

Yom Kippur 5770/2009

### Shimon ben Shetach Rules

For many years I would brief the Hebrew school teachers before the start of the instructional year as follows: Dear teachers, in your classroom are some very distinguished and accomplished people. You have great scientists and medical researchers; you have writers and political leaders; you have healers and lawmakers; you have professors and rabbis; you have artists and performers of renown. The small fact that they're now only ten years old doesn't change the truth about their identity. Now, how are you going to instill deep Jewish values into these future leaders?

I'm sure you get my point. You see what Jews wind up doing for a living. You see what we care about; what we get involved in; how we work our way into these marvelous professions and exert a decisive influence on the direction of community and society. And every one of these prominent Jews – including your selves - started out as a ten year old, often spending a couple of afternoons a week in a synagogue Hebrew school. Did we miss our opportunity with them, or did we grab it? I'm not talking about our opportunity to give them Jewish literacy. That's another discussion altogether. I'm asking about our brief chance to give them Jewish *ethical* literacy.

Nowadays it occurs to me that in addition to my usual spiel, I need to give this extra warning:

Dear teachers, in your classroom are little Bernie, and little Ezra, and little Ehud, and lots of other little so-and-sos. They are not evil robbers and swindlers – YET. So how are you going to instill deep Jewish values into *these* future *ganavim* and *gazlanim* before it is too late?

Well, what *are* Jewish values? And if we could convey them to children in a way that would stick, which values would we choose?

We could go to the Torah itself, where smack dab in the middle of the great scroll we would easily find the exhortation to “love your neighbor as yourself.” And we could look up the elaboration of this mitzvah in the Talmud, where one set of Rabbis would tell us that “neighbor” means “ha-b’riyot,” i.e., all of God’s creatures, human and otherwise, and where another set of Rabbis would assure us that the Torah is only talking about our fellow Jews. “Re’ah” is “neighbor,” and “neighbor” is kinsman, and, well, you get the point. So which version contains the Jewish value we want to convey, and how do we expurgate its opposite before it works its way into the value system of little Josh and little Becky?

We could hand out *chumashim* in class and ask the children to turn to the passages in Exodus, Leviticus, and Deuteronomy forbidding the taking of interest, where interest is referred to as *neshekh*, “taking a bite” out of the borrower. And again, when we turn to the Rabbis, who are

the formulators of Judaism and the shapers of its values, we find the all-important exceptions to allow Jews to modernize their economy by taking interest upon mutual agreement. Okay, mutual agreement is probably a good value, maybe a deeply Jewish value. But we find that these efforts are unnecessary with respect to non-Jews, since the Torah seems to have no problem with our charging even outrageous interest to them, according to some Rabbinic opinions, though not others.

What's the Jewish value? Don't charge interest? Charge interest, but be reasonable about it, and keep the spirit of the Torah in mind even as we adapt to a modern economy? Or go easy on your own kind, but keep everyone else at arm's length? Treat others as "strangers," even though the Torah chides us over twenty times to remember that we were the strangers in the land of Egypt?

"You were strangers in the land of Egypt." For me, that's the keystone of all Jewish values. It's not a "do this" or "don't do that" kind of teaching. It's not a simple sound bite for a didactic pedagogue to give out. Some might say it's not a value at all. A mantra maybe, or a motto, but not a value.

*Ad'raba.* Au contraire. "You were strangers" is our greatest Jewish value. It is about empathy. It's about remembering – or pretending so hard to remember that you think you really do

remember – that you experienced pain, degradation, humiliation at the hands of a people to whom you were expendable, you were foreign, you were “other.”

So that whatever else the Torah is trying to get across, and no matter how protectionist it is about both monetary law and criminal law, the Torah always comes back to this core idea: You know how it feels to be the “other,” so do not treat the other *as* the other.

And, *al achat kama v'chama*, how much the more so does this go for your own people.

Whether or not you see yourself as religious, or observant, or learned, or connected, you may not take advantage of your own, even (or especially) other factions of “your own” whom you probably don’t consider “your own,” and who don’t particularly consider you to be “their own.” You may not shut out your people’s needs and travails. You may not pose as an honest broker while swindling your fellow Jews out of their hard-won tzedaka. And so forth. You may not estrange yourself from your people, and you may not estrange your people from yourself.

If I want to convey this big idea to children, what should I do? Make them memorize lists of mitzvot? Not likely. I tried out this question on our school board. Their answer was to tell the children stories. Tell them stories not with obvious morals, but with complex dilemmas. Tell them stories that require them to work out the ethics, to *derive* the values.

And, of course, choose the values ahead of time. Prioritize them. Think for ourselves what it is that we most prize and honor from the wisdom of our own teachers and parents. Emphasize the big ideas that we know in our hearts to be right, and teach the rest not as our values, but as the history of our evolution as a people toward a more and more ethical present. Tell Jewish stories with the values we know to be right. And tell Jewish stories with terrible values, and be fearless about distancing ourselves from what those stories purport to teach.

So tonight I have a Yom Kippur story for you. This is from the Jerusalem Talmud, and might not be so well known even to those of you who spent time in yeshiva. It is the story of one of the great rabbis of the earliest period. He was probably too early to be called an official rabbi. He was more like a proto-rabbi. His name is Shimon ben Shetach. He lived in Israel in the first century before the Common Era.

Here is his story:

Shimon ben Shetach traded in cotton. His students said to him: "Master, allow us to buy you a donkey so that you will not have to labor so much." They went and bought him a donkey from a certain heathen, and then found upon it a precious stone.

They came and said to him: “Now you need not labor ever again.” Said he: “Why so?” They replied, “We bought you a donkey from a certain heathen, and we found upon it a precious stone.”

He asked: “Does he know of it?” They replied: “No.” He told them: “Go and return it.”

Let’s stop the story right here for a moment. So far we like it. The students mean well in caring for their master, so they go to the trouble of buying him a labor-saving device. They discover the precious gem, and naturally they are thrilled. And because they love their master, their first instinct is not to keep the stone for themselves, but to sell it and give the proceeds to their master, hoping he can now grow old with dignity and continue to teach them Torah.

It must occur to them that the stone was the property of the heathen who sold the donkey to them, and that by keeping it they’re getting away with something not quite legit. But what’s their cultural training? The heathen is “other.” He’s not of their world, except in a purely commercial way. Though they would probably never think to keep the stone if a Jew had sold it – or maybe they might – nonetheless they figure that the heathen will never know the difference, and that their paths will never cross, and besides, their teacher’s well-being trumps any concerns about an otherwise anonymous person who happened to make an unfortunate mistake.

Yet the master tells them to return the stone. He does not rebuke his students. He merely tells them the right thing to do. First, however, he asks them the crucial question, which, if the students ever reflect on this incident, they will realize that that question contains the entire “Jewish value.” Shimon ben Shetach asks: “Does the seller know about the stone?” After that, there is no need for any other question. It is plain and simple ethics, with all of the loopholes and conditions stripped away. It’s a beautiful story. Let’s tell it in every class, starting next week!

But, ah, the story doesn’t end there. The whole tale is both better and worse than it would be if we stopped in the middle. Here’s how it ends:

The students say: “We bought you a donkey from a certain heathen, and we found upon it a precious stone.” He asked: “Does he know of it?” They replied: “No.” He told them: “Go and return it.” They replied: “But did not Rav Huna Bivi bar Gozlon say, quoting Rav, ‘It was stated in the presence of Rabbi that even according to the view that *stealing* from a heathen is forbidden, nonetheless appropriating his lost property is permitted.’”

Shimon ben Shetach responded: “What do you think I am – a barbarian?” Then he said: “I, Shimon ben Shetach would rather hear the words ‘Blessed is the God of the Jews’ than receive all the financial rewards of this world.” End of story.

If you blink, you still think this is a story where the good guys win. Our hero, the old master teacher, upbraids his students by standing firm on his principles. “What do you take me for – a barbarian?” We cheer when he says this. Good for him! That’ll teach those prejudiced little students a thing or two. Good for Shimon ben Shetach! He lives by the principle of *ki gerim heyitem b’eretz mitzrayim*, ‘You were strangers in the land of Egypt.’ He refuses to take advantage of the stranger, even though he can get away with it and the stranger will never know the difference. He won’t even do the wrong thing when there are no consequences. And look how much he cares about the opinion of ‘the other.’ “I’d rather hear the heathens praising the God of the Jews than possess all the financial rewards of this world.” Clearly, Shimon ben Shetach represents an early Jewish trend toward the universal, or at least toward seeing ourselves as a part of a larger human endeavor.

But look closer. Listen to the students’ response. When the master tells them to return the stone, they don’t say something like “Aw, shucks, it’s just a heathen. What’s the difference, rebbe?” Instead, they give their teacher a sophisticated – and accurate – halakhic counterattack. They’ve learned a thing or two in their studies. They know that among the proto-Rabbis there are mixed opinions about the permissibility of stealing from a heathen,



though it seems, thank God, that most of them prohibit it. Are we breathing a sigh of relief yet?  
Not quite.

These students know the current thinking about the law. They know that according to the overwhelming majority of halakhic authorities of their era, the Torah's requirement that we return lost property *only* applies to fellow Jews. So, they're not saying 'Aw, shucks, let us do it, rebbe.' They're saying, rather, 'Dear teacher, you of course know that we are perfectly within our rights as Torah-observant Jews to keep this precious stone. And while we appreciate your noble attitude, we do not feel compelled to comply with your wish to return it to the seller.'

In other words, the story delivers a mixed message. We hail the Jerusalem Talmud for giving us this *maiseh*, because by doing so it gives voice to a brave stance outside of a law it instinctively senses as being flawed. Nonetheless, the story reinforces the flawed ruling.

So what's the Jewish value? Well, if I'm teaching this story, the Jewish value is that *Jewish values evolve*.

We need to start by acknowledging a time when our ancestors were so oppressed - so belittled and hounded by their occupiers, and so unable to trust anyone beyond their own circle - their

only recourse was to interpret the generous laws of our precious Torah in self-defensive ways. They protected themselves with the only weapon they had at their disposal: their *sechel*. We should no doubt state – and clearly – that self-preservation is a Jewish value. As I told you last week, *im ayn ani li, mi li*, “if I am not for myself, who will be?” turns out to be an ingenious formulation.

But the time has long since come to recapture the original spirit of the Torah. Surely a Torah from Sinai would want us to return *anyone’s* lost property. Surely it would demand that we not only respect the property and other rights of non-Jews, but that we stand up for those rights. Certainly, the Torah as we now understand it would not tolerate our finding halakhic loopholes to avoid paying taxes to the “Gentile” government of the United States or otherwise complying with “their” laws!

*Dina d’malchuta dina* is a Jewish value. “The law of the land is the law,” unless the law of the land contradicts the fundamental morality of our Torah, which in most cases it surely does not.

Shimon ben Shetach cared about whether the public at large viewed Jews as moral, or as he might put it, “God-fearing.” Much as I admire that attitude, I don’t think we can worry ourselves too much over what the non-Jews think of us. If they are generous of spirit, they will

regard us as fellow human beings and get on with it. If they are anti-Semites, then nothing we do will matter. They will continue to throw ancient epithets and accusations our way.

But I care about what *we think of ourselves*. In the past year, we have certainly lowered ourselves in our own esteem. Maybe you and I did nothing wrong, legally speaking. You and I possess a working knowledge of good values, whether they be officially Jewish or not. We know we can't consider ourselves good Jews if we're not first and foremost decent persons. And we know that the kind of Judaism we practice promotes not only historical loyalty and spiritual growth, but also ethical rectitude.

But among our people are those who in the past year or so used their *sechel* in the most creative and outrageous ways. Some are Jews who represent themselves as serious and authentic practitioners of our great tradition. Others are Jews who seem to have little to do with Judaism or the Jewish people, but who are clearly products of some sort of Jewish upbringing. All of them made astounding news. In America, they began as a laughable curiosity, but the enormity of their scandals is no longer funny. In Israel, good people have long since given up believing that political leaders can be anything *but* financial scoundrels. Corruption goes hand in hand with both business and elected office – in the Jewish state.

In either case – whether they are observant Jews or marginal Jews - I do not believe we can simply shrug off their actions. Do we really want to turn ourselves into a people that says ‘Hey, we’re just like everybody else.’ Is that our response to anti-Semites and supporters alike? Is that our response to our better selves?

Self-criticism is a Jewish value: *cheshbon ha-nefesh*, making an accounting of our souls, adding up the bill once a year and preparing ourselves to pay what we owe.

The prominent and influential Jews of the year 2040 are now ten years old, now in our classrooms, now in our clutches. Time is running out to sit them down and tell them stories about the great dilemmas that produce – like a crucible – the principles we dare to call Torah. Time is running out to teach them the skills of *cheshbon ha-nefesh*, the art of looking into ourselves with a critical and demanding eye.

The Rabbis tell the story of Adam, long exiled from the Garden of Paradise, who is wandering along one day when he runs into his son Cain. He hasn’t seen Cain for the longest time. Surprised to find his son a free man after being convicted of murder by the highest court in the universe, he asks: “Tell me, how did your trial go?”

“Well,” replies Cain, “I did *teshuvah* and they acquitted me.”

“Hold it,” exclaims Adam. “Such is the power of *teshuvah*? I had no idea.

End of story. Adam had answered his own Divine summons by hiding in the bushes, and then by hiding behind the cowardly act of blaming Eve. Hiding behind the cleverness of his own *sechel*. Hiding behind the act of making everyone around him “other:” Eve, God, and even himself. All strangers. All “other.”

Tonight is Yom Kippur. We are here as the inheritors of Adam and Cain, but also as the inheritors of Shimon ben Shetach and of Hillel. The fact that we are here at all means we have begun to come out of hiding. That’s a great Jewish value: refusing to hide from God or ourselves. We have begun to come out of hiding. It is Yom Kippur. Let us find the courage to come forth all the way.