

# COVENANT & Conversation

A STUDY OF ETHICS IN THE PARSHA WITH RABBI SACKS



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— RABBI LORD JONATHAN SACKS



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## Integrity in Public Life

**Pekudei - 14 March 2015 / 23 Adar 5775**

There is a verse so familiar that we don't often stop to reflect on what it means. It is the line from the first paragraph of the Shema: "You shall love the Lord your God with all your heart, with all your soul and with all your *me'od*." That last word is usually translated as "strength" or "might." But Rashi, following the Midrash and Targum translates it as "with all your wealth."

If so, the verse seems unintelligible, at least in the order in which it is written. "With all your soul" was understood by the sages to mean, "with your life" if need be. There are times, thankfully very rare indeed, when we are commanded to give up life itself rather than commit a sin or a crime. If that is the case then it should go without saying that we should love God with all our wealth, meaning, even if it demands great financial sacrifice. Yet Rashi and the sages say that this phrase applies to those "to whom wealth means more than life itself."

Of course, life is more important than wealth. Yet the sages also knew that, in their words, *Adam bahul al mammono*,<sup>1</sup> meaning: people do strange, hasty, ill-considered and irrational things when money is at stake. Financial gain can be a huge temptation, leading us to acts that harm others and ultimately ourselves. So when it comes to financial matters, especially when public funds are involved, there must be no room for temptation, no space for doubt as to whether it has been used for the purpose for which it was donated. There must be scrupulous auditing and transparency. Without this there is moral hazard: the maximum of temptation combined with the maximum of opportunity.

Hence the parsha of *Pekudei*, with its detailed account of how the donations to the building of the *mishkan* were used: "These are the amounts of the materials used for the tabernacle, the tabernacle of the Testimony, which were recorded at Moses' command by the Levites under the direction of Ithamar son of Aaron, the priest" (Exodus 38: 21). The passage goes

<sup>1</sup> Shabbat 117b.

on to list the exact amounts of gold, silver and bronze collected, and the purposes to which it was put.

Why did Moses do this? A midrash suggests an answer:

“They gazed after Moses” (Ex. 33: 8) – People criticized Moses. They used to say to one another, “Look at that neck. Look at those legs. Moses is eating and drinking what belongs to us. All that he has belongs to us.” The other would reply: “A man who is in charge of the work of the Sanctuary – what do you expect? That he should not get rich?” As soon as he heard this, Moses replied, “By your life, as soon as the Sanctuary is complete, I will make a full reckoning with you.”<sup>2</sup>

Moses issued a detailed reckoning to avoid coming under suspicion that he had personally appropriated some of the donated money. Note the emphasis that the accounting was undertaken not by Moses himself but “by the Levites under the direction of Ithamar,” in other words, by independent auditors.

There is no hint of these accusations in the text itself, but the Midrash may be based on the remark Moses made during the Korach rebellion, “I have not taken so much as a donkey from them, nor have I wronged any of them” (Num. 16: 15). Accusations of corruption and personal enrichment have often been levelled against leaders, with or without justification. We might think that since God sees all we do, this is enough to safeguard against wrongdoing. Yet Judaism does not say this. The Talmud records a scene at the deathbed of Rabban Yochanan ben Zakkai, as the master lay surrounded by his disciples:

**“We might think that since God sees all we do, this is enough to safeguard against wrongdoing. Yet Judaism does not say this.”**

They said to him, “Our master, bless us.” He said to them, “May it be God's will that the fear of heaven shall be as much upon you as the fear of flesh and blood.” His disciples asked, “Is that all?” He replied, “Would that you obtained no less than such fear! You can see for yourselves the truth of what I say: when a man is about to commit a transgression, he says, I hope no man will see me.”<sup>3</sup>

When humans commit a sin they worry that other people might see them. They forget that God certainly sees them. Temptation befuddles the brain, and no one should believe they are immune to it.

A later passage in Tanakh seems to indicate that Moses' account was not strictly necessary. The Book of Kings relates an episode in which, during the reign of King Yehoash, money was raised for the restoration of the Temple. “They did not require an accounting from those to whom they gave the money to pay the workers, because they acted with complete honesty” (II Kings 12: 16). Moses, a man of complete honesty, may thus have acted “beyond the strict requirement of the law.”<sup>4</sup>

It is precisely the fact that Moses did not *need* to do what he did, that gives the passage its force. There must be transparency and accountability when it comes to public funds even if the

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<sup>2</sup> Tanchuma, Buber, Pekudei, 4.

<sup>3</sup> Berakhot 28b.

<sup>4</sup> A key concept in Jewish law (see, e.g. Berakhot 7a, 45b, Baba Kamma 99b), meaning supererogation, doing more, in a positive sense, than the law requires.

people involved have impeccable reputations. People in positions of trust must be, and be *seen to be*, individuals of moral integrity. Jethro, Moses' father-in-law had already said this when he told Moses to appoint subordinates to help him in the task of leading the people. They should be, he said, "Men who fear God, trustworthy men who hate dishonest gain" (Ex. 18: 21).

Without a reputation for honesty and incorruptibility, judges cannot ensure that justice is seen to be done. This general principle was derived by the sages from the episode in the book of Numbers when the Reubenites and Gadites expressed their wish to settle on the far side of the Jordan where the land provided good grazing ground for their cattle (Numbers 32: 1-33). Moses told them that if they did so, they would demoralise the rest of the nation. They would give the impression that they were unwilling to cross the Jordan and fight with their brothers in their battles to conquer the land.

The Reubenites and Gadites made it clear that they were willing to be in the front line of the troops, and would not return to the far side of the Jordan until the land had been fully conquered. Moses accepted the proposal, saying that if they kept their word, they would be "clear [*veheyitem neki'im*] before the Lord and before Israel" (Num. 32: 22). This phrase entered Jewish law as the principle that "one must acquit oneself before one's fellow human beings as well as before God."<sup>5</sup> It is not enough to do right. We must be *seen to do right*, especially when there is room for rumour and suspicion.

**"It is not enough to do right. We must be *seen to do right*, especially when there is room for rumour and suspicion."**

There are several instances in the early rabbinic literature of applications of this rule. So, for example, when people came to take coins for sacrifices from the Shekel Chamber in the Temple, where the money was kept:

They did not enter the chamber wearing either a bordered cloak or shoes or sandals or tefillin or an amulet, lest if he became poor people might say that he became poor because of an iniquity committed in the chamber, or if he became rich people might say that he became rich from the appropriation in the chamber. For it is a person's duty to be free of blame before men as before God, as it is said: "and be clear before the Lord and before Israel," (Num. 32: 22), and it also says: "So shall thou find favour and good understanding in the sight of God and man" (Prov. 3: 4).<sup>6</sup>

Those who entered the chamber were forbidden to wear any item of clothing in which they could hide and steal coins. Similarly, when charity overseers had funds left over, they were not permitted to change copper for silver coins of their own money: they had to make the exchange with a third party. Overseers in charge of a soup kitchen were not allowed to purchase surplus food when there were no poor people to whom to distribute it. Surpluses had to be sold to others so as not to arouse suspicion that the charity overseers were profiting from public funds.<sup>7</sup>

The Shulkhan Aruch rules that charity collection must always be done by a minimum of two individuals so that each can see what the other is doing.<sup>8</sup> There is a difference of opinion between R. Joseph Karo and R. Moshe Isserles on the need to provide detailed accounts. R. Joseph Karo rules on the basis on the passage in II Kings – "They did not require an accounting from those to whom they gave the money to pay the workers, because they acted with complete

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<sup>5</sup> Mishnah, Shekalim 3: 2.

<sup>6</sup> Mishnah, Shekalim 3: 2.

<sup>7</sup> Pesachim 13a.

<sup>8</sup> Shulkhan Arukh, Yoreh Deah 257: 1.

honesty” – that no formal accounting is required from people of unimpeachable honesty. R. Moshe Isserles however says that it is right to do so because of the principle, “Be clear before the Lord and before Israel.”<sup>9</sup>

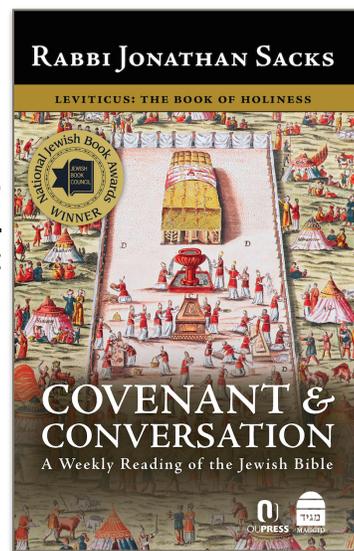
Trust is of the essence in public life. A nation that suspects its leaders of corruption cannot function effectively as a free, just and open society. It is the mark of a good society that public leadership is seen as a form of service rather than a means to power, which is all too easily abused. Tanakh is a sustained tutorial in the importance of high standards in public life. The prophets were the world’s first social critics, mandated by God to speak truth to power and to challenge corrupt leaders. Elijah’s challenge to King Ahab, and the protests of Amos, Hosea, Isaiah and Jeremiah against the unethical practices of their day, are classic texts in this tradition, establishing for all time the ideals of equity, justice, honesty and integrity. A free society is built on moral foundations, and those must be unshakable.

Moses’ personal example, in giving an accounting of the funds that had been collected for the first collective project of the Jewish people, set a vital precedent for all time.

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<sup>9</sup> Shulkhan Arukh, Yoreh Deah 257: 2.