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Talmud from the Balcony

Beyond the Limits of Law: Repairing the Fabric of Society

Session 1

The Real Sin of Sodom (Spoiler: Not the Famous One)

Elana Stein Hain

November 16, 2020

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1. Babylonian Talmud Sanhedrin 109b

ארבע דייני היו בסדום שקראי ושקרוראי זייפי ומצלי דינא דמחי ליה לאיתתא דחברי' ומפלא ליה אמרי ליה יהבה ניהליה דניעברה ניהליך דפסיק ליה לאודנא דחמרא דחבריה אמרו ליה הבה ניהליה עד דקדחא דפדע ליה לחבריה אמרי ליה הב ליה אגרא דשקל לך דמא

There were four judges in Sodom and they were named for their actions: Shakrai (liar) and Shakrurai (habitual liar), Zayfai (forger) and Matzlei Dina (perverter of justice). These were the judgments that they rendered: In a case of one who strikes the wife of another and causes her to miscarry, they would say to the woman's husband: Give the woman to the one who struck her, so that she will be impregnated for you again. In a case of one who severed the ear of another's donkey, they would say to the owner of the donkey: Give the donkey to the one who caused the damage, until the ear grows back. In a case of one who wounds another, they would say to the injured party: Give the one who wounded you a fee, as he let your blood.

דעבר במברא יהיב ארבעה זוזי דעבר במיא יהיב תמני זוזי זימנא חדא אתא ההוא כובס איקלע להתם אמרו ליה הב ד' זוזי אמר להו אנא במיא עברי אמרו ליה א"כ הב תמניא דעברת במיא לא יהיב פדיוהו אתא לקמיה דדיינא א"ל הב ליה אגרא דשקיל לך דמא ותמניא זוזי דעברת במיא

And they instituted an ordinance: One who crossed the river on a ferry gives four dinars, and one who crossed the river in the water gives eight dinars. One time a certain launderer came and arrived there. The people of Sodom said to him: Give four dinars as payment for the ferry. He said to them: I crossed in the water. They said to him: If so, give eight dinars, as you crossed in the water. He did not give the payment, and they struck him and wounded him. He came before the judge to seek compensation. The judge said to him: Give your assailant a fee, as he let your blood, and eight dinars, as you crossed the river in the water.

אליעזר עבד אברהם איתרמי התם פדיוהי אתא לקמיה דיינא א"ל הב ליה אגרא דשקל לך דמא שקל גללא פדיוהי איהו לדיינא אמר מאי האי א"ל אגרא דנפק לי מינך הב ניהליה להאי זוזי דידי כדקיימי קיימי

Eliezer, servant of Abraham, happened to come there, and they wounded him. He came before the judge to seek compensation. The judge said to him: Give your assailant a fee, as he let your blood. He took a stone, and he wounded the judge. The judge said: What is this? Eliezer said to him: The fee that is to be paid to me by you, give it to that person who wounded me, and my money will remain where it remains.

2. Rina Boyar, "The Sin of Sodom," Da'at, Michlelet Herzog, June 1995

<http://www.daat.ac.il/daat/kitveyet/michlol/sdom.htm>

התנהגותם של אנשי סדום לא היתה מקרית ומזדמנת. היא עוגנה במערכת חוקים שחייבו את כל תושבי סדום (דוגמאות לחוקים עיין בסנהדרין קט:)...התנהגותם נבעה ביסודה מסיבה הגיונית מחשש מהפסד שיגרם להם על ידי הכנסת אורחים, ולא מרשעות ואכזריות.

The behavior of the people of Sodom was not coincidental. It was anchored in the system of laws which obligated all who lived there (See Sanhedrin 109b for examples)...Their behavior stemmed from a logical concern – the concern for the loss that would be caused to them by welcoming guests, not from evil or from cruelty.

3. Mishnah Avot 5:10

אַרְבַּע מִדּוֹת בָּאָדָם. הָאוֹמֵר שְׁלִי וְשִׁלְךָ שְׁלֶךָ, זוֹ מִדָּה בִּינוּנִית. וַיֵּשׁ אוֹמְרִים, זוֹ מִדָּת סְדוֹם. שְׁלִי שְׁלֶךָ וְשִׁלְךָ שְׁלִי, עִם הָאָרֶץ. שְׁלִי שְׁלֶךָ וְשִׁלְךָ שְׁלֶךָ, חֲסִיד. שְׁלִי שְׁלִי וְשִׁלְךָ שְׁלִי, רָשָׁע:

There are four moral orientations among people: One who says, "What's mine is mine, and what's yours is yours" — this is an average orientation, and some say this is a Sodomite orientation. "What's mine is yours, and what's yours is mine" — this is an unlearned person. "What's mine is yours, and what's yours is yours" — this is a pious person. "What's mine is mine, and what's yours is mine" — this is a wicked person.

4. Babylonian Talmud Bava Batra 12b-13a

ההוא דזבן ארעא אמצרא דבי נשיה כי קא פלגו אמר להו 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

A certain person bought land along the boundary of his father's property. After some time, the father died. When they came to divide the estate, this person said to his brothers: Give me my portion of the estate along my boundary. Rabba said: In a case such as this, the court compels people to refrain from conduct characteristic of Sodom. Rav Yosef objects to this: The brothers can say to him: We assess this field that you want for yourself as particularly valuable, like the property of the house of bar Maryon. And the *halakha* is in accordance with the opinion of Rav Yosef, and the brothers can refuse the request.

תרי ארעתא אתרי נגרי אמר רבה כגון זה כופין על מדת סדום מתקיף לה רב יוסף זמנין דהאי מדויל והאי לא מדויל והלכתא כרב יוסף

If a father leaves his two sons two parcels of land next to two water channels, Rabba says: In a case such as this, the court compels people to refrain from conduct characteristic of Sodom. Rav Yosef objects to this: Sometimes this water channel continues running well, while this second one does not continue running well. And the *halakha* is in accordance with the opinion of Rav Yosef.

תרתי אחד נגרא א"ר יוסף כגון זה כופין על מדת סדום מתקיף לה אביי מצי אמר בעינא דאפיש אריסי והלכתא כרב יוסף אפוש לאו מילתא היא

If a father leaves his two sons two parcels of land next to one channel, Rav Yosef said: In a case such as this, the court compels people to refrain from conduct characteristic of Sodom. Abaye objects to this: the other brother can say to him: I want the number of sharecroppers to increase. And the *halakha* is in accordance with the opinion of Rav Yosef because the increase of sharecroppers is considered as nothing, and this is therefore not a valid reason for objecting.

חד גיסא נגרא וחד גיסא נהרא פלגין לה בקרנא זול

If there is a water channel on one side of the field and a river on the other side, the field is divided diagonally between the two brothers, so that they each receive land adjoining both the river and the water channel.

4a. Rashi, commentary ad loc.

אמרו אחי מעלין ליה עילואי - לנו היא משובחת כקרקעותיו של בר מריון שהיו מעולות ומסתברא הא דרב יוסף בשדה בעל שיכולין לומר פעמים שזו מתברכת משאר השדות :

The brothers say: We assess it as particularly valuable – It is as valuable to us as the lands of bar Maryon which were very valuable. And likely the situation relates to a field that gets enough water from rain. They can argue that sometimes it is more fertile than other fields.

4b. Rashba, commentary ad loc.

בשזה קאמר, שכל השדה עידית או בינונית או זבורית. ולפירושו היה סבור רבה דכל שהכל שזה אם יבואו אלו לעלות לו מפני שהוא סמוך למצר שלו, זו היא מדת סדום, שזה נהנה ואלו אינם חסרים, שאלו יפול להם חלק בגורל מה הנאה יש להם והוא אינו שזה יותר משאר החלקים לא בקרקע ולא בדמים; ורב יוסף אמר שאין זו מדת סדום, אלא אדרבה דבר שבני אדם מקפידין בו הרבה, דהרבה מתעלה חלק שעל מצר מי שצריך לו ויקצוף עליו כל שיצטרך למוכרו, ולא עוד אלא שיתייקר בו המצרן ביותר מכדי דמיו כדי לצרפו עם שדותיו, ודרך של בני אדם כך הוא. ולפירושו יכולין לומר לו מעלין לך כנכסי דבי בר מריון, כלומר עילוי רב בנכסים המשובחים ביותר, דלדין שזה לך, שמא יפול בחלקנו ותתייקר בחליפיו, ואין זו מדת סדום.

The case refers to where each plot of land is equal – either all the highest value, medium value or cheapest value. And Rabba thought that as long as the plots are equal, if the brothers wish to raise the price for the other brother simply because the plot of land is close to his boundary, this is the character of Sodom, for the one brother stands to benefit while the other brothers lose nothing. After all, even if they win that plot of land in the inheritance lottery, what benefit do they have from it, as it is not worth more than the other plots in land or in money?! But Rav Yosef said that this is not the character of Sodom. Au contraire, that which people are very meticulous about: for a plot which is on someone's boundary become very valuable to them, and anyone who needs to sell it will be angry. Moreover, the person with the field next door will pay even more than the worth of the plot in order to make it contiguous with their landholdings. And this is the way things work. And according to his explanation, the brothers may tell their brother: We raise this value to the value of the house of Bar Meryon, that is, very valuable, for it is worth this to us: perhaps it will fall in our inheritance and will be worth more in a trade (with you), and this is not a character of Sodom.

5. Babylonian Talmud Ketubot 103a

ההוא גברא דאוגר ליה ריחיא לחבריה לטחינה לסוף איעתר זבין ריחיא וחמרא

A certain man who rented out a millstone to another for the price of grinding, i.e., the one who rented the millstone was to pay the cost of the rental by grinding whatever the owner needed to be ground. In the end, the owner of the millstone became rich, and he purchased another millstone and a donkey (and he no longer required the services of the renter to grind things for him).

אמר ליה עד האידנא הוה טחיננא גבך השתא הב לי אגרא א"ל מיטחן טחיננא לך...

The owner of the millstone said to the renter: Until now I would have what I needed ground by you. Now (since I no longer require this service) give me payment for the millstone. The renter said back to him: I will grind for you...

הכא מצי א"ל טחון וזבין טחון ואותיב

Here, the renter is able to say to him: Grind and sell, grind and store for later use (i.e., the owner of the millstone can use his new millstone to grind for others at a profit, and at the same time the renter will continue grinding the owner's grain as per their agreement. Therefore, the renter is not obligated to change the terms of the original agreement).

ולא אמרן אלא דלית ליה טחינא לריחיא אבל אית ליה טחינא לריחיא כגון זו כופין אותו על מדת סדום

And we said this only in a case where the renter does not have any other grinding to do with the millstone and without the grinding that the renter does for the owner the mill will remain inoperative. However, if he has other grinding to do with the millstone, i.e., instead of grinding the owner's grain he can grind the grain of others for a fee and thereby pay money for his rental, in a case such as this one forces him to cease his conduct characteristic of Sodom and to pay his rental fee in the form of money.

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