

Mishpatim: The Measure of a Civilization

- Nisson Shulman.

By what is civilization measured? Science? Technology? Ethics? Refinement? How does our own civilization stack up. The formula of the rabbis, Berachos, religious piety, relationship to God; Mishpatim, relationship to fellow man; Avot, Relationship to inner self and what one ought to become. Maharsha"l reads them as three indivisible units.

MISHPATIM, THE MEASURE OF CIVILIZATION

By what is civilization measured? Is it measured by science and technology? Then we are indeed civilized. Is it by morality? Other times have been more moral than we. Is it by ethics? Then we must search in some areas of our society with Diogenes, to find a civilized man.

The dictionary defines civilization as "the state of the process of the refinement of man".

A glance at our own civilization is enough to prove science does not necessarily refine people. Nor does intellectual development, alone, refine them. A person is not refined just because he or she has manners. For to become refined a person must become purer, better, nobler than before. Where shall we seek the process that creates such people?

The most advanced civilization at the time of Abraham was Egypt. Morally, it was the most corrupt. The most advanced civilization at the time of early Europe was Rome. Scholars say a major cause of its collapse was its moral perversion and corruption. In our own times, it is very clear that with every technological, rational, intellectual and scientific step forward, we seem to take a moral and an ethical step backward. So science does not necessarily civilize. Yosif daat yosif machov. That may be the meaning of the scriptural verse, "The more knowledge, the more pain.

Once I described to a group of teenagers a certain concept in Jewish law, called genevat daat; that you could steal without taking even a penny. For instance, if by being silent you deceive a person, leading them to believe something untrue, you have stolen their opinion, deceiving that person, and this is a form of theft. I don't have to describe their reaction. "How could the Rabbi be so naive? Isn't business based on such practices?! Isn't it normal, ethical, right as rain, just like cheating on examinations?

Now those teenagers are today are today's young businessmen and women, and I thought of them when I read a recent article about the low state of business morals and ethics in the current generation.

The most disturbing thing about the way those young people thought, was not the knowledge that everybody does it... I knew that before: but the fact that they considered it right because everybody does it. Behavior of the average person became for them, not only normal, but righteous behavior! Times change the moral standards instead of the other way around.

So our civilization is not necessarily advancing. We hear a great deal about the reduction in the rate of violent crime. We hear much less about the major reason, the increase in police manpower and crackdown on drugs. We hear still less about the increase in the rate of white-collar crime, and even less about Jewish participation in such activities.

Morals, ethics and law should be more real a part of our immediate life and concern, than space exploration, scientific advances, and even care of the ecology.

For we are living in a skimmed society. If in business we skim off ethics from technology, then the only thing left with integrity is the computer. If in politics and law we skim off morality, then we cannot wonder at the bitter taste of bribery in high places, and all the cheating that goes on within the letter of the law; the broken pledges and untruths which abound, even, sometimes, from those in positions of prestige and honor. If we skim morals from society, then we are left with goods and gadgets, and an intense desire to live for the next pleasure, the new experience, the exotic sensation, and the wild kick that might put some life into an otherwise flat purposeless existence.

Our Torah doesn't stand for this. It requires an altogether different kind of standard from Jewish society. It teaches that life is whole. That man has integrity, that God made him straight and upright and that corruption is man's invention.

If we are to be civilized, then every part of our civilization must mirror our integrity. Our science must be moral, our law ethical, our society safe and sane and honest and true.

Our Torah portion this week is a good example of this standard.

To the Torah, for instance, a loan is not strictly a business proposition. It is really the highest act of charity. Charity is a must. You have no choice about it. It is a compelling call of God, who gave you good gifts, provided you share them.

The banker lends only on the safest and surest of securities. He closes his hand to the poor, and opens it only to the man with money or prospects to repay. The Torah commands us to pry open our closed fists, and to lend even to the poorest, whatever he lacks and needs. It may not be sound business. But as an act of charity there is none higher because it leaves the recipient with his self-respect intact.

In today's society it is understood that law is distinct from ethics. Even the higher law of equity often falls short of the highest requirements of ethical behavior; not so in Judaism.

Judaism requires that a spirit of morality pervade every decision of law. For instance: it isn't enough that the Judge be forbidden to take a bribe. A Judge in the spirit of Judaism looks beyond the letter of the law and disqualifies himself even if he received a compliment from the litigant, for words too can be a bribe.

Theft is wrong. But not only the theft of a ring from a finger or a wallet from a pocket, but also the theft of an opinion, making a person think better of you than you deserve. Despite the scorn

of that teenage group I once addressed – that, too, is forbidden by law in Judaism.

Judaism requires this higher law, for man alone does not make our judgments and statutes. God sits in the court at the Judge's shoulder. The very word for judge doubles as a name of God. To us, every law is sacred, every principle of justice, equality and morality, spoken at Sinai to all our people of every generation.

There is a remarkable discussion in the Talmud, Baba Kama, (30a). The Talmud discusses how a person is to achieve true ethical behavior and moral perfection. How does one become a truly noble, religious personality? By our definition of civilization, how does one become truly refined?

Some say, let him study blessings, perfecting himself in service to God.

Rav Yehuda said, let him study Nezikin, damages, the subject matter of Mishpatim. Let him be trained in dealing perfectly with his fellow human beings.

Rava added, Matters of the Patriarchs. Let him address himself to the ethical standards set in the Ethics of the Fathers.

Rabbi Solomon Lurya, of the Sixteenth Century, Maharsha^{”l}, analyzes the three statements and explains that they do not disagree, but rather compliment each other. They actually describe three dimensions of piety through which the human soul is perfected.

The first is his relationship to God, religious piety. The second is his relationship to man, ethical piety. The third is his relationship to his own inner personality, moral piety. Each is dependent upon the other. Only all together is the truly integrated, noble, ethical personality created.

How is this expressed in tangible terms? What are the standards to which these sages aspire and call upon us to do the same?

BERACHOT. In man's deeds towards heaven he must revere, love and sanctify God. He must treat the Torah, prayers and rituals with respect and holiness. He must study Torah, seeking to understand God and His ways, and to fulfill His commandments including the ritual commandments such as Shabbat, Yom Tov, Kashrut, and many other disciplines. He must seek teshuva, repentance, and strive to trust in the Lord.

NEZIKIN. In man's deeds to his fellow creatures, he must show kindness and compassion. He must share in meeting the needs of others, help them, give charity, make loans, heal the sick, bury the dead, comfort the mourners, feed the hungry, clothe the naked, give rest to the weary, house the homeless, teach others to do good. He must strive to ransom and save our fellow Jews from captivity and oppression. He must be a friend and a good neighbor. He must deal honestly, support the righteous, fight wickedness, respect the wise and the old, pursue justice, protect our neighbor's rights, bring people among all people, greet the stranger warmly and help him. He must deal honestly and with integrity with our fellow human beings. So this is the relation of man to his fellow man.

AVOT. Finally, a man must develop his own inner personality. Be humble, avoid anger, seek no glory, speak softly, be clean, disciplined, pleasant and joyous, reflect the image of God in all acts and deeds, show understanding and be forgiving. Be truthful, content with one's lot, patient, fair and generous in judging other's faults and failings. Take advice and set a good example. This is a person's obligation to himself or herself.

All three, says Maharsha¹, are given equal importance in the Talmudic discussion. Each is important only if it can lead to the other two, so that a man can become a whole, integrated personality. If he concentrates on only one and forgets the others, then he is only a partial, and therefore an unbalanced personality.

Admittedly, this is not an easy concept to live by and to teach. It is not something you can easily relate to the society we live in, and I understand the man who thinks it is a dream rather than reality. But it is the way man can put morality and ethics back into our society, business and science, and that is grievously needed. It is the only way we can get the cream back into a skimmed society. It is the only hope we have of future years. And it is the Jewish way.