Interpersonal Mitzvoth and Mitzvoth Between Humans and God

View PDF



Dr. Sperber is President of the Makhon haGavoah leTorah at Bar Ilan University. Author of numerous works in Jewish law, custom, and theology, he was awarded the Israel Prize by the State of Israel for his monumental contributions to Jewish scholarship. This article is a considerably amplified version of Dr. Sperber's piece in Netivot Pesikah, Jerusalem 2008, Appendix 2, pp. 181-192. This article appears in issue 8 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

It is well known that all mitzvoth fall into two major categories: those between humans are God-bein adam laMakom, and those between humans and their fellows-bein adam leHaveiro. The question we wish to discuss here is which of these two categories is, as it were, more weighty. Formulated differently: If there were to be a clash between two different mitzvoth from these two categories, which one would prevail?

At first blush one might well assume that our relationship toward our Maker is clearly of such primal importance, that in all such cases we must give mitzvoth directed toward God our first priority. Indeed this seems to have been a common presumption among some people during the Second Temple times, as we learn from the very disturbing story in B. Yoma 23a:

It once happened that there were two Kohanim who had equal [rights to carry out a sacrifice], and they were running up the gangway [to the altar]. One of them got ahead of his fellow by within four cubits, and he took a knife and stabbed it into his fellow kohen's heart.... The father of the young kohen came and found his son convulsing. He said: May he be your atonement, for my son is still convulsing (i.e., still alive), and the knife has not been made ritually impure. This comes to teach you that the purity of [Temple] vessels was more serious for them than bloodshed....

This very shocking story reflects a not uncommon notion as the scale of priorities to be found in certain sectors of Jewish religious society.
But the fact that we find this episode so shocking and unacceptable indicates that we must reconsider the moral and halakhic presumptions underlying the tale. And indeed, when we examine this issue more closely we shall see that the opposite is the case, namely, that interpersonal mitzvoth have a priority over those between humans and God. So formulates R. Meir ben Raphael Plotzky, in his classic K'lei Hemdah to Deuteronomy 25:26 (sect. 5, subsection 4, Pietrokow 1902. KiTetze p. 228):

Concerning the issue of one who is engaged in one mitzvah that he is exempt from another if he is engaged in a mitzvah between man and his Maker-he is not exempt from a mitzvah between a person and his fellow. ... However, this is only the case with regard a mitzvah between a person and his Maker. We have not heard that this would exempt him from a mitzvah between a person and his fellow, for the ultimate end that would serve his fellow cannot be pushed aside because one is engaged in a mitzvah directed toward one's Maker.

We see then, that when there is a clash between these two categories, it is the "social" mitzvah that overrides the "ritual" one. We find this principle also in the S'dei Hemed of R. Hayyim Hezkiahu Medini (vol. 5, p. 233b, Klal 45) in the name of the Shem Aryeh, by R. Aryeh Leibush Bolhauer [Vilna 1873-1874], in the additional response at the end of the book sect. 3. There, he solves a certain question raised by the Tosafot to Shevuot 44b in the following manner:

In B. Rosh haShanah 28a we learn that someone who takes upon himself by a vow not to receive any sort of benefit or enjoyment from a spring, is permitted to bathe in that spring for a ritual ablution, for mitzvoth are not for personal benefit. The Tosafot ad loc. ask as follows: Surely in doing so, he will benefit according to the view of Rav Yosef in that he is a paid guardian (shomer sakhar)?

Let me explain this in greater detail. Rav Yosef is of the opinion that if someone finds a lost object and keeps it until the owner comes to claim it, his legal status is that of a paid guardian; the reason being that while he is engaged in looking after the object, making sure it is in no way damaged, he will be exempt from giving a poor man who comes to his door a small gift of charity. This is called peruta deRav Yosef, Rav Yosef's penny. In that he does not have to give out a penny, it is as if he has earned it. Hence, he is a paid guardian. According to this view, if, while the person is having his ritual oblution, a poor man would come begging for a donation, he would be exempt, since he is already engaged in a mitzvah, and there he would be having a monetary benefit from not giving the "penny." How then, ask the Tosafot, can he be permitted to bathe in the spring when he has vowed to have no sort of benefit from it? The answer that the P'nei Aryeh gives is that such exemption from charitable giving is only the case when the mitzvah he was engaged in was toward his fellow man, looking after the lost object. But if he is engaged in a ritual mitzvah, toward his Maker, he is in no way exempt from the mitzvah of giving charity, which is one directed to his fellow man. This then is fully in line with what we saw to be the principle in the K'lei Hemdah.

Although this may appear to be a rather radical view formulated by later authorities, it is actually already to be found in the Rosh (Rabbenu Asher), in his commentary to Peah 1:2. He wrote (ed. Samuel Edwin, Marlborough, Australia, no date):

For the Holy One blessed be He is more desirous of mitzvoth that are done to the satisfaction of human beings, than those that are between a person and his Maker.

See on this what Rabbi Elhanan Wasserman wrote in his Kovetz Maamarim (ed. R. Eliezer Simchah Wasserman, his son, Jerusalem 1963, pp. 42-43):

For "among two hundred is to be found a hundred" (a common rabbinic idiom), meaning that in all mitzvoth between a person and his fellow there is also a component between a person and God. Why then should they be lessened by being between a person and his fellow? And it is for this reason that the Rosh saw interpersonal mitzvoth as being weightier, for they contain both elements.

I believe this notion is also to be found in the Ramban. On the verse in Leviticus 23:22-"And when ye reap the harvest of your land, thou shalt not make clean riddance of the corners of thy field when thou reapest, neither shalt thou gather any gleanings of thy havrvest; thou shalt leave them unto the poor and to the stranger: I am the Lord your God"-he writes as follows:

Rashi wrote [not in our Rashi] The Scripture repeated itself to make a person transgress two prohibitions.... Rashi seeks to answer the question why this verse appears after the section dealing with the bringing of the omer. Moreover, these commandments of Peah etc. have already appeared in Leviticus 19:9-10, in a very similar formulation.

However, Ramban rejects Rashi's explanation, and suggests:

In my view, the correct interpretation is that the harvesting mentioned refers to what is brought at the beginning of the section (verse 10), namely that when you come into the land and reap the harvest and bring a sheaf of the first fruits of the harvest, you should not reap the corner of your field for the omer, nor glean the gleanings, meaning that the mitzvah [of the omer] does not supersede those prohibitions.

The Ramban here is teaching us that the mitzvah of bringing the omer before the altar of God cannot push aside those mitzvoth aimed at helping the poor. (R. Hayyim ibn Atar, in his Orah Hayyim ad loc., follows this interpretation.)

In light of the above we can perhaps better understand the well-known rabbinic statement that whereas sins against God are expiated on Yom haKippurim, those against fellow humans are not expiated on Yom haKippurim until the sinner appeases the person against whom one sinned (B. Yoma 85b, and cf. Numbers Rabbah 11:7). [1]

My grandfather, Rabbi David Sperber, of blessed memory, in his commentary to tractate Avot 3 (Mikhtam leDavid, Brooklyn 1997, p. 64) linked this concept to the statement of Rabbi Haninah ben Dosa (Avot 3:11):

He in whom the spirit of mankind finds pleasure, in him the spirit of God finds pleasure; but he in whom the spirit of mankind finds no pleasure, in him the spirit of God finds no pleasure.

And in this context we should recall the famous difference of opinion among the later authorities, some of whom hold that if the sinner does not appease his fellow, than those sins against God will also not be expiated by Yom haKippurim.[2]

I cannot restrain myself from recalling the wonderful story that R. Yehudah Leib Maimon records in his Toledot haGra, Jerusalem 1970, p. 7, concerning the Rabbi of Frankfurt R. Avraham-Abush, a contemporary of the Gaon of Vilna:

They relate that once the shohetim of Frankfurt came before him with a query concerning [the kashruth of] a lung, a matter on which the Rama and the rest of the Polish authorities ruled most stringently. The incident took place on the eve of a festival, and the matter was one potentially involving a very considerable monetary loss for the impoverished slaughterer. The members of the Bet Din wished to rule stringently and declare the meat not kosher, but R. Avraham-Abush began to search for ways of finding it kosher. The judges of the Bet Din insisted on their position that it is impossible to rule leniently against the view of the Rama and his colleagues, but R. Avraham-Abush argued with them, discussing the halakhic issues involved, and finally ruled that the meat was kosher. The members of the Bet Din were astonished, asking him: How could one possibly rule leniently, declaring the meat kosher against the ruling of the Rama and the great authorities of Poland who held the same opinion?!

R. Avraham-Abush replied to them as follows: I prefer at the end of my days that [before the Heavenly Court] I will argue my case with the Rama and his colleagues, rather than with this poor slaughterer. The slaughterer is a simple man, and it will be very difficult for me to argue my case with him before the Heavenly Court, if he brings me to court claiming that I declared his animal tareif, and that in doing so I caused him great monetary loss [3], and that I damaged his business on the eve of the festival. But I am sure that when I lay out my arguments before the Rama and his colleagues, we will reach an agreement....

The logic in R. Avraham-Abush's position is clarified in a similar tale told by Yaakov Rimon and Yosef Zundel Wasserman in the book, Shemuel beDoro:
R. Shmuel Salant z"l Rabbah shel Yerushalayim 1841-1909, Hayyav uPoalav, Tel Aviv 1961, pp. 122-126:

Once upon a time some learned rabbis were arguing with him (R. Shmuel Salanter) on a case where he had ruled "kosher," and needless to say he refuted their counter-arguments. One of them turned to him and said to him: You have refuted our arguments, but what will happen when you come before the Heavenly Court and have to argue with the Bet Yosef and the Rama? He replied as follows: Surely you will agree with me that it will be better for me to argue my case with them, since I believe that I understood in depth their opinion, rather than having a claim against me on the part of the ox [i.e. on the part of the owner of the ox] that I incorrectly declared tareif....

Both of these tales have a common denominator: namely, that if the rabbi ruled incorrectly, declaring tareif meat kosher, he has sinned against God, and Yom haKippurim will atone for this sin. But should he have ruled kosher meat as tareif, he will have caused damage, hurt, and monetary loss to the slaughterer, and this is a sin against his fellow human, a sin for which Yom haKippurim does not automatically atone. He thus preferred to err on the side of leniency rather than risk erring on the side of stringency. (See my discussion in Darkah Shel Torah pp. 140-141.)
We find much the same idea reflected in the Netziv (R. Naftali Zvi Berlin), in his HaEmek Davar to Genesis 20:7, "[Now therefore restore the man his wife; for he is a prophet], and he shall pray for thee, and thou shalt live":

According to what we have explained... that the sin was that [Avimelech] caused grief to our forefather Abraham, surely he only needed to appease him, and there was no need for prayer. However, from here we may learn that one who sins against his neighbor also sins against God, and it is not sufficient to appease one's neighbor alone. One must also beg foregiveness from God. And for this reason he needed Abraham's prayer, in order to be completely expiated.

Perhaps we may here add that which we find in Sefer haRokeah sect. 369 ad fin., namely that a person who is sitting in the synagogue, wrapped in his tallit and with his tefilin on his head and who is reciting liturgical songs, must, nonetheless, rise up before his teacher, since he can carry out both actions simultaneously. Now there are early authorities who held that the principle that one who is engaged in one mitzvah is exempt from another is also the case when both could be carried out.

(See Shulhan Arukh Orah Hayyim 38:8, and in the Beur Halakha ibid., and also R. Yaakov Hayyim Sofer, Brit Yaakov, Jerusalem 1985, sect. 2, p. 36.) The author of the Rokeah, R. Elazar of Germaiza was a disciple of R. Yehudah (b. R. Shmuel) he-Hassid, the author of Sefer Hassidim. It is the view of R. Yehudah he-Hassid that even if one can carry out both mitzvoth, one is exempt from doing so, if one is engaged in a prior mitzvah; and this, indeed, is the view of R. Elazar Rokeah himself (Rokeah, Hilkhot Sukkah sect. 299; see Sofer ibid.). Why then should one engaged in praising the Lord in the synagogue have to rise up before his teacher? He is already engaged in a mitzvah, and therefore exempt from others! Surely, this is only because ritual synagogue worship is directed toward God, but respect for one's teacher is between a person and his fellow, and he is not exempt from it. This, too, is the ruling of the Hidah, R. Hayyim Yosef David Azulai, that even in the hour of prayer one rises before a Torah scholar, (Birkei Yosef Orah Hayyim sect. 244:1; and see Sofer ibid. note 8 on p. 37).

It would then appear that this is a basic principle in halakhic and ethical thought, that interpersonal mitzvoth have some kind of greater virtue that those directed toward God.

We find this principle reflected in a passage in Rambam, Hilkhot Rotzeah 4:9. There he writes as follows (and is also quoted in the Semag [Sefer Mitzvot-Gaddol], negative commandment no. 163):

Even though there are more serious sins than murder, they do not destroy the order of society like murder. Even idolatry...and the desecration of the Sabbath are not as [serious] as murder; for these sins are of the [category of sins] between humans and the Holy One blessed be He, whereas murder is of [the category of] sins between a person and his fellow.

There is a tradition in the name of the late R. Aharon Soloveitchik that when he was asked concerning the gravity of the sin of homosexuality he replied "It is terrible. It is almost as great a sin as cheating in business."[4]

Indeed, the same R. Levi (B. Baba Batra ibid.) states that "theft from an individual is more serious than theft from that which has been dedicated to God..." Here again we see the relative weight of these two categories of mitzvoth, and conversely aveirot-sins.

We may perhaps add yet another possible insight. The Kolbo, Hilkhot Evel veTumat haGuf, ed., David Avraham, vol. 7, Jerusalem 2002, 71, raises what he calls "a very weighty question"- namely that "there are two mitzvoth that contradict one another" (or, as the Orhot Hayyim emended: "seem to contradict one another," ibid. note 314), namely: the seriousness of coming into contact with corpse-related uncleanness, and the very important mitzvah of burying an untended corpse-a met mitzvah.[5] He goes to considerable depths to solve this apparent contradiction (ibid. 71-75, and the editor's notes ad loc.). However, we would suggest that the laws of impurity are basically ritual laws, and hence God-related laws, whereas the burial of an untended body is a person-related law, since the dead were thought to be sensitive to their state, and certainly live people would wish themselves to be properly buried. Hence, the mitzvah of burying a met mitzvah has priority over the laws warning us against becoming impure by contact with the dead.

We may also call our attention to what is related in Numbers 9:6-7:

And there were certain men, who were defiled by the dead body of a man, that they could not keep the Passover on that day; and they came before Moses and before Aaron on that day: And these men said unto him: We were defiled by the dead body of a man: wherefore were we kept back, that we may not offer our offering of the Lord in his appointed season among the children of Israel?...

On this the Talmud in B. Sukkah 25b asks:

Who were these people who were dealing with a met mitzvah, a dead person that no one else was dealing with?

Rashi, ad loc., comments that this was not necessarily a met mitzvah (who has a special status), for even it if were their own dead... they would have been obligated to deal with them. See the Torah Temimah ibid. (pp. 109-110 note 4), from whose discussion it emerges that carrying out a relatively minor mitzvah would obviate the carrying out of a more serious one-and in this case, one should nonetheless carry out the minor one. We would add that seeing to the burial of a dead person is seen as an interpersonal mitzvah, and is called by the rabbis Hessed shel Emet, true benevolence, in that it is one for which one receives no recompense. Within a person's lifetime he knows that someone will always see to his last rites and burial. Hence, this is a person-directed mitzvah, whereas the sacrifice of the paschal lamb is a God-directed mitzvah; hence, the former overrode the latter.

We may move one stage further, quoting a passage from the Hidah, in his book Yair Ozen, (Lemberg 1865, 109a):

That which is written in the Yerushalmi Berakhot chapter 2 ad fin., and Shabbat 1:1, that he who is exempt from something and does it is considered an ignorant person, while in many other cases our decisors said that he who takes upon himself additional stringency, may he be blessed. (See Shulhan Arukh Orah Hayyim sect. 639:2, and compare with subsection 7 ibid.) One may explain [this difference] by stating that "he is considered ignorant" only with regard mitzvoth directed toward his Maker. But there is never an exemption from mitzvoth directed toward his fellow humans, for we have been directed in a generic fashion to go beyond the letter of the law, as we learned in B. Baba Metsia 30b....

In this way the Hidah resolved a question against the Rambam (Hilkhot Gezelah veAvedah 11:17), who wrote that: "He who goes on the straight and virtuous path and acts beyond the letter of the law, will return a lost object wherever it be, even if this is not in accordance with his dignity." According to the Hidah, even though this person is not obligated to return the lost object, because it is beneath his dignity to do so, he should nonetheless do so, and is not to be considered an ignorant one, since this is an interpersonal mitzvah.

And this, indeed, is the simple and deep understanding of the statement found in B. Shabbat 127a:

R. Yehudah in the name of Rav said: Greater is the hosting of guests than the hosting of the Shekhinah, as it is said (Gen. 18:3), "And he [Abraham] said: My Lord, if now I have found favor in Thy sight, pass not away, I pray thee, from Thy servant."[6]

Here I would recall the tradition related by R. Yaakov Tavshonsky, in his Imrei Haskel, Vilna 1909, p. 57 (cited in Dov Eliach's Avi haYeshivot, vol. 1, Jerusalem 1991, pp. 265-266), concerning R. Hayyim of Volozin:

Once R. Hayyim Voloziner, who made it a rule to come regularly to the Bet Midrash at prayer times, was late for prayer. The beadle went to call him to come and found him seated at his table happily in discussion with a group of distinguished guests who had come to visit him. Noting the expression of surprise on the beadle's face, R. Hayyim explained himself in the form of a question: "Is the issue of the importance of hosting guests, which is said to be greater than hosting the Shekhinah, of little importance in your eyes?!"

I would further suggest that it is this basic principle that is behind the well-known halakhic ruling that the danger to life takes precedence over the laws of Shabbat (B. Shabbat 132a), and indeed over other laws of great gravitas (see B. Yoma 82a). It is well known that R. Hayyim Brisker took an extreme position of leniency in matters where he saw even a hint of a life-endangering situation. Thus it is related (Aharon Sorasky, Marbitzei Torah uMusar beYeshivot Nusah Lita miTekufat Volozin veAd Yameinu, vol. 1, Israel 1976, p. 112) that:

Once a Jew from Brisk came to him with a question: His son, who had been drafted to the army, was sick and in the hospital in the nearby town of Sidlitz. On the following day, which was Shabbat, the doctors would examine him to decide whether or not he was fit enough to join the army. And so, asked the father, was it permitted for him to travel that night on Shabbat, to Sidlitz in order to intercede on his son's behalf. R. Hayyim did not hesitate for one moment, but ordered the man to do all in his power to save his son, since there was a danger to his life.

The people who were present were puzzled by his unusual ruling, and after the man had left, R. Hayyim explained his response:

If this young man will have to serve five years in the army, it is not unlikely that during this period a war will break out and he will be sent to the front and possibly be killed. And even the slightest suspicion of a life-endangering situation overrules the laws of Shabbat.

R. Hayyim's position on a sick person fasting on Yom haKippurim shows similar concern for human life. Sorasky relates (ibid. pp. 112-113) that shortly before his death, R. Hayyim dwelled in Otbosk, a place near Warsaw where people sick with tuberculosis (TB) would come for treatment in the pure fresh air. On Tisha beAv, twelve days before he died, a woman came to him weeping that her son lay sick with TB in the house next door, in a life-threatening condition, and the doctor forbade him to fast. However, the young man refused to listen to the doctor. R. Hayyim hurried to the young man's house and entreated him to listen to the doctor's directions, but despite his entreaties the young man adamantly refused. Then R. Hayyim said: "If I eat today, will you join me?" The youth replied: "If you eat, I'll eat with you."

Such tales relating to R. Hayyim are legion (see Sorasky, ibid.). R. Hayyim was wont to explain his position saying: "I do not rule leniently concerning Yom haKippurim, but stringently concerning the law 'Take ye therefore good heed unto yourselves'" (Deut. 4:15).[7]

Similarly, we can well understand the rabbinic statement that "[so] great is the [need to] respect the dignity of individuals that it has precedence over a negative commandment of biblical authority (B. Berakhot 19b, B. Menahot 36b, B. Megillah 3b, B. Eruvin 41b). I have discussed this concept in detail in my Darkah shel Halakhah, Jerusalem 2007, pp. 34-43, 67-84, and again in my Netivot Pesikah, Jerusalem 2008, pp. 150-159, with numerous examples, a rich bibliography, and a discussion as to the parameters of this principle. An examination of these sources will show that the principle of Kevod haBeriyot, the dignity of the individual, takes precedence over mitzvoth between humans and God, so that, for example, if one finds oneself wearing shaatnez of rabbinic status, one need not disrobe to remove it in a public place, because one's nakedness would be shameful in public. (Rambam, Hilkhot Kilayim 70:19).

I would like to show how this was actually practiced by one of the latter-day Gedolim, Rav Chaim Soloveitchik, the Brisker Rav. This I learned from an article R. Aharon Hersh Fried, published in Hakirah 6, 2008, pp. 49-50:

Late on a Wednesday night, a traveling Jew arrived in Brisk. The lights were out in all the homes, and he did not want to awaken the people with whom he had meant to be staying. Noticing one house in which the lights were still on, he decided to knock on the door and ask whether he could possibly stay the night. The homeowner opened the door and graciously welcomed him to stay the night. The homeowner remarked that coming from the road, the traveler must also be hungry, and went into the kitchen to prepare him something to eat. While the host was in the kitchen, the guest had a chance to look around and he noticed that he was in a a house filled with rabbinic books, and quickly surmised that he was in the home of a rav or at least a rabbinic judge. At this point he became uncomfortable with this revered personage preparing a meal for him, and he voiced his protestations, saying to the host, "You needn't trouble yourself." The host did not answer him, continued preparing the meal, and served it to him, amidst his continued protestations. The host then began to prepare a bed for the guest, who again protested, "You needn't trouble yourself. Just put the bedding down and I'll arrange the bed myself. Please, you needn't trouble yourself." Again, the host did not answer, but continued to make the bed. The next morning, the host took the man to synagogue. Being that it was Thursday morning and there was a public Torah reading, the host told the gabbai to give the guest the honor of lifting the Torah scroll. As the guest was about to lift the Sefer Torah, Rav Chaim (who was the host) tapped him on the shoulder and said, "You needn't trouble yourself."

The author writes of Rav Chaim that his "greatness in hessed was possibly even greater than his greatness in learning," and that this anecdote encapsulates the point beautifully.
This general thesis is reflected in yet a different halakhic area. The Sheiltot (to Terumah, Sheilta 62) writes:

The house of Israel is obligated to give charity from their monies to whosoever is in need thereof. And he who shows pity for the impoverished is likened by the Holy One blessed be He as if he did good deeds to God himself, as it is stated, (Exodus 25:2), "that they should bring to Me an offering," (i.e. if they give charity to the poor, it is as though they are giving it to God himself).

In B. Baba Batra 10a we read in the name of R. Yohanan:

What is the meaning of the verse in Proverbs 19:17, "He who hath pity upon the poor lendeth unto the Lord"? If it were not written, it would be impossible to say it, namely that "the borrower is servant to the lender" (ibid. 22:7).

Rashi explains that he who has pity for the poor, it is as though he is lending to God, and "the borrower"-God-becomes, as it were, "servant to the lender."

The Netziv, returning to the Sheiltot (in his Haamek Sheelah p. 413) notes that the author of the Sheiltot derived his ruling from a biblical verse relating to donations made to the tabernacle, and nonetheless, he learned from it that charity given to the poor is of greater virtue than money given to the Temple itself.

Furthermore, this is also the view of the Tosafot in B. Baba Batra 9a, who learn this from Rav Asi's statement ibid., that: "Charity may be weighed against all other mitzvoth, as it is said (Nehemiah 10:33), 'Also we made ordinances (mitzvoth) for us to charge ourselves yearly with the third of a shekel for the service of the house of our God.'" Even though this verse is talking of money for the Temple, Rav Asi learned from it-and from the plural "mitzvoth" that charity is even weightier than donations to the Temple.

This triggered a discussion among the decisors, summarized in Shulhan Arukh Yoreh Deah 249:16:

There is an opinion that the mitzvah [to give to] the synagogue is greater than the mitzvah of charity, and the mitzvah of charity to youths or to the sick is greater than that of the synagogue. (Mahri Kolon, Shoresh 128, in the name of the Tashbetz in the name of the Rosh to Yerushalmi Zeraim).

But the Gaon of Vilna (252:2) stated explicitly that charity is greater than the building of a synagogue.

This also seems to be reflected in a passage in Pesikta Rabbati chapter 6, (25b), where the question is raised: Why did Solomon not build the Temple with his father David's treasures? For the verse in 1 Kings 1:51 states:

"So was ended all the works that King Solomon made for the house of the Lord. And Solomon brought in the things which David his father had dedicated: even the silver, and the gold, and the vessels, did he put among the treasures of the house of the Lord." There are those who explain this... negatively... For there was a famine in the days of David for three years, and David had several treasure houses of silver and gold that had been dedicated to the building of the Temple. And he should have used them to save lives, and he did not do so. God said to him: My children are dying of starvation and you are hoarding money to build a Temple. Should you not have [used it to] save lives? Since you did not do so, by your life, your son Solomon will make no use of it [when building the Temple]...

Hence the verse states that only when "was ended all the works" did Solomon bring these treasures to the house of God. So charity, and certainly saving the lives of the hungry, have greater priority even than building God's Temple.

In Yerushalmi Shekalim chapter 2 ad fin., we read that "Rabbi Avun (=Avin) made these gates "for the great synagogue (in Tiberias). "Rabbi Mana (mid-fourth century C.E.) came to him, and he said (boastingly): "See what I have done." To which Rabbi Mana responded by quoting the verse in Hosea 8:14: "For Israel hath forgotten his Maker, and buildeth Temples..." Are there no [poor] people who are studying Torah?" The Tashbetz has an additional reading: "Or sick people who lie among the rubbish." The Korban haEdah further elaborates: He should have used his money to help people's livelihood... It would be better to give to poor Torah scholars who are involved in mitzvoth at all times than building edifices. The Rambam summarizes in Hilkhot Matnot Aniyim 1:2:

One is obligated to be more careful with the mitzvah of charity more than all other mitzvoth, for charity-tsedakah-is a sign of the righteousness-tsedek-of the offspring of Abraham our forefather.

In view of all that has been said above, it is surely clear that charity, as an interpersonal mitzvah, must be seen as preferential to building a synagogue or even the Temple, which is a mitzvah between humans and God.

We have discussed rather extensively the premise that people-directed mitzvoth have a preferential status over God-directed mitzvoth. And this view may be found among numerous authorities, as referred to in Sedei Hemed vol. 3. pp. 164-177, where the issue is dealt with at length and in depth.

Perhaps we can link this with an interesting observation made by R. Yosef Hayyim Sofer (in his Menuhat Shalom. Part II, Jerusalem 2003, p. 22):

It is very clear that the Tanna of [Mishnah] Peah 1:1, who listed "those things that a person eats their fruits in this world...," only listed those acts that serve well both to God and to humans, where human beings also have real material benefit therefrom, such as honoring one's parents, righteous deeds to one's fellows; while those [mitzvoth] that are only good toward heaven, such as sending away the mother bird, are not listed.

He bases his comments on the passage in B. Kiddushin 40a, which elaborates on the verse in Isaiah 3:10, "Say to the righteous, that it shall be well with him: for they shall eat the fruits of their doings." The Talmud homiletically understood the verse to mean "Say to the righteous for [he is] good," and then asks:

And is there a righteous person who is not good? This means he is good toward heaven and good to humankind-this is a good and righteous person. Good to heaven and bad to humankind-this is a righteous person who is not good. And so similarly you may say [on the verse 11 ibid.]: "Woe unto the wicked! It shall be ill with him: for the reward of his hands shall be given him." And is there a wicked man who is bad, and one who is wicked and not bad? Yes, if he is bad toward heaven and toward humans, this is a bad wicked person. But if he is bad toward heaven but good toward humans, then he is a wicked person who is not bad.

So here again we see that a greater preference given to one who is virtuous both to God and humankind, the inference being that piety toward God alone is not sufficient, and makes for a righteous person who is nonetheless considered "not good."

Indeed, this concept, of a righteous person who is not necessarily good, is found in the Netziv's introduction (Petiha) to Genesis. There he writes that:

There were Tsaddikim and Hassidim, righteous and virtuous men, who toiled in the learning of Torah, but who had no integrity in the ways of the world .... And the Holy One blessed be He, who is integrity personified, cannot bear righteous people of this nature, but only those who walk the paths of integrity in the ways of the world, and not in a distorted manner...

Admittedly, here we do not clearly see the relative weight of the two categories, but this aspect of the issue has been discussed above. (See further the discussion of R. Aharon Lichtenstein, in his By His Light: Character and Values in the service of God, adapted by R. Reuven Ziegler, Yeshivat Har Etzion 2002, pp. 113-118, section entitled "Frumkeit Devoid of Goodness.")

Many years ago, when my late father of blessed memory was in a hospital, recovering from an operation, he shared a room with an elderly gentleman who had had a stroke and could no longer speak. This man could only make unintelligible noises. His wife and children took turns sitting by his bed, and as I also spent many hours with my father, we got to talking to one another. His wife told me that she had married at the age of fourteen, and that her husband was considerably older than she. She had brought up the family, supported it by working as a maid in various houses, while her husband sat and learned Torah. He would get up at about 3:30 in the morning [8], go to the synagogue, sit in his corner and learn all day, interrupting only for the prayers. After Shaharit, the members of the synagogue would give him some breakfast, and at midday his wife, or a child, would bring him some lunch. In the evening he would come home, and his wife would give him supper, and he would go to bed early, so as to be able to get up at 3:30. He never gave a lesson in the synagogue, nor even a sermon; in fact he never talked to the other congregants; he just set in his corner and studied. He never taught his children, and no one really knew what he was studying or how much he really knew. And now he was incapable of speaking, or even communicating in an understandable fashion, so that his "Torah" could serve no others. The members of the synagogue held him in awe as a supremely righteous person; his family held him in great respect. But I remember wondering all the while, and being not a little troubled by my thoughts, that perhaps he was not really a good person-a righteous man who, in fact, was not good; and that it was his wife, an illiterate woman, who had shouldered the burden of educating and maintaining the whole family for so many years, who was really the righteous person, righteous and good!

It is interesting to note what Rashi writes in his commentary to the book of Leviticus. This book, as is well known, deals to a large extent with ritual laws, i.e., with laws relating to the relationship between humans and God and indeed begins with them. The first verse in this book reads as follows:

"And the Lord called unto Moses, and spake unto him out of the tabernacle of the congregation, saying"...

On these first words "And [the Lord] called unto Moses," Rashi comments as follows:

All oral communications of the Lord to Moses, whether they are introduced by dabber or by emor or by tsav, were preceded by a call (to prepare him for the forthcoming address). It is a way of expressing affection, the mode used by the ministering angels when addressing each other, as is said, "And one called unto another [and said holy, holy, holy is the Lord of hosts]" (Isaiah 6:3)....[9]

Rashi is teaching us, basing himself on the Sifra ad loc., that before one begins to shower a spate of commandments (upon a community or an individual), one must prepare the recipient with words of affection.

It is surely significant that Rashi begins his commentary on this book of ritual with words of advice on matters of etiquette and decent behavior toward one's fellow man.

And from these same initial words of that verse, the Talmud in B. Yoma 4b comments as follows:

Tanya: Why did God "call" before he "spoke"? The Torah teaches us good behavior, that a person should not speak to his neighbor without first calling (i.e., preparing) him.

The Torah Temimah ad loc. elaborates as follows:

The reason for this is so that the audience can prepare itself to listen [to the commandments]. And this is similar to what we have learned from B. Nidah 16b, that the Holy One blessed be He hates a person who enters his neighbor's house suddenly (i.e., without knocking). And in Tractate Derekh erets [Rabba] chapter 5 we read: And all people should learn good behavior from God, who stood at the gate of the garden (of Eden) and called unto Adam, as it is said, "And the Lord God called unto Adam and said unto him, where art thou?" (Genesis 3:9). And the reason that our Gemara (in Yoma) did not cite that verse, may be explained as follows: to teach us an additional lesson, that even in the case of one who one knows intimately and loves with a deep love, even so one should not speak to him suddenly. And it is for this reason that [the Talmud] brought its proof from Moses, concerning whom God himself testified," [My servant Moses is not so], who is faithful in all Mine home. With him I speak mouth to mouth, even apparently, and not in dark speeches..." (Numbers 12:7-8)-And even so God prepared him before he actually spoke with him, (and gave him commandments).

Here too, the Talmud teaches us lessons in decency and good behavior from the first words in the book of Leviticus. Perhaps this is yet another indication that proper behavior takes precedence to Torah. As R. Yishmael ben R. Nahman said: Derekh erets came 26 generations before Torah (Leviticus Rabbah 9:3, ed. Margaliot p. 179).

Let us recall the words of the Maharal of Prague, in his Netivot Olam, Netiv Derekh Erets:

Therefore, a person should not view lightly those matters that are derekh erets, for derekh erets came before Torah... and it is impossible to read a Torah situation without derekh erets, as they said, "If there is no derekh erets there is no Torah" (Avot 3:17), for derekh erets is the basis of Torah which is the way of the Tree of Life.

To this we may add the remarkable statement of R. Simlai in B. Sota 14a:

The Torah begins with an act of kindness, and ends with an act of kindness. It begins with an act of kindness, as it is written, "Unto Adam also and to his wife did the Lord God make coats of skins, and clothed them" (Genesis 3:21). And it ends with an act of kindness, as it is written, "And He buried him [i.e., Moses] in a valley...". (Deuteronomy 34:6)[10]

Elsewhere, I have elaborated on this theme, and brought additional sources to underscore my premise, and to show how it is borne out in a variety of halakhic contexts.[11]

How do these ideas translate themselves into everyday life, and what may we learn from the behavior of pious sages of bygone years, who may serve as role models for us in the present day?
We already related an anecdote about Reb Chaim Brisker. We shall now continue by quoting a passage from Rabbi Yehudah Leib Maimon's Sarei haMeah, vol. 2, Jerusalem 1961, pp. 272-273:

It once happened that Reb Yisrael Salanter, during his stay in Kovno, lived for a while in the house of a wealthy pious man, Reb Yaakov Karpas, and would dine at his table. Members of the household noted that when he washed his hands before the meal, he would do so with a minimal amount of water, even though a bucket full of water was prepared for him. They wondered in amazement: Should not a tsaddik like Reb Yisrael rule more stringently (mehadrin) to wash his hands with a plentiful amount of water! They went and spoke to Reb Karpas, who examined the matter and found that indeed Reb Yisrael would wash his hands with no more than a reviit haLog and no more. He too was most surprised, and when they sat together at a meal, he asked Reb Yisrael: "Forgive me, our Master, but this is a matter of Torah and I must learn about it. Why then does it suffice you to wash your hands with a reviit? Surely, it is a clear ruling in the Shulhan Arukh (Orah Hayyim 155:10), "even though the amount (for hand-washing) is a reviit, one should wash more plentifully." Why then do you, sir, not do so?"

Reb Yisrael answered as follows:

"I have seen that the maid brings the water from afar, from a well in the valley. Your house is situated high on the hill, and the maid almost collapses under the weight of her burden. And it is forbidden for a person to be overly religious at the expense of others" (emphasis added).
Indeed Reb Yisrael was wont to say:

"At times, out of excessive zeal to carry out a mitzvah between a person and his Maker, people err and transgress a much more serious interpersonal mitzvah, as for example is the case of the days of Selihot: If someone rises very early to recite the Selihot in the synagogue, and in doing so causes discomfort to the maid in his house, who, generally speaking, is a poor orphan girl who hires herself out to serve in the house of strangers, and she has to get up early in order to prepare a hot drink

in the morning, then the sin of "distressing an orphan" outweighs all the mitzvah of reciting the Selihot..."

Indeed, in his own synagogue, he ruled that the Friday-night and festival services should begin early, even before the true time of reading the Shema, justifying this as follows:

"The maid in your house, just as other women, are not obliged to say the Shema, but they are obligated to hear the Kiddush, (see B. Berakhot 20ab), and they will not eat until they have partaken of the Kiddush-wine. Therefore, one should not take the stringent position to recite the Shema at the right time, thereby causing distress to the maid, who after a long day's work with much toil in preparing for Shabbat, waits eagerly to eat and satisfy her hunger.

In this context, it is worth retelling what I saw related in the Newspaper BeSheva, for Hannukah 2008: A group of yeshiva students came to Rav Steinman and asked him whether it was right that they should take the strict path of eating their meals on Hannukah in their dormitory rooms, so that the place they lit their candles would also be the place of their meals. His reply was that they do not need to do so, for their eating outside of the yeshiva cafeteria would create additional work for the yeshiva's kitchen staff. Their counter-claim was that they would use disposable dishes which they themselves would clear and clean up after their meals. But he answered that "One cannot rely on the boys to clear away the food," and, therefore, if their eating in their rooms would cause extra work for the kitchen staff, it would be better for them not to take the stringent path.

Yet another wonderful testimony about that great Torah luminary and paragon of true piety, from Rabbi Dov Katz's Rabbi Yisrael Salanter, Jerusalem 1975. pp. 45-46:

While he was living in Salant, it once happened that Reb Yisrael did not appear in the synagogue on Yom haKippurim night. The congregation waited for the Kol Nidrei prayer, and after a while they again waited for the Maariv service. They looked for him in his house; they sent out people to search for him throughout the town, but they could not find him. People were greatly surprised, and the congregation in the synagogue began to be worried about him.

After they finished citing all the piyyutim and were about to end the Maariv service, he suddenly appeared.... He wrapped himself in his tallit and began to pray. After he finished praying, he related innocently that on his way to the synagogue he heard a child crying. When he entered the house from which the crying was heard, he found a baby, some two months old, lying in a cradle and weeping. Next to the baby was a bottle of milk. By the baby on the bed slept a young girl of about six. He understood that the baby's mother had wished to go to hear the Kol Nidrei prayer and had prepared milk for her infant, whom she left under the care of his sister (who had fallen asleep and did not hear the baby's cries). Reb Yisrael took the bottle, fed the baby and put it to sleep, and afterward woke up the sister, so he could leave for the synagogue. But the young girl entreated him not to leave her, for she was afraid to remain alone. So he agreed, and stayed with her until her mother came back from the synagogue, and then left them and went to pray.

After Reb Yisrael finished his story, he expressed great joy that on this holy night he was privileged to carry out a great mitzvah of benevolence toward these children. Reb Yisrael regarded the act of benevolence as a means to cling to the ways of God, who is "abundant in goodness" [Exod. 34:6], and we have been commanded to walk in his ways: Just as He does deeds of benevolence, so too must you do deeds of benevolence."

We see then how Reb Yisrael's extreme sensitivity to the needs of the poor, the orphan maids, and small children, overrode any ritual requirement of a more complete nature, and any more stringent attachment to halakhic requirements. The needs of his fellow creatures were far more committal to him than those of his Maker.

Similar such stories are legion, and we could fill many folios with such maasei hessed. However, I believe the above will suffice to make our point clear and meaningful.

Earlier, I referred to an article published in Hakirah by R. Aharon Hersh Fried, entitled "Is there a Disconnect between Torah Learning and Torah Living?" He argues persuasively that in our education a greater stress must be put on interpersonal mitzvoth. On pp. 48-49 he writes:

The Sefer HaBerit [part 2, section 13, chapter 3] too, writes that "the love of friends and the mitzvoth and behaviors between man and his neighbor are the main facets of the "holy path" and the foundation of the entire Holy Torah...

The Alshekh [Sefer Torat Mosheh, Shemot chapter 19, verses 1-2] writes similarly that the reason the High Court, the Sanhedrin, had its seat in the Bet HaMikdash, close to the mizbeah (altar), was to show that in Hashem's eyes the mizbeah, which represents the peace between God and man, and the Sanhedrin, which represents the law bringing peace between a person and his fellow, were both equal.

He continues in this vein, as follows:

The words of the Rishonim and the sifrei mussar are thus clear....Unfortunately, they receive little "press" in our homes and/or our schools. Thus, as far as our children are concerned, being nice and being frum are not related.

In some circles I have heard it said that "there is too much talk about ahavat yisrael, and they suggest that those who talk about ahavat yisrael and interpersonal mitzvoth are being motivated by secular humanism rather than Torah. This is a sure way to kill the message. It also places those who advocate doing more about middot on the defensive. The bizarre and twisted message becomes that the true Haredi and the true Torah Jew are not overly concerned about middot and interpersonal mitzvoth.

In seeking to explain this phenomenon, he directs our attention (pp. 44-45) to an article by Reb Shlomoh Wolbe, published in haBe'er 15, 1977, which he calls "a shmuess." The article is entitled "On Frumkeit":

In this shmuess he puts forth the thesis that there is a basic instinct, inborn in all creatures, each according to its level of soul, to be "frum," i.e. to want to come close to one's Creator. Frumkeit is not fear of heaven, it is not a quality of piety, nor is it punctiliousness in observing mitzvoth. It is simply an instinct, and like all instincts it is egotistical, i.e., concerned only with its own satisfaction, unthinking, and given to satisfaction through fantasy. The satisfaction of this instinctual drive, he writes, serves as the force behind many people's mitzvah activities, and in a positive way, serves to help us carry out mitzvoth in spite of hardships. However, because of its egotistical and unthinking nature, one cannot build one's service to Hashem on this instinct. The frum instinct, no less than any other instinct, must be harnessed, and must be guided by rational thought, i.e., by Torah knowledge and halakha. If not, it will seek satisfaction in inappropriate ways. A person driven by the need to satisfy this instinct will engage in activities that he imagines will lead to a "spiritual high," even if in the process he transgresses very real Torah prohibitions. He will push his way through a throng in a shul to get close to a visiting tsaddik, pushing one person, jabbing another, and tearing off a button from a third person's jacket, all in the pursuit of attaining imagined proximity to holiness, i.e., attaining a frum "high." He does not consider that his violation of interpersonal mitzvoth may remove him from holiness . Nor does the performance of interpersonal mitzvoth attract him; it does not make him feel more spiritual or holy, it does not satisfy his instinctual need for a frum "high."

He summarizes as follows:

Yes, this is an age-old, deeply ingrained and intractable problem, but we cannot declare ourselves free of the obligation of trying to tackle it and change it. If we don't, we will not succeed in changing the attitudes and behaviors of our children in the area of interpersonal mitzvoth. The only way we can do this is by concerted and unrelenting educational programs aimed at the entire community. Parents need to learn the sources with their children, teachers with students, rabbanim with their congregants, and each one of us with our havrutot and friends.

I believe that our message must be clear and unambiguous. We must lay a far greater emphasis on our norms of social behavior-not for humanistic reasons-but out of the true understanding of halakha. Our piety and "frumkeit" should be directed toward our fellow human beings, and our piety cannot be limited to our ritual behavior alone.

[1] In *Yoma, ibid*. we find the following statement:

Sins between man and his Maker Yom haKippurim atones; sins between man and his fellow Yom haKippurim does not atone until he appeases his fellow. This is what R. Eleazar ben Azariah taught:

"that ye be clean from all your sins before the Lord" (Leviticus 16:30)—sins between man and his Maker Yom haKippurim atones; sins between man and his fellow Yom haKippurim does not atone until he appeases his fellow. Said R. Akiva: Blessed are you, Israel, before whom do you purify yourself and who purifies you? Your father in Heaven.

And in *Numbers Rabbah, ibid*. we read:

R. Akiva said: One that says "and that will clear [the guilty]," and another text says "that will by no means clear [the guilty], (Exodus 34:7; Numbers 14:18)! But [the meaning is that] something between you and your Maker "will clear," and something between you and your fellow "will by no means clear"...

[2] There is a well-known controversy among the later authorities whether according to R. Eleazar ben Azariah sins between man and his fellow where there was no appeasement also present the atonement of sins between man his Maker. This is the view of R. Yishayah Pinto in his commentary to R. Isaac Alfasi (the *Rif*) apud the *Ein yaakov*, and so too R. Hayyim Palache (in Birkat Moadim leHayyim), and Yaavetz, in a responsum *Shetei haLehem* sect. 31). On the other hand, the Hidah, in *Birkei Yosef* to sect. …..subsect. 1, is of the opposite opinion. See R. Yosef Engel's note to Yoma ibid., *Peri Hadash* sect. 606:1, *Shoel uMeshiv Reviata*, vol. 3, sect. 64; Responsa *Yehaveh Daat*, by R. Ovadiah Yosef, vol. 5, sect. 44.

[3] On this halakhic concept, see what I wrote in *Darkah shel Halakhah*. Pp. 117–118, 140–141, 175–177; *Minhagei Yisrael* vol. 3, Jerusalem 1994, pp. 53–54; idem vol. 8, Jerusalem 2007 p. 263; *Entzaiklopedia Talmudit*, vol. 10, Jerusalem 1961, 32–41.

[4] See further ir Tamari, *Kesef Kasher: Sugyot Mussar beMishar*, Jerusalem 2005, pp. 49–50; Edward Zipperstein, *Business Ethics in Jewish Law*, New York 1983, pp. 49–53.

[5] On the status of *met mitzvah* see what I wrote in my commentary *to Derekh Erets Zuta, Chapters Five to Eight*, Ramat-Gan 1990, pp. 179–182.

[6] And see what my father, Rabbi Samuel Sperber, wrote on this in his *Maamarot*, Jerusalem 1978 pp. 189–191.

[7] As to the inner-halakhic logic of this position, it was explained by his son R. Velvele, as related by R. Shlomo Yosef Zevin, in his *Ishim veShitot*, third edition, Tel Aviv 1966, p. 64). And see further the response of the Radbaz, no. 287.

[8] I might here remark that my grandfather, Rabbi David Sperber, of blessed memory, used to get up every night at about three in the morning to begin learning. This was in accordance with the kabbalistic view that at the middle of the night, when the sun begins to come close to sunrise, that is the time when the attribute of Mercy comes into force, (the Arizal, cited in *Shaar haMitzvot, Elhanan, Birkei Yosef Orah Hayyim* 236:1, based on Zohar, Hayyei Sarah 1326).

[9] Rosenbaum and Silbermann translation; see also their note 1, in the Appendix on p. 136.

[10] And see what I wrote on this in my *Darkah shel Halakhah*, Jerusalem 2007, p. 62 note 78, 79.

[11] For those readers who may wish to delve more deeply into this *sugya*, I would refer them to my book, *Netivot Pesikah*, Jerusalem 2008, pp. 181–192, where I dedicated a special appendix to this subject.