

FROM THE EDITOR

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When we think of Judaism – of Torah – we often think of things like Shabbos, kashrus, tefillin, tzitzis, as well as things having to do with “morality”, such as permitted and forbidden relationships. But, we don’t usually think of things like money and matters related to things such as: selling and buying property, causing damages to others, creating partnerships, acquiring things, loaning money, working conditions, paying employees on time, returning lost property, borrowing, renting, depositing and entrusting property to others, etc., etc. – all of which are covered by Torah laws.

The non-Jewish world has erroneously influenced us to make a distinction between “religious” laws and “civil” laws, between laws that focus on “ceremony” and “ritual” – on “holiness” – and those laws which concern commerce. From a non-Jewish perspective, civil law serves to prevent man from swallowing up his fellow, while religious law serves to elevate man and sanctify him, with the government serving as the final authority over the one area and the ‘church’ as the final authority over the other.

But, where in the Torah do we find a distinction between the laws pertaining to a ceremonial mitzvah and those which, for example, pertain to a case where a man suffered damages at the hands of another man? Is the one holy and the other not?

Such a distinction simply does not exist by the Torah, where there is no such division between so-called “religious” and “civil” laws. They are all one; they are all from Hashem, all taught together at Har Sinai!

Just like there is a physical nature in the world which has laws; laws which cannot be transgressed, and, if they are transgressed, there are tremendous repercussions, so too, right and wrong were not given to man to determine; Hashem embedded definite and absolute rights and wrongs within the creation of the world – and He revealed to the world what is right and what is wrong through His Torah.

And, just as there is no division between the many laws in the Torah, a Jewish court - a Beis Din - has jurisdiction over all matters.¹ If a person has a dispute with his neighbour over a piece of land or an unpaid loan; or he has a question about the kosher status of a piece of meat or his succah; or a question concerning marriage or divorce; etc. – all of these issues get taken to the same Jewish court!

In fact, it’s worth noting, at the very least to emphasise just how foreign the non-Jewish way of seeing these things is to the Torah’s perspective, that the Torah places more emphasis on what the non-Jewish world thinks of as “civil” laws than on so-called “religious” laws! For example, the Rambam teaches², “The punishment for a person who uses [false] measures is greater than the punishment of a person who engages in licentious sexual behaviour (ie. forbidden relationships).” In other words, let’s say that there was a Jewish shop owner who kept all the mitzvot of the Torah, with just one exception: his weights and measures were a little off because he wanted to squeeze out a bit of extra profit. And, let’s say that there was another person who was involved in things such as adultery and incest. The secular world would have us believe that, from G-d’s perspective, the “immoral” behaviour of the second person is worse than that of the “illegal” behaviour of the first person, when, in fact, according to the Torah, it’s actually the person who cheated his customers out of a few cents here and there who has more to fear when he eventually meets his Maker!

The laws of the Torah represent the thoughts of the Almighty. When an animal belonging to one person damages the animal or property of another person and we study the Torah to determine the degree of liability, it’s not just to make peace or a compromise, etc. – we are dealing with the thoughts and directions of Hashem. There is much more at stake here than merely resolving an argument; we are talking about determining what is right and what is wrong. If these two want to resolve the argument among themselves and make a compromise, then they don’t need to come to a Beis Din. But, if they come to the Beis Din, then they are seeking G-d and His wisdom.

The application of the law may have to do with these two people and their property, but the source of the law is the Almighty Himself! His interest is in perfect justice: Whose money is it? Who is liable? Who is responsible? The very tenets of what is right and wrong, true and false.

ROBERT SUSSMAN,
EDITOR

Based on a shiur (PH144) by Rabbi Aziel Chaim Goldfein, ztz”l

¹Certain cases, eg. capital cases, would require a larger number of Dayanim (judges) to be involved in their adjudication.

²Hilchos Geneva 7:12

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**ON THE COVER: A CONCEPT
IMAGE OF MONEY GROWING
ON A TREE. WHAT PARENT
HASN'T SAID THE OFT REPEATED
PHRASE, "MONEY DOESN'T GROW
ON TREES!" TO HIS CHILD? THE
POINT OF THE EXPRESSION BEING TO
ILLUSTRATE FOR THE CHILD THAT MONEY
MUST BE EARNED THROUGH HARD LABOUR
AND CAREFULLY MANAGED, AS IT IS NOT
SOMETHING THAT ONE CAN GO AND PICK OFF
OF A TREE AS EASILY AS A PIECE OF FRUIT.**