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On the Parsha

“And these are the laws that you shall place before them.”
(Exodus 21:1)

Rav Meir Leibush ben Yechiel Michel Weisser (1809-1879) better known as the Malbim, explains the words of Tehillim (19:10) “Mishpetai Hashem Tzadku Yachdav – the judgements of Hashem are true and righteous together” to apply to the laws of the Torah and how they are fundamentally different than the laws of other nations. The Malbim further explains that the depths of truth inherent in the Torah’s laws and the punishments for not keeping those laws are beyond our ability to fully comprehend.

Rav Nosson Ordman ZT”L, a student of the great Lithuanian Yeshiva in Telze, and the Rosh Yeshiva of Yeshiva Etz Chaim in London, England, helped clarify the words of this Malbim (see Sefer Nosson Da’as p. 252). He explains that the criminal justice systems of the nations of the world are designed only for “Takanas Hamedinah”- to preserve and sustain the social culture and ethos of that particular society. However, they are not necessarily designed to be inherently true and just or to sustain and promote the truth. The laws found in the Torah are fundamentally different. They are designed and exist to exemplify the truth and to promote its ideals.

For example, one of the backbones of the Western world’s system of justice is “Adverse Possession.” Adverse Possession is one of the concepts that is taught in the first year of law school in almost every law school in the United States.

According to the Legal Information Institute (housed in Cornell University), “Adverse possession is a doctrine under which a person in possession of land owned by someone else may acquire valid title to it, so long as certain requirements are met, and the adverse possessor is in possession for a sufficient period of time, as defined by a statute of limitations.”

In other words, by merely being on someone else’s land for a certain continuous time period – the “squatter” can actually become the legal owner. In New York State, the time period is 10 years, but next door in New Jersey it is 30 years. In California it is 5 years (but the squatter also has to pay the taxes on it). In Illinois it is 20 years, but in Florida it is 7 years.

These squatters can become legal owners of property with no claim of having bought it from the owner. This “Squatter’s Law” is a fine example of a law that is not designed to stand for truth and what is just, but merely as Rav Ordman says above, for Takanas Hamedina with each state arbitrarily choosing the amount of time the squatter needs to live on someone else’s land before they can legally take it from the owner.

This is absolutely not the case in Jewish law which is designed to embody truth and justice. In Jewish law, one generally needs **an actual claim of sale** in order to obtain ownership.

Rav Ordman concludes his explanation of the Malbim referenced above with the following two thoughts. We must distance ourselves from any matter of deception, and we should focus our thoughts on praising the Master of All that he did not make us like the nations of the world, as we say in the prayer of “Aleinu L’Shabayach”. This means that unlike the other nations of the world, He implanted within us everlasting life and gave us a Torah (and its laws) that embodies Emes – the truth.

Chizuk - Inspiration

How does one become more honest? The answer is that one should practice acts of kindness (Chessed).

In Tehillim 85:11 it states, “kindness and truth meet.” The Asher L’Shmuel in Shaar HaChessed (p. 168) writes that the simple explanation of this verse is that a direct repercussion of engaging in Chessed is the development of the quality of Emes.

It is also interesting to note that people perceive those that are kind to be honest and trustworthy. In a recent Gallup poll (Dec. 2, 2022), a sample of people were surveyed regarding how much they trusted others in various professions. Participants had a chance to cast their votes for people in 18 different professions.

The top three professions which participants perceived as the most honest and trustworthy and were most often characterized by participants as “highly trusted” or “very highly trusted” were nurses, doctors, and pharmacists – in that order. Please note that all of these professions have kindness as their focal point. (As an aside, the three professions that were least trusted were telemarketers, members of congress, and car salespeople.)

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Halacha – Jewish Law

QUESTION: My husband is a smoker. However, on his life insurance application, he was asked if he was a smoker and he did not answer affirmatively. I am afraid that this is not only lying but also stealing. Is that correct?

ANSWER: I am afraid that you are correct. Lying that can cause financial damage is also considered stealing (see for example, Rav Moshe Feinstein ZT”L in his Igros Moshe C.M. Vol. II Siman 29 and Rav Shlomo Zalman Auerbach ZT”L in his Minchas Shlomo Vol. II #97).

Your spouse is unfortunately not alone in this regard. A survey conducted in 2020 showed that 14.7% of American adults admitted to lying on an insurance application. Your spouse is no doubt an upstanding member of society, so the question is, how can upstanding individuals rationalize such behavior?

The answer is that such individuals often say to themselves, “I believe that I am not going to get lung cancer and die. In fact, the odds are that I will not. Therefore, it is not considered stealing as the life insurance company will not have to pay my claim based on my lie.” The problem with this type of thinking is that the insurance companies stay profitable by their actuarial tables which tell them under what circumstances to extend life insurance to an applicant. The actuarial tables tell them to extend life insurance to an applicant at a higher rate if they are a smoker. Therefore, if you are a smoker, the insurance company does not wish to sell you insurance for the rates that are offered to non-smokers. If you lie on your application, you will be taking insurance from the company under a false pretense and will be taking coverage at a rate that they do not wish to offer to you. This is theft.

In addition, when people lie on their application about whether they smoke, it damages the predictive quality of the above referenced actuarial tables and causes the life insurance company to be less profitable. This causes the insurance company to raise its rates on everyone - all because of those that were dishonest. It’s really not the case that lying to an insurance company is a victimless crime. As described above, the few that are dishonest, cause everyone’s rates to increase.

The Chofetz Chaim writes (Sfas Tamim Chapter 3) that one who lies – ends up losing his Kosher money (the money that he made honestly) as well. On a related note, it is important

to know that if the insurance company catches someone lying on their application it can affect other insurance policies that they apply for, as insurance companies keep and share records of people who lie on their applications. Such people often become blacklisted and their past dishonest applications can affect future applications that are completed honestly.

Mussar – Introspection

We continue with our translation of the fourth chapter of the Chofetz Chaim’s Sefas Tamim.

“A person should not be influenced by his evil inclination who tells him. ‘What harm would it be if I come back once again to this world [through reincarnation to atone for theft, to pay unpaid debts, etc.]?’ [To understand this], let me provide a parable: What does this resemble? It is similar to a person who lost all of his money and left his wife and children in the bitterness of his soul. He leaves to a far off country, on outer islands thousands of miles from his home to seek food for his children.

He was there for many years and did not earn much money. He eked out just enough to eat his necessary bread. He would cry many times about his difficult plight. However, after several years, Hashem made him successful and he became very wealthy. He immediately conveyed this news to his family and informed them that he would journey back to his home again over a seven month period, since it was necessary for him to travel across seven seas and each sea took a month to traverse. His family was very happy and celebrated the news joyfully with his relatives and his extended family. All were very happy to hear that he was returning home. He quickly gathered all his money and began the journey back home.

As he began his journey, one of his acquaintances met with him and said, ‘My advice to you is for you to remind yourself, think back, perhaps you recall someone in this country that you owed money to? Return it to him so that your wealth will remain intact with you and you will be clean of any theft; then you can go with confidence that you are not liable for the sin of stealing and return peacefully to your family. But if not, those few coins, the small sum that you still owe, will stop you in the middle of your trip.’ This man thought it was all a joke and as he prepared to embark on his journey, he notified his family that he had begun his trip and to expect him to return home on the scheduled date.”

(Parable to be continued next week...)