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 #28: Exact Weights and Faith in God**

In last week’s lesson we discussed three prohibitions in *Parashat* *Kedoshim* that lay the framework for a life of honest business dealings: those on falsely denying money owed, lying for monetary benefit, and swearing falsely to support illegitimate monetary claims. However, in guiding man to a life of holiness, *Parashat Kedoshim* does not suffice with a general discussion of the need for honest monetary dealings, but goes into specific requirements.

One mitzva that figures prominently is found in the concluding verses of Chapter 19 (verse 15): “You shall not perform iniquity in judgment.” The Torah here repeats a prohibition mentioned earlier in the chapter, but in a very different context. Earlier the Torah’s words were directed at a judge, while here they are directed to a businessman:

You shall not perform iniquity in judgment with measures of length, weight, and volume. Righteous scales, righteous weights, a righteous dry measure, and a righteous liquid measure shall you have. I am the Lord, your God, who took you out of the Land of Egypt. (*Vayikra* 19:35–36)

These two verses together contain a general negative mitzva prohibiting perversion of justice with inexact weights and measures, followed by a positive mitzva to have exact – “righteous” – weights and measures.

The importance of these *mitzvot* is readily apparent from the verse’s terminology and references; their significance is magnified further by their placement in the chapter of holiness, as well as by their repetition in *Sefer Devarim*. The verses there go further, forbidding the mere possession of inexact measures:

You shall not have in your pouch alternate weights, larger and smaller. You shall not have in your house alternate measures, larger and smaller. You shall have a complete and righteous weight; you shall have a complete and righteous measure, so that you live long on the soil that the Lord, your God, is giving you, for an abomination to the Lord your God is anyone who does these things, anyone who performs iniquity. (*Devarim* 25:13–16)

The repetition and expansion in *Devarim* of the requirement of honest weights and measures, as well as the promise of long life for its fulfillment and the description of violators as abominations, all add to the impression that these are *mitzvot* of fundamental importance. This concept is later expressed in *Mishlei* (11:1) with the words:

Dishonest scales are the Lord’s abomination, and a complete weight is His will.

In *Vayikra* there is a prohibition to employ trickery in the use of weights and measures, which is described as a perversion of justice. Additionally, as noted, there is a positive commandment to maintain exact weights and measures, meaning that a seller must monitor them, periodically cleaning them and calibrating them to maintain accuracy. *Devarim*, as noted, adds the additional prohibition of possessing inexact scales and weights, even in the absence of any intention to use them in business.

It bears note that these *mitzvot* carry with them the two fundamental principles of the heritage that our forefather Avraham imparted to his children: justice and righteousness.

The Lord said, “Am I hiding from Avraham that which I am doing? As Avraham shall surely become a great, mighty nation, and all the nations of the earth shall be blessed through him, for I have known him so that he command his children and his household after him, **so that they** **keep the way of the Lord, doing righteousness and justice**, so that the Lord will bring upon Avraham that which He has spoken regarding him.” (*Bereishit* 18:17–19)

Why are these *mitzvot* of such fundamental importance? Obviously one must not use illegitimate weights, but is this not simply another aspect of not depriving another person of his property? Any such act, we would think, should qualify as robbery or theft, both of which are prohibited earlier in Chapter 19 of *Vayikra*. What, then, makes inexact weights and measures unique, and what special connection do they have to righteousness and justice? Additionally, why should simply not possessing such weights and measures be reason to deserve longevity, and why should simply possessing them render one an abomination?

Further, what follows these *mitzvot* is of note. In *Vayikra*, they are followed by a description of God’s taking us out of Egypt, while the verses in *Devarim* are followed by the mitzva to remember what Amalek did to the Jewish people. Why is this?

**Relationship to Theft**

The close relationship between theft and inexact measures is noted in the Talmud. In *Bava Metzia* (61b), the Gemara asks why false measures are specifically banned, rather than subsumed under the prohibition of stealing. It answers that the specific prohibition serves to cause a person to be in violation from the moment he makes an inexact weight, even before using it. The Gemara also notes that the prohibition of inexact measures includes not using a rope to measure for one party during the summer and for another during the winter (as the rope’s length contracts or expands depending on weather conditions). Additionally, weights must not be stored in salt, as this would alter their mass.[[1]](#footnote-1) Finally, one also is prohibited to heat liquid measures.

In short, not only is the possession or use of inexact measures barred, but one must go out of his way to ensure that even proper measures are used fairly. Elsewhere (*Bava* *Batra* 89b) the Gemara adds that weights should not be made from tin or other metals, but from hard stones or glass, so that they remain true longer.

Notwithstanding the strictures that pertain specifically to weights and measures, their misuse certainly can result in illegally taking money from another person, which is equivalent to stealing. Thus Rambam codifies the *halakhot* of weights and measures in *Hilkhot Geneiva* – the *halakhot* that concern stealing – due to the close relationship between the two.

One might still argue that these are mere precautions or, as Rabbeinu Bachya explains, that the prohibition of inexact measures must be emphasized because a merchant is unlikely to be able to obtain forgiveness from all the people he cheats if he uses imprecise weights and measures systematically. Nevertheless, the general impression made by the Gemara is that this prohibition is much more expansive than those of stealing.

First, the Gemara (*ibid.*) forbids possession of an inexact measure even if it is used only for urinating. The Gemara also indicates that one cannot legally waive another’s obligation not to use inexact weights, as well as that the use of inexact weights remains forbidden even if the parties involved are willing to adjust the price to ensure that the deal is fair. Further, the Gemara explains that one is forbidden to have measures or weights that are of confusable sizes, and must be careful to measure according to local convention.

In fact, Chinukh writes that while the prohibition of theft is violated only if the equivalent of a *peruta* is stolen, the prohibition of improper weights stands to be violated even if a lesser, insignificant amount is at stake. Meshekh Chokhma understands from the verses that even if a person knows that another has stolen from him and can retrieve his money by altering weights, he is forbidden to do so. The Gemara even requires a court to appoint officers to prevent the use of improper weights.

What is more, the Midrash (cited by Rashi and *Sefer Ha-chinukh*) states that five tragedies result from abuse using weights and measures: contamination of the Land of Israel, desecration of the name of God, removal of the Divine Presence from the world, causing the people of Israel to fall by the sword, and exile from the Land. Stealing, though a terrible transgression, is not addressed with such severity.

Beyond these punishments, *Sifra* describes how the verses in *Vayikra* underscore the importance of this mitzva. It understands from the verses’ reference to justice that one who uses weights and measures is like a judge, so that improper use of scales is comparable to false judgment. *Sifra* also interprets the reference to the Exodus as an indication that God took the Jewish people out of Egypt specifically on the condition that they fulfill the *mitzvot* of proper weights and measures (as cited by Rashi and codified by Tur).

Finally, the Gemara (*Bava Batra* 88b) states that one cannot fully repent after violating this prohibition:

Rabbi Levi said, “The punishment for transgressing the *halakhot* regarding measures is harsher than the transgressions involving sexual immorality, as for the latter one can repent, whereas for the former it is impossible to repent.

It is clear, then, that this mitzva is quite severe and entails much more than not stealing. What is it that makes the requirements of exact weights and measures so fundamental?

**Honesty and Faith**

Chafetz Chaim writes that these *mitzvot* are associated with the Exodus because by fulfilling these commandments, one testifies that God supervises the world and performs miracles as He did during the Exodus.

Rabbeinu Bachya explains why a person who has illicit weights and measures is in violation for their possession even before he actually uses them to cheat:

This recalls what Shlomo said in *Mishlei* 20:9: “Who can say, ‘I have made my heart pure, I am free of sin’?” Just as a man is culpable for evil intentions even when he has not yet carried out the felony, so he will be held responsible for making false weights and measures.

Netziv of Volozhin, in his Torah commentary *Ha’amek Davar*, explains that use of improper weights is treated so severely because it is rooted in a lack of faith in God:

Let us consider the Sages’ strong position … that the sin of weights is more serious than that of illicit relations. Why is it more serious than other types of embezzlement? Moreover, what similarity does it have to illicit relations, so as to lead the Sages to say the one is more serious than the other? …

A person who commits a sin transgresses in one of three ways: either by lack of faith in God and His teaching, or because of a welling up of desire, or because of a welling up of anger or other adverse traits that adversely affect relations between one person and another. [Of the three cardinal sins] idolatry is paradigmatic of lack of faith; illicit relations, of desire; and bloodshed, of a lack of personal virtue … Now the worst of these three sins is idolatry, as it touches on faith. It also is far removed from repentance, and all those guilty of it do not turn back to God. A person who steals a precious object from his fellow might have been motivated by desire for that object, so this would be like illicit relations. But one who makes false weights is not motivated by desire, but rather by lack of faith in God, who by divine providence provides for each person according to his deeds. So this brings it under idolatry.

Therefore they said that the sin of unjust weights, although only a sub-branch of idolatry and still far from actual heresy, is more serious than illicit relations, which is the ultimate sin of desire, as a sin involving lack of faith is difficult to repent and also offends the Almighty.

One who truly trusts in God, notes Netziv, will not resort to dishonest means of obtaining money.

Rav Hirsch gives inexact measures’ harmful effects on society as part of his explanation for the severity attributed to the crime:

The sins of illicit relations are extremely grave and therefore they are punished by *kareit* [i.e. being cut off from the people of Israel]. However, in many instances their pernicious effects do not extend beyond the individual sinners. Conversely, the sins involving weights and measures have a pernicious effect on broad circles, and hence … the overriding severity of the responsibility. With illicit relations, even though their punishment is *kareit*, one can repent by expressing regret and accepting the law in the future. In contrast, repentance for sins regarding weights and measures is conditioned, first and foremost, on returning the stolen property to its owners – but this precondition is generally impossible to fulfill [because the merchant has robbed so many customers].[[2]](#footnote-2)

Rav Hirsch also discusses why the *mitzvot* in *Vayikra* conclude with a reminder that God took the Jewish people out of Egypt:

The section on measures concludes with the Exodus from Egypt, which reflects the importance of this section in the Torah. Through the Exodus from Egypt we learned of God’s providence in the life of nations on Earth. We also learned then that we belong to God, and the foundations of our obligation to Him were established for all time. On the basis of all this … whoever accepts the mitzva of measures affirms the Exodus, and whoever denies the mitzva of measures denies the Exodus.

Further, says Rav Hirsch, the reason there is no room for repentance of such a crime is the emphasis placed by the Torah on the dominance of justice in Jewish society:

Every measure owned by every Jew, any material measured out by any Jew, becomes a Jewish act of *mishpat*, a symbol of respect for Jewish justice. Thus the Torah represents justice itself in its most absolute form, as a sanctuary to be kept inviolate by every Jew. The Torah’s will is that a sense of justice, respect for justice, and honesty be basic character traits of the Jewish nation.

Just as a judge weighs issues in scales of judgment, a layman must exercise proper judgment in all his actions. A life of dishonest business practice is a falsification of the very core of an individual, and causes him to lose his entitlement to the beautiful gift of divine justice: true repentance. A person who weighs his actions and sees God’s hand in all he does has no trouble maintaining his honesty, even when violating it would be very lucrative (see Year 1, Lesson 11).

In *Devarim*, the juxtaposition of the account of the attack by Amalek to the verses on weights and measures underscores the relationship of these transgressions to lack of trust in divine providence. *Keli Yekar* explains:

By way of homily, one could say that just as the section of “Remember what Amalek did to you” follows the section of weights, thus [in the annual Torah reading calendar] we schedule the section of “Remember …” after the section of shekels, whose purpose is to atone for the sin of the Golden Calf, which was made of *shekels* of gold because they were too desirous of wealth … So too whoever is desirous of it [money] also falsifies his weights.

The connection, though, may run even deeper. There is good reason to believe that Amalek did not doubt the existence of God, attacking as it did after the world had witnessed the miracles of the Exodus. Amalek’s belief was that God was a miracle worker, but not involved in the day-to-day. Therefore Amalek arrived on the scene after the Jewish people questioned whether God exercises providence on a day-to-day level by providing man with water: “Is the Lord present in our midst or not?” (*Shemot* 17:7; see *Ha’amek Davar*).

Thus the Torah associates one who falsifies weights with Amalek because of his failure to understand that the hand of divine providence is what truly brings wealth to the world.

**The Element of Justice**

We recall that the Torah links commercial use of weights and measures to judicial activity, introducing the former with the words “you shall not perform iniquity in judgment.” Rav Hirsch explains the nature of the connection between judgment, or justice, and a merchant who falsifies measurements:

The kind of justice discussed here is indicated by … “with measures of length …” It is the justice of those things on whose correctness the honesty of human intercourse depends. The Torah considers everybody who counts, measures, or weighs anything and on that declares its content, or who declares an object to be a measure of some definite size, to be and to have the responsibility of a judge. He is an officer of justice, he pronounces judgment as to what is right and fair, his word is judgment: a declaration of what is right. But this places the responsibility for the honesty and legality of things in general in the hands of the conscience of every individual person. Everyone is placed in charge of it, over it, and any misuse of this power is “iniquity”: just as great a wrong as a misuse of the legal power of a judge.

However, Scripture does not discuss here a person who abuses the legal trust placed in him by actually defrauding his fellow man. Using false weights and measures in buying and selling, or having correct weights and measures but using them in a fraudulent manner, is outright robbery and theft, and there is no need to mention this at the conclusion of the chapter on the holiness of life.

Rather, the prohibition stated here regarding weights and measures calls us to account even before a fraud has actually been committed, for any act that would allow for the possibility that our friend would be cheated, or even for any failure on our part to prevent his being cheated …

**The Need for Honesty**

The Gemara (*Bava Metzia* 49a) uses the formulation of the mitzva in *Vayikra* to teach that not only must one have proper weights and measures, but one’s word must be honest to the core. The verse, again, states:

Righteous scales, righteous weights, a righteous dry measure, and a righteous liquid measure shall you have. I am the Lord, your God, who took you out of the Land of Egypt.

The Talmud expounds this verse to mean that “your ‘yes’[[3]](#footnote-3) must be righteous and your ‘no’ must be righteous.” Abbayei clarifies: “This means that one may not speak one thing in his mouth and another in his heart[[4]](#footnote-4) ([see Year 1, Lesson 26](http://www.vbm-torah.org/archive/chavero/26chavero.htm)).

Rav Hirsch (*Vayikra* 19:26) comments on the Gemara’s choosing to derive the need for an honest word from this verse:

We also derive from here the principle that a Jew must maintain sanctity of his word, whether in testifying to something or promising something.

Indeed every measure and everything that is measure are nothing but the simple and far-reaching embodiment of a man’s word. It is on the truthfulness of your word that your pound is actually a pound, for you alone testify to this and your word guarantees this truth. Truth and justice came down to the world wrapped up together, for the truth of one’s word is the basis for just relationships in society, and the first representative of a just word is a just measure.

Rav Hirsch then notes that this is the reason for the severity of the transgression: it is a sin that shakes one of the pillars of Jewish society. He concludes his remarks by explaining why this mitzva is found at the conclusion of the Torah’s guide to a life of holiness:

The chapter of holiness previously mentioned the first principle of respect and love for one’s fellow man, culminating with granting the stranger equality with the native-born in state and society before the law and in feelings of love. The second principle is respect for law and justice, which is expressed in honest weights and measures.

**Dishonesty in the Synagogue**

Let us conclude with a short story. Once, during the holy season of Rosh Ha-shana and Yom Kippur, the Chasidic master Rav Levi Yitzchak of Berditchev paused in his devotions and, looking at his disciples with sad, tear-laden eyes, remarked, “What a funny world it is that we live in these days. There was a time, you know, when Jews would be scrupulously honest in the marketplace and the most outrageous liars in the synagogue. These days, however, everything is reversed. The Jews are surprisingly honest in synagogue, but in the streets and marketplaces – I’m ashamed to tell you.”

“But rabbi,” his followers asked, “why are you so distressed. How can it be bad if Jews are telling the truth in synagogue?”

“I’ll tell you why I’m distressed,” answered Levi Yitzchak. “In days gone by, Jews were known for their honest dealings. They took the words of the Torah seriously. Their ‘yes’ was always a ‘yes’ and their ‘no’ was always a ‘no’. They had honest weights and fair measures. Yet on the Days of Awe they would fervently recite the confessional prayers declaring that they had lied, cheated, swindled, and dealt dishonestly. This was a lie. Everyone knew that truth and faithfulness were the lamps lighting their way.

“But these days, the reverse takes place. In the streets and in the marketplace, the world of commerce and social interaction, they lie and cheat, but when they come to synagogue, they, sadly, profess the truth.”[[5]](#footnote-5)

1. Whether such duplicity benefits the seller or the purchaser is the subject of a dispute between Rashi and the *Tosafot*. [↑](#footnote-ref-1)
2. Some translations are from Yair Barkai, “Honest Weights and Measures” (Bar-Ilan University Parashat Hashavua Study Center, September 10, 2011) <www.biu.ac.il/JH/Parasha/eng/kiteze/875Bar.doc>. [↑](#footnote-ref-2)
3. The Gemara renders the Hebrew *hin tzedek* (“righteous liquid measure”) as *hein tzedek* (“righteous ‘yes’”). [↑](#footnote-ref-3)
4. This description refers to one of the three individuals described in *Pesachim* 113b as despised by God. [↑](#footnote-ref-4)
5. Adapted from Martin Buber, *Tales of the Hasidim: The Early Masters*, p. 230 <<http://www.berdichev.org/honest_weights_and_measures.htm>>. [↑](#footnote-ref-5)