

# VALUES WE CAN TRUST

*by Rabbi Aron Tendler*

Following the giving of the Torah, G-d instructed the Bnai Yisroel in the basics of social law and justice. It made perfect sense that the proper daily functioning of the nation was the first focus of G-d's law. By accepting the Torah, the Jews committed themselves to become a "A kingdom of priests and a holy nation". They were to be responsible for teaching the other nations to believe in G-d and to follow His commandments. The Jews were to represent the divine potential that is in every person. However, the only divinity that can be discerned by an outsider is individual and collective behavior, not beliefs or philosophies. If they were to substantiate their "Choseness" in the eyes of the other nations as representatives and teachers of the divine it would be on the basis of their social law and justice.

How does the Jew deal with the thief, the impoverished maiden, the murderer, the kidnapper, and a child who curses his parent? How do the Chosen People give charity and resolve conflicts? What is the status of the widow, the orphan, and the non-Jewish citizen? Considering the prohibition for charging interest, are there additional instructions regarding the securing of collateral?

The manner in which the Jews conducted themselves in these issues would be the degree to which their behavior testified to the divine wisdom of their lifestyle and beliefs. These social laws are then the means for dispatching our obligation as the "kingdom of priests." It therefore made sense that the laws of social and personal responsibilities were stated immediately following Mattan Torah.

Rashi's commentary on the first Pasuk of this week's Parsha is fundamental to understanding the nature of our relationship with G-d and our social responsibilities. Rashi states that the word "V'Ayleh - And these are," connects the social laws of this week's Parsha with last week's telling of the Revelation. This juxtaposition between last week's and this week's Parsha teaches us that, "Just as the first laws (the Ten Commandments) were clearly given by G-d, so too the laws of this week's Parsha - Mishpatim, were also given by G-d (and not by humans)."

There is a basic difference in the attitude which people have toward religious law Vs. the attitude they have toward social law. Religious law is either accepted or challenged. Those who accept it are classified as "believers" and those who challenge it are called skeptics or heretics. Those who accept religious law do so because they believe that G-d revealed His intentions to the human race at some time in history.

The belief in a divine revelation is unique to religious law, but not to social law. Social law is often

attributed to the insights of human intelligence and the wisdom of life's experiences. Prophetic revelation is restricted to religious law only. Even the most faithful and religiously committed assume the rights of defining social morality and ethics. Even the most religious are willing to conveniently relegate G-d to the limits of religious practice and custom while keeping Him out of the realm of personal or social law. Therefore, the Torah uses the word "V'Ayleh - And these are" to teach us that social law was as divinely revealed and mandated to Moshe as were the laws of Shabbos and the statement "I am G-d, your G-d."

This understanding of the difference between religious and social law is similar to the explanation that Rabbinu Ovadiah M'Bartenur offers as to why the tractate of Avos - Ethics of the Fathers - begins with a statement of the Mesorah - the transmission of the Oral Law. The axiomatic importance of the Oral Law to our acceptance of any area of Jewish Law would have made it appropriate to begin any of the tractates with a statement of the Mesorah. Why then did the editors of the Mishnayos choose Avos for this statement?

The R'A M'Bartenura says: "Being that this tractate appears to be a collection of behavior and social interaction according to the values that they independently understood through their intellect; therefore, the author of this Mishnah decided to begin this tractate with a statement of the transmission of the Written and the Oral laws".

The R'A M'Bartenura's explanation is the same as Rashi's. It is in the arena of social ethics and morals that the human attempts to exert mastery. Therefore, we must understand that our ethical and moral values were as divinely mandated and apart from the invention of human creativity, as were the laws of Shabbos and Kashrus.

Why is it so important to accept that all laws pertaining to human relations were divinely commanded? Why can't we assume the inspired authorship of life's experiences and generational wisdom? Why must all of our laws have originated from Sinai?

In order to appreciate the Divine Imperative, we must first be honest with ourselves. We pride ourselves as being inherently moral and humanistic. How many of us would indiscriminately, or more accurately, discriminately, murder our fellow human if it was not prohibited by G-d? I believe that most of us believe that we would not. We believe that even without the Divine Imperative an ethical and moral social code would have evolved. But let's be honest. Is that truly so? Why wouldn't the Might Makes Right Imperative have been the dominant equation for all social interaction? If we remove G-d from the equation of our social behaviors, why shouldn't the law of the jungle have dominated? Without G-d we are simply a more sophisticated and evolved species of animal. The hierarchy of animal territorialism and survival, would have dictated that the strong, the aggressive, and the more cunning prevail, while Darwin's nice guy would always finish last. It is more logical to assume the lowest moral common denominator than to assume the highest. "Man would swallow up his fellow man alive."

The belief in a higher power Who created the world for a reason demands that we struggle to understand and appreciate His reasons for having created every single thing. This should naturally extend itself to protecting the environment and the endangered while establishing the value of human life and property, without the input of human intellect and rational. Human dignity and respect must be the foundation of all social law and interaction; and those values must be established by a power above and removed from any human. Otherwise, morality and ethics become the devices of time and circumstance, rather than the standards for human nobility.

Fundamental to human dignity and respect is the intrinsic value of human life. However, even this most basic of all values must be divinely mandated, or else neither society nor the individual can be trusted to protect it and keep it sacred. When Avraham explained to Avimelech why he had lied about Sarah being his wife, Avraham said, "Because there is no fear of G-d in this place, and I was afraid I would be killed on account of my wife!" (Ber. 20:11). Even though Avimelech was a seemingly moral and ethical king, Avraham could not trust Avimelech's personal code of values to protect his own life in the face of Avimelech's craving for Sarah! Avimelech's code was his own, and therefore subject to the changes of whim, circumstance, and desire. Therefore, he could not be trusted. On the other hand, if the value of human life is divinely established, it becomes the very bedrock upon which the structure of society is built. Logic dictates that if we can't be trusted to cherish the most fundamental of all values, unless they were decreed by G-d, then we certainly can not be trusted to establish and maintain the more subtle social laws and values.

A careful study of the Mitzvos in this week's Parsha reveals a graduated presentation of the values upon which society should be founded. The first Mitzvos establish the dignity and respect required toward the lowest strata of society, the criminal and the impoverished. The second set of Mitzvos establishes the value of human life by delineating those instances when life must be punished and forfeited. The third set of Mitzvos present the extended respect and care we must have for the property and being of another. Any damage done by an individual to the person or property of another must be properly compensated and repaired.

The rest of the Parsha continues to construct the axiomatic expectations of a moral and ethical society. It is incumbent upon us to remember that every action we take reflects not only upon our human relationships but it equally reflects upon our fundamental belief and acceptance of G-d's law.

Good Shabbos.

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