

# THE BETTER OF TWO RIGHTS

by Rabbi Pinchas Winston

*You shall not take from him interest or increase, and you shall fear your God, and let your brother live with you. Vayikra 25:36*

What is one of the most difficult ideas to master in life? By difficult, I mean to emotionally absorb. It is on this level that one becomes unified with an idea to the point that violation of the idea feels like a violation of self. Only then will a person be willing to make sacrifices to uphold the value.

The answer takes some thinking because many ideas are difficult to emotionally accept. It's not murder, or stealing, or anything like that. On countless occasions, man has embraced such sins with one justification or another. He has even put the "blame" on God, pillaging and killing in His Name. Man seems to have little problem with immodesty as well, or even mixing up the genders. All of these things appear very natural to him.

It's not religion either, for that matter. Countless religions have risen over the ages and people have sacrificed much for them, including their families and their own lives. Even the pursuit of money has become a religion with its own version of "God" and rituals.

One of the most difficult ideas to master is the idea of not making money from money. It just seems like the most natural thing in the world to do. If a person has earned money why should he not use that money to make more money? He can use his money to help others, but it should certainly come at a price to the borrower.

In fact, lending money with interest is so natural that even though there is a mitzvah in the Torah to lend without interest, the Torah world has a way of making money off a loan in a kosher way. This is called "Heter Iska," literally, "Business Allowance." It is the way that Israeli banks function like gentile banks without breaking halachah.

The Talmud says the following regarding lending with interest:

*Rava says . . . "Lenders with interest are compared to shedders of blood. Just as shedders of blood cannot make restoration [of the lives lost], so lenders with interest are not required to make restoration [of interest]." (Temurah 6b)*

The main point is not how you make the interest, but the fact that the person in financial need has to pay it. He's already struggling and forced to borrow money that he has to pay back, and the lender wants to increase his financial difficulty and emotional hardship? So what if there is a legal loophole,

if the net difficulty is the same for the borrower?

It has to do with the "fifth section" of the Shulchan Aruch, which of course does not actually exist. The term was made up to refer to behavior that is not defined by the actual Shulchan Aruch. In other words, in Judaism, there is permissible, forbidden, and another category as well. It is the attitude towards life that the other two categories are supposed to inspire.

The Ramban addressed this level of Torah life at the beginning of Parashas Kedoshim. There he defined holiness as what you do with what is permissible, what many might call being a "mentsch." That is what you are when you act in a way that goes beyond "Issur v'Heter," that which is forbidden or permissible. You are not only doing the halachically acceptable thing, but the "nice thing," which in many instances is more than the halachah demands.

The Talmud speaks of a remarkable episode that occurred in the Temple. This is the Talmud's recounting of the story:

*It once happened that two kohanim were equal as they ran to mount the ramp, and when one of them came first within four amos of the altar, the other took a knife and thrust it into his heart. Rav Tzadok stood on the steps of the Hall and said: "Brothers of the House of Israel, listen! It says: 'If one is found killed in the land . . . then your elders and judges shall go out' On whose behalf shall we offer the heifer whose neck is to be broken, on behalf of the city or on behalf of the Temple Court?" All the people burst out crying. The father of the young man came and found him still in convulsions. He said: "May he be an atonement for you. My son is still in convulsions and the knife has not become unclean." [His remark] teaches that the cleanness of their vessels was of greater concern to them even than the shedding of blood!" (Yoma 23a)*

And, not just the shedding of innocent blood, but of the blood of one's own son! How distorted can life become! Zealous to serve God and maintain ritual purity in the Temple itself, murder occurred and it mattered little to them!

There is a very delicate balance in life that comes with trying to achieve religious excellence. On one hand, a person has to be zealous to serve God. On the other hand, it should not be at the cost of other important mitzvos, especially between man and his fellow.

When the Jewish people demanded water from the rock, Moshe became personally offended on behalf of God. He scolded the people for their lack of faith and their impatience, only to have God criticize him for getting angry. "I wasn't angry," God told Moshe Rabbeinu, "so why did you get angry? You made them think I was angry as well!"

Amazingly, Moshe's zealousness on behalf of God cost him the opportunity to lead the Jewish people into Eretz Yisroel and bring the Final Redemption. It cost him the chance to be Moshiach. Even the staff he was given with which to lead the nation was downgraded. "I didn't give it to you to hit the rock," God told Moshe.

In an earlier incident, Moshe Rabbeinu's zealousness to bring the Erev Rav under the wings of the Shechinah was the source of all his future problems. God told him that it wasn't a good idea to take them out of Egypt with the Jewish people, but Moshe Rabbeinu brought them along anyhow, with disastrous results. The making of the golden calf was only the first of them.

As a result, the Zohar says, Moshe has to reincarnate in every generation just to rectify the Erev Rav and the damage they do. We're still in exile, and it is because of the Mixed Multitude, which means that Moshe Rabbeinu is still reincarnating just to make amends for his decision thousands of years ago.

He wasn't the first to err this way. The brothers of Yosef were prepared to throw "the baby out with the bath water" to eliminate what they perceived to be an early threat to the Jewish people. Yosef's behavior and attitude did not conform to what they held was the proper way for a Jew to behave. They tried to snuff the problem out at the source.

They were shocked to find out that God thought differently. Here they had acted on God's behalf, only to find God not acting on their behalf, but on Yosef's behalf instead. They had come to realize late in the game that they had inadvertently crossed a line in the service of God that undermined their very service of God!

We've been doing it ever since, and with even more disastrous results. There's a reason why we're still in exile, and it isn't because God is busy doing other things. There's a reason why the Jewish people lack unity, even within the groups that share a common approach to Torah and mitzvos.

The truth is, the "fifth volume" of the Shulchan Aruch is alluded to early in the Torah, long before Rabbi Yosef Karo was born to write the other volumes. It says:

*Let Us make man in Our image . . . (Bereishis 1:26)*

*Although [the angels] did not assist [God] in [man's] creation, and there is room [on the basis of this phrase] for the heretics to claim supremacy [by saying that the Torah itself indicates that many gods participated in the creation of man], the verse did not refrain from teaching [us] proper conduct—derech eretz—and the trait of humility . . . (Rashi)*

The rabbis have even gone so far as to say, based upon this, that derech eretz comes before Torah. As the Talmud says, Torah can be either an elixir for life or an elixir for death. This means that Torah can be used for "bad" just as it can be used for "good," an unexpected and frightening thought.

What determines what kind of elixir Torah will be for a person? Derech eretz. A mentsch will use Torah as God intended it to be used. He will show compassion for others when it is necessary, even if halachically he can restrain it. He will likewise not show compassion when it should not be shown, even though others can't help themselves and show it anyhow.

What people do not realize sometimes is that God does not only tests us regarding what is

permissible and what is forbidden. In fact, He prefers to test us in what is permissible, to see how much our appreciation of the opportunity of life impacts our use of the world, even in a permissible manner.

Doing the right thing makes a person a loyal servant. Doing the better of two "right" things makes a person more like God.