

DARCHAI NOAM - דרכי נועם

“Its ways are ways of pleasantness”

(Mishlei 3:17)

Parashat Behar
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How can the Parasha help us grow this week?

Behar – We are family

In this week's Parasha of Behar, we learn about the prohibition against charging interest (ribit). Those of you are learning Daf Yomi should be quite familiar with these laws. The Daf Yomi cycle has just recently completed learning chapter 5 of Bava Metzia, which deals almost exclusively with the laws of ribit.

The pasukim state as follows:

"You shall not take from him [your fellow Jew] interest or increase, and you shall fear your G-d, and let your brother live with you. You shall not give him your money with interest, nor shall you give your food with increase" (Vayikra 25:36-37)

Interestingly, in the case of ribit, not just the lender but every party involved in the transaction is guilty, including the scribe, the witnesses, the guarantor and even the borrower! There are many day-to-day scenarios that we encounter all the time that can give rise to serious issues of ribit, such as paying an 'early bird' discount and rounding up when you split a taxi or restaurant bill and pay your share. Competent Rabbinic guidance is a must when dealing with tricky situations of ribit.¹

What is the underlying problem with charging interest? It is certainly not theft in the classic sense (even though when making your mortgage repayments to the bank it might feel like daylight robbery!). Theft occurs when a thief misappropriates someone's property without the owner's consent. However, interest is fully consensual. The borrower agrees to pay the interest.

We might gain some understanding about the nature of the prohibition based on where it appears in the various sources. The Rambam, in his Mishneh Torah, does not put the laws of ribit together with the laws of theft and robbery, he rather puts it in the laws of lending and borrowing. Similarly, the Gemara put the laws of interest in Bava Metzia amidst other monetary laws, and not with the laws of theft in Bava Kama.

In contrast, the Tur puts the laws of ribit in Yoreh Deah, which deals with the laws of things that are forbidden and permitted. He does not place them together with the other monetary laws (in the section called Choshen Mishpat). The Shulchan Aruch follows the Tur's classification, as he always does. However, the commentaries² explain that the Tur discussed the laws of ribit at this point because he was discussing various laws related to how we treat non-Jews. He then brings the law that we are permitted to charge interest to non-Jews. Since he mentioned the topic of interest, he decided to go off on a tangent and deals with the laws of interest more generally. However, these laws more properly belong with the other laws of borrowing and lending.

If you ask the average non-Jewish person on the street, they will probably say that it is totally acceptable to charge interest. Why should I give you my money for free when I could otherwise use that money to make more money? The modern sophisticated economy relies very heavily on the ability to charge interest. If we were not able to loan money for a return, we simply would not have

¹ There are mechanisms available that would allow a borrower to pay amounts that are equivalent to interest in a halachically acceptable manner, however they need to be drafted carefully and there are many nuances.

² See the Bach and the Prisha on Tur siman 160.

investment into infrastructure and technology. Borrowing money with interest allows people to invest in their businesses and acquire much more than they otherwise could. When someone is able to successfully borrow a sum of money from a bank or lending institution to buy a house or a new car, they are usually very happy.³ (But it is the banks who truly celebrate.)

This reminds me of the successful business tycoon who loved to boast about his financial success. “When I first started out I had almost nothing. I had \$250 in the bank and no loans. Now I am much more successful, I have an overdraft of \$100,000, two mortgages and a number of business loans totalling millions of dollars!”

The Jews have been accused of many things over our long history. The ludicrous claim of genocide is only the latest in a long line of unfair accusations. In the Middle Ages in Europe, Jews were banned from joining almost all professions. In order to avoid starvation, they were forced to earn their livelihood from charging interest. And then they were accused of being greedy money lenders! The character of Shylock, a Venetian Jewish money lender in Shakespeare’s Merchant of Venice, is a classic example.

While it is forbidden to charge or pay interest amongst Jews, it is permitted to charge interest to a non-Jew. But just as it is forbidden to *charge* interest to a Jew but permitted to *charge* interest to a non-Jew, similarly it is forbidden to *pay* interest to a Jew, but it is permitted to *pay* interest to a non-Jew. The Shulchan Aruch⁴ writes that even though charging interest to a non-Jew is Biblically permitted, the Rabbis proscribed this activity in the past except for certain limited cases, including where one needs the interest for their livelihood. However, these days it is totally permitted. The Shach explains that the Rabbis wanted to restrict our interactions with non-Jews so that we will not be unduly influenced by them. However, these days because we could not survive financially without business dealings with non-Jews, it is no longer appropriate to restrict loans to non-Jews.

Most agree that charging interest is not fundamentally wrong. It is a legitimate way to earn a return on your accumulated funds. If Ned, your non-Jewish neighbour wants to borrow \$10,000 to expand his business, you are perfectly entitled to charge him interest and he will be willing to pay it. We need to ask then, why is there a different treatment between Jews and non-Jews in this law?

The answer is that Jews are family. Just as we would never dream of charging our brother or sister interest on a loan when they are in a tight spot, similarly we don’t charge interest to the rest of the Jewish people, our extended family. The laws of ribit, and the distinction between Jews and non-Jews, reminds us that we are one people, one family. And if we forget this vital truth, our enemies are only too happy to remind us. Whether it is the terror coming out of Gaza, Jewish university students just trying to get to class unharmed, or Jewish people around the world trying to avoid antisemitism. We must always remember that we are a special, cohesive group, related by our shared gift of the Torah from our Father in Heaven.

Let’s try something this week:

1. Remember the message of ribit and the distinction between Jews and non-Jews – we are all family!
2. Spend some time familiarising yourself with the basic details of ribit so that you can be aware of possible transgressions that you might face and get some Rabbinic guidance!

Shabbat Shalom, Rabbi Ledder

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³ The happiness usually lasts for about 15 minutes. Until the reality of the repayment schedule sinks in!

⁴ Yoreh Deah siman 159.