception that is very difficult to get out of. This is what the Torah wants us to be aware of. The warning of the Mishna in Avot (4:2), "One sin leads to another sin," is very true regarding geneiva.

Geneiva in Plural

The commentators also question why the prohibition of geneiva is stated in the plural, "Lo tignovu." Many explain that the basis of the Talmud's interpretation of stealing in order to annoy others or to pay double is in fact due to the plural language. This is indicative of an expansive prohibition, which indicates the uniqueness of this prohibition.

The commentators take note of the opinion of Ben Bag-Bag. This Tanna deals with the case of one who sees an item of his (which has been taken without his knowledge) on his neighbor's property. May he sneak (see Rashi ad loc.) into the other's yard, or is it preferable to "break his teeth," i.e. to confront and challenge him directly?

Ben Bag-Bag said: "Do not enter into your fellow's premises for the purpose of appropriating without his knowledge anything, even if it belongs to you, lest you appear to him as a thief.

You may, however, break his teeth and tell him, 'I am taking possession of what is mine.'" (Bava Kamma 27b)

Though Ben Bag-Bag's position, preferring confrontation to stealthy retrieval, is disputed, the Or Ha-chayim (Vayikra 19:11) points out that the simple understanding of the verse may come to include a prohibition of stealing back one's own property. According to the idea seen in these sources, the prohibition of geneiva has almost no exceptions. It precludes not only the result of taking another's money, but even the method, even when the money is not an issue.
This idea is expressed very clearly by the Minchat Chinnukh (Mitzva 228). He explains that the prohibition of theft is expansive because it is designed to prevent one from developing a character flaw reflected and reinforced by acts of geneiva:

From the fact that the Torah prohibits stealing as a prank and stealing one's own property, it seems clear that the Torah does not forbid all forms of theft simply to prevent one from taking that which belongs to others. Rather, it is the expression of a despicable trait that the Torah proscribes. Thus, even when one is allowed to take from another by right, doing so stealthily is prohibited… so that one will not acquire this terrible trait.

These ideas are presented by Rav Hirsch in his commentary on the Torah (Vayikra 19:11-12). He argues that the verses here are not telling one not to steal, but rather not to be involved in anything close to it; these are the social laws for a holy nation:

Had Scripture stated here "Lo tignov," these words would have addressed the individual, as in the Ten Commandments. The discussion, then, would have been of actual stealing, lying and swearing falsely. However, the prohibition against these has no relation to the chapter of holiness. A person is far from being holy if he simply refrains from stealing or swearing falsely….

Rather, the discussion here is of those types of theft, lies and false oaths that can permeate the entire business life 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 a crime, and they are even 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.

A Crime against Society and a Societal Crime

The Keli Yakar (19:11) points out that there is a textual difference between geneiva and gezeila: "You shall not steal, you shall not deny falsely and you shall not lie to one another" versus "You shall not cheat your fellow and you shall not rob." In the former case, the Torah does not speak of "your fellow," while in the latter case it does. This, the Keli Yakar explains, is because the ganav attempts to "steal from the mind of God" by acting as if God does not see, thus making him a universal offender, but the gazlan is focused only on wronging his fellow man.

One might offer another explanation: the ganav steals not only from a specific individual whom he victimizes; he also steals from society. In a society of deception, there can be no sense of security. People start to lose trust in each other.

Rav Hirsch explains the expansive plural language in a way that underscores the importance of the prohibition of geneiva, strengthening our resolve for honesty "Lo tignovu" — do not act with cunning to gain unlawful advantage. This is the essence of geneiva in the broader sense of the term… The basic character of geneiva is that of stealth and illegality. Hence, if one cunningly and unlawfully extracts the equivalent of even a penny from another and expropriates it for himself, he violates "Lo tignovu."

Our Sages in Torat Kohanim go even further in their interpretation of "Lo tignovu." Not even as a practical joke, to tease, may we take something that does not belong to us, nor even with the intention of paying double or four- or five-fold. To avoid even the appearance of geneiva, we may not even "steal" back from the thief that which belongs to us. And so we find in Choshen Mishpat (348:1) regarding stealing as a joke or just to annoy another temporarily: it is forbidden, in order to avoid becoming acquainted with robbery.

What applies to business dealings applies also to social life. An upright Jew acquires friends and earns their affection, but he does not deceive them. He does not employ deceit to fool others; he does not deceive them — through words or deeds — in order to gain undeserved gratitude.

Thus, the prohibition of stealing is not merely a negative command, but a positive command, an obligation to create a just society where stealing of any kind is not tolerated. Most of are not involved in outright theft or deception, but here and there we may not be as careful as we should be.

Rav Soloveitchik (Shiurei Ha-Rav, Sanhedrin) is quoted as explaining that many of the additional prohibitions of geneiva are forbidden even when no money is taken because geneiva represents a a cruel trait. He points to the language of the Rambam (Hilkhot Geneiva 1:2), who rules that it is forbidden to steal even when no money is actually taken from the other "so one does not become accustomed to this practice."

All of us may freely recite the text of Vidui, the alphabetical confession which unequivocally states "We have robbed." We have caused losses to others, even in little things, such as costing a driver in fuel and time by crossing illegally in front of his vehicle. Though we may not openly steal, we do have to wonder whether our practices here and there have any connection to this "cruel trait" which may infect our personalities.

It is not surprising that the Torah (Bereishit 6:11, 13) describes the iniquity of the Generation of the Flood, which leads to its destruction, as chamas, literally translated by some commentators as robbery. The Generation of the Flood was genuinely evil, but it was a society of theft that could not be tolerated by God, and the Flood was called for in order for humanity to begin anew.

Understanding that stealing is a societal ill may help us explain how the commentators state that the prohibition extends even to people who do not perform the actual act of theft. Certainly, the prohibitions apply to individuals who split the robber's take, including people who choose to shop at places that are known to cheat others or are feared to carry stolen goods. The Ibn Ezra (Vayikra 19:11) explains that the plural language comes to include even one who remains silent upon witnessing an act of stealing, as such a person is an enabler, an accessory to a crime which unravels the fabric of the culture in the community.

The fact that the crime goes beyond the property stolen is reflected in the process of teshuva, repentance, for stealing.

The Rambam (Hilkhot Teshuva 2:9-10) states that in order to repent for one's act of robbery, it is insufficient to merely return the money. One must appease the victim, until the latter is ready to forgive the perpetrator. Based on our explanation that robbery is about much more than the money, there is an inherent affront to one's fellow, an affront for which one cannot make monetary compensation. Obviously, the property must be returned, but true absolution is dependent on the act of showing one's remorse and one's resolve never to repeat such acts.

The Temptation of Gezeila

Our Sages tell us that the drive and temptation to commit thievery is both unparalleled and ubiquitous. They declared that "Most people are involved in stealing" (Bava Batra 165a). On the other hand, the Talmud tells us that the righteous take extra care of their possessions because "they will not lay their hands on stolen property" (Chullin 92a).

These statements seem to indicate that without special care, everyone is bound to violate the prohibitions of gezeila and geneiva. Only special concern for the dividing line between one's possessions and those of others will allow one to keep his hands off others' property. Understanding the aspect of holiness in the prohibitions of gezeila and geneiva will hopefully drive this point home.

Practical Applications

When one thinks about the standards of morality in the Torah's expansive prohibitions of gezeila and geneiva, one realizes that many daily halakhot have to be dealt with within the context of a heightened sense of justice and distaste for theft. The understanding of the sanctity of others' possessions is an expression of living a lofty lifestyle; it is realized in the nitty-gritty of actions related to avoiding gezeila and geneiva. Some practical applications that we might not think about may serve to bring the point home.

Halakha states that "one who borrows without permission is deemed a gazlan" (CM 292:1). Though there may be an exception to this rule regarding objects of minimal value where the general custom is not to begrudge others' use, especially when the owner is not around and is not known to be unusually restrictive regarding his property, the law is still significant.

The Shulchan Arukh Ha-Rav (Hilkhot Metzia 4) is of the opinion that even if one is thoroughly convinced that his friend would permit him to borrow his object, nevertheless, without explicit permission, it is forbidden to do so. Though it is customary to be lenient in this situation, in which one is convinced beyond a shadow of a doubt that his friend would permit his using the object, relying on the opinion of the Shakh (CM 358:1), the extreme care which we take with other people's possessions is a sign of the holy aspect we attach to interpersonal relations.

This is not the venue for an elaborate discussion of the various questions that arise in everyday life regarding the parameters of geneiva and gezeila. The Torah's placement of the prohibitions in the context of the Jewish people's mandate to "be holy" is an expression of the Torah's attitude towards other people's possessions. However, independent of the specifics regarding the property of others, part and parcel of the biblical imperative is to ensure that one does not lead a life of deception.

The character of a ganav is so abhorrent in the eyes of God that even acts of geneiva done to benefit another are prohibited. The Torah guides us to generate and cultivate not only a personality of care for others, but also a personality of truthfulness and straightforwardness.

Undisclosed motives, even for others' benefit, are not holy, and they do not reflect the prominence which the Torah assigns to the prohibition of geneiva among the interpersonal laws of holiness.

In next week's lesson, we will start to see how the Torah's plural language of "Lo tignovu" includes even geneivat daat (literally, "theft of knowledge"), which like classical geneiva, is much more expansive than we might think. We will begin with the characterization of a Torah scholar as being impeccably straightforward.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #26: True to the Heart and Tokho Ke-varo

The Goal of Character Development

In last week's lesson, we saw how the Torah's prohibitions of geneiva and gezeila are not limited to actual acts of stealing and robbery; they are aimed at ensuring that every Jew leads a life of holiness, devoid of any deception. The commentators explain how the prohibition of geneiva applies even when violated to benefit another and possibly even when to retrieve one's own object, if on done so in a deceitful, secretive manner. The verses also indicate that one little act of geneiva can lead, through the domino effect, to various other crimes of dishonesty.

What may be the clearest expression of the Torah's battle against a life of deception is the prohibition of geneivat daat, misrepresentation. An analysis of this unique form of geneiva and its sources will make it clear how far the Torah goes in educating us towards a life of honesty.

Before we can fully appreciate the particulars and specifics of the prohibitions of misleading, misrepresentation and minor forms of deception included in the prohibition of geneivat daat, it behooves us to examine the opposite side of the coin, the positive application of honesty. The prohibition of geneivat daat is the basis of a series of directives aimed at producing an upright individual, one who not only lives a life devoid of hypocritical practices, but achieves a level of integrity that creates a direct link between his actions and his feelings. Geneivat daat involves deceptive practices, while the corresponding positive directives develop the character of the Jew, helping one become honest to the core, inside and out. We will see that beyond the directives to the greater society, God puts specific demands upon the Torah scholar, who must be not only great in wisdom, but lacking in any trace of a deceptive character.

Echad Be-feh Ve-echad Be-lev:

The Talmud (Pesachim 113b) tells us that there are three individuals whom God "despises." One of these individuals is "he who says one thing with his mouth while meaning another thing in his heart (echad be-feh ve-echad be-lev)." This refers to the practice of openly expressing things that are at odds with what one honestly feels in his heart. The Talmud elsewhere (Bava Metzia 49a) entertains the possibility that there is a biblical prohibition to act in any manipulative or insincere manner, echad be-feh ve-echad be-lev. There, Rabbi Yosei be-Rabbi Yehuda expounds the verse Vayikra 19:26 to mean that "Your 'yes' must be correct and your 'no' must be correct." As Abbayei clarifies, "This means that one may not speak echad be-feh ve-echad be-lev."

In context, this passage is dealing with business practices: one who makes a verbal commitment must be sincere. However, from other sources it is clear that in all contexts, insincerity is forbidden and dangerous.

A person is not judged merely by what he or she says. Granted, the Talmud (Nedarim 28a, Kiddushin 49b-50a) tells us: "Words of the heart are insignificant," so that it is only verbally-expressed statements which are definitively binding; nevertheless, sincerity is of paramount importance. A number of early commentators stress the importance of sincerity in prayer and the tremendous dangers of disingenuously approaching God (see Rabbeinu Bachya, Kad Ha-kemach, Yichud Hashem; Shela, Shaar Ha-otiyot, Lev Tov). For this reason, it is important to clear one's mind before prayers, ensuring that the words which the individual is about to say are in line with the feelings in his heart.

The importance of genuineness is expressed in a fascinating way in Parashat Vayeshev. The Torah describes that the brothers of Yosef as so upset at Yosef that they are "unable to speak to him peacefully" (Bereishit 37:4).

The Midrash (Bereishit Rabba 84:9) comments:

R. Ahava b. Zeira said: "Through the problematic actions of the brothers you see their praise… they were unable to speak any words of peace contrary to their feelings in their hearts."

The Shela explains that the praise of the brothers lies in their unwillingness to be untruthful to their inner feelings. Though the brothers are taken to task for their inability to overcome their feelings of hostility towards Yosef, they are praised for being unable to feign love. The Shela adds that under certain circumstances, a person who bears animosity towards another might feel that honesty requires that he constantly announce his feelings of hatred for the other. However, the brothers do otherwise; they do not say anything to Yosef. This, on the one hand, shows their displeasure, but on the other hand, it allows them to avoid expressing their strong feelings openly. Having nothing nice to say, they say nothing at all.

Fear of the Insincere

Deceptive individuals are dangerous, and throughout our tradition we find how the righteous fear them; even the wicked, attuned to the danger of liars, run away from them. The Torah describes the prayer of Yaakov after hearing that his brother Esav is approaching with a force of 400 men. Yaakov beseeches God:

"Save me from my brother's hand, from Esav's hand, for I am afraid of him, lest he come and strike me." (Bereishit 32:12)

The commentators are bothered by the dual language, "me from my brother's hand, from Esav's hand." The Or Ha-chayim (ad loc.) offers an explanation that is very understandable in light of the dangers of deception.

Yaakov also had in mind that Esav might use the fact that he was his brother as a trick to attack him, feigning brotherliness, so he asked God to save him from such machinations. He also needed God's help, however, if Esav were to proclaim his hostility openly.

Often those who feign friendship can cause the most harm. Jewish history is replete with examples of "friends" who hid their enmity towards the Jewish people. The Jews let their guards down as Trojan horses entered into their otherwise protected cities, and destruction came in its wake. The danger of those who feign brotherhood may be greater than that of those who act openly like Esav.

The Talmud even details a statement of the advice which the evil king Yannai gave to his wife. The Pharisees or Perushim, as the adherents of rabbinic Judaism were then known, had a reputation for piety like Pinechas, but they also had many imitators.

"Fear neither the Pharisees nor the non-Pharisees, but the hypocrites who ape the Pharisees, because their deeds are the deeds of Zimri, but they expect a reward like Pinechas." (Sota 22b)

Insincere actions often seem to be very effective when it comes to getting things from others. Indeed, the Talmud (ibid. 22b) goes on to describe the ultimate futility of one who tries to demonstrate insincere outward piety.

Rav Nachman bar Yitzchak said: "What is hidden is hidden, and what is revealed is revealed; the Great Tribunal will exact punishment from those who wrap themselves in cloaks." (fringed with tzitzit in an insincere display of piety).

Thus, "those who wrap themselves in cloaks" fringed with tzitzit in an insincere display of piety require a special session of the Great Tribunal. For this reason, under certain conditions, it is actually a mitzva to reveal the hypocrisy of individuals who misrepresent themselves to others, as this behavior is a defamation of God's name. Furthermore, when difficult times befall an individual who is thought to be righteous and really is not, some may question God's judgments, not knowing the true, evil ways of this individual. (See Yoma 86b, Rashi ad loc.) Individuals who practice duplicity in their interpersonal dealings pose such a danger to society that, at times, their hypocrisy must be made public.

The greatest danger of deviousness is the harmful effect that this can have on the perpetrator himself. In our last lesson, we saw that an act of geneiva can lead one down a slippery slope to a life of dishonesty. Similarly, insincerity is dangerous. One who feels successful in winning friends or extending their influence over others through disingenuous means — sweet-talking and the like — begins to lose sight of the value of honesty and genuine behavior. Often, the next step is a life of complete hypocrisy. One is liable to lose touch with one's own feelings, guided by a constant desire to tell others what they want to hear in order to get one's own way. From insincere praise and deceiving others, one often continues to self-deception, a complete and total loss of character. This is character bankruptcy of the first order.

Rabbeinu Bachya expresses the dual perils of deception: the harm it can cause to others and the dangers it possesses for one's spiritual personality.

There are many people who feign friendship towards their colleagues while hiding hatred in their hearts. They make a pretense of being friends so that others will not be on guard against them. Regarding this type of person, Shelomo stated, "The hater disguises with his lips" (Mishlei 26:24)…

Such a person deceives others by making them think that he is sincere, but his words are of no benefit… (Kad Ha-kemach, Sinat Chinnam)

As Rabbeinu Bachya continues, he points out that this trait is not deleterious only when it comes to dealing with other people; it makes a genuine relationship with God impossible as well.

Whoever habitually conducts himself in this way towards his fellow man will ultimately do so towards God, as is written "And they beguiled Him with their mouths and lied to Him with their tongues" (Tehillim 78:36). The Sages, who were wise in ethics, said, "One who plants hatred reaps regret."

In future lessons, we will see that some Rishonim maintain that the prohibition of hating a fellow Jew is only violated when the hater hides his true feelings. Though ideally one should obliterate all hatred of other Jews, and one should certainly not act on it in any case, the essence of hating one's fellow lies in doing so while pretending to be his friend.

Tokho Ke-varo

The Rambam (Hilkhot De'ot 2:6) examines the phenomenon of "echad be-feh ve-echad be-lev" in the social context, along with a host of other directives from our Sages to be sincere rather than two-faced.

A person is forbidden to act in a smooth-tongued and luring manner. He should not speak one thing outwardly and think otherwise in his heart. Rather, his inner self should be like the self which he shows to the world. What he feels in his heart should be the same as the words on his lips.

It is forbidden to deceive people, even a non-Jew…

It is forbidden to utter a single word of deception or fraud. Rather, one should have truthful speech, an upright spirit and a pure heart, free from all evil and mischief.

The Rambam introduces us to this concept of tokho ke-varo (literally: "his inside is like his outside"), being true to the core, in the context of sincerity in one's dealing with others. The Rambam does not limit this directive to specific individuals; he expresses it as an instruction to all society. The source of this directive is actually a rather straightforward statement of the Talmud stating that in order to be a talmid chakham, a Torah scholar, one must exhibit this quality. In fact, as we shall see, Rabban Gamliel is of the opinion that anyone who fails to do so should not be allowed to enter the beit midrash, the study hall. Analyzing the source of this directive, the opinion of Rabban Gamliel and his detractors, will enlighten us as to the necessity of this trait; at the same time, it will provide us the way to view one who strives for this character development but has not reached this level yet.

The Talmud (Yoma 72b) teaches that the Torah alludes to the idea of "tokho ke-varo" in its instructions for the manufacture of the Aron Ha-kodesh, the Holy Ark. In Parashat Teruma, God commands Moshe to construct the Tabernacle and its furnishings, beginning with the Ark. The Ark was made from acacia wood, and both its interior and exterior were overlaid with gold. This teaches us the need for sincerity, both inner and outer.

"From within and without you shall cover it" (Shemot 25:11) — Rava said: "This teaches us that any Torah scholar whose inside is not like his outside is not a true Torah scholar."

Abbayei — others claim it was Rabba bar Ulla — said: "He is called loathsome…"

The Talmud goes on to chastise the scholar who studies Torah either without fear of Heaven or without the desire to uphold that which he learns. In fact, the continuation of the passage seems to indicate clearly that improper study of the Torah is much more harmful to the individual than not studying Torah at all, as the former can poison the student.

As we have noted, the Talmud introduces the discussion of the detrimental effects of studying Torah improperly with the metaphor of the Ark and the idea of "tokho ke-varo". The Aron, which contained the Tablets given at Sinai as well as the original Torah scroll, was not just a symbol of the Tabernacle and the Temple, but at the heart of its purpose (see Ramban, Shemot 26:33). The Aron also symbolizes the Torah scholar, who contains the Torah, so-to-speak, within his being. Just as the Aron was plated with pure gold inside and out, the Torah scholar must be pure both inside and out – tokho ke-varo. His pious exterior must reflect his true essence.

Understanding the building of the Ark is of extreme importance for appreciating the importance of the idea of tokho ke-varo. The idea of beautifying the wooden structure of the Aron with a gold-plated exterior is quite understandable, but what of the interior of a vessel never meant to be opened? As the Aron demonstrates, in order to truly bear the Torah, its message, principles and lessons, one must inculcate its teachings. One's character must have the sincerity of an unseen golden interior. The inner, hidden world is just as significant as the revealed one, and it must be beautified in the same manner. The penetrating, inner world of the scholar may then shine forth to the outside.

A number of modern commentators question a puzzling anomaly regarding the Talmud's lesson derived from the building of the Aron. If, indeed, the Aron serves as a symbol of the Torah scholar, and the two levels of gold plating represent the need for both exterior and interior piety, then why not require that the Ark be made entirely of gold? As we have mentioned, the actual substance of the Aron was wood, and it was only overlaid with gold. If, indeed, the Ark served as a symbol of purity and Godliness, why was it not made entirely from gold, thus symbolizing the need for complete and comprehensive piety?

A number of explanations have been given (see Rav David Silverberg's S.A.L.T. series on Parashat Teruma). Rav Yehuda Leib Ginsburg, in his Yalkut Yehuda, offers a particularly intriguing one. He suggests that whereas gold symbolizes pure spirituality, wood represents the basic human tendencies, the physical and material drives which all mankind experiences. The Torah scholar is not expected to consist of pure gold — complete spirituality, bereft of any human qualities. He, too, should be made of wood, the standard human instincts and drives shared by everyone else, but those qualities must be overlaid with gold: they must be channeled toward lofty, spiritual goals and pursuits. Rav Ginsburg applies this approach to the apparently pragmatic answer of the Tosafists, who explain that the ark could not have been made entirely of pure gold because the Levites, who were responsible for transporting the Mishkan and its furnishings during travel, would be unable to lift such a heavy object. Rav Ginsburg explains this in light of his approach to the symbolic meaning of the gold and wood of the ark. A Torah leader who consists entirely of gold, who has no human qualities, is too "heavy," so to speak, for others to bear. He cannot guide and lead the laymen under his charge, because his demands will be simply overbearing.

One might offer another explanation as well. If the Aron were made of pure gold, then there could be no analogy made to the Torah scholar. By definition, the scholar, beginning at a young age, is faced with many trials and tribulations. He has character flaws that need to be corrected, and time is necessary before one can purify himself like gold. Wood comes from trees.

Each tree begins as a sapling, and only after long cultivation is it capable of being strong enough to be used for a vessel. The wood is a sign of the humanity of man, and his constant growth. Money does not grow on trees but neither does gold. The gold exterior and interior reflect the high quality of those who bear the Torah, but nothing, man or Ark, can bear the Torah without a period of growth. No one can be expected to become refined inside and out overnight, but that certainly is the goal.

Rabban Gamliel's Opinion and its Detractors

With this in mind, let us take a look at the educational principle of Rabban Gamliel. Rabban Gamliel was the Nasi, the chief of the Sanhedrin, but after a series of disputes with Rabbi Yehoshua, he was replaced, at least temporarily. The Talmud (Berakhot 28a) describes the vast changes that occurred on the day that Rabbi Elazar Ben Azarya replaced Rabban Gamliel as head of the Sanhedrin and dean of its study hall:

It was taught in a beraita that on this day, they removed the guard from the door of the study hall and granted permission for all students to enter. For Rabban Gamliel had proclaimed, "Any student whose inside is not like his outside may not enter the study hall." On this day, many benches were added to the study hall [to accommodate the numerous new students]…

[Seeing all these new students,] Rabban Gamliel was dispirited. He said: "Perhaps, God forbid, I have withheld Torah from Israel," so white pitchers filled with ash were shown to him in his dream.

Rabban Gamliel had limited entry to the study hall to sincere students. The sheer amount of students who entered the hall after he was deposed led him to think: had he been wrong all this time? The Maharsha explains the "white pitchers filled with ash" thusly: just as the pitchers are beautifully white on the outside, yet on the inside contain worthless ash, so too the students appeared worthy, but they were not truly so.

The Talmud continues:

However, this was not the case; it was only to put Rabban Gamliel's mind at ease that he was shown this.

The commentators discuss the exact disagreement between Rabban Gamliel and Rabbi Elazar ben Azarya. After all, Rabban Gamliel's push for sincerity seems to be reasonable. (See commentaries to the Rambam's Hilkhot Talmud Torah 4:1)

The Iyun Yaakov (Ein Yaakov, ad loc.) explains the difference of opinion beautifully, in a way that can help us along the path to sincerity. The Iyun Yaakov offers a homiletic understanding of the entire passage in the Talmud. The background for deposing Rabban Gamliel and replacing him with Rabbi Elazar ben Azarya is an intriguing dispute that the former had with Rabbi Yehoshua as to whether the evening prayer, Arvit, is obligatory or not. He explains, that in fact, this disagreement is connected to a fundamental question regarding religious service: what is the ideal act of worship — the preparatory steps that bring one to successful actions, or the ultimate praiseworthy acts? Is Arvit, the end of one's day, the ideal, as it is the culmination of the day; or is the beginning the ideal and Arvit simply a non-binding supplement?

He goes on to argue that this question also lies at heart of the dispute between Rabban Gamliel and Rabbi Elazar ben Azarya whether one should allow insincere students to enter the study hall. Rabban Gamliel, who views Arvit as obligatory because he always focuses on the culminating act, declares that one who is not ready to act with complete sincerity cannot be ready to study in the hall. Rabbi Elazar ben Azarya's disputes not the need for sincerity, but rather its placement in the process. Even one who has not achieved this lofty level of sincerity should be invited to study, as long as this is his goal. The deciding factor is one's goal. This is analogous to Arvit; its recitation is not binding because the culminating act is merely a result of the work put into it, and the conclusion of the day does not contain its own independent significance.

In other words, the real dispute is whether the need for sincerity applies to one who enters the beit midrash or to one who leaves it after overlaying the wood of basic humanity with gold inside and out, tokho ke-varo. All thus agree that sincerity is the necessary goal; the question is whether it is a prerequisite. Rabban Gamliel did feel this way, but Rabbi Elazar ben Azarya's opinion was accepted. Allowances can be made for one who has not yet reached the level of tokho ke-varo as long as he is trying to get there, striving towards a life of honesty, devoid of deception. This in fact seems to be the concluding remark of the passage in Sota quoted above, which explains the extreme distaste God has for one who is insincere and deceptive.

Rav Yehuda said in the name of Rav: "A person should always (le-olam) study Torah and perform mitzvot even not for their own sake, because doing so not for their own sake will lead one to doing so for their own sake."

The commentators (ad loc.) examine how this statement is to be understood, as it seemingly contradicts other statements; regardless, the bottom line is that one should not be afraid to do the right thing because one is incapable of doing it sincerely. The goal must be to reach sincerity. One may always start with the goals of reaching the stage of tokho ke-varo, but one should never be content with, and certainly not proud of, a deceptive way of living life. Insincerely trying to influence others and win their friendship is not only disgraceful; as Rabbeinu Bachya warns, it may lead one to lose any sense of honesty at all.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #27: Geneivat Daat — Misleading, Misrepresentation and Deception

In the last two lessons, we have seen the extent to which the chapter which begins "Kedoshim tihyu" (Vayikra 19) directs each Jew towards a life of holiness, attempting to uproot any trace of deception from the Jewish people. The Sages expound this text to teach us how one must shun being echad be-feh ve-echad be-lev (hypocritical) and instead must embrace the ideal of "tokho ke-varo," sincerely expressing one's inward thoughts via one's outward actions. The greatest expression of the extent of the prohibition of deceptive practices might very well be the proscription against geneivat daat, literally "stealing of the mind," which includes various forms of misrepresenting oneself and misleading others. This prohibition guides one towards a life of honesty and sincerity.

In order to understand the prohibition, the first question that must be asked regarding geneivat daat is the following: what is its source? This will help us understand the nature of the prohibition, by helping us determine what its focus is and what should be included in it. The Talmud (Chullin 94a) records the prohibition, and it includes a number of forbidden actions that are a little startling.

Shmuel said, "It is forbidden to deceive people, even a non-Jew."

The prohibition is not explicit in the Torah; the verse never states that one cannot deceive others. However, when discussing the prohibition of geneiva, stealing, we have already pointed out that the Torah mentions the prohibition in the plural tense, "Lo tignovu."

Though we usually associate stealing with money or objects, in fact one can steal many things. Even regarding various forms of deception, one can deceive in order to attain money or to attain other things.

This prohibition applies not only to monetary matters, fraud and deceptive business practices; it includes various cases of verbal misrepresentation and giving misimpressions.

The Tosefta (Bava Kamma 7:8) mentions based on the verse that of all the forms of geneiva, "The first of among them all is geneivat daat."

In fact the Torah mentions the root "ganav" in the context of fooling another, speaking of geneivat lev — literally, stealing the heart (Bereishit 31:20, 26). If so, it is logical that the prohibition of geneiva, written in the plural, refers to geneivat daat as well.

In fact, the Ritva (Chullin 94a) and the Semag (154) both explain that geneivat daat is biblically prohibited on account of the negative commandment "Lo tignovu." The Ritva adds that the general language, "Lo tignovu," is meant to include all forms of geneiva, as the Torah does not limit this prohibition to money; it prohibits all forms of stealing, including stealing the hearts and minds of others.

As we have noted (in lesson #26), the Minchat Chinnukh (Mitzva 224) explains the reason that the prohibition of geneiva is so expansive — forbidding geneiva even for the benefit of the one stolen from and even including stealing back one's own purloined goods — is because an act of geneiva is rooted in a terribly cruel character trait. All geneiva is in fact rooted in deception. It is not only the object taken which is at issue; the deceitful manner of taking it is something which is completely unacceptable. Using the methodology of non-genuine tactics for acquiring anything is deplorable — even if one is recovering his own property or providing charity for others. A Jew must be sincere and honest in the way he deals with others.

Based on this explanation, one might entertain the idea that the most quintessential form of geneiva is in fact not stealing money, but rather geneivat daat. Especially in cases in which one does not receive anything, it is the act of deceit which the Torah forbids under almost all circumstances.

This source would indicate that geneivat daat is presupposed in the prohibition of geneiva. Others cite alternative sources for the prohibition.

The Seforno (Vayikra 25:17) writes that geneivat daat is included in the prohibition against onaat devarim, causing others distress with one's words. In fact, the Mechabber codifies the laws of geneivat daat in Choshen Mishpat ch. 228, the same chapter which deals with the laws of onaat devarim.

The Semak (262), on the other hand, is of the opinion that the prohibition of geneivat daat is only a rabbinic ban. However, his language seems to indicate that it is in fact subsumed under geneiva, possibly because it expresses the same character flaw — but the prohibition itself is only rabbinic in nature.

The Shulchan Arukh Ha-Rav explains that the nature of the prohibition depends on the context in which it is violated. If it is violated in the context of monetary matters, than it is actual geneiva, but in other contexts, it is only rabbinically forbidden.

However, even according to those authorities which see acts of geneivat daat as rabbinical prohibitions, it is clear from their words that the Sages are merely extending the biblical laws of geneiva and onaat devarim to cases which the Torah implicitly disapproves of; it may not specifically forbid these acts, but it has already expressed its vision of the proper dealings with others, which must be devoid of any harming words or deceitful practices. In fact, Rabbeinu Yona (Shaarei Teshuva 3:184) seems to indicate that geneivat daat is included in the prohibition of sheker, falsehood. Dishonesty comes in all shapes and sizes. Sometimes it comes through outright lies, and at other points it is an outgrowth of dishonest practices; as we will soon see, these includes a number of surprising applications of minimal untruth which nonetheless fall into the category of deception.

As we look into some of the cases included in this prohibition, we may note that the source of the prohibition may affect the understanding of its nature and scope.

Cases of Geneivat Daat

The Talmud mentions a host of examples of acts prohibited in the context of geneivat daat. Some cases involve monetary deception, while others involve regular interactions in which one might come to mislead another. The examples of the Talmud go very far in delineating the extent to which the Torah tries to distance us from dishonesty. In order to better understand this, let us take a look at a number of the cases discussed in the Talmud.

Rabbi Meir used to say: "A person should not urge his fellow to dine with him when he knows that his fellow will not dine with him, nor should he make numerous offerings of gifts when he knows that he will not accept gifts."

The Talmud's principle seems to be that any misrepresentation is forbidden, including offering invitations to one who will clearly not accept them. The Torah guides us towards being honest and straightforward. One may not misrepresent one's true motives any more than one may sell products under false pretenses. The Rambam (Hilkhot Deot 2:6) mentions the prohibition of geneivat daat in the social context, alongside the requirement to avoid being echad be-feh ve-echad be-lev and a host of other directives from our Sages to be sincere rather than two-faced.

A person is forbidden to act in a smooth-tongued and luring manner. He should not speak one thing outwardly and think otherwise in his heart. Rather, his inner self should be like the self which he shows to the world. What he feels in his heart should be the same as the words on his lips.

It is forbidden to deceive people, even a non-Jew…

It is forbidden to utter a single word of deception or fraud. Rather, one should have truthful speech, an upright spirit and a pure heart, free from all evil and mischief.

Judaism teaches one not to be an actor or actress in a manipulative or insincere manner. This type of "being smooth" is not viewed as a positive character trait. Geneivat daat is not only a forbidden act, but a prohibited way of life.

Even Gifts

The aforementioned passage in Chullin (93b-94a) records the prohibition of geneivat daat in the context of a mishna detailing a gift given to a non-Jew. The commentators discuss whether one can conclude from the Talmud's discussion that geneivat daat is forbidden in the context of gift-giving, even though a certain level of deception will only make the recipient feel better about his gift. The Mechabber (CM 249:2) rules that geneivat daat applies even when giving a gift (see Emet Keneh 8:4 by Rav Yitzchak Isaac Silver for a complete discussion).

Again, this law seems to highlight the unique nature of the prohibition. Even when giving a gift, one does not have a license to mislead another as o the true value of the gift; rather, one must express his love and care for another in a manner devoid of any trace of deception.

This is especially significant, as many people have an urge to try to make gifts they give seem much more expensive then they in fact are. Applying the prohibition of geneivat daat to gifts would require that people eliminate all deception as to the value of their gift-giving, though, as we will see, this in no way requires that one must attach the price tag to the gift.

Why Not?

The Rishonim seem to disagree somewhat on the reason for some of the aforementioned prohibited actions. Why can one not invite his friend knowing that the other will not accept?

Throughout his commentary of the Talmud (e.g. Chullin 94a), Rashi focuses on the fact that by misleading the other individual, one will "feel a debt of gratitude, for no reason." It is clear that even if the recipient never acts upon that debt of gratitude, the act itself is forbidden for causing one's friend to feel indebted.

The Me'iri (ad loc.) on the other hand, does not mention that the recipient will feel unduly grateful; rather, he focuses on the fact that by acting in this way one gives the other a misimpression about his true intentions, leading the recipient think that the giver intends to honor him when this is not the case.

One might venture to say that Rashi and the Me'iri disagree on the exact nature of these examples of prohibitions. According to Rashi, the focus of the prohibition is the undeserved debt of gratitude, which one has achieved unduly and, therefore, essentially stolen. The Me'iri, though, seems to understand that it is the misrepresentation alone which is forbidden, even if no debt of gratitude is incurred, for the focus is not on an actual act of stealing, but rather the dishonesty involved, the "stealing of the mind". When all is said and done though, it is not only that the recipient feels unduly indebted towards the giver, but that the giver attains this through deceiving the recipient.

Permitted Circumstances

The Talmud goes on to explain that some cases of geneivat daat can be permitted under certain circumstances.

…Nor should he open for him barrels that have been sold to a shopkeeper unless he notifies him that they have been sold. Nor should he say to another, "Anoint yourself with oil," when he is actually offering an empty flask; however, if he does so for his honor it is permitted.

It is interesting to note that there seems to be a distinction between the various permitted instances mentioned here. The first permitted method is by informing all of the facts, which is clearly acceptable because there is no deception and no misleading is involved.

The second case, however, is highly difficult. The Talmud would seem to say that even though you are in fact deceiving the individual, since he is benefiting from it by being honored, it is permitted. This opens up a very important question: how do we understand why this is permitted? Regarding geneiva, we have seen that it is forbidden to steal for the benefit of the individual being robbed — why would geneivat daat be different?

If we understand that geneivat daat is a form of geneiva, then we must explain why its halakhot differ. Based on the explanations of Rashi and the Me'iri, we may explain this. According to Rashi, the concern of geneivat daat is that the other individual will feel unnecessarily indebted. However, in this case, the merchant has honored the potential customer, and therefore, the customer does owe the merchant a debt of gratitude, even if the customer thinks it is for the oil the merchant has offered him, not for showing his importance to the crowd.

According to the Me'iri, this act would be permitted because geneivat daat is forbidden in any context wherein someone might wrongly think that another person is treating him with high regard. In this case, as we have noted, the merchant is in fact honoring the potential customer, albeit in a different way.

"He Would Have Done It Anyway"

The continuation of the passage provides other permissible cases. The Talmud says that it is permitted to open a new barrel of wine for a guest without informing him that the rest of the contents of the barrel are about to be sold through a merchant, in a case where one would have opened the barrel for the guest even if he would have to absorb the loss of the rest of the barrel. The conclusion seems to be that if an action would have been done anyway, one can do it on behalf of another, even though the other does not realize that one in fact is not losing by benefitting him.

Tosafot, however, limit the extent of this permitted practice based upon an important passage in the continuation of the discussion.

"He Misleads Himself"

Geneivat daat forbids purposeful misrepresentation, but what if one is silent and the other individual misleads himself — is one obligated to inform him? This issue is mentioned in the continuation of the passage in the Talmud, but the proper understanding is dependent upon a dispute among the Rishonim. The Talmud states that one is permitted to remain silent when "they mislead themselves," and it brings a story of Rava and Rav Safra to illustrate this issue (94b):

Mar Zutra son of Rav Nachman was going from Sikara to Bei Machuza, and Rava and Rav Safra were coming to Sikara. They met each other on the road. Mar Zutra thought that they were coming to greet him (to show him honor).

He said to them: "Why was it necessary for the rabbis to trouble themselves and come so far?"

Rav Safra said to him, "We did know that the master was coming, but had we known we would have troubled ourselves even more."

Rava said to Rav Safra: "What was the reason you told him and disheartened him?"

Rav Safra said to Rava "But we would be misleading him (otherwise)!"

Rava replied, "It is he who misleads himself; we are not required to correct him."

Rava and Rav Safra seem to debate whether one is obligated to tell the whole truth when he realizes that his actions may lead to someone else's misunderstanding, who may feel a sense of gratitude for an act which was supposedly done on his behalf. Rav Safra, to whom the Talmud (Makkot 24a, in another context) attributes the verse "He speaks truthfulness in his heart" (Tehillim 15:2), could not allow Mar Zutra to be misled, even if that was not his intention. He opts to tell the truth, even though Mar Zutra might possibly be disheartened by his remark. Rava, however, feels that in a situation where one does not perform any act of deception and the misimpression develops in the other individual's mind, one need not disclose all the facts.

The Talmud ends with Rava having the last word, which would seem to indicate that whenever there is no intention of deception, it is permitted to "play along," as it were, with the other individual's self-deception.

Tosafot (s.v. Ve-ha), however, limit the extent of allowing one to be silent in the wake of another's misleading himself based on an earlier passage which seems to forbid a similar case. The Talmud (ibid. 94a) tells the story of Ulla's visit to Rav Yehuda. Rav Yehuda opened a new large barrel of wine in Ulla's honor, but he had been intending to do so anyway. Was Rav Yehuda obligated to inform Ulla of his original plans, so that Ulla would not get the misimpression that Rav Yehuda was opening the new barrel for him?

Tosafot differentiates between different cases: one need not mention his original plan if the alternative option was considered as well; however, if one only had one singular intention at the time, even if one might have done so in any case, he must inform the other of his lack of intention to benefit him, even though he would have done so anyway.

The specific applications are extensive (see Emet Keneh, 8:18-20, 38) but the bottom line is clear. The Torah goes out of its way to distance one from deception, but at the same time, it concerns itself with the feelings of others, and therefore, when no deception is involved, one can remain silent when one truly wishes to benefit others.

However, one must be honest with about his true intentions and realize the limitations of these principles. One can remain silent only if he honestly would help another who had misled himself, but he can in no part play in to their being misled. For instance, regarding the gift one has given to another, after having found it on sale at a rock-bottom price, one need not inform the recipient who thinks that it is worth a mint of its true value. However, if the individual asks "How much was it?" one cannot, in any way, provide an ambiguous answer which would seem to indicate that the object cost more than it really did. Again, deception has no place in the life of a Jew: silence is permitted when preventing deception, but it is forbidden in cases where it may add to the mistruth.

Inadvertently Giving a Wrong Impression

The extent to which one must be forthcoming in order to prevent misimpressions, even if one is not responsible for them, may be clearly seen in cases in which one is honored undeservedly. It is here that even another's misleading himself requires one to stand up and declare that one is unworthy of the honor bestowed upon him.

The source for this law is a mishna (Shevi'it 10:8) that lays out the following rule: if one is an inadvertent killer (who may take refuge in a Levite city) but is thought to be a distinguished Levite, he must announce his true identity, for the Torah says "This is the word of the killer" (Devarim 19:4). Only if the townspeople know his true identity can he accept the honor.

The Yerushalmi (ibid. 10:3) applies the same ruling to anyone who is honored under the presumption that he is a greater scholar than he actually is. The clear ruling is that in matters of honor, one cannot accept praise for attributes in which one is lacking. If so, then one's silence in the wake of other's misimpressions would in fact be tantamount to geneivat daat, deceitful misrepresentation. The specifics of these laws are very complex, as under certain conditions, accepted custom allows for exaggeration that is not meant to be taken literally. (See Emet Keneh, ch. 8.)

Concluding Lessons

There are numerous practical halakhic applications for these laws which fall beyond the purview of this series, but it is worthwhile to mention the words of Rav Moshe Feinstein regarding the possible issues of theft for one who cheats on an examination. Rav Moshe rules that it is undoubtedly geneivat daat for a student to misrepresent his knowledge and deceive his teacher, but it is also outright geneiva in that any position in life that one achieves afterwards based on this deception in fact involves stealing from the individual who should have done better (not to mention the problems of dishonesty and possible desecration of name of God, if done in Jewish institutions).

Though the specifics of geneivat daat are beyond the purview of our series, dealing with these questions is of extreme importance. Whether one arrives at the conclusion that a given act is forbidden or permitted, either through extensive study or through speaking to someone well-versed in these laws, it will become clear that the Torah's guidelines go far in ensuring that one does not live a life of deception. Business practices and personal practices, even consumer-protection laws that are never consciously thought of, are part and parcel of the Torah's educational system of honesty and sincerity. Certainly, in the field of advertising, dressing up merchandise and concealing defects are both forbidden, but as we have seen, the applications go much further.

In truth, possibly the most important thing to remember is that even though the Torah goes out of its way to ensure that individuals do not deceive each other, as seen in previous lessons, the only one who is truly deceived is the deceiver himself. Rather than fool others, he fools himself into a life of dishonesty, where he is unable to maintain faithfulness even with himself. It is for this reason that the Rambam explains (Hilkhot De'ot 2:6) the ideal character of the Jew in the following way:

Rather, one should have truthful speech, an upright spirit and a pure heart, free from all evil and mischief.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #28: Ve-ahavta Le-reiakha Kamokha — The Great Principle of Ahavat Yisrael

The Importance of the Mitzva

Many people identify Judaism's fundamental principle of interpersonal relations with the directive (Vayikra 19:18): "Ve-ahavta le-reiakha kamokha," "You shall love your fellow as yourself." After all, the general language of the commandment seems to be all-encompassing, including within it the call for all possible interpersonal interactions to be guided by love. This assumption is furthered by at least three additional sources that seem to support the understanding of this principle's preeminence.

Firstly (in lesson #07), we have seen that the Rambam writes that all the various rabbinic mitzvot of gemilut chasadim are biblical fulfillments of the mitzva to love one's fellow as himself. Secondly, Rabbi Akiva, the great tanna, explains the fundamental nature of this commandment when identifying "Ve-ahavta le-reiakha kamokha" as "a great principle of the Torah" (Torat Kohanim 4:12). Lastly, the Gemara records the story of a non-Jew who poses the challenge, "Convert me on the condition that you teach me the entire Torah while standing on one foot." Shammai throws him out of the room, while Hillel accepts this challenge, explaining:

That which is hateful to you, do not do to your peers — this is the entire Torah. All the rest is simply elaboration. Go and study it. (Shabbat 31a)

Though not explicitly quoting this verse, the simple understanding of Hillel's statement (the second opinion in Rashi's commentary there) is that it refers to this mitzva as the essential underpinning of the Torah. Though we must question why Hillel chooses to reword the verse, he expresses the same idea, indicating its significance. The basis of the Torah according to Hillel is treating one's fellow properly.

One might wonder, with an understanding of this mitzva's importance, it is a little strange that we have not yet devoted at least one lesson to this fundamental principle. Notwithstanding the other important mitzvot and directives we have discussed, should this "great principle of the Torah" not take precedence?

Let us turn our attention to the Torah's presentation of the mitzvot themselves. We have noted (lesson #26) that the Torah, in Parashat Kedoshim, the parasha teaching us how to be holy, puts geneiva, stealing, at the top of a list of interpersonal directives (Vayikra 19:11). Not only does the Torah not begin with the positive requirement of loving one's fellow Jew, we do not find it mentioned in the second or third spot either. In fact, it is mentioned last, as the final directive in an extensive list of primarily negative commandments (ibid. verse 18). Why does the Torah not begin its discussion with this positive "great principle of the Torah"? Why is it relegated to the last spot? Furthermore, why, if it is preceded by the opposite requirement, "Do not hate your brother in your heart" (verse 17), does the Torah place it in the same verse as less complementary prohibitions, taking revenge and bearing a grudge?

It seems that the proper understanding of "Ve-ahavta le-reiakha kamokha" specifically lies in an understanding of the related prohibitions mentioned in the same verse. "Ve-ahavta le-reiakha kamokha" does not stand on its own, but rather as the culmination of all the preceding principles. For this reason, we will introduce this mitzva this week, but we will return to it in depth only after dealing with the related mitzvot that are mentioned together with it. After analyzing this mitzva in the greater context of interpersonal mitzvot, we will have the capacity to grasp more of its essence.

What is This "Love" All About?

To properly fulfill "Ve-ahavta le-reiakha kamokha," one must know what it entails. If one would take the words literally, "You shall love your fellow as yourself," one might assume that one must actually love others with the same degree of love one has for oneself. But is that really possible? Does it indicate that anything one buys for oneself one must purchase for one's fellow as well? If so, anytime one is hungry for an apple, one should buy for one's five friends as well. While this may be doable for some, it is highly unlikely that anytime one purchases a family car or home, one should be expected to do so for all of one's friends. Can that really be what the Torah has in mind? In a less dramatic manner, we may ask the following question: is one allowed to make a lavish wedding or other meaningful affair, or must one scale down the affair in order to "love" others more and be able to provide more for the needy?

We also must define who is included in this directive. Simply said, who is "reiakha" mentioned in the verse? Must one "love" all Jews, even those who are evil or dangerous, even those who have chosen to do others harm?

The Verse and Its Depth

As usual, we will begin by looking at the verses themselves and seeing the context and the language which the Torah uses to teach us this mitzva. As mentioned, the mitzva is presented in the context of interpersonal mitzvot in Parashat Kedoshim, among the mitzvot required to fulfill the Biblical mandate to "be holy."

"You shall not take vengeance or bear a grudge against your countrymen, and you shall love your fellow as yourself. I am God." (Vayikra 19:18)

The verse formulates the obligation of loving one's neighbor in the affirmative, as opposed to Hillel's formulation cited earlier, articulated in the negative: "That which is hateful to you, do not do to your peers." Furthermore, Hillel focuses on action, "do not do," as opposed to the verses calling for love, seemingly an emotional feeling. Hillel's statement would seem to be very clear in its intention: it prohibits action. The verse, however, is very vague. What is this love and how is it accomplished — in the heart, in the mind?

Some commentators, among them Yonatan ben Uzziel, translate the biblical directive with Hillel's words, revealing their understanding that the verse essentially is expressing a prohibition of action rather than a positive requirement of love. The Maharsha (Shabbat 31a) points out that though the verse speaks in the positive formulation, Hillel nevertheless expresses the obligation in the negative because the mitzva is presented in the same verse as the prohibition of revenge, indicating that it too is a prohibition of improper action. This begs the question: if, in fact, the Torah is really expressing a directive of action, why formulate it as a mitzva of love? This question will actually lead us to a very fascinating difference of opinion regarding the nature of this mitzva.

The commentators also deal with a number of questions that arise in attempting to understand the verse. Firstly, regarding context, what is the connection of this mitzva to the other mitzvot mentioned in this section, especially the prohibition of revenge recorded in the same verse? Secondly, why is the language of the commandment "le-reiakha" instead of "et reiakha," the formulation found regarding the obligation to love God (Devarim 6:5)? After arriving at a proper definition of the obligation of love, ahava, the most important word to understand is "kamokha," "as yourself." Furthermore, what is to be derived from the conclusion of the verse, "I am God"? How does that relate to the nature of the mitzva?

The commentators are also bothered by the seeming contradiction within Rabbi Akiva's worldview. He describes this mitzva as a great principle, but according to Bava Metzia 62a, he expounds the verse "And your brother shall live with you" (Vayikra 25:36) to teach us that "Your life comes first, before the life of your friend." Though we will deal with this issue at great length in the following lesson, some commentators use this latter statement as the basis of their approaches, so we must discuss how it affects our understanding of the basic mitzva.

Action or Emotion

The Rambam's View

The various interpersonal mitzvot mentioned in the verses cited above might all share a unified theme of how to deal with one who has wronged you, as the Rashbam explains (Vayikra 19:17-18). This might lead one to believe that "Ve-ahavta" is also focused on a directive of action; however, the Rambam seems to explain differently. The Rambam expresses the obligation of loving one's neighbor in its most basic understanding, an emotional requirement of love.

To love one another as we love ourselves — I must have compassion and love for my coreligionist as I do for myself, as regards his wealth, his body, and all that he possesses and desires. All that I desire for myself I must desire for him; and all that I do not desire for myself or for my loved ones, I must not desire for him. (Sefer Ha-mitzvot 206)

This does not mean that the Rambam requires one to develop an emotional bond only, without any ensuing action, as the Rambam himself expresses the need to express the love through action. The Rambam, near the beginning of his magnum opus, Mishneh Torah, in Hilkhot De'ot 6:3, adds the element of action as well:

Each man is commanded to love each and every one of Israel as himself, as it is stated: "You shall love your fellow as yourself." Therefore, one should speak the praises of others and show concern for their money, just as he is concerned with his own money and desires his own honor…

In Hilkhot Avel (14:1), the Rambam broadens the scope of "Ve-ahavta le-reiakha kamokha" to mitzvot codified by the rabbis:

It is a positive rabbinical mitzva to visit the sick and to comfort mourners… These are the acts of chesed done bodily which have no limit. Even though all of these mitzvot are rabbinical, they are included in "You shall love your fellow as yourself" — everything you wish others to do for you, you should do for your brother in Torah and mitzvot.

Despite the Rambam's recognition of the call for action in the verse, the source of the requirement is his literal understanding of the verse, calling for an emotional love for one's fellow Jew.

The Ramban's View

The Ramban, on the other hand, explains that one cannot take the verse literally, understanding that the intent of the commandment is that one must not harbor jealousy of any kind to one's neighbor, but should desire good for him, just as one wishes good for themselves. His understanding is based on the various difficulties with the verse presented above.

The phrase "Love your neighbor as yourself" cannot be meant literally, since man cannot be expected to love his neighbor as himself. Moreover, Rabbi Akiva has ruled that "Your life comes first." The Torah here enjoins us that we should wish upon our neighbor the same benefits that we wish upon ourselves. Perhaps, this is the reason for the dative instead of the accusative form of the verb phrase; we find the same in "And you shall love him as yourself" (19:34). Indeed, sometimes a person may wish upon his neighbor certain benefits, but only wealth, not wisdom and the like. But even if he wishes his cherished friend well in everything, i.e. wealth, honor, learning, and wisdom, he will not do so unstintingly; he will still insist on a larger share of the benefits. It is this shortcoming that the Torah condemned. Rather, a man should wish his fellow well in everything, just as he does in his own case, and he should place no limitations on his love. Therefore, in the case of Yonatan and David (I Shemuel 20:17), it says that Yonatan "loved him as his own soul," since he had removed all jealousy from his heart, declaring "And you shall rule over Israel" (ibid. 23:17).

The Ramban's idea is based primarily on the qualifying term "kamokha," as expressed by other commentators who follow in his footsteps (see Chizkuni). According to the Ramban, "kamokha" qualifies the degree of love. Since no one can fulfill the literal meaning of the verse, rather than an emotional directive, it is a call to wish the best for one's friend, the same way one wants the best for oneself.

Other commentators similarly state that Hillel's statement, though formulated in the negative, is the only possible understanding of the verse, for one cannot really love another as oneself. Therefore, Hillel explained that the mitzva is one of action, ensuring that one does no actions that one would not want done to oneself. This understanding of "kamokha" focuses on the actions one would want done to oneself.

Evidently, the Rambam feels that one could actually love one's friend as one loves oneself (see next lesson), as the text in Mesillat Yesharim quoted later reveals. Others understood "kamokha" differently and focus on the nature of the other person.

Others understand that "kamokha" is a limitation: one is required to love the fellow who is righteous. The Rashbam (Vayikra 19:18) arrives at a similar conclusion, but from a different part of the verse:

"You shall love your fellow as yourself" — only if he is your fellow, i.e. virtuous, but not if he is wicked, as it is written, "To fear God is to hate evil" (Mishlei 8:13).[1]

According to another approach, "kamokha" does not require the other to be righteous. Rather, it refers to standards of behavior that an individual expects in interpersonal relationships; one cannot expect to receive the benefits of these standards from others without upholding them towards others. (Ha-Ketav Ve-kabbala puts together a list: frankness and a lack of hypocrisy, respect, inquiring about one's welfare, sharing in grief, cordiality, giving the benefit of the doubt, lending, et cetera.)

This understanding of "kamokha" essentially calls for one to look at oneself, see what one actually needs and do these things for others. One might view this as egotistical, focusing on one's own needs and applying it to others (see the Malbim's explanation of ben Azzai's opinion in the next lesson), but Rabbi Akiva's viewing this as a great principle seems to reflect the benefits accrued by thinking in this manner. There is no better measure for what actions of others may be hurtful or appreciated than one's own feelings. "Ve-ahavta le-reiakha kamokha" calls for man to spend time analyzing his own needs — rather than guessing about others' needs — in order to be able to provide the same for others.

There is one caveat though that must be expressed in this context: not all people are the same. That which does not bother one individual may be extremely painful for another. A number of commentators express this clearly: one must provide for others what others in fact need. For instance, the Peleh Yoetz (Ahava) writes that one's behavior toward others should be based on others' feelings, not one's own. If one's fellow want something to be done for him, even if one would not need or want it, one should do it for his fellow. The same applies in the negative. Even if one would not mind a particular statement or action, one must not do it or say it to someone who would be bothered by it.

Two Sides of the Same Coin

Though some commentators view the mitzva as a call to emotional closeness and others as a duty of action, it seems that the various understandings of the mitzva actually blend together to shape a person's personality to become a giver, expressing love and simultaneously developing feelings of love.

Rav Eliyahu Eliezer Dessler, in his celebrated "Kuntres Ha-chesed," "Discourse on Loving-kindness," develops a deep understanding of Judaism's outlook regarding the proper balance between "giving" and "taking". While it would seem that "taking" is the favored action of many, Judaism guides us to lead a life of giving and to ensure always that we are giving more than we are taking. Contrary to common assumption, Rav Dessler explains that giving is not an outgrowth of love; giving, in fact, creates love.

Here we come to an interesting question. We see that love and giving always come together. Is the giving a consequence of the love, or is perhaps the reverse true: is the love a result of the giving?

We usually think it is love which causes giving, because we observe that a person showers gifts and favors on the one he loves. But there is another side of the argument. Giving may bring about love for the same reason that a person loves what he himself has created or nurtured: he recognizes it as a part of himself. (Strive for Truth, Vol. I, pp.126-127)

Rav Dessler explains that the root of the word ahava is "hav," "give." It is giving that creates love by affecting the mindset of the giver. In addition, he cites Derekh Eretz Zuta (ch. 2): "If you want to keep close to the love of your friend, make it your concern to seek his welfare." Some of his concluding remarks reflect the connection we have posited between those opinions who view the mitzva as one of emotional love and those who view it as an obligation to give, because, as he explains (ibid. p. 130), the two go hand in hand.

Someone who has been granted the merit to reach this sublime level can understand the command, "You shall love your neighbor as yourself" in its literal sense: "As yourself: without distinction; as yourself: in actual fact.

By giving to him or yourself, you will find in your soul that you and he are indeed one; you will feel in the clearest possible manner that he really is to you "as yourself."

The Religious Aspect of this Love:

As noted, the verse commanding ahava of others concludes, "I am God," seemingly relating the obligation of love to a religious connection with God. Secondly, Rabbi Akiva's terminology, referring to loving one's fellow as a great principle of the Torah, seems to attribute religious significance to this love.

Rav David Tzvi Hoffman explains that the concluding phrase indicates that "I am God" who created all; by that right, God demands the unity of humankind, through ethical treatment, that acts as the source of people coming together.

Avnei Ezel (quoted in Nachshoni) explains Rabbi Akiva's statement by stating that this unity depends solely on the Torah, its mitzvot and faith in the Creator of man.

The unity that men create by means of their own humanitarian or social ideologies cannot endure, for they have no true basis. In fact, we can all see what has befallen man as a result of democratic universalism or material socialism. When there is no "I am God" as the basis for the love of one's fellow, love has no enduring practical basis.

The Baal Shem Tov sees another meaning in "I am God." God's treatment of man will mirror man's treatment of others. One who does not treat others with respect should not expect others to do so as well.

The religious nature of this mitzva is also expressed through its significance for other mitzvot, as expressed by the Chinnukh (Mitzva 243):

This is a major principle of the Torah, meaning that many mitzvot of the Torah depend on it, for one who loves his neighbor will not steal from him, will not commit adultery with his wife, will not cheat him out of money, and will not harm him in any way. There are numerous other mitzvot in the Torah that depend on this, as anyone with intelligence will realize. The logic behind the mitzva is well known, for just as he does to his fellow, so will his fellow do to him, and in this way there will be peace among mankind.

God Acts out of Love of Man

The importance of showing love towards others is analogous to another obligation of love, loving God. The Ramchal, in his masterwork Mesillat Yesharim, enters into a lengthy discussion of how one expresses their love of God through chasidut (see lesson #16): performing actions to bring joy to God rather than for their own needs. He adds that one should develop concern for the welfare of the Jewish people and the world, and one should perform deeds on behalf of the Jewish nation. Towards this end, he expresses the following startling statement:

The Holy One, Blessed be He, loves only him who loves Israel; and to the extent that one's love for Israel grows, so does the love of the Holy One, Blessed be He, grow for him. (Mesillat Yesharim, ch. 19)

The Ramchal then continues that any striving chasid should make it his business to exert himself on behalf of the Jewish people.

These are the true shepherds of Israel, whom the Holy One, Blessed be He, greatly desires: who sacrifice themselves for His sheep; who concern themselves with their peace and well-being and exert themselves for it in every way possible; who always stand in the breach to pray for them, to nullify stern decrees and to open the gates of blessing for them. The situation is analogous to that of a father, who loves no man more than the one whom he sees to have a genuine love for his sons. Human nature attests to this. And this is the idea behind the statement concerning the high priests (Makkot 11a), "They should have pleaded for mercy on behalf of their generation, but they failed to do so." We also find a similar statement there, "A man was eaten by a lion at a distance of three miles from R. Yehoshua ben Levi, and Eliyahu did not appear to him for three days." We see, then, that it is the saint's duty to seek the good of his generation and to exert himself for it.

Concluding Remarks:

We have only begun to analyze this mitzva, which comes at the end of the list, as the climax of the interpersonal directives. With an understanding of the importance of the mitzva, there is a simultaneous acknowledgment of the difficulty involved in its practice, along with the questions that arise regarding the proper fulfillment of these laws. In the next lessons, we will discuss the balance between one's own personal needs and their providing for others: may man be partial to himself?

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[1] The nature of one's obligation to love evildoers is a complicated topic. Due to its applicability to a number of other principles, we will have to wait a little to discuss it.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #29: "Ve-ahavta Le-reiakha Kamokha" II – Putting the Needs of Others First

In last week's lesson, we started to see the importance of the mitzva "Ve-ahavta le-reiakha kamokha," "You shall love your fellow as yourself," the obligation to love one's fellow Jew. The language of the verse defines this commandment with extreme parameters: to love another as oneself.

The significance of this mitzva is evident in Rabbi Akiva's determination that this mitzva is "a great principle of the Torah." In fact, a number of sources suggest that one should accept this mitzva upon himself daily before praying, in order to connect one's prayers to the needs of the community (Shaarei Teshuva, Shaar Ha-avoda).

The mitzva's formulation is an unlimited call to care for the Jewish people, but the literal definition of this mitzva poses a challenge, as it would seem to require an emotional feeling of love for others equal to oneself. How can one understand this emotional obligation? Secondly, the obligation seems to be excessive: can one really love another as oneself?

Last week, we saw how this second question leads the Ramban to explain this mitzva as a call for one to desire whatever he would want for himself for others as well, rather than love others as himself; the latter, the Rambam maintains, is humanly impossible, for no one can love another as he loves himself. The Ramchal, on the other hand, feels that the obligation to love another Jew as oneself is to be taken "mammash," literally.

In order to understand how one may strike a balance between one's own needs and the needs of others, we must take other sources into account. These sources provides a different picture of the obligation to love one's neighbor as oneself.

Your Life Comes First

One certainly can understand that the obligations of this mitzva direct one to pray for others' wellbeing, to teach Torah to others, to prevent others' harm and various additional obligations. The question is the following: does it require one to give up his limited resources in order to provide for others what he has, even if doing so would require him to restrict his lifestyle? Even if one must love another as oneself, must he provide for others' needs the same way in which he provides for his own?

In fact, there is an explicit source that addresses this issue. Aside from the obligation of "Ve-ahavta," there is another verse which places one's own needs above those of others. The Talmud (Bava Metzia 62a) deals with an existential moral dilemma of two people in the desert with a flask containing enough water for only one of them:

Two people are travelling along the way, and one of them has in his possession a flask of water. If both drink from it, they will both die. However, if only one of them drinks, he will be able to make it out of the desert.

Ben Petura expounded, "It is better that both should drink and die that that one should witness the death of his fellow."

Then Rabbi Akiva came and taught, "'Your brother shall live with you' (Vayikra 25:36) — your life comes first, before the life of your friend.

Rabbi Akiva's understands the verse as indicating one's own life takes precedence, and therefore one should drink the water, even if his doing so will allow himself to live and the other individual to die. The exact parameters of this law are complex (see Iggerot Moshe, YD 145, and the Chazon Ish, YD 69:2) but the basic principle is of utmost importance: one's own life takes precedence over that of others.

What is even more astounding is that this is Rabbi Akiva talking, the same one who teaches us the importance of "Ve-ahavta" as "a great principle of the Torah" is the same one who gives precedence to man's own needs. Which one is it? Is one obligated to treat others as equal to himself completely, as the "great principle" would seem to indicate, or should one give precedence to one's own needs and only then deal with others' needs?

As we saw last week, some commentators use this as a proof-text for their definition of "Ve-ahavta" as a call to care for others' needs but not to provide for them, because no one can in fact provide for others as themselves.

A striking passage in the Talmud also discusses putting one's own needs first, but takes it far beyond the case of two men in the desert; instead, the passage examines the case of two cities and a spring which provides enough water for only one of them:

A spring belongs to the residents of the city, so if it comes to their lives against the lives of others, their lives come first, before the lives of others. (Nedarim 80b)

This initial statement is understandable; however, the conclusion is startling:

If they must choose between their own animals and the animals of others, their own animals come first, before the animals of others.

If they must choose between their own laundering and the laundering of others, their own laundering comes first, before the laundering of others

If, however, they must choose between the lives of others and their own laundering, the lives of others come first, before their own laundering. However, Rabbi Yosei says that their own laundering comes first, before the lives of others.

Though it is understandable that one's own animals are given precedence over those of others, Rabbi Yosei's opinion gives precedence to the upper city's laundering needs before the drinking needs of the second city — which is mindboggling. Despite the continuation of the passage, which discusses the importance of hygiene, in turn giving significance to laundering needs, the opinion seems extreme: can one's laundering needs actually take precedence over another community's basic needs of hydration?

(In fact, while the simple understanding of the Talmud would indicate that one city's laundering water takes precedence over another community's drinking water, the law is more complicated; see Mishpetei Shalom 13:10-11 and notes ad loc.)

In a slightly different context, the Talmud defines one's obligation to others as taking a backseat to the license to fulfill one's own needs. Regarding the mitzva of tzedaka, charity, we find similar sources that would indicate that one's providing for others should be done in ways that do not jeopardize one's social standing.

The Talmud (Ketubot 50a) states:

In Usha they enacted: One who bestows money should not bestow more than a fifth… lest he become dependent on other people for his support.

Again, an analysis of the mitzva of tzedaka will provide the halakhic guidelines for this law (see, for instance, Ketubot 67a), but the simple understanding is very straightforward: one should not, and might not even be allowed to, be overly generous in ways that may hurt his ability to provide for himself.

If we return to the question we started with, these sources provide a clear ruling that only reiterates the original problem in a different form. If all of these sources state that one's own needs take precedence, at some points even in what seems to be a selfish manner, then what does it mean that one should love others as himself?

The Rambam's Opinion

In last week's lesson, we saw that a simple reading of the Rambam indicates that one must in fact love others as himself. There are those who bring support to this assertion from the way in which the Rambam addresses the various sources brought above that seem to indicate otherwise.

The Rambam does not codify the law of two individuals walking in the desert, nor does he codify the law regarding an upper and lower city sharing a river. This leads certain commentators to conclude that the Rambam rules against Rabbi Akiva's statement that one's life takes precedence over another's. There is good reason to doubt that this is in fact the Rambam's position, as Rav Moshe Feinstein rejects this understanding completely (see Iggerot Moshe, YD 1:145). Nevertheless, even if we accept that the Rambam does not embrace this ruling, the question returns to Rabbi Akiva: how can the same sage who makes "Ve-ahavta" the core principle of Judaism rule that one is to give precedence to his own needs over those others?

A second look at the verse might provide some information regarding this issue. As we saw in the previous lesson, a number of commentators discuss the unique formulation of the verse of "Ve-ahavta": why is the language of the commandment "le-reiakha" (with the prefix lamed, which normally indicates an indirect object) instead of "et reiakha," the formulation found regarding the obligation to love God (Devarim 6:5)? The Hadar Zekenim (Vayikra 19:18) explains this in the following way:

If it had written "reiakha" without the lamed, I would have understood that God commands man to give to his fellow his own money and all of his possessions until they are equal. Therefore, it says "le-reiakha", meaning: "Love that which your friend has" — i.e., do not take from him without permission, et cetera.

The Hadar Zekenim explains that the purpose of the verse is to ensure that one does not have to create parity with his friends. One must love his neighbor, certainly, but not exactly as one takes care of oneself. If this is true, then even the "great principle" puts one's love of others behind one's love of oneself.

The Chatam Sofer and Rav Moshe Feinstein on Spiritual Responsibilities

Notwithstanding the difficulties involved in understanding the requirement to care for other's needs as opposed to giving precedence to one's own needs, the Chatam Sofer (Torat Moshe 84, s.v. Ve-ahavta) deals with the contradiction between the two statements of Rabbi Akiva and explains:

Rabbi Akiva states that "Ve-ahavta le-reiakha kamokha" is "a great principle of the Torah." Yet it is Rabbi Akiva who also states explicitly that preserving one's own life always takes precedence over the lives of others! Clearly, this verse cannot be referring to a situation wherein a person if facing physical danger along with his fellow. If so, how may one accomplish loving one's neighbor as himself?

One must explain that "Ve-ahavta le-reiakha kamokha" is referring to spiritual matters and "Your life comes first" to physical matters. Regarding physical matters, matters of this world, one's own needs take precedence, but regarding the eternally important matters of learning Torah (and spiritual pursuits), one is obligated to love and study with others, even if it will cause him to accomplish less. It is regarding this that Rabbi Akiva teaches, "This is a great principle of the Torah," because regarding Torah study, this is a great principle, directing one to learn with others even if one could achieve more on his own.

The Chatam Sofer concludes in parentheses:

Of course such altruism is hardly in vain. The Torah emphasizes "kamokha" — by loving one's fellow and studying Torah with him, one will benefit just as the other does. The mitzva of teaching Torah (whereby one gains as well) is adequate compensation for any neglect of personal study that occurs as a result of learning with another. "Kamokha" refers to the fact that both individuals gain.

Furthermore, his son and student, Rav Shimon Sofer (in Pittuchei Chotam, the introduction to Responsa Chatam Sofer, YD), expresses the greatness of Avraham Avinu in this fashion:

In truth, even before him there were unique individuals who knew God and desired knowledge of His ways. Who was greater than Chanokh? …and he was lifted up to become like one of the heavenly host who stand before the King to minister to him. We do not find that the earthly elements of Avraham Avinu, may he rest in peace, became that purified.

However, it was not on account of any deficiency or lacking of his soul that Avraham did not reach this level… For he understood in his wisdom that God does not desire that man only perfect his soul, leaving the people of his generation behind, a brood of sinful men who provoke God to anger, as happened to the generation of Chanokh and the Generation of the Flood. This experience taught him that it is better for a person to give up a little of the perfection of his soul in order to increase the glory of God, reducing the number of those who rebel against Him and increasing the number of those who serve and know Him.

While the Chatam Sofer certainly views the will of God as demanding that one give of himself spiritually in order to help others, Rav Moshe Feinstein takes issue with this teaching of the Chatam Sofer in a responsum (EH 4:26). Rav Moshe brings a series of proofs establishing that there is no distinction between physical matters and spiritual matters regarding the question of who takes precedence. In fact, he proves that in spiritual matters and issues related to Torah study, it is most important to make decisions based on one's personal needs, even if it comes at the expense of others.

It is clear that regarding Torah study, the individual himself takes precedence over others, considerably more than regarding tzedaka. Regarding tzedaka, it is clear that only his bread comes before other's bread, but if he lacks meat and his friend has no bread, he must provide bread for others instead of providing meat for himself… Regarding physical matters, there is no prohibition to provide for others in place of one's own needs. However, regarding Torah, it is forbidden to give precedence to others' learning in place of his.

However, Rav Moshe Feinstein continues that even though he disagrees with the Chatam Sofer and says that one must give precedence to one's own spiritual development, there is one caveat.

Still, I have ruled that every scholar, even though he is still involved in his own personal growth, must take some of his time to teach others, even if it will limit his spiritual growth… and it seems to me that this should probably be a tenth of his time, like the tithing obligation of tzedaka, though possibly if one wishes, one can expand this until a fifth of his time, but I am not convinced regarding the actual amount of time.

Rav Moshe Feinstein further clarifies his understanding (YD 1:145) when he explains that the meaning of Rabbi Akiva's statement "Your life comes first" is that one has no obligation to provide for others before one's own needs are met. Only after one has fulfilled his own needs is one then obligated to provide for others.

The one question which remains is how to define the fulfillment of one's needs. At what point can one say that his basic needs have been met and his tzedaka obligation to provide for others has begun? This may be part of the debate between Rabbi Akiva and Ben Petura as well as the discussion of the upper and lower cities on the river. At what point is one considered to have taken care of the needs of one's own life so that the obligation of loving one's fellow may begin?

"No Poor among You"

In order to understand the upshot of the Torah's directive for balancing one's needs against the needs of others, we must find the source of the Torah's giving precedence to one's personal needs.

Rav Yitzchak Berkowitz (Ahavat Rei'im, recording) identifies a source for the obligation and the parameters of one's responsibility for one's own needs before taking care of others. The Mishna (Bava Metzia 33a) states:

If one spots his own lost object and his father's lost object, retrieving his own lost object takes precedence over his father's… and over his teacher's…

The Talmud brings the source for this surprising ruling that one's own lost object takes precedence over others:

From where is this ruling derived? Rav Yehuda said in the name of Rav: "The verse states 'There shall be no poor among you' (Devarim 15:4) — this teaches that your concerns take precedence over those of everyone else."

In fact, Rav Moshe Feinstein (loc. cit.) proves from here that the Rambam, who codifies the responsibility to give precedence to one's own lost object, essentially rules that one's own needs take precedence, for it is the same law.

However, the Talmud continues that while this is the letter of the law, living a life of constant preference for one's needs over others' will boomerang and cause difficulties.

But Rav Yehuda said in the name of Rav: "Although one has the right to give greater weight to his own financial concerns than to others', whoever establishes such a way of life will, in the end, come to endure the very poverty he seeks to avoid."

While the context of the Talmudic passage is monetary loss, requiring one to protect himself from poverty and financial loss, the same would apply to not taking care of any of our personal needs. Rav Berkowitz explains that the Talmud is in fact telling us that man has a responsibility not to impoverish himself. For this reason, the focus is on one's attitude. Rabbi Akiva requires a verse in order to derive the principle of surviving in the desert at the expense of another's death, because in fact one should care for others the way one cares about oneself. This indicates that one's own needs do not always take precedence over the needs of the other, whom one loves. Man has the responsibility to ensure that all of his caring for others does not bring him to the point at which he forgets himself.

Thus, in certain circumstances, one's personal needs take precedence because one has a responsibility not to make oneself poor. This is not an expression of caring for oneself more, but of the greater obligation to maintain one's own mind and body over those of another, as God gave them to one as a sacred trust.

Similarly, regarding tzedaka, one's responsibility is first towards one's relatives before others. However, a man's closest relative is himself, and he is his chief responsibility. One does not make a living for others but for himself, not because one cares about others less, but because one has a responsibility to provide for oneself and cannot overlook his own needs.

Though there is a responsibility to ensure that one does not become poor, the Talmud also expresses that living by this rule only is even more dangerous. Someone who is always involved in his particular needs and therefore unable to find time to help others has thrown off the yoke of chesed, and he will be punished ultimately by needing to rely on others.

What determines whether one is fulfilling or overdoing his personal responsibility is determined by whether helping others takes its toll on one's own health or not. If one makes himself needy, then one is in violation of the responsibility to oneself, and that is not altruistic but self-destructive. One cannot be a baal chesed at the expense of himself and his family, and for that reason one must be honest with oneself about meeting all personal needs before expressing one's love for others.

The Importance of Loving Oneself

While one might view the Torah's stress on taking care of one's own needs as undermining true caring for others, the opposite may in fact be the case. God has created man in a way that he cannot be fully altruistic, but by expanding his understanding of his own identity and that which is important to him, his "self-love" can be the guiding principle that brings him to care for others. Rav Shimon Shkop develops this idea in his seminal introduction to Shaarei Yosher (see lesson #21). He explains that in the Midrash (Bereishit Rabba 90:2), God states that "My holiness is higher than your holiness" to impress upon man that, unlike God, he cannot be totally altruistic; his caring for himself is necessary to allow him to truly care for others.

However, what of a person who decides to suppress his nature, to reach a high level, so that he has no thought or inclination in his soul for his own good, only a desire for the good of others? In this way, he would achieve his desire of reaching the sanctity of the Creator, as His Desire in all of the creation and management of the world is only for the good of the created, and not for Himself at all. At first glance, one might say that if a person reaches this level, he would reach the epitome of being whole. But this is why our Sages of blessed memory teach us, in this Midrashic passage, that it is not so. We cannot try to emulate His Holiness in this respect.
This is because His Holiness is greater than ours. His Holiness is only for the created and not for Himself, because nothing has ever been added to or could ever be added to the Creator through the actions He has done or is doing. Therefore, the entirety of His Desire can only be to be good to the created; however, this is not what He wants from us. As Rabbi Akiva taught us, "Your life comes first." [Our Sages] left us a hint of it when they interpret the scripture "You shall love your fellow as yourself" in a negative sense: "That which is hateful to you, do not do to your peers." In terms of the obligation, it is fitting for a person to place his own good first.

There are also grounds for asserting that in the very foundation of the creation of Adam, the Creator planted in him a very great measure of propensity to love himself. The Sages of truth describe the purpose of all the work in this language, "The Infinite wanted to bestow complete good, in which there would not even be the embarrassment of receiving." This notion reveals how far the power of loving oneself goes…

In my opinion, this is true despite all the evil and sin that the world is full of because of this trait of self-love. Added to the challenge of wealth, this trait will cause one to stumble into the depths, as it is written, "Lest I grow full and deny" (Mishlei 30:9)…

Although at first glance it seems that feelings of love for oneself and feelings of love for others are like competing sister-wives to each other, we have the duty to try to delve into it, to find the means to unite them, since God expects both from us. This means that one must explain and accept the truth of the quality of his "I", for with it the statures of people are differentiated, each according to their level.

The entire "I" of a coarse and lowly person is restricted only to his substance and body. Above him is someone who feels that his "I" is a synthesis of body and soul. And above him is someone who can include in his "I" all of his household and family. Someone who walks according to the way of the Torah, his "I" includes the whole Jewish people, since in truth every Jewish person is only like a limb of the body of the nation of Israel. And there are more levels in this of a person who is whole, who can connect his soul to feel that all of the world and the worlds are his "I", and he himself is only one small limb in all of creation. Then, his self-love helps him love all of the Jewish people and all of creation.

It is may be for this reason that one's own needs take precedence. Only one who truly cares about himself will be able to provide for others.

In next week's lesson, we will identify the connection between the obligation to "love your fellow" and the obligation to provide for the needs of the community. An analysis of this topic will help us define the parameters of weighing one's own needs against the needs of others.

Ethics of Interpersonal Conduct Part 1
By Rabbi Yosef Ben David

Shiur #30: Osek Be-tzorkhei Tzibbur – Caring for the Community

In the last two lessons, we have begun to discuss the great principle of "Ve-ahavta le-reiakha kamokha," loving one's fellow as oneself, and its implications for balancing one's own needs against the needs of the community. In truth, Rabbi Akiva's consideration of "Ve-ahavta" as the great principle of the Torah is not fully accepted by all. Ben Azzai, a disciple of Rabbi Akiva, claims that there is another principle which is greater. The commentators discuss these two opinions, and their explanations have tremendous ramifications regarding our outlook on personal and communal needs.

Ben Azzai's Great Principle

Torat Kohanim (Kedoshim 4:12) cites this dispute:

"Ve-ahavta le-reiakha kamokha" — Rabbi Akiva says: "This is a great principle of the Torah."

Ben Azzai says, "'Zeh sefer toledot adam' — this is an even greater principle."

Ben Azzai is citing Bereishit 5:1-2:

This is the book of the generations of man. On the day that God created man, in the likeness of God He created him. Male and female He created them, and He blessed them, and he named them "Adam "on the day they were created.

At first glance, Ben Azzai's verse appears to be very deficient. Though a few lessons ago we might not have understood how "Ve-ahavta le-reiakha kamokha" is so fundamental, certainly we can understand why a verse stressing loving one's fellow Jew is important. Ben Azzai's verse on the other hand appears near the beginning of the Torah, as an introduction to the lineage of mankind from the dawn of creation. What is so significant about this verse?

The Midrash (Bereishit Rabba 24:7) explains Ben Azzai's reasoning in a rather understandable manner. Focusing on a verse speaking about the creation of all mankind from one "Adam" crystallizes each human being's responsibility to others.

Thus, one should not say, "Since I am scorned, I should scorn my fellow as well; since I have been cursed, I will curse my fellow as well."

Rabbi Tanchuma says, "If you do so, you should know who are you scorning — 'in the likeness of God He created him.'"

A similar idea is mentioned by the Da'at Zekenim (Bereishit 5:1) who explains that the expression "greater principle" means that this principle applies to more people, as it includes people who do not care about their own honor.

The Yerushalmi (Nedarim 9:4) similarly brings the dispute between Rabbi Akiva and Ben Azzai, and the commentators give technical explanations to Ben Azzai's opinion. The Korban Ha-eda there (s.v. Zeh) explains that "Ve-ahavta" refers only to one's reia, his fellow, while "Zeh sefer" includes all of mankind, as we are all descended from the same source.

The Penei Moshe (s.v. Zeh) explains, furthermore, that even though "Ve-ahavta" is a "great principle" in treating one's fellow with love and will certainly enable one to excel in one's interpersonal obligations, one still may fall short in their religious obligations. However, the verse concludes by focusing on the religious perspective: one must honor one's fellow man because mistreating another is an affront to God, who created man in His image.

Therefore, Ben Azzai maintains that this principle is greater, for it includes two elements: when one is careful with another's honor because the other was created in the divine image, certainly one will also be careful not to affront God and will be zealous in fulfilling the commandments between man and God.

The Ra'avan (She'elot U-teshuvot 37) adds another beautiful layer while explaining the dispute:

It seems to me that this is the explanation: Ben Azzai expounds "Zeh sefer toledot adam" means that one should love his fellows as if they are his generations, his children. However, Rabbi Akiva says that every individual should love his fellow as if his fellow is himself.

This, in fact, is the dispute. Ben Azzai maintains that an individual loves his children more than he loves himself, while Rabbi Akiva says that one loves himself more than he loves his children.

According to the Ra'avan, there is not really a fundamental disagreement here. Both sages agree that one should love his fellow to the greatest degree possible. There is only a small disagreement as to the maximal capability of love.

These explanations present Rabbi Akiva and Ben Azzai as agreeing on the broader issues, with a minor disagreement regarding which verse better expresses the overarching principle. However, other commentators see Rabbi Akiva and Ben Azzai as disagreeing on a more fundamental level.

The Malbim (Vayikra 8) explains that philosophers constantly express the desire for an all-inclusive code of moral conduct, and this understanding lies at the heart of the dispute between Rabbi Akiva and Ben Azzai. The Malbim understands the mitzva of "Ve-ahavta" as a call to treat others in the same manner that one would want to be treated by others, similar to the dictum of Hillel (Shabbat 31a, see lesson #28). Rabbi Akiva's identification of this verse as "a great principle of the Torah" proclaims that the Torah's ethical code requires that any action or trait is to be assessed by determining whether or not one would like all people to act in this way. The basic code of ethics, according to Rabbi Akiva, demands that one act personally in a manner which he perceives as the desired universal mode of conduct. A person acts unethically if he acts in a way which he would never want to become the universal norm. Therefore, acting in a manner where one treats others as he would want to be treated is the "great principle" that Rabbi Akiva teaches us that the Torah endorses.

Ben Azzai, on the other hand, the Malbim explains, maintains that this principle is still deficient because one is not acting out of noble motives; rather, his ethical standard is a self-serving one. If ethical conduct is based solely upon one's wishes for a universal standard, then ultimately, one's concept of ethics is dictated by one's own interests. The ideal approach, according to Ben Azzai, would be that one care for the needs and well-being of others for their own sake, not out of concern for one's own long-term interests. Therefore, Ben Azzai points to the verse "This is the book of the generations of man" as representing the essential basis of Jewish ethics. Ben Azzai views this verse as defining all of mankind as one being, a single entity that originates from the same source. All of mankind is created in the likeness of God; collectively, all people express the likeness of God, which unites all souls as if they are one being, similar to a human body being composed of various organs. The Malbim goes on to explain how Ben Azzai's fundamental tenet of Jewish ethics is built on the view that all mankind is bound together into a single entity, and therefore one cannot imagine treating others differently than one would treat oneself, because all are bound as one.

One might add to the understanding of the Malbim that one who realizes that he is a part of one whole can in fact act like Rabbi Akiva and treat others as he would want himself treated, because one's approach is not self-serving; his self includes the community as a whole.

The Alter of Slabodka is quoted as stating, "The greatest chesed you can do is towards yourself." However, this outlook has its dangers. Ben Azzai's view, focusing on needs shared with others and not viewing all of society through the eyes of one's own needs, serves as a means of preventing the development of anokhiyut, self-absorption.

Rav S. R. Hirsch (Bereishit 5:1-2) explains the fundamental importance of these two verses while formulating the outlook that man must have regarding Creation in order to succeed in life.

This verse, which introduces a new phase in the history of man's education, bears a marked resemblance to the verse (2:4) which introduced the history of the world's development. That verse explains that all the phenomena after creation are the natural products of heaven and earth, as they all originate "bi-hibaram," "when they were created," from the laws set by the Creator for heaven and earth at the time of Creation…

Man would not be worthy of the name Adam, if all this diverse history could not develop from him. If man is required, on account of his freedom, to be greater than the angels, then he must also be given the ability — by virtue of his freedom — to be "worse than the devil" (to use a common expression). The possibility of descending to the lowest level was foreseen in Adam. It is inconceivable that God's work did not turn out as intended. The diverse phenomena of human history are merely "toledot Adam," what developed from the concept of Adam.

The foregoing helps us understand the words of our Sages (Yerushalmi Nedarim 9:4); Rabbi Akiva says that "Ve-ahavta" is the "great principle of the Torah." Indeed, in truth, there is only one sin: anokhiyut, selfishness, egoism. Once a person has freed himself from egoism, and his fellow man is as dear to him as his own soul, he is capable of performing all of his duties and fulfilling all of the mitzvot. Ben Azzai, however, says that "Zeh sefer toledot Adam" is a still greater, more comprehensive principle. This sentence expresses the unity of the human species. The greatest criminal and the lowest type of degenerate are also included in God's book as "toledot Adam"; everything developed from one Adam, who was created in God's image. "Toledot" is written without the letter vav, in order to indicate that even if man's doings are deficient and flawed, they are still "toledot Adam."

Hence, as all human beings bear the name "Adam", the image of God is never completely lost. This is the first truth, which stands at the very outset of human history.

Ben Azzai's teaching of the importance of this verse, which describes God's creation of mankind, underscores the spiritual potential in all of humanity and the requirement to express care for others as one obliterates egoism from his personality.

Love of Jews and Unifying the Jewish People

While Ben Azzai's verse calls for the equal treatment of all of mankind and would call for community involvement in the needs of all of mankind, Rabbi Akiva's verse is more exclusive. The verse "Ve-ahavta" calls for a unique relationship to one's reia, one's fellow and coreligionist. As the Malbim noted that the verse of Ben Azzai, addressing the creation of man, stresses the unity of humanity, the idea of treating one's fellow Jew "kamokha," "as yourself," expresses a unique identification. This idea of the unity of the Jewish people is expressed clearly in Rav Moshe Cordovero's Tomer Devora (1:4):

All Jews are blood relatives to one another, for their souls are all intertwined: each one has a portion of each other's soul. Therefore, one cannot compare a situation in which one does a mitzva to one in which many perform a mitzva, because all Jews are one unit.

The unique relationship that each Jew has with his fellow Jew is expressed beautifully in his response to a query sent to Rav Soloveitchik by his friend, Rav Shlomo Zalman Shragai. His response, published in Community, Covenant and Commitment (page 333), is fascinating, as he writes that he does not even accept the question of how one can favor specific individuals.

I do not comprehend the nature of your inquiry regarding the love of one's fellow Jew. What is the contradiction between the commandment "Love thy neighbor as thyself" and the internal emotional instinct to love the members of the group one is connected to, in our case- the nation?

All interpersonal commandments (at least the overwhelming majority) correspond to internal emotional instincts that operate in the consciousness of the human being, and were they not given [as commands] they would have been worthy to have been given and we would have derived them from the natural world which surrounds and envelops us, and from our internal world, as is mentioned by Chazal in numerous places. Thus the command to love one's neighbor is subsumed under laws that go hand in hand with the natural feelings of justice and mercy.

However, when the Jewish people were commanded regarding the rational laws, two new concepts were introduced: (1) an internal-natural instinct was transformed into a divinely revealed command. (2) The normative field of operation was expanded and deepened and reached the depths of the farthest boundaries of idealism, which are unknown to the psychological instincts and predilections. For example, the natural love of the members of one's group is simply a feeling of solidarity that emerges from a shared sense of history and fate. In truth, this love is really, in its uniqueness self-love. The act of projection brings the I who is loved by himself, to the other, for he sees a mirror of himself in the other. This egotistical connection does not obligate the person in action toward the other individual. Only at the moment when the entire group is threatened with destruction does there emerge this sense of solidarity, causing the person to act even to the point of self-sacrifice.

However, the command “Love thy neighbor as thyself” (in all its meanings, whether as per Hillel the elder in its negative sense, or in its positive meaning as formulated in the Rambam’s code, Hilkhot Avel, chapter 14) demands of the individual a non-egotistical love toward the other, and obligates the individual to perform concrete actions. According to the Rambam (in Hilkhot Avel) the love for the other is the basis for all of society, therefore, the love of one’s fellow Jew is achieved only through sacrifice and hard work. It is an extremely exalted level of morality…

Personal Growth and Communal Responsibility

One of the most practical applications of expressing one’s concern for the community is through dealing with tzorkhei tzibbur, community service. The Yerushalmi (Berakhot 5:1) equates community service with the study of Torah in regards to one’s ability to continue their community service even if one will miss the recital of Shema in its proper time. The Mechabber (OC 70:4) codifies this principle, and he adds (OC 284:7) that it is a proper custom to bless everyone who acts as a caretaker of the community (osek be-tzorkhei tzibbur) during the Shabbat prayer service.

However, we often face a dilemma: how to balance one’s desire to assume communal responsibility with one’s personal desire for growth. While some sources would seem to indicate that one who is involved in Torah study should only do so when others are not taking the lead, other sources seem to maintain that everyone must be willing to put some personal growth aside for the good of the community.

The Mishna (Avot 2:5) states: "In a place where there are no men, strive to be a man." Rashi explains:

Strive to occupy yourself with the needs of the community, but in a place where there is a man, you should occupy yourself in your Torah.

HaRav Yehuda Amital, of blessed memory, founded Yeshivat Har Etzion on the principle of ensuring that one’s aims of spiritual growth not lead one to ignore the community’s cry. He writes:

When Yeshivat Har Etzion was first established, I was asked what would be special about our yeshiva. I related the story told about Rabbi Schneur Zalman of Liadi (the Admor ha-Zaken), author of the Tanya, who was once studying Torah in his room, when all of a sudden, he heard his infant grandson, the future author of the Tzemach Tzedek, crying in his cradle. The Rebbe closed his Gemara, went into the baby's room and soothed him back to sleep. He then went into the adjoining room, where he found his son, the baby's father (known as the "middle Rebbe"), steeped in Torah study. The Rebbe turned to his son in astonishment and asked: "Why didn't you get up to pacify your crying son?"

The bewildered son looked up and answered: "I was so immersed in my study that I didn't even hear him cry."

The Rebbe then declared: "If someone is studying Torah, and fails to hear the crying of a Jewish baby, there is something very wrong with his learning."

This has been the message of our yeshiva from its very establishment: to be attentive to the crying child, in the widest sense of "crying" - that is to say, to be alert to the needs of the Jewish people. (Jewish Values in a Changing World, p. 157)

Thus, one must put aside one's studies in order to do hear the cry of the Jewish people.

Rav Shimon Shkop (In his introduction to Shaarei Yosher) understands "Kedoshim tihyu" as the religious calling for community involvement and a mindset constantly concerned with the needs of the community:

And so, it appears to my limited thought that this mitzva includes the entire foundation and root of the purpose of our lives. All of our work and effort should constantly be sanctified towards doing good for the community. We should not use any act or movement, nor should we receive benefit or enjoyment, from anything that does not have in it some element of helping another. As understood, all holiness is being set apart for an honorable purpose – this means that a person straightens his path and strives constantly to make his lifestyle dedicated to the community. Then, anything he does, even for himself, for the health of his body and soul, he also associates himself with the mitzva of being holy, for through this, he can also do good for the masses. Through the good he does for himself, he can do good for the many who rely on him. However, if he derives benefit from some kind of permissible thing that is not needed for the health of his body and soul, that benefit is in opposition to holiness. For in this he is benefiting himself (for that moment, as it seems to him), but no one else….

In my opinion, this idea is hinted at in Hillel's words (Avot 1:14), as he used to say, "If I am not for me, who will be for me? And when I am for myself, what am I?" It is fitting for each person to strive to be concerned for his welfare; simultaneously, he must also strive to understand that "when I am for myself, what am I?" If he constricts his "I" to a narrow domain, limited to what the eye can see, then his "I" – what is it? It is shallow and inconsequential. However, if his feelings are broader and include [all of] creation, seeing that he is a great person and also like a small limb in this great body, then he is lofty and of great worth. In a great engine, even the smallest screw is important if it serves even the smallest role in the engine. For the whole is made of parts, and no more than the sum of its parts.

Rav Shimon Shkop concludes that "Kedoshim tihyu" is a directive to be community-oriented and community-driven. This call lies at the heart of numerous Talmudic statements with practical significance:

With this idea one can understand how charity has the effect of enriching the one who performs it, as the Sages say (Shabbat 119a), "'You shall surely tithe' (Asser te'asser, Devarim 14:22) – Tithe (asser), so that you shall become rich (titasher)." Someone who is appointed over a small part of the national treasury and does a good job fulfilling his duty, he will next be appointed to oversee a sum greater than that, if he is not promoted in some other way. If they find a flaw in his guard duty, no fine qualities to be found in him will help, and they will demote him to a smaller task. Similarly, the treasuries of heaven are given to man. If he tithes appropriately, he satisfies his job of disbursement as he is supposed to conduct himself, according to the Torah, giving to each as is appropriate, according to the teachings of the Torah. As a result, he will become wealthy and be appointed to disburse a greater treasure. And so on, upward and upward, so that he can fulfill his lofty desire to do good for the masses through his stewardship of the treasury. In this way, a man of reliable spirit does the will of his Maker… The allotment to individuals is only in their role as caretakers, until they divide it to those who need it, to each according to what is worthy for him, taking for themselves what is worthy for themselves.

Willingness to Sacrifice Spiritually on Behalf of the Community

Public service presents a dilemma: it often extracts a spiritual price, as the time spent achieving communal needs often comes at the expense of one's own personal development. Rav Amital (loc. cit.) points out that the spiritual quandary of many who are communally active is expressed by the Mishna in Avot (2:2) by Rabban Gamliel, the son of Rabbi Yehuda the Nasi, but the promise is that God will analyze one's achievements in a beneficial manner:

Let all those who occupy themselves with the community do so only for the sake of Heaven, for the merit of their fathers will sustain them, and their devotion to duty will endure forever. "But as for you, I credit you with great reward, as if you had accomplished it."

The Rambam explains (in his commentary to the Mishna, ad loc.):

"I credit you with great reward, as if you had accomplished it." These are the words of God to those who toil on behalf of the community, for they are sometimes prevented from performing a mitzva when they occupy themselves with the community. God, Blessed be He, says that He will credit them with reward as if they had performed the mitzva, even though they have not done it, since they occupy themselves with the heavenly affairs of the community.

Besides finding time to get personally involved in the needs of the community, there is also tremendous importance in showing appreciation of those who give extensively of their time for communal needs. This is seemingly part of the basis of the weekly prayer said on Shabbat:

And for all those who are involved faithfully in the needs of the community, may the Holy One, Blessed be He, pay their reward and remove them from every affliction…

This prayer acknowledges that God will "pay their reward," but it is worthwhile to walk in God's ways and to show appreciation and the willingness to reward the caretakers of our communities.

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.