

Mishpatim 2024

All Men are Created Equal

3 minute read | Straightforward

Centuries ago, the founding fathers of the United States of America made the radical and immortal proclamation that all men are created equal.

Today, this doctrine is called egalitarianism and is arguably a cornerstone of the modern world. This political theory prioritizes equality for all people, generally characterized by the idea that all humans are equal in fundamental worth or moral status and should have equal rights. While different sections along the political spectrum can reasonably disagree on the exact contours of equality and which policies further its ideals, it is clear that the inequalities of the ancient world are relics of history. Feudalism and entitled aristocracy are gone, as is a landed gentry with lords and serfs. Today, we understand that all men are created equal and that no one is better or worse than anyone else.

Quite compellingly, the Torah makes a case for a form of equality that not only predates many of the Renaissance ideals that gave rise to the modern world; but is quite arguably their source.

When the Torah talks about humans in the image of God, the Torah is unequivocal that the only hierarchy that exists is between you and God. There is no one else above or below you; every other human stands alongside you and under God.

What's more, is that whenever the Torah talks about interpersonal mitzvos and our duties to each other, the Torah utilizes recursive imagery in which all the laws are rooted:

פי-יהיה בך אביון מאחד אחיך / ולא תקפץ את-גדך, מאחידך, האביון / ורעה עינך באחידך האביון, ולא תמון לו / פתח תפתח את-גדך / לאחידך / פי-ימכר לך אחידך העברי / לבלתי רום-לבבו מאחיו / ונתלה לא-יהיה-לו, בקרב אחיו / ושרת, בשם ה אלקיו-ככל-אחיו / לאחידך / – נביא מקרבך מאחידך / ועשיתם לו, פאשר זמם לעשות לאחיו / Don't withhold your hand from your brother, the poor man / Should your eye turn evil towards your poor brother, and you don't give him [what he needs] / Open your hands to your brother, and open them once more / Should your brother be sold as a slave / [Let a king] not be haughty over his brothers / [The kohen] shall not have an inheritance with his brothers [because of his extra benefits] / He will serve in God's name, as his brothers / A prophet will come from among your brothers / Conspiring witnesses shall suffer what they conspired upon their brother. (Multiple sources)

Whether we're talking about rich and poor, slaves or kings, prophets or priests, the Torah utilizes the imagery of brotherhood and fraternity consistently. When the Torah says something, it matters. When



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The Torah says the same recurring thing over and over, it matters a lot, and we should recognize it as such.

The Torah asks us not to define people by their status in a hierarchy as a lender or borrower, king or subject, master or slave. While socioeconomic status may accurately describe us, it is our common identity that defines us.

There is a radical concept here.

We must help each other, not because we are different, but because we are the same.

The theory of common identity anchoring us to each other is presented as one of the foundational reasons we observe the Torah:

וְזָכַרְתָּ, כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם, וַיִּפְדֶּךָ, ה' אֱלֹהֶיךָ – Remember that you were a slave in Egypt, and the Lord redeemed you (15:15)

The fact that we were once oppressed is not merely a reason to find empathy with vulnerable folks; it goes further. It should serve as a constant reminder that we mustn't fall victim to arrogance and hubris by taking credit for our good fortune – וְאָמַרְתָּ בְּלִבְבְּךָ כִּחַי וְעַצְמִי גָדִי עָשָׂה לִי אֶת־הַחַיִּיל הַזֶּה.

Although egalitarianism informs many government policies today, we live in a modern professional world optimized for capital and commerce, not community. It has bestowed a litany of benefits and has resulted in arguably the finest era of human society to date. Still, while reasonable people can disagree on what optimal social policy looks like, we ought to remember that the Torah's conception of our duties to each other goes a lot further than equality and deep into the realm of brotherhood and fraternity, imposing a firm sense of duty to protect and respect each other.

The Torah speaks past our relative status and straightforwardly and unambiguously demands that you see the less fortunate as your responsibility. It has nothing to do with generosity and everything to do with our duties towards each other.

Because there, but for the grace of God, go I.



Regulations Redux

4 minute read | Intermediate

Speed limits, traffic lights, parking meters, building codes, dress codes... it's easy to see rules as restrictive forces in our lives, reducing individual freedom and personal choice.

The Torah is brimming with laws and rules, so it's a critique one can aim at Judaism with some merit and one that has long been raised by seekers.

There are so many rules, and they stack up fast! Eat now, fast then, do this, don't do that, and it goes on.

Why can't we just do what we want?

The opening story of Creation about the dawn of humanity centers around the imposition of a rule – don't eat from this tree, and humanity's unwillingness to follow the rule – they did it anyway.

There's a plausible reading here where God is cruel and tantalizing, teasing His creatures by pointing at the beautiful tree they are forbidden to enjoy; the language of prohibition and denial is right there, and it identifies God as the maker and enforcer of a system with arbitrary rules that humans are destined to fail.

But the story that follows about Noah and the Flood is a story about what happens in a world with no rules – total anarchy and chaos, and ultimately, the collapse of civilization. When everyone pillages and plunders, you have barbaric savages. Noah and the Flood, we see a world without rules, which leads to chaos and the collapse of civilization.

No serious person believes that radical anarchy would be sustainable, a total free for all where Darwinist principles of survival of the fittest govern the day. Doing anything you want isn't a utopian dream; it's a dystopian nightmare. Every human society at all times in all places has understood that humans need rules and norms; ancient and primitive societies had rules and norms we might object to, but they had rules and norms just the same. The existence of rules and norms is a foundation of human society – no one gets to do whatever they want.

Rules form boundaries that enable and facilitate safe human relations by asserting how to interact, preventing infringement on others or abuse or depletion of a thing. Rules are a basic civic requirement.



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Beyond the philosophical, this extends to the essential nature of reality; our universe is a universe of rules, built and run according to rules, the laws of physics that govern energy and matter.

The religious aspect of doing whatever we want is based on the notion that observant Jews are missing out. Sure, there are many things observant Jews can't do or enjoy – bacon, cheeseburgers, lobster, and pepperoni are allegedly some of the big ones.

Yet the Midrash teaches that it is wrong to believe that the Creator denies or prohibits us from the joys of life in any way. Rather, the Torah asks us just to regulate our instincts and stop them from running wild in order to maintain balance in our lives, from greed, hunger, and revenge, to tribal loyalty and sexuality.

Humans break when overindulged – people everywhere abuse and hurt, cheat and steal, get obese and sick, and tirelessly waste years of life on sexual pursuits. These negative impacts aren't the product of liberty; they're different forms of addiction and brokenness.

Like all cultures and societies, the Torah has lots of rules. And like all cultures and societies, some make more sense than others.

But like all rules and laws, they keep us safe and stop us from getting out of control. They help regulate our enjoyment of life; they enable everything else.

The laws of sexuality regulate that family relationships are inappropriate if combined with sexuality.

The laws of Shabbos are endless; you learn something new every time you learn the laws of Shabbos. But the existence of Shabbos changes and elevates how we experience time – it's not Saturday, a day off work, it's Shabbos! Moreover, Shabbos has kept generations of families and Jewish communities eating, singing, and praying together for life.

The Torah permits a carnivorous diet, which could reasonably be construed as unethical; it asks us to limit our diet to animals with certain features that must be slaughtered humanely. If the Creator is the gatekeeper of Creation, it's not obvious that we should be able to eat living creatures at all! But otherwise, the Torah allows us to enjoy the vast majority of human cuisine prepared in accordance with our culture.

What's more, when taken together, the rules of kosher keep the Jewish People distinct and separate from the world. They elevate the most basic instinct to consume into a religious act, saturated with meaning and purpose. As the Chasam Sofer notes, the kosher laws open with what Jews can eat, the permission, not the prohibition.



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As the Meshech Chochma notes, the Creation story isn't about a negative restriction on a tree; it's about a positive command to eat literally everything else in Creation and fill the world with people, broad and permissive, perhaps even indulgent and hedonistic, with one caveat.

The Creator sanctifies human desire with the very first command – the directive to eat and procreate suggests that even our most basic instincts serve God's purposes. Although there's a caveat, even several, the Torah's claim is that God is the gatekeeper of that permission; that's what "Creator" means. If we accept the premise of a Creator, why would we feel entitled to the entire universe?

Beyond the aspect of a legal obligation, the fact that Jews observe a rule or practice makes it a cultural norm, unspoken but socially agreed on, and therefore sanctified by the collective consciousness of all Jewish People.

The Torah has lots of rules and laws. But those laws come from the Creator of Genesis; the God who creates life, loves life, commands life to thrive, and wants that life to love and enjoy.

We do this thing, we don't do that thing. No one gets to do whatever they want, that's not how the world works. We live in societies built on the rule of law, in a rule-based universe.

Rules aren't so terrible.

Truth Redux

5 minute read

Straightforward |

The universe is a competitive place, and every creature is in an existential struggle to survive. As Darwin showed, the fittest to survive adapt best to their circumstances, using all tools at their disposal.

Everyone is trying to get by, so what wouldn't you do to pass the test, get the job, win the relationship? People always exaggerate and lie on resumes, interviews, dates, and sales pitches. It's a strategic tool for gaining an advantage, no different from how a predator utilizes camouflage to catch its prey. In the context of individual survival and success, so the thinking goes, all is fair.

The only trouble is that it's dishonest. While some people navigate the world that way anyway, most people are uncomfortable lying.

But consider a more commonplace scenario, the most trivial interaction we encounter daily. How are you doing today? I'm fine, thank you.

It's not always so true, is it? You might be tired, stressed, and worried. You are feeling hurt or sad about that thing. You're not always okay, but you say you are and soldier on.

Our sages identify the quality of truth as the signature of the Creator, a profound suggestion that truth is not just a moral or ethical principle but a fundamental building block of the universe woven into the fabric of reality.

The Torah lists many laws and prohibitions; our sages saw value in establishing protective fences around the kind of things that tend to lead to boundary violations. There is one glaring exception – dishonesty. The Torah prohibits deception under a multitude of circumstances but, uncharacteristically, also sees fit to expand the boundary and instructs us to distance from dishonesty generally – *מִדְּבַר שֶׁקֶר תִּרְחֶק*. If you know some of the Torah's stories, this makes sense.

Throughout the Torah, dishonesty appears as a consistent signature of its antagonists. The snake is the archetypal trickster whose deception assimilates Creation back into the formless chaos. Ephron does business with Avraham as a crook. Esau presents himself to his father with false piety. Lavan swindles Yakov, not to mention his own daughters, out of years of peace and happiness. Joseph's brothers cover up his abduction by faking his death. Pharaoh's slavery started by cheating the Jewish People with phony work quotas; he flip-flops about letting them go. Korach masks his self-serving ambition to foment a populist revolution. Bilam denies his goals to God and himself in pursuit of power and wealth. Among many issues with the infamous scout report about the Land of Israel, the scouts were biased and dishonest in their presentation of their experience.

But we don't require the Torah to reveal that dishonesty is bad; it's easy to explain, and there are so many reasons!

You have more to gain from keeping your home than stealing your neighbor's; not stealing is a social contract that mutually benefits all. Everyone hates getting cheated or deceived, so lying or stealing is at least hypocritical and violates Hillel's Golden Rule of all things – don't do to others what you wouldn't want them doing to you.

As a matter of principle and outside of the consideration of benefits or consequences, lying is wrong because it hurts the person being manipulated and violates and ignores their autonomy; that person cannot and would not otherwise consent to be lied to or interacted with under false pretenses. If you could have achieved your goal without the lie, you would not have had to lie. Humans are created in the Divine image; violating the autonomy and dignity of another also compromises your own.

What's more, the societal implications of dishonesty are far-reaching. Our society is based on a foundation of mutual trust and honesty, and the only way to obtain any benefits from deception is in a



world of trust and honesty; dishonest people hide in the camouflage of the much larger crowd of honest people – שְׁפֹת־תְּאֵמֹת תִּכּוֹן לְעַד וְעַד־אֲרִגְיָעָה לְשׁוֹן שֶׁקֶר. If we understand ethics to be universal standards of conduct, deception is self-evidently unethical because it would devalue and erode the foundation of mutual trust and honesty to the point that no one would trust anybody, and there would be no further benefits to dishonesty.

Truth is a cornerstone of civilization and the reality of our primary experience. Honesty builds trust, so people can rely on each other's words and actions, cooperating and collaborating, prerequisites for a society to function effectively. Without honesty, trust breaks down, leading to suspicion, conflict, and a lack of cooperation. Rules and laws depend on honesty to maintain stability and order; justice can only exist with truth and accountability. Relationships require honesty to establish understanding, respect, and mutual support. Business and commerce can only happen in an environment of honesty. Simply put, people can only lie in a world of truth, the world we know – אֱמֶת וּמִשְׁפָּט שְׁלוֹם שְׁפָטוּ בְּשִׁעְרֵיכֶם.

Beyond human culture, the consistency inherent to scientific principles and the laws of physics of the universe itself is an expression of truth, the signature of the Creator that makes the universe go – אֱמֶת וְשֶׁקֶר. מאַרְזֵי תִצְמַח וְצִדִּיק מִלְּשָׁמַיִם יִשְׁקָר. Unsurprisingly, the Torah places such a strong emphasis on honesty.

No dishonest scales at work, don't deceive your business counterparts, don't testify falsely, keep your word, and a litany of others, with a general rule to avoid dishonesty. Truth is the world we know, the Divine signature. Healthy people are truthful people; we don't want to lie.

Are those everyday white lies a violation of Divine truth?

In context, everyone readily understands it's probably polite fiction, a form of basic social lubricant. Communication is about more than words; it's a convention of how humans interact. Conventions are subjectively followed when there is a general expectation that others will also follow them. Social grease is not dishonest when it's what people expect; deception is only deceptive when the intent is deception. When you respond that you're okay, you're not lying, even though it's not true. No one is looking for, nor expecting, a truthful report on your life; it's a social handshake, nothing more.

Our sages even went as far as permitting outright falsehood under certain circumstances for the sake of peace. Does the dress make her look fat? You will hopefully understand that her question is not intended literally; the wise here recognize an unspoken invitation for reassurance. It's not dishonest to give the reassuring response you're being implicitly asked for. Telling her she's beautiful, or saying you're okay, isn't lying. It's not even polite compliance with the request; it is fully aligned with truth and perpetuates life and all Creation.

As the school of Hillel taught, don't tell the bride she's ugly! Use your common sense, be normal – הִלְלֵהוּ דַעְתּוֹ שֶׁל אָדָם מְעוֹרָבָת עִם הַבְּרִיּוֹת.



In our daily lives, we are constantly navigating the complex landscape of truth and deception. We tell white lies to maintain social cohesion, and some of us encounter more harmful forms of dishonesty.

Cultivate a habit of honesty in your life; be mindful of the words you speak and the actions you take. Strive for authenticity in your relationships and integrity in your efforts. Even small acts of honesty contribute towards a culture of trust and respect.

Truth is more than just a moral principle – it's a fundamental aspect of existence, the divine signature. In a world that can often seem full of deception and dishonesty, be a bearer of truth, showcasing the divine signature in all aspects of your life.

Because truth is not just about what we say to others – it's also about being true to yourself.

An Eye for An Eye Redux

5 minute read

Straightforward |

One of the most bizarre and incomprehensible laws of the entire Torah was also one of the ancient world's most important laws – the law of retaliation; also called lex talionis:

עֵינַי תַּחַת עֵינַי שֵׁן תַּחַת שֵׁן יָד תַּחַת יָד רֶגֶל תַּחַת רֶגֶל: – An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot. (21:24)

The law of retaliation isn't the Torah's innovation; it appears in other Ancient Near Eastern law codes that predate the text of the Torah, such as the Code of Hammurabi. All the same, it appears three times in the Torah, and its words are barbaric and cruel to modern eyes, easily dismissed as unworthy of humane civilization.

People who wish to express their opposition to forgiveness, concession, and compensation, insisting on retaliation of the most brutal and painful kind, will quote “An eye for an eye” as justification, conjuring a vision of hacked limbs and gouged eyes.

This law is alien and incomprehensible to us because we lack the necessary context; we fail to recognize its contemporary importance to early human civilization.

The human desire for revenge isn't petty and shallow. It stems from a basic instinct for fairness and self-defense that all creatures possess; and also from a deeply human place of respect and self-image. When a person is slighted, they self-righteously need to retaliate to restore balance. It makes sense.

The trouble is, balance is delicate and near impossible to restore, so far more often, people would escalate violence, and so early human societies endured endless cycles of vengeance and violence. In this ancient lawless world, revenge was a severe destabilizing force.

This is the context we are missing. In such a world, societies developed and imposed the law of retaliation as a cap and curb violence by prohibiting vigilante justice and disproportionate vengeance. An eye for an eye – that, and crucially, no more. It stops the cycle of escalation, and tempers, if not neuters, the human desire for retribution. Crucially, it stops feuds from being personal matters, subordinating revenge to law and justice by inserting the law between men, a key political theory called the state monopoly on the legitimate use of physical force.

R' Jonathan Sacks observes that the same rationale underlies the Torah's requirement to establish sanctuary cities. The Torah inserts laws between the avenger and the killer, and a court must give the order. Revenge is not personal, and it is sanctioned by society.

This was familiar to the Torah's original audience. We ought to reacquaint ourselves with this understanding – the law is not barbaric and primitive at all; it's essential to building a society.

Even more importantly, our Sages taught that these words are not literal, and instead, the remedy for all bodily injury is monetary compensation. The Torah forecloses compensation for murder – לא תקחו כופר לנפש רוצח. The fact the Torah chooses not to for bodily injuries necessarily means compensation is allowed. And since people are of different ages, different genders, and in different trades, with discrete strengths and weaknesses; mirroring the injury isn't a substitute at all, so paying compensation is the exclusive remedy, in a sharp application of the rule of law – there shall be only one law, equitable to all – משפט אחד יהיה לכם.

Before dismissing this as extremely warped apologetics, the overwhelming academic consensus is that no society practiced the law as it is written. Today, we readily understand that if we suffer bodily injury, we sue the perpetrators' insurance company, and the ancient world understood that tradeoff too.

How much money would the victim accept to forgo the satisfaction of seeing the assailant suffer the same injury? How much money would the assailant be willing to pay to keep his own eye? There is most certainly a price each would accept, and all that's left is to negotiate the settlement figure, which is where the court can step in. Even where the law is not literally carried out, the theoretical threat provides a valuable and perhaps even necessary perspective for justice in society.



It's vital to understand this as a microcosm for understanding the whole work of the Torah. There is a much broader point here about how we need to understand the context of the Torah to get it right, and we need the Oral Tradition to get it right as well. The text is contingent, to an extent, on the body of law that interprets and implements it.

Without one or the other, we are getting a two-dimensional look at the very best, or just plain wrong at worst. If we were pure Torah literalists, we would blind and maim each other and truly believe we are doing perfect like-for-like justice! After all, what more closely approximates the cost of losing an eye than taking an eye?! Doesn't it perfectly capture balance, precision, and proportionality elegantly? It holds before us the tantalizing possibility of getting divinely sanctioned justice exactly right!

But we'd be dead wrong. Taking an eye for an eye doesn't fix anything; it just breaks more things.

The original purpose of the law of retaliation was to limit or even eliminate revenge by revising the underlying concept of justice. Justice was no longer obtained by personal revenge but by proportionate punishment of the offender in the form of compensation enforced by the state. While not comprehensive, perhaps this overview can help us look at something that seemed so alien, just a bit more knowingly.

There's a valuable lesson here.

The literal reading of *lex talionis* is a vindictive punishment that seeks pure cold justice to mirror the victim's pain and perhaps serve as a deterrent.

With our new understanding, compensation is not punitive at all – it's restitutive and helps correct bad behavior. You broke something or caused someone else pain, and now you need to fix it – and you don't have to maim yourself to make it right!

R' Shlomo Farhi notes that our sages taught a form of stand your ground doctrine; when someone is coming to kill you, you can use deadly force and kill them first. But even that is tempered with a caveat that if you have the ability to neutralize them without killing them, you aren't permitted to use deadly force. De facto, it's fully conceivable that in the heat of the moment, there is a split-second decision and you can't afford to be precise, but de jure, the point stands that even when force is authorized, there is no free pass. Our sages require scholars to stand up for themselves in the way a snake does; snakes have no sense of taste or smell, and a scholar's self-defense must be free of petty vindictiveness – תלמיד חכם שאינו נוקם ונוטר כנהש, אינו תלמיד חכם.

There is nothing outdated about the law of retaliation. It's as timely as ever because we all break things. We hurt others, and sometimes we hurt ourselves too. Our Sages urge us to remember that one broken thing is bad, and two broken things are worse. We can't fix what is broken by adding more pain and hope to heal.



Taking it further, there is a wider lesson here as well.

In seeking justice for ourselves, we needn't go overboard by crushing our enemies and hearing the lamentations of their women. We can and should protect ourselves and our assets, but we needn't punish our adversaries mercilessly such that they never cross us again. In a negotiation, don't squash the other side just because you can. It's about making it right, not winning. Channeling the law of retaliation, don't escalate. Think in terms of restitution, not retribution.

Do all you must, sure, but don't do all you could.

Charity Redux

7 minute read | Straightforward

One of the foundations of the modern world we inhabit is the notion of egalitarianism, the idea that all humans are equal in fundamental worth or moral status; giving birth to, among others, the ideas that women aren't lesser than men, and that black people aren't lesser than white people, and the like.

This has been a decisively positive development in many respects; the American Declaration of Independence famously begins by stating that it is self-evident that all men are created equal, and the Torah says as much – וַיְבָרֵא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ בְּצַלְמֵ אֱלֹהִים בָּרָא אֹתוֹ יָכָר וּנְקָבָה בָּרָא אֹתָם –

But it is equally evident that in many respects, the universe is not fair or equal; plenty of people are disadvantaged in countless ways. Many hardworking, honest, and decent people have difficult, stressful, and impoverished lives, not to mention the various health issues so many people experience. Human input isn't decisive; luck is.

A modern phenomenon in human civilization has emerged to address this imbalance: the welfare state. First-world governments allocate taxpayer funds to alleviate the poverty of the disadvantaged and less fortunate – in other words, charity is a core part of national policy. This practice has been criticized for perversely enabling and exacerbating poverty further, reducing the incentive for workers to seek employment by reducing the need to work and reducing the rewards of work. If we help these people, so the thinking goes, they become dependent and lazy. Moreover, it's a zero-sum game; I have to give up more of what's mine, and somebody else gets the benefit from it – as any child could tell you, that's not fair!

While the specific contours of government policy are best left to experts, it brings to the fore a relevant question that profoundly impacts our orientation to others.



What do we owe to each other?

The conventional understanding of charity is that it's an act of benevolent kindness and generosity, initiated and executed at the actor's sole discretion; but this is not the Jewish understanding.

The Jewish understanding of tzedaka is orders of magnitude more comprehensive and overarching. Extending far beyond the boundaries of kindness, the word itself literally means justice. The practice is a religious duty and social obligation; we have a duty to dispense God's justice by helping the less fortunate. In the ancient agrarian world of the Torah, Jewish farmers were subject to mandatory religious taxes that were allocated to different beneficiaries according to specific parameters. To this day, many Jews tithe their income, allocating at least ten percent to worthy causes.

The Torah is consistently firm and unequivocal in our obligations towards each other:

וְכִי־יָמוּךְ אָחִיךָ וּמְטָה יָדוֹ עִמָּךְ וְהִתְחַזְקָתָּ בּוֹ... וְחִי אִתּוֹ עִמָּךְ – When your brother languishes, and his hand falters, you must steady and support him... Let your brother live by your side, with you. (Leviticus 25:35,36)

This framing allows no savior complex; the Torah says plainly that the recipient of your help is a disadvantaged equal, lateral to you. There is no hierarchy or verticality in helping your brother – אִתּוֹ – and you must help him live alongside you, with you – עִמָּךְ. The person you get to help is not lesser or worse than you.

R' Shamshon Raphael Hirsch highlights how in this conception, the value of a person is not tied in any way to their economic productivity; the Torah speaks of a person's hand faltering and requiring assistance, yet still remaining your brother – וְכִי־יָמוּךְ אָחִיךָ וּמְטָה יָדוֹ עִמָּךְ. Other people don't need to achieve anything or make money to be valid in their humanness or worthy of your respect and support.

The Rambam famously taught that the highest level of charity is helping people get on their own feet – the ultimate and most literal fulfillment of helping your brother stand alongside you.

In the Torah's primeval story of the dawn of humanity, Cain fatefully asks God the rhetorical question, "Am I my brother's keeper?" This question deserves scrupulous attention, not just because we read the story and know that Cain is attempting to cover up his crime, but because it is the great unanswered question of Genesis and quite possibly the entire Torah and all of human history.

The pregnant silence in the story is jarring; when we read about the obligations we have toward our brother, we should consider them in light of the Torah's first brothers – perhaps suggesting that yes, you are indeed your brother's keeper.

Echoing the Genesis story, the Ramban famously wrote to his son that humans have no natural hierarchy; nobody is better than you, and you're better than nobody. Humans are brothers; the Torah



speaks of what we owe each other as a result of our fraternal bond; our obligations to each other are born of sameness, not of difference. The interpersonal mitzvos are obligations between equals – from human to human; horizontal, and not vertical.

As a direct consequence, the Torah encourages loans, whether of money or food, not as debt investment instruments the modern world is built with, but as assistance to enable the poor to regain their independence; as such, charging interest of any kind is predatory and therefore forbidden. The Torah goes so far as to command its adherents to lend money even when non-repayment is guaranteed, with an explicit mitzvah to lend before the Shemitta year, when all debts are written off:

כִּי־יִהְיֶה בְּךָ אֶבְיֹן מֵאַחַד אֶחָיו בְּאַרְצֶךָ אֲשֶׁר־ה' אֱלֹהֶיךָ נָתַן לְךָ לֹא תִאֲמַץ אֶת־לִבְּךָ וְלֹא תִקְפֹּץ אֶת־יְדֶיךָ מֵאֶחָיו הָאֶבְיֹן: – If there is a needy person among you, one of your kin in any of your settlements in the land that your God is giving you, do not harden your heart and shut your hand against your needy kin. Rather, you must open your hand and lend whatever is sufficient to meet the need. (Deut 15:7,8)

The mitzvah to aid others is far-reaching – beyond financial loss, the Torah’s expectation is that we spent time, energy, and emotion, on helping others, even to the point of manual labor:

לֹא־תִרְאֶה אֶת־חֲמוֹר אֶחָיו אוֹ שׂוֹרוֹ נִפְלִים בַּדֶּרֶךְ וְהִתְעַלְמָתָּ מֵהֶם הֲקָם תִּקְיָם עִמּוֹ – If you see your brother’s donkey or his ox fallen on the road, do not ignore it; you must surely raise it together. (Deut 22:4)

Beyond your brother, or the people you’d want to help, you are even obligated to help the people you don’t:

כִּי־תִרְאֶה חֲמוֹר שׂוֹנֵא רִגְלָתוֹ מִשָּׂאוֹ וְחָדַלְתָּ מֵעֲזֹב לוֹ עֲזֹב תֵּעָזֵב עִמּוֹ – When you see the ass of your enemy lying under its burden and would refrain from raising it, you must nevertheless surely help raise it. (Ex 23:5)

R’ Shamshon Raphael Hirsch notes the common tendency humans have to give up on people who seem to attract calamity and misfortune; it would be far easier to cut them loose. The Torah speaks against the backdrop of such wayward thinking and reminds us that this person is your brother; you cannot give up on him. You must persist in helping, even if he fails over and over again – עֲזֹב תֵּעָזֵב / הֲקָם תִּקְיָם. תִּקְיָם / פָּתַח תִּפְתַּח / וְהִעַבְטָ תַעֲבִיטָנּוּ.

However, this unilateral obligation is ripe for abuse, giving cheats and crooks a religiously sanctioned opportunity to exploit good people. The Kli Yakar offers a sharp caveat; you must only persist in helping people who are at least trying to help themselves – עִמּוֹ. R’ Shlomo Farhi piercingly suggests that it is not actually possible to help someone who won’t help themselves; the mitzvah is only to help, not enable. But so long as they’re trying, don’t walk away; figure it out together – עֲזֹב תֵּעָזֵב עִמּוֹ / הֲקָם תִּקְיָם – עִמּוֹ.

Our sages suggest that we should be grateful for cheats and crooks; otherwise, we'd be guilty over each and every person we fail to help.

While many mitzvos and rituals have an accompanying blessing to initiate the action, the Rashba notes that interpersonal mitzvos do not have such a blessing; making a blessing before helping another person would be dehumanizing, instrumentalizing a person into an object you do a mitzvah with, eroding the mitzvah entirely.

The Torah has a prominent spiritual dimension, but the interpersonal aspect of the Torah is a coequal, interdependent, and reciprocal component. It can be easy to get carried away with the spiritual trappings of helping people without being concerned about the person, but that's what it's all about – the other person is your brother, and you need to relate to him in that way.

R' Yitzchak Hutner was a Rosh Yeshiva renowned for his wit. Sick in hospital, a student came to visit his teacher and mentor. The great rabbi asked his guest why he had come, and the young man responded that it was a great mitzvah to visit the sick. In characteristic form, R' Hutner challenged his visitor, "Am I your Lulav? Did you come to shake me?"

The Alter of Kelm suggests that the most pristine form of charity is not the person who helps others because it's a mitzvah; but the person who empathizes with the recipient and gives because he is moved by their needs. On this reading, charity and helping others is an extension of loving your neighbour. Most people don't eat because it's a mitzvah to protect our bodies, we eat because we feel hungry; the Alter says you must treat the needs of another the same way. Don't help people because it's a mitzvah. Help people because you empathize with their pain to such a degree that if they are hungry, you are hungry; and when you are hungry, you eat.

If we are more concerned about lazy freeloaders who exploit public resources than disadvantaged people who need a leg up, it is only misdirection from the lesser angels of our nature; moral indignation that permits acting on envy and hate under a cloak of virtue. The Torah articulates a clear skew and strong preference toward taking action that helps others; the marginal cost of not helping is unacceptable.

Tzedaka is not charity or philanthropy. Less fortunate isn't a euphemism; it's a self-evident and observable fact. It's entitled to think it's not fair that you have to give something up so someone else can benefit; it's about justice, not fairness. Giving your money to others is explicitly a zero-sum game. By telling us to do it anyway, the Torah explicitly dismisses this objection as irrelevant, revealing that thinking in terms of winning and losing is an entirely incorrect perspective to bring to the interaction.

Your choice isn't whether to help others; it's who to help and how – which charities to give to, and in what quantities. It's the right thing to do; it is wrong not to.



TorahRedux

It is important to be a good steward of capital; will this contribution be the highest and best use of your resources? But while it's vital to think in terms of impact and effectiveness, be mindful that some people aren't ever going to get by on their own. The widows and orphans of the world aren't going to be okay because you wrote a check one time or sent a care package for Pesach; people experiencing chronic illness aren't going to recover because you visited them once or hosted a fundraiser a while back.

And if you don't have the financial means, remember that your time and expertise must be spent charitably as well.

The Torah calls for your continued interest and persistent involvement, not a one-off act; a mode of being, a mentality of feeling obligated to intervene for people who need help today and, in all likelihood, will still need help tomorrow and the day after as well.

Your brothers need you; you must persist.

I present TorahRedux l'ilui nishmas my late grandfather, HaGaon HaRav Yehuda Leib Gertner ben HaRav HaChassid Menachem Mendel.

I hope you enjoyed this week's thoughts. If you have questions or comments, or just want to say hello, it's a point of pride for me to hear from you, and I'll always respond.

If you liked this week's edition of TorahRedux, why not share it with friends and family who would appreciate it?

Neli

PS - TorahRedux is my pride and joy, the product of thousands of hours of learning, research, writing, editing, and formatting. My business, Hendon Advisors, allows me to dedicate time to TorahRedux, and I welcome your assistance in furthering my goal to keep publishing high-quality Parsha content that makes a difference. I source and broker the purchase and sale of healthcare businesses; I kindly ask for your blessings and prayers. If you are a buyer of healthcare businesses or can make introductions to healthcare operators who might buy or sell, just reply to this email to get in touch.

Redux: *adjective* – resurgence; refers to being brought back, restored, or revived; something familiar presented in a new way. Not to see what no one else has seen, but to say what nobody has yet said about something which everybody sees.