“Extrapolation”

D’var Torah for B’har-B’chukotai, May 15, 2020

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Our Torah portion goes out of its way this week to guide the ethics of both buyers and sellers.

Buyers, for the Torah’s purposes, are ancient Israelites who want to buy their neighbor’s ancestral land holding. They may not have thought to buy it, but suddenly they see it is for sale, and an opportunity presents itself.

Sellers are Israelites who may be down on their luck due to drought, sickness, poor farming practices, or other adverse conditions. They may have no choice but to sell. They need cash right away. They can’t support their families in the short term.

In one set of verses the Torah warns the buyer not to take undue advantage of the seller. In another it’s the reverse. Even a seller down on his luck must not engage in falsehoods to fool the buyer into thinking the property is worth more than it is.

In every case, both buyer and seller are informed that what is for sale is not the actual property, but rather the number of years it may be harvested before the *Sh’mittah*, or sabbatical year, comes along and cancels all debts and loans, and especially before the *Yovel*, or Jubilee year, comes along every half century and forces the buyer to return the land to its original owner.

*Ki li ha’aretz*, says the voice of God in the text. “Because the land is Mine.” The land belongs to God, as it were, and only the right to farm it or live on it belongs to its so-called owners.

The Torah allows buyers and sellers to negotiate the price. Price is a tricky thing. Lots of factors come into play. What is it “worth” to each party? How fertile and productive has it been in the recent past? How vulnerable is its location based on the history of invaders and attackers? How polite or obnoxious are the neighbors who live or farm nearby? How badly does the seller need to unload the parcel? How long has the buyer had his eye on that same parcel? And what is the reputation of both buyer and seller in terms of being thought of as fair and honest brokers?

The Torah governs this conversation with one of its famous ethical maxims: *lo tonu ish et amito* – “Let no person wrong his or her fellow human.” Technically speaking, the warning only applies to the buying and selling of land, and then only in the ancient Land of Israel. And since the Torah declines to set a price rate for such transactions, who is to say who is “wronging” or being “wronged?” One person’s insult may be another’s idea of fair game.

Furthermore, who can prove that one party actually intended to use clever words or techniques to disadvantage the other? They can always say that they only meant well, and that they’re truly sorry they got the better of their counterpart. But the damage was done, and there was no going back. So sorry!

This, according to Rashi, is why the Torah sneaks in another little phrase under our noses: *v’yareita mey-elohecha* – “And fear your God.” “The One who knows thoughts will know,” warns Rashi. “Whenever the plain text of the Torah gives a directive that only the person thinking it could know for sure, the Torah adds ‘and fear your God.’”

And lest you think this only applies to buying and selling, the Rabbis tell us to extrapolate *lo tonu* to apply to pretty much every interaction between and among people. Buying and selling? Drawing up rules for a community? Negotiating a peace treaty? Working out boundaries between neighbors, or between family members in a household? Making love with one’s partner? Parenting one’s children?

*Lo tonu*. Don’t wrong the other. Don’t pull a fast one. Don’t use your cleverness, your mental agility, your life experience, your insider information, your advantage of age, gender, position, reputation, education, natural good looks – don’t use what you’ve got in order to get away with disadvantaging the other.

Don’t try it, not because you won’t get away with it, because you will. Rather, don’t try it because it’s wrong. *V’yareita mey-elohecha*. Someone will know. Maybe not God, per se, but someone. Someone gifted with God’s image, the *tzelem Elohim*. Someone like you or me.