+shammai 1011+

Why every day should be Simchat Torah

Shammai Engelmayer

Tuesday in the Diaspora (including in many Reform communities) is Simchat Torah, the day we conclude the annual cycle of Torah readings and begin a new cycle. In Israel and in some Reform communities, it will be celebrated on Monday. There will be lots of dancing and singing, flag-waving aplenty, and jelly apples for the children (common sense about what children should not eat notwithstanding).

Too many people, of course, will not be doing any of this because, after all, the Torah is from another age, has nothing to say to any of us moderns, and is filled with “laws” that have no bearing on life in the 21st century.

Seriously, they say, how can we relate to a law that tells us not to tear down the fruit-bearing tree of our enemy in wartime if we need a battering ram to knock down the city gate? How can we relate to a law that tells us not to move the boundary marker of our neighbor when we have never even heard of a boundary marker? How can we relate to a law that tells us we not only must return a debtor’s pledge to him or her each evening, but we cannot enter his or her home in the morning to retrieve it for the day? How can we relate to a law as silly as “do not put a stumbling block before a blind person,” as if any sane person would ever do such a thing, or its neighboring law warning us not to curse a deaf person, who cannot hear us in any case? And then there are those silly rules about Shabbat, which clearly interfere with a person’s ability to earn a livelihood (consider how many business deals are made on a golf course, for example).

Really. Let us get serious here, they say. Why celebrate something so out-of-touch with the world today?

So let us get serious, really. The Torah is not only something to dance and sing over, it is a document that we should cherish and observe—yes, observe. As this column has noted on many occasions, there is nothing antiquated or absurd about what it has to say. We just need to understand how it says what it says, and what we are supposed to do with that. The Torah was written to be relevant in all times, in all places, and in all circumstances. To write a lawbook that spells all that out in detail was impossible 3,500 years ago, it continues to be impossible today, and it will still be impossible 3,500 years from now.

The Torah gets around the difficulty by speaking in “chapter headings,” as I call them. It is the job of all of us in every generation to fill in those chapters to meet new situations.

Let us begin with the fruit-bearing tree, a favorite topic in this space. A fruit-bearing tree at its most basic is something that is useful to people and everything else with a breath of life in it. It is also useful for the environment. So when the Torah says not to wantonly destroy it, even when there appears to be a need to do so (battering rams were needed in times of war), it is telling us we may not destroy an item of value to anyone or anything—any item, even a tiny mustard seed according to one medieval legal authority (posek). We have a library-full of laws filling in that chapter heading. We know these laws as “bal tashchit,” do not destroy.

Based on this law, a rabbi named Zutra banned burning fuel of any kind, fossil or naturally replenishing fuel (such as olive oil), with abandon. (See the Babylonian Talmud tractate Shabbat 67b.) Rashi explained the ruling this way: Any action that requires burning more fuel than necessary is a waste of resources and, therefore, violates bal tashchit. Zutra issued that ruling nearly 2,000 years ago; to this day, no civil authority has issued a similar ruling. If we seriously follow his ruling, we would not speed on our roadways or drive gas-guzzling cars—and global warming would be much less of a problem.

The boundary marker law is found in Deuteronomy 19:14. In an agricultural economy, meaning ancient Israel’s economy, moving such a marker meant stealing part of someone else’s livelihood. In other words, this is about business ethics. We have a library-full of laws dealing with that, as well. The Babylonian sage Rava teaches us, for example, “When a person is brought for [his or her final] judgment, the [first] question to be asked of that person [in the heavenly court] will be, ‘Did you conduct your business dealings with integrity?’” (See BT Shabbat 31a.)

The late 19th-early 20th century posek Rabbi Yisrael Meir Kagan, known as the Chofetz Chaim, once opened a store that sold herring and groceries. His wife managed the store while he spent his time doing all the weighing and measuring, to make certain no customer was being cheated. His store soon outdistanced all his competitors. He realized, however, that it was not the quality of his products that brought people to his store; it was his fame. That was unfair competition, according to him. So he closed the store and became an itinerant book-seller, selling only in places where he was not then known. That is one example of how not to move a neighbor’s boundary marker in the modern world.

Not being able to enter a debtor’s home to retrieve a pledge is found in Deuteronomy 24:10. If a creditor has no right to invade the privacy of a debtor’s home to retrieve what is rightfully his or hers to possess until the loan is repaid (the pledge), it follows that no one may enter anyone’s home without permission. In the modern world, we call this 3,500-year-old law the right to privacy.

Then there is putting a stumbling block before the blind and not cursing a deaf person. (See Leviticus 19:14.) Taking the latter first, if we cannot speak ill to someone who cannot hear us in any case, how can we speak ill to someone who can hear us? This law (and several others) sparked a library-full of laws under the rubric of lashon hara, bad speech (the Chofetz Chaim, by the way, is most revered for his book on the subject). On Yom Kippur, we recited the “For the sin of” (Ahl Chet) litany. Among those sins were “the sin we have committed before You with the utterance of the lips..., in speech…, by impurity of lips…, by folly of the mouth…, by levity..., by deliberate lying..., by slander..., by the conversation of our lips..., by tale-bearing.”

Those nine “sins” made up better than one out of every five on the list. It is even more overwhelming, however, if we add some of the other Ahl Chet clauses, such as “insincere confession” and “vain oaths” and “hasty condemnation,” each of which also involves speech and each of which has a very specific focus. Not cursing a deaf person is a big deal indeed.

As for the stumbling block, as noted here in recent columns, it is a chapter heading for laws forbidding misleading people by deliberately providing wrong information, whether in a business matter, or a political matter, or in any other matter.

Then there is the Shabbat commandment. It is not just about us not working on a particular day of the week. The commandment also forces us to give everyone else the same day off, no matter who, or what, they are. Thirty-five hundred years ago, this commandment told us and everyone else that one day out of every seven, we must acknowledge that no one has any real control over anyone or anything else.

Rich or poor, master or slave, man or woman, parent or child, human or animal—everyone has an equal right to the same day of rest each week, and no one has the right to take that away from them. People who own slaves have absolute control over those slaves. Slavery cannot exist without that absolute control. Deny the slave owner control over his slaves for one-seventh of the time coming every seventh day, and you deny that such control exists at all (and you also severely undermine the whole institution of slavery, which the Torah with this law and several others). The Shabbat commandment is the Torah’s ultimate statement of social equality.

This is just a taste of what I mean by chapter headings, and what the Torah means for us moderns. That is worth a lot more than just a night and morning of dancing and singing. It certainly is worth listening closely to and following its directions.

A g’mar tov to all and party hearty on Simchat Torah!