

Parashat Ki Tetze, 5771, 2011:

Middot – More than Just Measures

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Dedicated to the sacred memory of my sister-in-law, Ruchama Rivka Sondra, and the *refuah shlaimah* of Yosef Shmuel ben Miriam.

You shall not keep in your pouch two different weights, one large and one small. You shall not keep in your house two different ephah measures, one large and one small. [Rather,] you shall have a full and honest weight, [and] a full and honest ephah measure, in order that your days will be prolonged on the land which the L-rd, your G-d, gives you. For whoever does these things, whoever perpetrates such injustice, is an abomination to the L-rd, your G-d. (*Sefer Devarim* 25:13-16, this and all Bible translations, *The Judaica Press Complete Tanach*)

The above-stated passage focuses upon the importance of honesty in all of our business dealings. The reward for such honorable behavior is quite clear: “in order that your days will be prolonged on the land which the L-rd, your G-d, gives you.” In stark contrast, dishonesty in a person’s business practices places him in the halachic category of “an abomination to the L-rd, your G-d.” I believe that it is quite significant that the Torah does not state that such behaviors (*ma’aseim*) are reprehensible; instead it focuses upon the perpetrator (*gavrah*) and labels him as an abomination to G-d (“*toivat Hashem Elokecha*”). He is, in short, a morally repugnant being in the eyes of our Creator.

Talmud Bavli, Baba Batra 88b goes so far as to identify crooked business practices as being more heinous than prohibited physical relations:

R. Levi said: The punishment for [false] measures (*middot*) is more rigorous than that for [relations with] forbidden relatives; for in the latter case it has been said: “*El*,” but in the former “*Eleh*.” From where do we know that “*El*” [implies] rigor[ous punishment]? — For it is written: And the mighty [*“Elei”*] of the land he took away. Is not “*Eleh*” written also in the case of forbidden relatives? — That [*“Eleh”* has been written] to exclude [the sin of false] measures from the punishment of excision (*karet*). [In] what [respect], then are [the punishments for giving false measures, i.e. crooked business practices] greater [than] those for relations with forbidden relatives]? — Therein, [forbidden relations]

repentance is possible, but herein [illegal business practices], repentance is impossible.
(Translation, *Soncino Talmud* with my emendations for clarity)

It must be noted that this passage is not a merely an interpretation of our initial Torah text. Instead, it has powerful theological and practical legal (*halacha l'maaseh*) ramifications:

The punishment for the person who uses false measures (*middot*) is greater than the punishment for licentious sexual behavior, for this is a sin between a person and his colleague, and this is a sin between a person and G-d. Whoever denies the mitzvah of just measures is considered as if he denied the Exodus from Egypt, which is the first of G-d's commandments. Conversely, one who accepts the mitzvah of just measures is considered as if he acknowledges the Exodus from Egypt, which brought about all of G-d's commandments. (Maimonides (1135-1204), *Mishneh Torah, Sefer Nezikin, Hilchot Geneivah 7:12*, this and all *Mishneh Torah* translations, Rabbi Eliyahu Touger)

Rashi (1040-1105) further elucidates our Talmudic passage (s.v. *efshar leih b'teshuvah*) and explains why it is possible for the one who had engaged in prohibited physical relations to repent, whereas the perpetrator of nefarious business practices is forever barred from doing so:

Forbidden physical relations lend themselves to the possibility of repentance, if one performs the act of *teshuvah* in the best possible manner and on the highest possible level. As the prophet Hosheah wrote [14:5]: "I will remedy their backsliding; I will love them freely, for My wrath has turned away from them." ...

In the case of violating the prohibition of false weights and measures (*middot*), however, it is impossible to repent since he has stolen from the public, and his repentance is contingent upon his making restitution to each person from whom he has stolen. As the Torah states: "and it shall be, when he has sinned and is guilty, that he shall return the article which he had robbed, or the funds which he had withheld, or the item which had been deposited with him, or the article which he had found." (*Sefer Vayikra 5:23*) [In the instance of false weights and measures, however,] he simply does not know from whom he has stolen and is thereby permanently prevented from reimbursing the injured parties [thereby excluding the possibility of *teshuvah*] ... (Translation my own)

As we have seen, the Talmud, Maimonides, and Rashi use the word "*middot*" to refer to all manner and variety of stealing from the public. Significantly, this expression has even

broader connotations, since it refers, as well, to the entire gamut of ethical behaviors. This has direct practical consequences for us as we enter the Hebrew month of Elul, wherein *teshuvah* is the watchword of the hour. In essence, we need to be exceedingly careful in improving our *middot* and redouble our efforts in refining our moral and ethical behaviors. This is particularly the case, since many of the sins between ourselves and others stem precisely from negative deviations in our *middot*.

What, however, should our litmus test be in order to ensure that we are engaged in appropriate ethical behaviors? I believe the answer is clear: We must strive to imitate the actions of our Creator and thereby internalize, and ultimately express, the highest standards of what it means to be human:

Just as Hashem clothed the naked [in the case of Adam and Chava]... so, too, should you clothe the naked. Just as Hashem visited the sick [in the case of Avraham after his *brit milah*]...so, too, should you visit the sick. Just as the Holy One Blessed be He comforted the mourners [in the case of Yitzhak after Avraham's passing]...so, too, should you comfort the mourners. Just as the Holy One Blessed be He buried the dead [in the case of Moshe *Rabbeinu*]...so, too, should you bury the dead. (*Talmud Bavli, Sotah 14a*, translation my own)

Basing himself upon this and other Talmudic passages, Maimonides authoritatively ruled:

It is a positive commandment of rabbinic origin to visit the sick, comfort mourners, to prepare for a funeral, prepare a bride, accompany guests, attend to all the needs of a burial, carry a corpse on one shoulders, walk before the bier, mourn, dig a grave, and bury the dead, and also to bring joy to a bride and groom and help them in all their needs. These are deeds of kindness that one carries out with his person that have no limit. Although all these mitzvot are of rabbinic origin, they are included in the scriptural commandment: "Love your neighbor as yourself." That charge implies that whatever you would like other people to do for you, you should do for your comrade in the Torah and mitzvot. (*Mishneh Torah, Hilchot Avel 14:1*)

Particularly at this juncture in the year, we call upon our Creator and ask Him for the wisdom and insight to engage in introspection so that we may peer into the innermost recesses of our souls. We ask Him, as well, to help us build the strength of character that

will allow us to honestly assess who we are, where we have been, and where we are going. We beseech G-d to help us to measure ourselves with honesty and integrity, so that we may reject the dross within, and refine ourselves as true servants of the Almighty, and ethical beings toward each other. With G-d's help may this be so. *V'chane yihi ratzon.*

Shabbat Shalom

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<http://reparashathashavuah.weebly.com/>

The email list, *b'chasdei Hashem*, has expanded to hundreds of people. I am always happy to add more members to the list. If you have family or friends you would like to have added please do not hesitate to contact me via email at rdbe718@gmail.com.