

# “Can I Have a Ride?”

## Carpooling & *Middas*

### *Sodom*

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#### The Mitzvah of Chesed

The human head and face is comprised of only seven elements: the shape of head, shape of face, eyes, eyebrows, nose, mouth, and hair. Yet it is widely accepted that there are no two people who look exactly alike. The Talmud, in recognition of this axiom, comments: “just as no two faces look exactly alike, no two people possess exactly the same ideas and personality.”<sup>11</sup> Nonetheless, the Talmud does assert that there are three personality traits shared by every member of the Jewish people. Every Jew is inherently merciful (*rachmanim*), humble (*bayshanim*), and benevolent (*gomlei chasadim*)<sup>12</sup>. Obviously individuals can tamper with or contaminate their initial proclivity towards these qualities, but these are the hallmarks of the Jewish nation as a whole.

The last item enumerated - benevolence, or the mitzvah of *chesed* - is without a doubt a Biblical mitzvah<sup>13</sup>. The Gemara struggles to distinguish between the mitzvah of *chesed* and another Biblical directive, the mitzvah of *tzedakah* (charity to the poor)<sup>14</sup>. The Gemara resolves that the general mitzvah of *chesed* includes the specific mitzvah of *tzedakah* and surpasses it in three areas. *Tzedakah* only applies to the indigent, whereas *chesed* applies to wealthy as well. *Tzedakah* only relates to the living, but *chesed* can exist even with the dead. Lastly, *tzedakah* refers solely to monetary support, whereas *chesed* exists even in the form of a non-monetary favor (i.e. to deliver a eulogy, to visit the sick, etc.).

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<sup>11</sup> Talmud Yerushalmi, *Berachos* 9:1.

<sup>12</sup> *Yevamos* 79a, and Talmud Yerushalmi, *Kiddushin* 4:1.

<sup>13</sup> The rishonim dispute the source for the mitzvah of *chesed*. The author of the *Halachos Gedolos* (cited by the *Rambam*, *Sefer HaMitzvos Shoresh* 2) believes that the mitzvah to do *chesed* is subsumed under the general command to follow in the ways of God, based either on the pasuk (*Shemos* 18, 2), “And you shall tell them the path they should follow,” or the pasuk (*Devarim* 28, 9), “And you shall go in His ways.” The *Rambam* disagrees and argues that the source for the obligation to do *chesed* is rooted in the pasuk (*Vayikra* 19, 18), “You shall love your neighbor as yourself.”

<sup>14</sup> *Sukah* 49b.

## Middas Sodom

Similar to the way the Talmud's ascribed certain attributes to the Jewish people, the Talmud ascribes the trait of refusing to aid a friend even when one would not lose by doing so to the people of Sodom (*middas Sodom*)<sup>15</sup>. The Talmud continues that in certain circumstances the Beth Din will even coerce an individual not to act in the ways of Sodom. The classical discussion of *middas Sodom* is found in the following passage in the Gemara:

*There was a certain person who bought land on the boundary of his father's property. When he and his brothers were dividing their father's estate, he said to his brothers, "Give me a tract of land that borders on my existing property." Rabbah said, "In an instance such as this we coerce people not to emulate the traits of the people of Sodom." [Since it costs the brothers nothing to honor the request, for all the fields are of equal value - Rashi]. Rav Yosef challenged: But his brothers can say to him, "The field that you request is as valuable to us as the property of the Ber Meryon household. [The Gemara discusses fields that subsist solely on rainfall. Thus even if the soils of such fields are of equal quality, they will still produce different yields if they receive different amounts of rain. The brothers can therefore say, "We want the field that you want, because it might receive more rainfall and produce more." - Rashi]. And the halachah is in accordance with Rav Yosef.*

### **Bava Basra 12b**

ההוא דזבן ארעא  
אמצרא דבי נשיה, כי  
קא פלגו, א"ל: פליגו  
לי אמצראי; אמר רבה:  
כגון זה כופין על מדת  
סדום. מתקיף לה רב  
יוסף, אמרי ליה אחי:  
מעלינן ליה עלויא כי  
נכסי דבי בר מריון!  
והלכתא כרב יוסף.  
**בבא בתרא יב:**

The Gemara clearly states that if there is any conceivable loss to the other party, his refusal to do the given favor cannot be construed as *middas Sodom*, and he cannot be coerced. The only time refusing a favor can be considered *middas Sodom* is when there is no downside at all to the party from whom the favor is requested. Hence, if one is asked to do a favor which entails incurring a loss, or a potential loss, even though it is a mitzvah of *chesed* to perform the favor, he would not be acting in the ways of Sodom if he refuses.

In this essay we will delineate the extent of *middas Sodom*, and its converse, the mitzvah of *chesed*. Under what circumstances, if any, is one allowed to refuse to do a favor, when there is no additional cost involved? Similarly, is fulfilling any and all requests for a favor included in the mitzvah of *chesed*, or does this mitzvah have its limits as well?

Consider the following everyday dilemmas:

- If someone is driving to a certain place independently, and his friend asks for a ride to that exact place, must the driver always take the additional passenger<sup>16</sup>? Under what

<sup>15</sup> *Kesubos* 103a.

<sup>16</sup> An example of this would also be hitchhiking, which although not popular in America, is very common in Eretz Yisrael.

circumstances is the driver allowed to ask the passenger to share in the expenses of travel (ie. gas and tolls)?

- One is asked to do a *chesed* and drive his friend to a distant location, but because of the detour he will arrive home much later than expected. When should he refuse, and when should he be amenable?

## Reimbursement in a Case of “Ze Lo Neheneh”

Let us commence with an analysis of a relevant passage in the Talmud.

*Rav Chisda said to Rami bar Chama, “You were not with us last evening within the techum, when we inquired about excellent things.” He said, “What were the excellent things?” He said to him, “The inquiry was, if one lives in the yard of his fellow without the latter’s knowledge, does he have to pay him rent or does he not have to?” What are the circumstances? If you say that it refers to a yard that is not for rent and a person who does not usually rent, then this one does not benefit, and this one does not lose anything. Rather it refers to a yard that is for rent and a person who usually rents. But in this case this one benefits and this one loses. There is no difficulty. The inquiry is regarding a yard that is not for rent but a person who usually rents. What is the law? Can the squatter say to the owner, “What loss have I caused you?” Or can the owner say, “But, you have benefited?”*

**Bava Kamma 20a**

א"ל רב חסדא לרמי בר חמא לא הוית גבן באורתא בתחומא דאיבעיא לן מילי מעלייתא, אמר מאי מילי מעלייתא, א"ל הדר בחצר חבירו שלא מדעתו, צריך להעלות לו שכר או אין צריך. היכי דמי, אילימא בחצר דלא קיימא לאגרא וגברא דלא עביד למיגר, זה לא נהנה וזה לא חסר, אלא בחצר דקיימא לאגרא וגברא דעביד למיגר, זה נהנה וזה חסר, לא צריכא, בחצר דלא קיימא לאגרא וגברא דעביד למיגר, מאי, מצי אמר ליה מאי חסרתך, או דלמא מצי אמר הא איתהנית.

**בבא קמא כ.**

The explicit assumption of the Gemara is that only where the squatter had intended to rent a house, and instead chose to live in a vacant house which was available for rent, would he be obligated to pay. Since the squatter was planning on paying rent, the benefit reaped by the squatter is viewed as a “monetary benefit,” or *Ze Neheneh* “this one benefited.” The enjoyment of a “monetary benefit” obligates the squatter to reimburse the owner for the benefit received. However, where the squatter never would have rented the house, but rather would have scrounged around for a complimentary residence, then living in the house is deemed a “non-monetary benefit”, or *Ze Lo Neheneh* - “this one did not benefit,” which does not obligate him to pay rent.

## Reimbursement in a Case of “Ze Neheneh Ve’ze Lo Chaser”

The Gemara also grapples with the scenario of *Ze Neheneh Ve’ze Lo Chaser*, i.e. where someone gains and no one loses. For example, if the squatter planned on renting a house, but the owner had no intention of renting out his house, would the squatter be obligated to pay rent? From the

squatter's perspective the benefit could certainly be viewed as a "monetary benefit," since he had planned on renting a house. However, from the owner's perspective it is not a "monetary benefit." Since the owner had not planned on renting the premises, dwelling in his house has no monetary significance per se, rendering the squatter's benefit as "non-monetary".

*Tosfos* asks, "How can the Gemara entertain the possibility that the owner should be allowed to charge the squatter; it should be *middas Sodom* to refuse the tenant permission to live in the otherwise empty house which is not available for rent?" *Tosfos* answers:

Even according to the one in Bava Basra (12b) who believes that we force the issue of *Middas Sodom*, and we compel the landowner to give him the adjacent property, it is different here, because he could have prevented him from living in his house in the first place.

**Tos. Bava Kamma 20b, sv. Ha**

אפילו למ"ד בפ"ק דב"ב (דף יב:)  
 כופין אותו על מדת סדום ויהבינן ליה  
 אחד מצרא שאני הכא שהיה יכול  
 למונעו מתחילה מלדור בביתו.  
**תוס' ב"ק כ: ד"ה הא**

*Tosfos* postulates that it is not *middas Sodom* to refuse a boarder permission to occupy a privately owned residence. Therefore, since the owner could evict the squatter outright, we can not force him to keep the squatter gratis under the pretext of *middas Sodom*. Rabbi Shimon Shkop z"l (d. 1940) explains further, that it is only considered *middas Sodom* to deny a cost-less benefit to one's fellow if it does not involve relinquishing ownership rights on the given object<sup>17</sup>. If anyone could barge into, and occupy the property at anytime, that itself would be a valuable loss to the owner, because he would be deemed powerless to control his own grounds<sup>18</sup>. The only time *middas Sodom* would be applicable is if it does not involve use of someone else's property.

Rabbi Mordechai ben Hillel, ha-Kohen (d. 1298) quotes a divergent opinion.

*The master Avi haEzri writes, I have heard that we can force him (to accept the tenant) because we can compel in cases of Middas Sodom. There are those who have explained (differently), that we can only compel when the owner could not have profited through the use of this item, therefore we can compel him because he is losing nothing. But when the owner of the field could have rented it out and profited, even though he presently is not renting it out, we can not compel him.*

**Mordechai, Bava Kamma, ch. 2, no. 16**

כתב הרבנו אבי העזרי שמעתי דמצי  
 למיכפייה דהא כופין על מדת סדום,  
 וי"מ דאין כופין אלא כגון היכא דאפילו  
 אי הוה בעי לארווחי בהא מלתא לא מצי  
 לארווחי הלכך כיפינן ליה כיון דלא  
 חסר מידו, אבל הכא דאי הוה בעי בעל  
 החצר לאיגורי הוה מירווח, השתא נמי  
 כי לא מוגר ליה לא כייפי ליה.  
**מרדכי בבא קמא פרק ב' אות טז**

The latter opinion cited by the *Mordechai* reasons that *middas Sodom* is only applicable to an item which offers no possibility of rental. Therefore, reimbursement for dwelling in a house which could be rented can never be denied based on *middas Sodom*. This latter opinion is cited as the normative opinion by the *Ramo*, Rabbi Moshe Isserles (d. 1572) in his glosses to the

<sup>17</sup> *Chiddushei Reb Shimon, Bava Kamma* sec. 19 part 3.

<sup>18</sup> *Tosfos* is forced to conclude that the Gemara's entire query is limited to where the tenant initially obtained permission to live in the house.

*Shulchan Aruch*<sup>19</sup>. Nonetheless, Rabbi Ephraim Zalman Margolioth (d. 1828) questions why the *Ramo* chose to side with the *Mordechai* and not with *Tosfos* whose opinion is shared by other Rishonim as well<sup>20</sup>. Therefore, Rabbi Margolioth and other later authorities side with *Tosfos* over the *Mordechai* in disagreement with the *Ramo*<sup>21</sup>.

## All Aboard?

We asked at the beginning, “If someone is driving to a certain place independently, and his friend asks for a ride to that exact place, must the driver take the additional passenger?”

The answer depends on the dispute between *Tosfos* and the *Mordechai*. Ostensibly, the driver has no intention of renting out the extra seat in his car; unless the driver operates a regular limousine service, he has no possibility of renting seats in his car. Therefore, if the driver would deny his fellow a ride in this instance, according to the *Mordechai* he might be acting in the ways of Sodom<sup>22</sup>. For *Tosfos* however, the driver should be allowed to exercise his rights of ownership and refuse the additional passenger, just as the landowner is able to deny initial access to the squatter<sup>23</sup>.

Even according to *Tosfos* the driver would not be allowed to charge the passenger for tolls incurred along the way. This should be comparable to the Gemara’s case of *Ze Neheneh Ve’ze Lo Chaser* where one benefits and no one loses, where the tenant does not have to pay. Since the driver was going to incur tolls even when traveling alone, the fact that he accepted an additional passenger should not obligate the passenger to pay half.

The aforementioned dispute notwithstanding, it is difficult to unequivocally label any given case as *middas Sodom*. The Gemara (cited previously) declares that if there is any possible cost (downside) to the other party, than refusal to perform the favor cannot be deemed *middas Sodom*. Even assuming the driver does not have to expend gas and time to pick up or drop off the passenger, there are other potential downsides to having a passenger in the car<sup>24</sup>. In today’s

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<sup>19</sup> *Choshen Mishpat* sec. 363 part 6.

<sup>20</sup> *Beis Ephraim*, *Choshen Mishpat* sec. 49, cited by *Pischei Teshuva* to *Shulchan Aruch* ad loc. part 3.

<sup>21</sup> See *Pnei Yehoshua* to *Bava Kamma* ad loc.

<sup>22</sup> If someone will be away for Shabbos and he is asked to lend out his house, all should agree that it would not be *middas Sodom* to refuse since the house offers the possibility of being rented, and he is being asked to relinquish control of his house.

<sup>23</sup> Rabbi Dr. Aaron Levine, *Case Studies in Jewish Business Ethics*, (Ktav Publishing, New York, 2000) pg. 339, argues that even *Tosfos* would agree the driver can not deny the passenger in this instance. *Tosfos*’ reasoning in permitting the landowner to deny the squatter was because the squatter asked the owner to relinquish his control of the said property for the period of the occupancy. Since the great majority of people harbor a preference to retain control of their property, denying the squatter’s request does not reflect a Sodomite character. However, in this instance, argues Rabbi Levine, since the driver is not being asked to relinquish control over his car, but only to take an additional passenger along the planned route, to deny the request would be Sodomite behavior. I agree with Rabbi Levine in principle, but disagree in application. When the passenger attempts to push his way on board by invoking *Middas Sodom*, while he is not commandeering the car, he has rendered the driver impotent to control his own property. This itself violates the ownership rights of the driver, thereby permitting the driver to refuse to take him.

<sup>24</sup> It is generally assumed that an additional passenger increases the amount of gas expended by the car. However, with regards to accompanying an ill person to the hospital on Shabbos, Rabbi J. David Bleich, *Contemporary*

culture many people make use of their time in the car to listen to shiurim, make business or personal calls, or generally relax; if there is a passenger in the car, the driver might be inhibited by their presence. While these reasons alone might not suffice to forgo the mitzvah of *chesed*, they should serve to liberate the driver's refusal from the realm of *middas Sodom*<sup>25</sup>.

## The Collective Responsibility

Two people from the same block arrive on the same plane at the airport. One emerges from the luggage retrieval area before the other. The first one is in the process of soliciting the services of a taxi service to take him home, when his neighbor steps out of the terminal. The second person observes that his friend has already engaged a taxi and asks if he can tag along, as that will not increase the cost of the taxi.

In this scenario most poskim are of the opinion that the one who hired the taxi is allowed to ask the second person to pay for half the fare, even though he had in any case hired the taxi for himself<sup>26</sup>. They believe that it can never be called *Ze Neheneh Ve'ze Lo Chaser* or *middas Sodom* for one to refuse to do a favor for his friend when he is also in need of that same favor. Under these circumstances there is always a loss involved for the one who hired the taxi to take the additional passenger, for that passenger could just have well been the one to hire the taxi, allowing the first person to go for free.

Rabbi Aaron Levine cites a proof to this point from a comment of Rabbi Meir ben Baruch of Rothenburg (d. 1293):

Proof to this can be derived from that which we have learned in the first perek of Bava Basra. The people of the town can force one another to build a wall, doors, etc. Even though there are enough inhabitants, and even without him they would have as much as with him, we do not apply here *middas Sodom*, and with good reason. For if we would not force everyone, each individual would say "I don't need it for me", and he will think his friend will do it without him. Due to this predicament, the matter will be adjourned and the town will be in danger.

**Teshuvos Maharam Rutenberg, vol. 4 sec. 39**

וראי' נמי מדאמר בפ"ק דב"ב (ז' ע"ב, ח' ע"א) כופי' בני העיר זא"ז לעשות חומה דלתים וכו' אע"ג דאיכא התם מילי טובא דאי לאו איהו נמי היו מוציא' כל כך כמו עתה לא שייך כגון זה כופין על מדת סדום וטעמא רבא איכא שאם לא היינו כופי' כל א' ה' אומר איני צריך והיה מחשב חבירו יעשה חוץ ממני ומתוך כך ידחה הדבר ויבא לידי סכנה.  
שו"ת מהר"ם מרוטנבורג, ח"ד סי' ל"ט

*Halachic Problems*, vol. 1 pg. 137, quotes the opinion of Dr. Jonathan Wachtel, a professor of Physics in Yeshiva University, that there are so many mechanical variables that it is impossible to quantify the effect of an additional passenger. Rabbi Yehoshua Neuwirth, *Shmiras Shabbos Kehilchasa*, ch. 40 fn. 155 distinguishes between extremely heavy vehicles versus lighter vehicles. Practically, it is hard to accurately depict the effect of the passenger on the function of the car.

<sup>25</sup> This point is discussed in a recent article by Rabbi Eliyahu Shlesinger, appearing in the weekly newspaper *Hamodia*, May 14, 2008, sec. B pg. 3.

<sup>26</sup> This point was related to me by Rabbi Hershel Schachter, and is also made by Rabbi Levine, *Case Studies in Jewish Business Ethics*, ad loc.

Apparently, whenever a matter is equally incumbent upon two parties to undertake, neither one can take advantage of the fact that one party has initiated his involvement prior to the other. Were this not so, every group project would fail because of free-loaders.

It would emerge that if two people are departing from the same location at the identical time, the concepts of *middas Sodom* or *Ze Neheneh Ve'ze Lo Chaser* are irrelevant. Even if one party has already committed to drive, since both parties are in need of a ride, the driver could say to the passenger, "You drive and I will go with you." Therefore, if parents are organizing a carpool to drop children at school, or co-workers are organizing rides to work, the principles of *middas Sodom* or *Ze Neheneh Ve'ze Lo Chaser* should be mute, and all parents should be obligated to participate uniformly. Additionally, if one does acquiesce to give a ride to his friend in this type of scenario, he would certainly be allowed to ask the passenger to pay his fair share of the expenses.

In this general setting, the only time the principles of *middas Sodom* or *Ze Neheneh Ve'ze Lo Chaser* are active is if the neighbors meet at a distant location, where one has his car and one does not. Since the party with the car does not plan on deserting his car at that location, the second party can legitimately make a claim of *Ze Neheneh Ve'ze Lo Chaser*<sup>27</sup>.

## The Chasid Shoteh

Much of the discussion up to this point has focused on what is minimally required, namely when is one allowed to refuse a favor, or when can the driver ask the passenger to pay his portion of the expenses of travel. However, the mitzvah of *chesed* applies in all these cases; it is a mitzvah to help out one's friend by offering a ride free of charge.

The dilemma then becomes the following: Are there limits to the mitzvah of *chesed*? Every time someone asks for a ride, should the driver feel obligated to oblige, so as not to pass up a potential mitzvah?

The Mishnah states unambiguously that the obligation to do *chesed* is limitless:

*These are the items for which are limitless: field-corners, first fruits, being seen [in Jerusalem on the three festivals], gemilus chasadim, and Torah study.*

**Pe'ah 1:1**

אלו דברים שאין להם שיעור הפאה והבכורים והראיון וגמילות חסדים ותלמוד תורה.  
**פאה פ"א מ"א**

There is however a mitigating passage in the Gemara:

*In Usha they decreed that one should not give more than one fifth of his wealth [to tzedakah] etc. lest he become impoverished [and ultimately need tzedakah himself]<sup>28</sup>.*

**Kesubos 50a**

באושא התקינו, המבזבז אל יבזבז יותר מחומש וכו', שמא יצטרך לבריות.  
**כתובות נ.**

<sup>27</sup> Rabbi Levine, *Case Studies in Jewish Business Ethics*, ad loc.

<sup>28</sup> The Talmud Yerushalmi, *Peah* ch. 1, states that this decree was originally a Biblical precept given only to Moshe Rabbeinu which was subsequently forgotten and later restored by the Rabbis of the Talmud.

The Gemara states regarding the mitzvah of *tzedakah* that one is either not allowed, or not advised, to give more than a fifth of his wealth to the poor<sup>29</sup>. *Tosfos* and later the *Ramo* evoke this principle regarding the performance of other mitzvos as well<sup>30</sup>. The Rambam extends this principle even further, and classifies the person who spends more than the required amount on mitzvos as a “pious fool” or *chasid shoteh*.

*A person should never consecrate all of his property or designate it as a cherem-pledge. A person who does so violates the Torah's guidance, as it states, "from all that is his," but not "all that is his," as our sages explained. This is not piety but foolishness, for he will lose all his money and become dependent on others. We should not show mercy to such a person. In a similar vein, our sages said, "A man of foolish piety is among those who destroy the world." Instead, a person who distributes his money for mitzvos should not distribute more than a fifth.*

**Hilchos Arachin 8:13**

לעולם לא יקדיש אדם ולא יחרים כל נכסיו, והעושה כן עובר על דעת הכתוב שהרי הוא אומר מכל אשר לו ולא כל אשר לו כמו שבארו חכמים, ואין זו חסידות אלא שטות שהרי הוא מאבד כל ממונו ויצטרך לבריות, ואין מרחמין עליו, ובזה וכיוצא בו אמרו חכמים חסיד שוטה מכלל מבלי עולם, אלא כל המפזר ממונו במצות אל יפזר יותר מחומש.

**הל' ערכין פ"ה הי"ג**

Utilizing this principle with regards to the mitzvah of *chesed*, we can surmise that a person should not engage in excessive *chesed* to the point where he himself is in need of *chesed*. For example, a person should not taxi so many other people to an event that by doing so he causes his family to beg a ride from a third party. Moreover, a person should not become so ensconced in the enterprise of giving of his time to others, to the degree that his own family is ignored. In every situation a person must weigh the effects that his time spent doing *chesed* will have on himself, his family, and those around him. One who neglects this is perilously close to becoming the *chasid shoteh*.

## The Lazy Parent

At times, unscrupulous people try to take advantage of others who offer *chesed*. Let us consider the person who is fully able to do a specific action for himself, but out of laziness or lack of interest asks his friend to perform it. Is there a mitzvah of *chesed* to perform the favor for that person nonetheless?

Rabbi Judah ben Samuel (d. 1217) in his *Sefer HaChasidim* formulates a compelling argument regarding the mitzvah of *tzedakah*:

*But if one sees his fellow who is able to study and understand, or a counter who is able to write, however they do not wish to study or write - if one gives them charity I attribute to them the verse*

אבל אם תראה איש שיכול ללמוד והוא מבין וסופר שיכול לכתוב ואינם רוצים ללמוד ולכתוב אם תתן להם

<sup>29</sup> Rabbi Moshe Feinstein, *Iggros Moshe, Orach Chaim* vol. 1 sec. 143, discusses whether this is a prohibition to expend more than one fifth, or is it just not advisable.

<sup>30</sup> *Tosfos* to *Bava Kamma* 9b s.v. *Ileimah*, and *Ramo, Orach Chaim* sec. 656. See Rabbi Asher Weiss *Minchas Asher, Parshas Va'yetzei*, for a careful reading of *Tosfos* and the *Ramo*.

“(and he looked for) righteousness but behold a cry.” As it states, “for it is a people of no understanding, therefore he that made them will not have mercy on them, and he that formed them will show them no favor<sup>31</sup>.”

**Sefer HaChasidim, sec. 1035**

צדקה קורא אני עליהם לצדקה והנה צעקה (ישעיה ה:ז), שנאמר כי לא עם בינות הוא על כן לא ירחמנו עושהו ויוצרו לא יחוננו (שם כז:יא) עכ"ל.  
**ספר החסידים, תתלה**

The *Sefer HaChasidim* makes it clear that if the needy person is capable of supporting himself he is not entitled to charity, and seemingly there is no mitzvah to provide for him. We can extrapolate from this to all modes of charitable activities. Whenever the person is able to do something for himself, but is neglectful, there is no mitzvah of *chesed* to help them.

Therefore, a person who is as capable of driving as those around him, but consistently refuses to drive himself, and subsists only on the goodwill of others, might in fact be taking advantage of that goodwill, and would not be entitled to *chesed* at all.

## Baseless Chesed

Clearly we need to be cognizant of the particulars of *middas Sodom*, *chesed*, and *Ze Neheneh Ve'ze Lo Chaser* in order to perform the mitzvos properly. Nonetheless, assessing individual situations is complex, and it can be difficult to determine what our course of action should be. In confronting these situations it is advisable to bear in mind the gravity of the mitzvah of *chesed*. One Mishnah states that one of the three pillars upon which the world rests is the mitzvah of *chesed*<sup>32</sup>. Another Mishnah proclaims that one of the mitzvos for which reward is meted out in this world as well as the next is the mitzvah of *chesed*. Therefore, when in doubt, presumably we should err on the side of *chesed*.

The story is told of how the Brisker Rav, Rabbi Yitzchok Zev Soloveitchik, was once placed in charge of arranging a certain *chesed* matter. He called for his son who was learning Torah to come and take care of the issue at hand. The onlookers questioned the Brisker Rav as to why he summoned his son who was engaged in Torah rather than utilizing someone not otherwise engaged in a mitzvah. Moreover, someone who is learning Torah is technically exempt from interrupting his learning to perform a mitzvah if there are others available to perform the mitzvah.

The Brisker Rav responded: “The Gemara is only open to the person who is willing to close it to help others”. *Chesed* is not only an important endeavor for its own sake, but it validates all of our religious activities. Someone who is selfish about his involvement in religious pursuits indicates that his involvement in those pursuits is for personal gratification and not for Heaven’s sake. Hence, the Brisker Rav advocated his son to partake in *chesed* activities which were not incumbent upon him, in order to deepen this lesson.

<sup>31</sup> See also *Imrei Tzedakah*, Rabbi Shimon Taub (Artscroll, 2001) pg. 20 who after a lengthy discussion of the issues accepts the statement of the *Sefer HaChasidim* as normative based on analogous comments in other sources.

<sup>32</sup> *Avos*, 1:2.

## Conclusion

We are now concluding the period of sefirah during which we mourn the students of Rabbi Akiva. The Talmud tells us that the students of Rabbi Akiva, while extremely learned and pious, were guilty of not treating each other with proper respect<sup>33</sup>. Rabbi Eliyahu Dessler suggests that this shortcoming was so grave because it reflected negatively on all of their other religious accomplishments. The fact that they could not behave properly towards one another showed that their overarching motivations were tainted by personal aggrandizement, and were not dedicated to the pure service of God. May we all be able to approach interpersonal dealings with the proper attitude, and thereby enhance our entire religious experience.

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<sup>33</sup> *Yevamos* 62b.