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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**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 “Z*eh 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)