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 #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 *tẓedaka* is derived from *tẓedek*, 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 *tẓedaka* 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 *tẓedaka*. But we do perform an act of *tẓedaka* 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 *tẓedaka* 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 *tẓedaka*, 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 —* onewho 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.