YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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***Bein Adam Le-Chavero*: Ethics of Interpersonal Conduct**

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**This shiur is dedicated in memory of Israel Koschitzky zt"l, whose yahrzeit falls on the 19th of Kislev. May the world-wide dissemination of Torah through the VBM be a fitting tribute to a man whose lifetime achievements exemplified the love of Eretz Yisrael and Torat Yisrael.**

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**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 Talmudthemselves 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.