

PASHAT BEHAR
MAY 28, 2016
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Each year I study a tractate of Talmud in order to complete it just before Pesach so I can lead a Siyyum, a completion of the tractate of study on the eve of Passover, to allow the first born to participate in a Seudat Mitzvah, a meal of celebration, rather than fasting as the tradition asks them to do. I am currently studying the tractate of Bava Metziah which deals, to a large extent, with lost and found articles, ownership of various items and in the chapter I am currently studying, chapter 4, money matters, and what is considered to be appropriate sales and purchasing costs.

In our Torah reading of this morning, in the midst of detailed laws regarding the Jubilee year, the Torah tells us: “When you sell property to your neighbor or buy anything from your neighbor, you should not wrong one another.” This prohibition, which is discussed at length in the 4th chapter of Bava Metziah is known as Ona’at Mamon, financial oppression. In very detailed discussions in the Talmud financial oppression insures the equitable treatment of all parties in the complex arenas of finance, commerce, and real estate sales. As understood by the Rabbis, the Biblical prohibition of Ona’at Mamon fundamentally forbids deceptive pricing. Both the buyer and the seller are enjoined against capitalizing on the lack of knowledge of the other concerning the market value of a specific commodity. The seller is forbidden to deceptively overcharge and the buyer is forbidden to deceptively underpay. If either one goes beyond a certain percentage of the price, then the sale itself can be invalidated. One should contemplate how that can be applied in our market system today. It most assuredly would make buyer and seller more conscious of following ethical dictates and not just getting the most “bang for the buck.”

Three verses later in the Torah text we are told: “Do not wrong one another, but fear your G-d, for I, the Lord, am your G-d.” This, too, the Rabbis suggest was oppression of another. This time it is the description of Ona’at Devarim, verbal oppression. The Mishnah itself, in the 4th chapter states: Just as there is overreaching in buying and seller, so there is wrong done by words. Thus: One must not ask another, what is the price of this article when he has no intention of buying it. If a man was a repentant sinner, one must not say to him: remember your former deeds. If he was a son of a convert one must not taunt him by saying, remember the deeds of your ancestors as it is written: “Do not wrong one another.”

The Talmud in this manner moves us from simply a just and ethical system of buying and selling to the entire realm of using words improperly. The Talmud then goes on to describe certain aspects of how it understands Ona’at Devarim. We must not remind another of their past if we are going to use it against them. We cannot solicit technical advice from someone who we know lacks the necessary knowledge or expertise. We cannot suggest that one’s suffering is due to his own evil deeds. We cannot mislead a prospective customer about the nature of a specific merchant’s business in order to embarrass the merchant or the buyer. And, perhaps the toughest one of all, that I think most of us are guilty of, as already mentioned, we cannot inquire about the price of a specific object without any intention to buy it. We are then misleading the salesman, and that is known as Ona’at Devarim.

Jewish tradition takes words very seriously. We know that from erev Yom Kippur when we recite the Kol Nidre prayer, reminding us that we make vows which we never fulfill. Many of the sins that are enumerated in the long confessional of Yom Kippur have to do with the words we utter, the gossip we speak, the misleading sentences we enunciate, the use of language to hurt another person. Ona'at Devarim reminds us that even the words we utter are to be holy. We wound with words all the time. Negative comments we make about those who are absent is only but one way we wound with words; we also often cruelly hurt those to whom we are speaking. And we cannot use our words to mislead another human being.

Joseph Telushkin in his book *Words That Hurt – Words That Heal* writes: “One reason that many otherwise ‘good’ people often use words irresponsibly and cruelly is that they regard the injuries inflicted by words as intangible and, therefore, minimize the damage they can inflict. Thus, for generations, children taunted by playmates have been taught to respond, ‘Sticks and stones can break my bones, but words can never hurt me.’” As Telushkin continues: “In our hearts, we all know this saying is untrue.” Words do hurt, words do injure, words do harm, and when they are used improperly we are guilty of some great sins. The Talmud in Bava Metziah states: “A student cited before Rabbi Nachman ben Isaac the following: He who publically shames his neighbor is as though he shed blood. The Rabbis were rather surprised by the severity of that statement. He continued and said he had seen that occurrence himself as the person who is shamed looks as if the blood is drained from his face which is the equivalent to shedding his blood.” In other words, it may not literally be true, but most figuratively is. The person may pale and look ill as the perpetrator has seriously wounded another human being.

It is very difficult to legislate these kinds of actions, but it is clear that Jewish tradition is concerned not only about the words that one utters, but the feelings one hurts. According to the Rabbis, the person who preferred death to hurting another person’s feelings is Tamar, the daughter-in-law of Judah in the Book of Genesis. She tricks him into having a child with her. When he finds out she is pregnant he is ready to have her killed. The Rabbis maintain that rather than shame her father-in-law in public, she was willing to be burned to death. When Judah found out the true elements of the story, he knew that she was more righteous than he.

If we think of it, we often injure those closest to us with words. We take for granted they will be there for us. We know we have to be careful with our clients, our supervisors, our colleagues, our students, our employees. With those closest to us, especially our family members, we feel we can get away with more and, therefore, are not as careful with our utterances. Jewish tradition teaches us that that is not appropriate. Proper words and conduct is to be our response to everyone.

Needless to say, I only need to think of our current political cycle. Many words will be uttered and the candidates and their surrogates will attempt to tear down one another. The negative ads that are used and will be used over the course of the next few months sicken me. I often feel that I would like to inhabit a desert island until the middle of November and not listen to what has become of the democratic system. We most assuredly can and should do better. We can understand that we must be just and ethical in our business dealings. We can appreciate that

we must follow society's laws. We can even understand that our leaders must and can be held to the highest standards of morality. Yet, why should we not expect the same when it comes to the words that we utter and that are part of today's political discourse? It does no credit either to democracy or to our society.

The following story is told a little later in the tractate of Bava Metziah:

One day, Resh Lakish, a young man who was a gladiator and a bandit, saw Rabbi Yohanan, the leading scholar of his age, bathing in the Jordan River. The gladiator jumped in after him and the two began to speak. Impressed with Resh Lakish's physical appearance and intelligence, Rabbi Yohanan said to him: "Strength like yours should be devoted to Torah." Resh Lakish countered by saying: "Looks like yours should be devoted to women." Rabbi Yohanan responded that if Resh Laish would repent, he would arrange for him to marry his sister who was even better looking than the rabbi. Resh Lakish agreed, and Rabbi Yohanan arranged the marriage and became Resh Lakish's tutor. He taught him and after many years he became a great scholar.

According to the Talmud, one day there was a dispute in the school house of a highly technical nature. It had to do with swords, knives, daggers and spears. Rabbi Yohanan and Resh Lakish were involved in a serious discussion when Rabbi Yohanan said: "A robber understands his trade." Resh Lakish countered with tough words and Rabbi Yohanan responded back.

Almost immediately after that Resh Lakish became ill and the Rabbis were convinced it was because he offended Rabbi Yohanan. Resh Lakish's wife implored her father, Rabbi Yohanan, to pray for her husband, but he refused and eventually Resh Lakish died. Rabbi Yohanan went into a deep depression and eventually he, too, lost his mind and soon, thereafter, died as well.

It is a very tough story. Whether it is actually true or not does not really matter, it has a number of lessons to it. Rabbi Telushkin states that: When it comes to conflicts between people, "winning isn't the only thing." People who believe that winning an argument is all important are likely to introduce unfair points into disputes, and to end relationships. Therefore, he reminds us, never to bring in information about the person you are with when arguing to discredit or embarrass him or her. It is fine to talk about issues, it is inappropriate to insinuate charges against other people's character and the way they live their lives. It is appropriate to offer proper criticism, in fact, we have to learn how to accept that criticism, but it is inappropriate to use words that create public humiliation.

The Talmud in Bava Metziah begins with the laws of commerce and how we shouldn't defraud one another. We have a responsibility of living up to the highest levels of justice and morality in our commerce. It then moves to an even greater lesson. We have to be careful talking with other human beings or about them. The words that we utter do hurt. Bringing up someone's past and humiliating them is improper and unethical, as but one example. There are many more.

Let us hope that we can elevate and not denigrate. Let us insist that our politicians use words to speak about issues in a healthy debate about them, and not words to injure others. The

challenge is great and our misuse of our words says much about us and the society that we create. May we do better, may our society do better, may we teach our children to do better as well.