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 #24: *Te’ina* & *Perika* II — Spiritual Burdens**

In last week's lesson, we dealt with the biblical obligation of helping others in need, as seen through the prisms of the *mitzvot* of *te’ina* and *perika*, loading and unloading animals, found in *Shemot* (23:5) and *Devarim* (22:4) respectively. As we saw, the Arukh Ha-shulchan extends these obligations beyond the responsibility to merely help another load or unload; to the best of one’s ability, one must assist others in any case where they require physical assistance.

However, the obligation may be expanded even further. It is rather interesting that the Torah chooses to teach the laws of *perika* specifically regarding a “foe” — literally, one who is hated. In last week's lesson, we dealt with the Talmud's exposition that such an individual is given precedence over one's friend. Fascinatingly, the Talmud teaches that the basis for disliking this individual is not caprice or some minor offense, but rather because he or she has committed an act which demands hatred.

The Talmud (*Pesachim* 113b) discusses the law applying to an individual whose unseemly behavior has been witnessed by only one person, noting the contradiction between the two verses, that of the prohibition of hating another Jew and that of the positive mitzva of *perika*:

Said Rabbi Shmuel bar Rav Yitzchak: “It is permissible to hate him, as it is said. ‘If you see your foe’s donkey lying under its load.'” Now which foe is meant? Shall we say a non-Jewish foe? It was taught: “The foe of whom they spoke is a Jewish foe, not a non-Jewish foe.” Hence, it obviously means a Jewish foe. But is it permitted to hate him? Surely it is written, “Do not hate your brother in your heart” (*Vayikra* 19:17)! Again, if there are witnesses that any Jew transgressed, all agree that he should be hated! Why is this particular person singled out? Hence it must surely apply to such a case where he has seen something indecent in him. Rabbi Nachman bar Yitzchak said: “It is a duty to hate him, as it is written (*Mishlei* 8:13), ‘God's commandment is to hate wickedness.’”

The Talmud here determines that when the Torah speaks of helping one's "foe" to unload an animal, it refers specifically to a case wherein one has, on some earlier occasion, seen the animal's owner willfully commit a Torah violation. The Torah forbids hating one's fellow Jew; undoubtedly, then, the Torah speaks here of somebody who has knowingly betrayed the Torah and thus rightfully earned the dislike of devout mitzva-observers. It is specifically such a case, the Talmud concludes, to which the Torah refers in presenting this obligation to assist one's foe in unloading his or her animal.

Tosafot (*ad loc.* s.v. *She-raa)* are bothered by the seeming inconsistency between two laws. As we saw in our previous lesson, helping one’s foe load is given precedence over helping one’s friend unload "in order to subdue the evil inclination," even though the latter’s animal may suffer in the meantime. Why must one be helpful to him, even at the expense of *tzaar baalei chayim*, if the desire to hate is positive? In Lesson 15, we dealt with Tosafot's answer to this question and its implications for understanding the nature of the prohibition of hating another Jew.

What concerns us now is the following question: why does the Torah formulate the obligation of assistance to another Jew specifically in the context of an individual who is hated for his or her transgressions and non-observance?

The Rambam cites this law, exploring the ambivalent relationship towards “the hated” (*Hilkhot Rotzeiach* 13:14):

The "foe" mentioned in the Torah is not a member of the gentile nations, but rather a Jew. How can a Jew be hated by a Jew? Surely, it is written: "Do not hate your brother in your heart"! The Sages explain that an example is one wherein he alone saw him committing a transgression, and he admonished him, but he did not turn away from sinning. Thus, there is a mitzvato hate him until he repents and turns away from his wickedness. But even if he has not repented yet, if one sees him in panic because of his cargo, it is a mitzva to unload and reload with him, instead of leaving him inclined toward death, lest he tarry because of his money and be brought to danger. For the Torah shows concern for the souls of the Jewish people, both the wicked and the righteous, for they are attached to God and believe in the fundamentals of our faith.

Though the Torah may permit hating the estranged Jew in order to maintain a proper spiritual distance, it expresses care and concern for all Jews, so much so that the sinner receives precedence.

**Missing the Point of the Halakha**

At some points, it may prove difficult to maintain the balance between distancing sinners and helping them when they are in need. Rav Aharon Lichtenstein in “Communal Directives for Centrist Orthodoxy” (available at: <http://vbm-torah.org/archive/develop/12develop.htm>) tells the story of his encounter young boys who were only familiar with part of these laws.

A couple of years after we moved to Yerushalayim, I was once walking with my family in the Beit Yisrael neighborhood, where R. Isser Zalman Meltzer used to live. For the most part, it consists of narrow alleys. We came to a corner, and found a merchant stuck there with his car. The question came up as to how to help him; it was a clear case of *perika u-te’ina* (helping one load or unload his burden). There were some youngsters there from the neighborhood, who judging by their looks were probably ten or eleven years old. They saw that this merchant was not wearing a *kippa*. So they began a whole *pilpul*, based on the *gemara* in *Pesachim* (113b), about whether they should help him or not. They said, “If he walks around bareheaded, presumably he doesn’t separate *terumot u-ma’asrot*, so he is suspect of eating and selling untithed produce. . .”

I wrote R. Soloveitchik a letter at that time, and told him of the incident. I ended with the comment, “Children of that age from our camp would not have known the *gemara*, but they would have helped him.” My feeling then was: Why, *Ribbono shel Olam*, must this be our choice? Can’t we find children who would have helped him and still know the *gemara*? Do we have to choose? I hope not; I believe not. If forced to choose, however, I would have no doubts where my loyalties lie: I prefer that they know less *gemara*, but help him.

Rav Lichtenstein's words stress the important of not losing sight of the point of each mitzva. Though the depiction of a “foe”requires maintaining distance as if one hates him, the need to help him is stressed in these *mitzvot,* as expressed powerfully by the Rambam: "For the Torah shows concern for the souls of the Jewish people.” This requires assisting hated individuals despite their distance. In the process, one will hopefully show them this love and concern.

**Spiritual *Perika***

With this in mind, we may now turn to a second question: why does the Rambam use such descriptive language about the love we are to have for the foe when we help him with his load? After all, we are bidden to assist him physically, but the Rambam states that “the Torah shows concern for the souls of the Jewish people.” As one helps another with cargo, where is the Jewish soul in need?

The answer may be found in of the teachings of Rabbi Nachman of Breslov and his student, Rabbi Natan. Rabbi Nachman explores not only *rachamim*, compassion, but *rachmanut*, kindheartedness, a trait of sensitivity to pain and compulsive kindness. He begins by pointing to a verse (*Yeshayahu* 49:10) which connects the trait to leadership: "For with compassion for them he will lead them." Rabbi Nachman explains that *rachmanut* must be used properly, as its misuse can have serious repercussions. From showing clemency to the wicked to giving a crying baby a chocolate milkshake, softheartedness can lead to disastrous results. One must properly calibrate his or her sympathy in order to determine the appropriate level and form of *rachamim* for every individual.

He continues that Moshe Rabbeinu was the one who shepherded his people with the proper balance of compassion, putting aside his own personal glory and focusing on the needs of his flock. This is how one must define true compassion. Rabbi Nachman writes:

The essence of compassion is employed when the Jews, the holy people, succumb to sin, God forbid. There is no greater display of compassion than this, for all the terrible suffering in the world is considered nothing in comparison to the heavy burden of sin, God forbid. For when Israel succumbs to sin, God forbid, it is a very heavy burden, one that is impossible to bear. "[For my sins have risen above my head] and like heavy cargo, they weigh me down." (*Tehillim* 38:5).

All who understand Israel's holiness and origin, discerning their spirituality and refinement, know that sin is utterly foreign to Israel… Therefore, all suffering in the world is considered no burden in comparison to the heavy burden of sin… Thus, the essence of compassion is to help release the Jewish people from sin.

This is why whenever Jews succumbed to sins, Moshe Rabbeinu, may he rest in peace, would sacrifice himself for them and pray for them… as they are incapable of bearing sin's heavy burden.

Rabbi Nachman then continues on a rather lengthy description of the fundamental importance of *daat* (knowledge), which serves two purposes: freeing one from sin and allowing one to discern the exalted level of the Jewish people and the extreme pain sin causes to their soul. By its very nature, true *rachmanut* requires *daat,* the understanding of how to be properly compassionate.

Rabbi Natan refers to these teachings of his rebbe in his description of the mitzva of *perika*. He explains that what causes this individual to be hated is reason for his or her load being too heavy to bear. The *chamor* (donkey) mentioned in the verse refers to the *chomer*, the earthly physicality, which clouds a person's judgment and weighs one down. This individual carries a big load of transgressions, which as Rabbi Nachman teaches, weighs one down more than anything else, for a Jew does not have the strength to carry his or her sins alone. Rabbi Natan (*Likkutei Halakhot, CM, Perika U-te'ina 4*) writes:

This mitzva alludes to one… who sees his foe’s *chamor*… the *chomer*, physicality, of one who is becoming hated through the commission of sin, who is unable to carry the burden… The Torah commands in this situation not to bypass this individual; rather, one must try to help and bring this individual closer, to raise up he whose burden is weighing him down, to love him (not hate him)… to judge him favorably… and raise him up from his iniquity… The essence of this mitzva of helping him with his burden is love.

Essentially, Rabbi Nachman and Rabbi Natan teach that true compassion requires understanding what an individual truly needs and the proper way in which to give it to him. When one sees another engrossed in sin, one must realize that the individual is carrying a burden that is too heavy, and one's responsibility is to help alleviate the pain. For this, *rachmanut* is necessary. While this is an essential character trait for leaders, each Jew who wants to help fellow Jews must inculcate it as well. It starts with the realization of the burden of sin being the greatest weight one can bear, and it continues with recognizing the root of the problem and how to solve it. The same way that one's *chamor* can be burdened, one’s soul may be weighed down. A Jew can be adversely affected by the load of *chomer,* physicality.

Sometimes it is hedonism and consumption which burdens a soul, leaving an individual incapable of dealing with what is bothering him inside. A person like this needs *te'ina,* to be loaded with wisdom and insight. The Jew may be assisted by learning about the importance of Torah and helping out others, as well as by becoming aware of the painful effects of a self-engrossed life. Such an existence is not only devoid of time and care for others; it is essentially empty of all that defines one's true self. *Rachmanut* dictates that this individual needs spiritual *te'ina*.

On the other hand, there are people who are well-aware of the pain they are caused by their sins, who live a very guilt-ridden existence because of them. Their burden of sin so greatly weighs down upon them that they are unable to see the good in anything, especially themselves. These people need *perika* to put things in perspective, understanding the power of repentance. Secondly, they are in desperate need of an alternate form of *te’ina*, being loaded with love from their fellow Jews.

Only who is truly compassionate knows how to strike the proper balance between magnanimity and might, when to lighten the load and when to increase it. Moshe Rabbeinu, as Rabbi Nachman points out, had these exceptional characteristics, and while it is tremendously difficult to live up to his example, all Jews share the responsibility toward their fellows.

Sometimes, one may notice another who feels dissatisfied but is entangled in the trapping of his or her environment. An individual such as this needs simultaneous *perika* and *te'ina*, first shrugging off the pained outlook and then embracing a healthy understanding of Jewish tradition. One thing is clear: the Jewish soul doesn’t like the burden of being hated, of committing acts which belie its inner calling.

Indeed, this may provide an answer for Tosafot's question. When one sees an individual who has earned enmity by sin standing by his or her overburdened donkey, one must be cognizant of what is really going on. It is not the donkey that is in trouble, but the person. Though the owner notices the animal’s distress, his or her own escapes notice, so that the misguided behavior continues. Though the Torah requires that the passerby help the donkey, its primary focus is not the pain of the animal as much as the pain of the owner; therefore, the Torah demands that one must help the owner as well. When the committed Jew assists with the load, this demonstrates care and concern for the wayward owner, despite their religious differences. The pious passerby cares for the owner and the owner’s needs and lovingly wants to help. This is the Torah's lesson: as the Rambam says, "the Torah shows concern for the souls of the Jewish people."

For this reason, the Torah requires that one help the hated individual first, in order to subdue this individual’s heart, for though the animal of the beloved is in pain, the foe is personally in pain. Worst of all, this individual doesn't realize the predicament. By helping the foe first, one may subdue the heart of this individual, demonstrating that the words of the Torah are righteous, and God cares about even those who do not think of Him.

**The Essential Mitzva of *Kiruv***

In [Lesson 15](http://www.vbm-torah.org/archive/chavero2/15chavero.htm) we saw that despite the fact that the Torah allows one to hate evildoers in order to maintain a healthy distance, the Torah's message in this verse is, as Tosafot say, to prevent this from becoming personal; instead, one must strive to bring those in error closer, a process called *kiruv*. We also noted that a number of authorities believe that even the basics of the once-permitted hatred are inapplicable in our modern milieu. Indeed, the context of the verse here teaches that despite our need to distance ourselves from sinners, we must come to their assistance, aiding them physically and spiritually.

Furthermore, the common method of dealing with evildoers in the times of the Mishna and Talmud is not applied in our day. This obligation expresses itself in a completely different manner.

In the third chapter of *Hilkhot Mamrim,* the Rambam distinguishes between different types of non-observant Jews: those who were born into a righteous tradition and later rebelled and those who were born uncommitted and were never taught in the proper manner. He reserves the harsh methods of dealing with evildoers to those who have openly rebelled. In the second paragraph, he describes those who are called “deniers of Torah,” who are treated harshly, while in the third paragraph, he explains that their children are to be treated differently.

The children of these errant people and their grandchildren, whose forebears led them away and who were born among these Karaites and raised according to their conception, are considered to be children who have been captured and raised by them. Such a child may not be eager to follow the path of *mitzvot*, for it is as if he is compelled not to. Even if later he hears that he is Jewish and sees Jews and their faith, he is still considered as one who was compelled to shun observance, for he has been raised according to the mistaken path. This applies to those who we mentioned, who follow the erroneous Karaite path of their ancestors. Therefore it is appropriate to motivate them to repent and draw them to the power of the Torah with words of peace.

The Rambam's conclusion is to focus one's efforts on bringing the “captured” child, i.e. one has been brought up without any Jewish education, back to Judaism, drawing them closer to the power of Torah.

While the Rambam's teaching would seem to indicate that only Jews born unaffiliated should candidates for *kiruv*, while those who have opted out of a committed lifestyle should be treated harshly, others have pointed out that this is no longer the case in our day.

The Chazon Ish, known for his staunch opposition to secularism, nevertheless embraces all Jews in his writing. He does not classify the non-observant as apostates and explains why they are not to be treated harshly in our day, but rather to be brought closer. He writes (*YD 2:16*) that the harsh treatment of apostates dictated in the Talmud:

…applies only at a time that the providence of God is revealed to all, when miracles are apparent and abound and there are heavenly voices heard; when the righteous of the generation live an openly providential life and the deniers of God are particularly driven by tremendous desire for sin. Then, obliterating the wicked was essential… but in our days of hidden providence, when numerous Jews are unconnected to tradition, attempting to obliterate the wicked would not be a means of fixing Jewish society but rather further destroying it, because it will be viewed as destructive and hateful. Our whole goal in dealing with sinners is to repair the world and improve it, so the former mode of practice is no longer applicable. Instead, we must return them to God with tremendous love and uphold them with the rays of the Torah's beauty as much as we possibly can.

In our day particularly, with an understanding of the dire straits of many Jewish communities and the alarming statistics of assimilation and intermarriage, there is a new call for *kiruv*.

In next week's lesson, we will trace the interpersonal obligation to inspire Jews towards a newfound closeness with God.