

TORAH TABLE TALK – PIRKE AVOT

God's Covenant: Piety, Property and Polity

Parshat Mishpatim, Exodus 21:1 – 24:18

Dedicated by Frances and Buddy Brandt

With love to their grandchildren

Elka, Joshua, Lindsay, Oren ז"ל, Jenny, David, Lauren, Kayla, Zenna, and Emily

It's no accident that *Parshat Mishpatim* follows the revelation at Sinai. These chapters are referred to as *Sefer Ha-Berit* or the Book of the Covenant. While they contain a combination of civil, moral and ritual laws, most of this parshah focuses on social behavior. The covenant at Sinai is defined not by individual faith or personal salvation but through the creation of a just and caring society. The treatment of a slave, respecting the property of others, providing compensation for damages and the treatment of the stranger are as much a part of our commitment to God as are the practices of sacrifice, the observance of the Sabbath and our other duties to God. A large section of the Talmud is devoted to civil and criminal law. In fact, the Talmud goes so far as to say that one who wishes to attain true piety should study *Baba Metzia*, a section of the Talmud that deals with property and labor law.

In *Pirke Avot*, a good life is defined not by faith alone but by our actions. In a sense, one cannot attain piety in solitude. One attains this quality through one's presence in society and one's interactions with others. But that is only part of the story. Such actions are defined and refined through the study of Torah as well as one's commitment to the right action with the proper intentions as we see below.

Pirke Avot 2:14 (*Rabbi Yohanan ben Zakkai posed this question to his disciples*): Look about you and tell me, which is the way in life one should cleave? Rabbi Yose said: a good neighbor.

Pirke Avot 2:17 Rabbi Yose taught: Let the property of others be as precious to you as your own; perfect yourself in the study of Torah - it will not come to you by inheritance; let all your deeds be for the sake of Heaven.

Sources

Meir Tamari, In The Marketplace, Page 15

Since Torah aims not only at creating saintly individuals but at establishing the framework for a holy nation, the community at all levels – local, national, and during the years of galut (exile), even internationally – is a prime vehicle for implementing halakhic decisions. This is true not only of questions of marriage, divorce, Kashrut, and the like but also taxation, business disputes, welfare, and restraints on consumption. The overall effect is the existence of a collective cohesive entity, within which individuals every action is permeated and regulated by Torah.

Rabbi Ismar Schorsch: Chancellor's Parshah Commentary, Parashat Be-har/Be-hukkotai 5762

Long before, the Talmud had already posited that the first question we shall be asked by God when we come on high would pertain to our livelihood: "Did you conduct your business affairs in good faith?" (Shabbat, 31a). To be sure, of the six questions that will be put to us, three deal directly with the study of Torah, reflecting again the quest for balance between what is primary and secondary. Also, the order of the questions is at least partially dictated by the words of the biblical verse that underlies this flight of rabbinic imagination. Still, I find it striking that the first question implies the importance of working for a living. The study of Torah is not meant to sever our ties to the world but rather to inform them. And yet the emphasis on integrity bespeaks an innate asceticism. The overriding goal is not to earn as much as we possibly can, but to have a clear conscience when we're finished. The social good that the "robber barons" affected with their fortunes did not offset the unscrupulous tactics they used to build them.

Babylonian Talmud Shabbat 31a

Raba said, When man is led in for Judgment (in the World to Come) he is asked, "Did you do business in good faith? Did you fix times for learning? Did you engage in procreation? Did you hope for salvation? Did you engage in the dialectics of wisdom? Did you understand one thing from another? Yet even so, if he has 'the fear of the Lord,' it is well; and if not, [it is] not [well]."

Beit Shmuel

Rabbi Yose says: Let your fellow's money be as dear to you as your own – but not dearer than your own, for one should be satisfied with his own possessions and not assume that others are more precious.

Commentary

Rabbi Yose was one of five precious disciples of Rabbi Yohanan Ben Zakkai. After asking each one what was the proper path that one should follow in life, and conversely, what one should avoid in life, chapter 2 of *Pirke Avot* offers an aphorism in the name of each of these five sages. Rabbi Yose, who said that the right path in life is to be a good friend, goes on to define what this means. One must respect the person by respecting his property. Yet how do we go about accomplishing this goal? Rabbi Yose suggests that this is more than a nice sentiment: understanding our responsibilities to other must be arrived at through the study of Torah. Maybe that is why the Ten Commandments are followed by *Parshat Mishpatim*. The opening of this Torah portion emphasizes the connection between the ten simple laws in the Decalogue and making these principles into a way of life. *The Parshah* begins *V'eleh hamishpatim*, "And these are the judgments." In other words, it is not enough to obey the Ten Commandments; one must ask how they apply to the minutia of daily life – ones actions in the realm of business and social behavior, criminal and civil behavior and most of all in the treatment of one's own property and the property of others.

Being a good friend, then, is not just a warm sentiment. It has something to do with the respect one shows others and the way one acts in relation to his property. Robbery is not just a crime; it is also a sin against God. Maybe that is why so many of the statements in the *Al cheyt* confessional have to do with the details of daily life and our behavior toward others.

Meir Tamari, a leading economist in Israel as well as an authority in Jewish law emphasizes the social component of Covenant. God gave us the Torah not only to create good people but to create an ideal society. Similarly Rabbi Ismar Schorsch points out that the first question which we will be asked in the world to come is how we conducted business!

Questions to Ponder

1. How would you define a good neighbor? How does your definition compare with Rabbi Yose's? Why do you think Rabbi Yose emphasized this quality as the most important way in life to which one should cleave?
2. What is the difference between creating a 'saintly individual' as opposed to creating 'a holy nation'? Can one have one without the other?
3. Is saintliness possible in today's world? Why or why not? Do you think it is possible for people to strive for piety and still live in the "real" world?
4. Why does the *Beit Shmuel* emphasize that it is just as important for a person to value what he has as much as he respects the property of others?
5. To what extent is this *parshah* a commentary on the Ten Commandments? What does this *parshah* teach us about the acquisition of property? What do you think Bernard Madoff might learn from Rabbi Yose's aphorism?
6. To what extent does the modern state of Israel offer us a unique opportunity to create the type of society described in *Parshat Mishpatim*, and in Rabbi Yose's statement? Is it possible to be a 'complete' or a 'whole' Jew without having a Jewish society?
7. What is the connection between ethical living and Torah study? Do you have to study Torah to be an ethical person? How does Torah help us accomplish this goal?

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a curious mind and a desire to grow a Jewish soul."***

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