

Interpretation as a Technology of Authority: A Perelmanian Analysis of a Yeshiva Lecture
Supplementary Material 2: Full Transcript of the *Shiur Kelali*¹

*Opening lecture for Tractate Bava Metzia, delivered by the rosh yeshiva of Yeshivat
Yesha Yemino (pseudonym), September 2020.*

1. Opening: The Pandemic and Continuing Together

Shalom and hello to everyone.

This lecture is dedicated to the healing of Yonatan, who is undergoing surgery now, with God's help.

There are two things I was asked to say before the lecture. The first concerns adherence to the COVID regulations. Look my dear friends, I know it's difficult for you, and not simple. We are walking on the edge — we took the regulations and managed to formulate some sort of plan — it's not easy, but it is the most minimal, in a way that allows us to live, and I am really not coming to anyone with complaints. But I remind you, and very much request, that you adhere to the guidelines — I mean in the public space. When you are not in your capsule, it is burdensome and bothersome, but we are in it together with the whole world, and this allows all of us to continue “together.” I told you we are on the edge of the regulations, and we have responsibility: one mistake by someone, God forbid, and it can reach a place that will very much disrupt all of us.

¹ The transcript is translated from the Hebrew and lightly edited for readability. The editing preserves the character of spoken delivery: repetitions, rhetorical questions, hesitations, and shifts of direction have been retained. Square brackets mark editorial insertions. Ellipses mark points where the speaker's own phrasing trails off. The transcript is divided into fifteen segments, corresponding to the overview in Supplementary Material 1. The headings dividing the lecture into segments were added by the editor for navigation and are not part of the original delivery.

I see that I also need to say here — [this lecture is] for the benefit of the soul of [someone deceased] ...

The second thing I was asked to say is about the Honoring Shabbat initiative. We are granting you the honor — tomorrow, at 08:30, I think, or 09:00, everyone will be “joyful and happy to do the will of their Maker,” investing a few minutes, everyone, so that this place will look more decent, more pleasant to live in — more of a place you actually live in.

2. Overview of Tractate Bava Metzia and Its Deeper Purpose

And with God’s help we are privileged with the merit of beginning the dear and beloved Tractate Bava Metzia. Let’s contemplate a bit what this tractate tells us. We are within the Order of Damages, which deals with monetary laws.

You know, Tractate Bava Kamma is entirely biblical, the four primary categories of damage in the first six chapters, and — a person who damages, let’s call him a robber, or one who injures — in the second half of the tractate. And Bava Metzia is also biblical — the vast majority of Bava Metzia is biblical. Chapters 1 and 2 will surprise you: chapter 1 deals with the laws of returning lost objects, but that itself will surprise you, because it is really the Mishnayot that deal with the laws of returning lost objects, while the Gemaras deal mainly with those who claim and deny, certainly in the first part of the chapter. I don’t know how far each of you will get, but the Mishnayot of chapters 1 and 2 are very concentrated — in chapter 2 especially, you can’t afford to make a mistake.

So, “two hold a garment” — they found this garment, simply. The Gemara will also discuss buying and selling: they found the garment, and the Gemara discusses how to divide it.

So, returning lost objects is biblical.

Chapter 3, and 8 these are the laws of bailees, the laws of the four types of bailees. And chapter 5 is about loans, interest.

Chapters 6-7 are about merchants and craftsmen. Almost everything there is verses!

Chapter 9 is also about contractors and collateral.

Chapter 10 is types of partnership. So this is almost all biblical — the basis, the foundation, is biblical, but a different type of relationship. All of *Nezikin* is about economic relationships. Economy is a place where people meet.

If you lived alone on an island, you wouldn't need *Bava Kamma*... you would need *Tractate Shabbat*, you would need *Tractate Yoma*, and you would need the Order of Purities too, even on a deserted island, because the whole Torah deals with relationships, so to speak. And there are relationships that don't depend on a connection between me and other people.

In the Order of *Nezikin* [Damages] — mainly in the “*Bavas*” — they used to call it *Tractate Nezikin*, a single tractate. So: relationships between me and other people. Part of these relationships are ones where the Torah gives explicit, biblical boundaries. *Bava Batra* is even less biblical, though at the end there is the chapter *Yesh Nohalin*, “There

Are Those Who Inherit,” which is more biblical: more partnerships, neighbors, sales, many laws of monetary agreements.

But we are studying Tractate Bava Metzia, which deals with — “two people holding a garment.” Perhaps the opening sentence of the tractate is the sentence that defines the whole tractate.

We will learn many laws — we will learn, with God’s help, sugya after sugya, page after page. And we will try to clarify the message of the Torah, with God’s help, in depth, and engage in “ascertaining the halacha from the Talmudic discussion.”

Within all these sugyot there is Divine guidance: the Holy One, Blessed be He, tells us how our “togetherness” should look. When we are occupied with monetary laws, we are occupied with how the Holy One, Blessed be He, wants our society to look — the divine rationale that is always above us, but that is revealed to us on all sorts of levels through the Torah. You also know the details of the laws, and behind the details of the laws, within them, a type of outlook develops, a way of thinking, an attitude to how to build a state. How to build a society. And how to build a community. Because relationships between people do not exist merely because of some feeling of brotherhood: money and economy — one can be a great egoist and still deal in buying and selling, in economic relationships.

Bava Kamma is about how not to harm someone else, which is very important — it is basic, it is fundamental — not to harm someone else’s property, not to harm someone else’s body in the economic sense. Bava Metzia and Bava Batra are more engaged with the relationships between us.

So Bava Batra is engaged — with God’s help, next year we will merit to learn it — in questions like: a person lives next to someone, how do we divide, how do we sell, how do we buy. Our tractate is mainly engaged, I think, in what wasn’t supposed to be biblical at all, seemingly — meaning economic relationships: how do I relate to someone else’s money, how do I relate to someone else’s property? But the Torah has changed that...

3. Torah versus a “Secular” Contractual Framing

Tractate Bava Metzia is a tractate that — I don’t know how much it exists in its secular sense, as it is about agreements between people. And regarding agreements between people — just go to a lawyer, write a contract. Tell him your needs, and he will set out for you the laws concerning the four types of bailees. Why are there laws of the four types of bailees — what an unpaid bailee is liable for, what a paid bailee is liable for? An unpaid bailee is doing you a favor — why should we obligate him with anything at all? He can tell you, “I am only watching it” — maybe he can even stipulate against what is written in the Torah, since these are monetary matters. But in principle, when the Torah sets a form, if you didn’t talk, if you didn’t plan — simply, what is an unpaid bailee outside the world of Torah, if there is even such a thing? But in places that don’t operate according to Torah, then it’s: I watch it, I decide alone. I am a merchant, I am a borrower — who ever said that someone must lend me anything? But the Torah obligates me in the laws of returning lost objects too, and that’s also not simple. Not at all simple. If you lost it — we’re done! Why do I need to return it to you?

Returning lost objects is a subject in the Torah — halachot that sometimes obligate you with very great obligations. There are many situations where you find a lost object and

your chance of returning it is not high, but because of the structure of the laws you need to keep it until Elijah comes.

4. The Forgotten Pen

There is a doubt here that became clear to me once — I remember that I was once at a lecture given by a great Torah scholar, and I forgot a pen. It was at his house. I left the lecture, and after five minutes I remembered that I had forgotten a pen, so I went back. I said to him, “Rabbi, I forgot a pen.” So he opened a drawer for me and said, “Please” — a drawer with, I think, hundreds of pens, that he keeps until Elijah comes. With God’s help we very much hope Elijah will come, for many reasons, but there are identifying marks for a pen. What [you do with them] — you will learn this with God’s help, in chapter two, with God’s help, we will clarify these things more. But to handle it, and to make sure to keep it properly ... since he lost it, he will be responsible — you can tell him that.

5. Why the Laws Make Sense: Interest, Craftsmen, and Collateral

Then certainly chapter five, on the laws of interest. Why should one not lend with interest? He is an adult, and it is not predatory interest, not murderous interest. Interest — the modern market — in many countries in the world, banks are based on interest. I give you my money. At this time, with this money, I could make deals, make profits, and I give you my money — instead of me enjoying it, you enjoy it. Why not return a bit to me? Why not return a bit to me? The Torah relates to this in a very, very harsh way. There are many situations of partnerships, of deals, that the Sages reveal to us are not

really [loans at all] — they create partnerships, rather than a simple loan. It is forbidden to lend with interest. It seems like an ancient [attitude] ...

And craftsmen and workers — again, this is not based purely on agreements between people. It can rest on agreements between people, but the Torah has its own definition. You need to be this way, you need to be different — the laws of bailees, the laws of collateral. This obligates you in a great many things. I mean that Tractate Bava Metzia is engaged with your attitude toward the property of the other. How the Torah — what the Torah *determines* my attitude to the property of the other should be.

6. The Purpose of the Lecture: Clarifying, Not Innovating

So these are *sugyot* [Talmudic discussions] we will clarify, one page at a time, with God's help, *sugya* by *sugya*, and, as a kind of introduction, we are trying to listen more closely to the world that opens up before us through Tractate Bava Metzia. And I said that this sugya of “two holding a garment” is perhaps a direction-setter for the entire Tractate Bava Metzia, since it speaks here of two holding a garment. If you started to touch on this a bit this week, you managed — I don't know how far each one of you reached — maybe I will run a bit beyond what you reached, but I am speaking in a very, very general way.

7. “Two Holding a Garment”: From Legal Dispute to the State of Israel

So, “two holding a garment,” and the sugya clarifies that it is referring to a case where “there is no definite deceiver” — meaning that each one could really think he is right; it is possible that each one thinks honestly, logically, that he really bought it first, lifted it first, found it first. Someone here is mistaken — it cannot be that this is true, it cannot be

that both are right. It cannot be that “it is all mine” and “it is all mine.” This is an impossible situation — maybe in a partnership it could be, but two grabbing the garment and each one taking a different position on the garment, this is different. And this garment — [it] can be the State of Israel; also the State of Israel can be a garment that two hold and each one says: “it is all mine.” It is all mine, meaning — my ideas, the conduct of this state, the progress of this state, communities, many such social structures that have two who hold them — two, or ten, or millions — and each one is sure that he is right. The foundation point of our sugya is that each one — it is logical that he thinks he is right. Maybe he is lying, I don’t know. But how do we encounter such sugyot, “two hold a garment”? How do we approach the sugyot of our “togetherness”? Because economy — we don’t want to remain in “togetherness” only in economy. You can do business with people you have no connection to, whom you don’t love... even then there must be some system of laws.

8. What Creates “Togetherness”? Tribe, Family, and Nation

So what builds our “togetherness”? Why be “together”? There were times when “togetherness” was based [on something else] — there were no states, there were tribes. Among the Arabs there were emirates. Clans. Family identity, historical identity, religious identity. People called themselves by the same name, and out of that we are “together,” we want to be “together.” We are like a family that is “together,” with God’s help, not for economic reasons. And we are in a much more complex world now, and today’s national entities contain many millions of people. So what is this “togetherness” based on? What is it built on?

9. The State as “Leviathan”: Wolves and Instrumental Society

There is a lot of thinking, forms of thinking — you know one of the great political thinkers who first developed the concept of statehood in a general, philosophical sense. So are you familiar with it? You have heard [the expression] “man to man is a wolf,” right? You’ve heard this expression? Man to man is a wolf. That’s how legends tell it — I don’t know if it’s zoologically true — that the wolf is a loner. People usually say “lone wolf.” People who study without a study partner — lone wolves. There are also solitary snails, but there are wolves too. It’s about power, and being alone. Maybe he isn’t really alone — I haven’t zoologically verified this. But sometimes there are packs of wolves. Even though there are lone wolves, there are also packs of wolves. When are there packs of wolves? If you see a pack of wolves, you should start running away — not that it will help you, because they are very fast, but it’s a sign that they are very, very hungry. In the heart of winter, when almost all the prey is gone and the wolves feel they can’t survive alone, they form packs, and as a pack, “together,” they can overcome large animals that a lone wolf could not overcome. A lone wolf going up against a large deer will be trampled by it, but a pack of fifteen wolves, working as an integrated team, can overcome that deer, and then everyone has something to eat. So if they are “together,” it’s a sign that they are hungry — and you’d better climb a tree. In short: by us, in the good land of Israel, you don’t encounter these dilemmas, so “man is a wolf to man” — not in the cruel sense; a wolf does not bother another wolf — but the modern state, some define it like wolves. Whoever wrote — whoever is credited with this theory — wrote a book called *Leviathan* [Thomas Hobbes]: the state as Leviathan. Leviathan is something enormous, with lots of systems that move — the Leviathan is seen as not really one living thing at

all, but many, many cells. Each cell is busy with itself, but each cell wants to be part of the Leviathan because if it is alone then it will die very quickly, but if all the cells connect to form this one big Leviathan, with a lot of power, then each cell is protected.

So this wolf cares about himself, but it is worthwhile for him to work as part of a team. He needs to give up many things, this wolf, in order to live in a pack. He does not do what he wants. He does not go where he wants. He needs to share the prey with many others. He needs to take orders — one wolf jumps forward, another wolf wants to switch sides. So the wolves need to work as a team, and you see here a professional unit that works in a very impressive way, with individuals who endanger themselves. But each wolf cares only about himself, and it is worthwhile — and even pleasant — for him to be “together.” So it is worthwhile, very much so, to build — let’s call it a state of all its citizens. What is a state of all its citizens? One where there is no inner ideological, spiritual, or moral identity, no worldview, no religion, that causes all of us to be “together.” There used to be prime ministers who needed to be leaders, guides, figures of vision. Today they are looking for a good manager. A good manager — you work in a factory, and in the factory there is a good manager. He certainly makes sure there is team building, and that it’s pleasant there. But it isn’t really a family, this factory, this manufacturing plant. It’s good for everyone, worthwhile for all of us, that the business will flourish, that the business will thrive.

[The recording cuts out briefly; the speaker jokes: is someone upset about what I said? (and that’s why it turned off) ... Can you hear me?]

Because if there are a certain number of residents in a city, the more residents there are, the more malls there are, and transportation, and hospitals, and all the services I need —

it is much easier to get them when there are many people around you. There are places like this — mega-metropolises, right, with more than ten million residents? I don't think whoever wants community goes to live there. You may not even know your neighbor. I was once in Tel Aviv — the holy city of Tel Aviv, I'm sorry, I forget its name because of the story I mean to tell — visiting a friend of the yeshiva, and I was in a large apartment building where each apartment has its own elevator. You don't even need a minute and a half, God forbid, to see what your neighbor looks like — he enters with his car straight from the parking lot to the elevator. You can live in huge cities and not really be “together” in any inner sense. You're not full of love — maybe you are full of love, but it's not based on that. We are talking now about systems, about approaches.

I must say what is obvious — we are not saying that whoever holds this approach is a nice person, and whoever doesn't hold it is not nice. We are not judging people on their personal nature. We are talking about [conceptual] directions regarding how to build a relationship to a “garment” that everyone holds “together.” So there is a garment — it can be a state that you “hold” and I “hold,” and we need to get along. There are bus lines that need to come from here, and from here — it lengthens your route a bit, but if it didn't lengthen the route, there would be fewer passengers, and then maybe the line wouldn't exist at all. You arrive at a traffic light and the light is red — it's not so nice for you that the light is red, it would be very nice for you if there were no light, but you understand there is no choice. There is a law, for without law there will be no “togetherness,” and the role of this law — so say the thinkers of the wolves — is to find how you pay as low a price as possible and receive as big a profit as possible, so that there will be “togetherness.” I pay prices for the sake of “togetherness,” because otherwise there will

be no “togetherness,” and it is clear to everyone that it is not worthwhile to be a lone wolf. It is clear to everyone that our “togetherness” gives us many more possibilities.

I don’t want to give a lecture on economics here, but it is clear that on an assembly line, where each worker specializes in one small task, forty workers in one day will produce output a thousand times greater than one worker doing everything himself. One person specializes at top speed in one small thing, and that becomes part of something that produces other results.

So we go “together” not because I dream of you or know you — maybe I do dream of you or know you, and that doesn’t mean there is no inner world here at all — but it is not based on some inner vision we share “together,” some inner solidarity in great love — maybe there is, but that’s not what it’s based on. A “state of all its citizens” is an expression you have certainly heard, and it says: “Good managers are needed. Don’t educate me. It’s like coming to work in some factory — you don’t need to educate me. Let me be with my own people. Let me do [as I please]. Just don’t interfere in my life beyond what’s necessary.” There is some minimum that is necessary, so we will all try to interfere with each other as little as possible, all the time wanting to be left alone — and we don’t have that necessity now.

You surely don’t get on a bus and have someone say, “Let’s all get to know each other, let’s exchange addresses” — “Wow, let me move, we’ll try not to bother each other.” The state is a kind of bus like this — much more sophisticated, much more advanced. States are such huge bodies: yes, they take taxes from you, and sometimes the prime minister is not to your liking, but you have no choice. You look, you don’t find anything ideal. It’s not ideal — maybe it would have been ideal to live alone, maybe, but it’s a price you’re

willing to pay. And therefore, such a society, such a legal system, needs to make sure that we force our values on others as little as possible, and our opinions on others, and give each person his space, so that it will be equal, so that it will be worthwhile, without educating each other — and maintain boundaries, insist on them, and build an excellent society. How great — we will be able to hunt buffalo! Poor buffalo. We can add him too, and look, perhaps, for something else with more sophisticated societies.

10. Nation-States, Europe, and the Fragility of Identity

What is the starting point in such an approach? The starting point in such an approach is that there is no inner glue. There is no essential unity. Again, these can be very nice people — a thousand times nicer than me, it's not hard. They can be really nice people, with a good heart, with caring — I'm not talking about that; I need to say this from time to time. I am talking about the mindset. Each one contributes his own share, you see — one brings, one does. So the mindset is such an approach — and I'm sorry I keep saying the word “secular,” I don't mean religious versus secular; it can also be a person wearing a kippah. It's without a soul. There is no “togetherness.” There is no essence. There is no brotherhood. It's possible that, in order to build the state, I make a covenant. There are reasons for it. There are nation states today — you know that the most economically, constitutionally, and civil-rights advanced states in the world — let's say that migration in the world moves in the direction of nation states, right? Nation states exist mainly in Europe, and there is a strong tendency now in Europe to move in the direction of continental unity — how do you say it in Hebrew? One whole continent. It existed; Britain left, it's falling apart, but the Brussels government has some tendency to blur nationality. But what actually built Europe over the last tens or hundreds of years is

identity — the identity of France, and so on. There are countries that are less nice, even much less nice, and maybe a bit nicer, but nation states mean that we are not wolves. There is some rationale to it — unless the nation really falls apart. “Why are they called nations of the world?” — that’s how the Yerushalmi puts it — because they pass away from the world. There are peoples; a people has some story. A people has an angel, a *malachon* [a small angel(?)], right? Before Jacob fought with Esau, he fought with the angel of Esau. There are seventy ministering angels in heaven. There is some story, some truth, some outlook, way of life — some identity that begins to develop. It reaches the point of becoming a people, says what it needs to say, and afterward begins to disintegrate once it has exhausted that.

So we are now, apparently, in a period where we are watching with our own eyes a process of partial disintegration of countries that ruled in history for hundreds of years. They are undergoing a process of disintegration, retreat, breaking apart. But who built them in the first place? Why is there immigration toward Europe? Why don’t people from Europe immigrate toward Syria, for example, or Libya? Why does the movement go the other way? Because — I think, for many reasons, mainly nation states — there is more justice there. It’s hard for me to use the word “justice,” but there is more fairness in the legal system, in states that built themselves on a much deeper sense of connection than a good management company. There is such a thing as a house committee. There are places where you really don’t want the house committee deciding for you, right? There are places where you really don’t want there to be more than a managerial framework — but there are frameworks that are meant to be more than that.

11. The Torah's Deeper Vision and the Turn from Coercion to Persuasion

So we ask the Torah, and the Torah certainly does not [see the Jewish state as such]... The laws of Bava Metzia clearly demonstrate this — the economic laws that we are engaged with throughout Bava Metzia — that the Torah sees in us something much deeper than “how to manage a fair market.” It is really not in that direction.

Take interest, for example: why is it not fair for me to take interest? Reasonable interest, not predatory interest — interest at low rates. Why not? (with feeling) Why should I lend to you at all? Why do I have a transgression if I did not lend? I'm also taking a risk — why should I guard something for free and risk getting into trouble? Why should I lend to you? Why should I lend to you? “Lest there be a base thought in your heart, saying: the seventh year, the year of release, is at hand” (Deuteronomy 15:9). Whoever refuses to lend before the sabbatical year, because he knows his debt will be released, is doing something “base.” Why base? What, do I owe him? Do I know him? But the Torah says: yes, you owe him. The Torah says yes. He and I — we are “together.” When the Torah gives these laws, it teaches me how it sees us. It sees who we really are.

So it could be that this is a society of great responsibility, a large cooperative society, and then maybe there really is no place to mix religion and state, and then, indeed, let's make sure that whoever wants to be religious — we allow him! We'll establish a kosher-certification body for him, and we'll establish settlements where it's possible to be religious, but leave it at that. Give each person what he wants.

People often mix this up with the fact that we oppose religious coercion. Why are we against religious coercion? We are against religious coercion, right — is there anyone

who wants religious coercion imposed on him? Everyone I see is against it; we feel the same way about others being coerced. Why are we against religious coercion? Because we believe that “Israel and the Torah are one,” and therefore we believe in a process of persuasion, in a process of personal example, in a process of growth. We want the people of Israel to connect to the Torah not because of the police, and not because of prisons, and not because of the State Attorney’s Office, but because, in the heart, very slowly, it will be revealed — I know, it should be faster, I agree (smiling), but I really do mean slowly, slowly — how deep our connection to the Torah is, how much the Torah is life. We want that connection to come from within, out of our own belief.

But there is such a society — people who build a society, who can hold the “garment” “together” — and some of the people who hold the “garment” “together” think about it one way, and there are those who think differently about the meaning of our partnership. We are “together” — the garment is a metaphor — so what do we do?

12. The Divided Garment: Honor and the Dignity of Disagreement

What does the law say in relation to the garment? The law says that there are a few people here, and the law does not erase anyone here. Each one is convinced it is all his, but in judgment, no one is proven right. You will swear that you have no less than half of it. We will not force you to say you were wrong — don’t say you have only half. No — we preserve your honor. You can still formulate [your claim] so that it does not contradict itself.

We really do preserve your honor. Maybe we need to understand the word “honor.” Honor is not simply behaving nicely to someone else. What does the word “honor”

mean? What does it mean to honor someone? A person needs to honor himself. How can he honor himself? Honor is value. Honor is meaning. A person wants to be honored — a person must be honored. To be honored doesn't mean that others honor him; it means that he really is worth something. When you honor someone, you value him — you think he has significance, that he has weight, that there is a lot to receive from him. So you want to be honored — I hope you want to be honored (laughing). If you want to be honored, you want to live a life with a lot of value and a lot of meaning. The more you really live an honorable life, the less you care what others think of you — it even bothers you. And the more you live a life that lacks honor, the more you start chasing after honor. You start to gather, to beg, to do everything so that someone will give you honor. You see people in honorable positions, honorable professions, who are still endlessly busy chasing it — so their inner void is apparently very, very large.

So we honor: honoring is not behaving nicely to someone else. To honor someone is to recognize his greatness. You can argue with him, you can even yell at him, but you still grant him honor — granting him honor means recognizing that he has significance. He disagrees with you. He thinks something else.

So two hold a garment, and there is someone else here who also holds it. It's not just your garment. I don't think this is only about basic fairness. How do we learn the first Mishnah in Bava Metzia? It doesn't rest on a verse. These are the laws of lost objects, so you'd expect it to rest on a verse — you found a lost object with no identifying marks, and you can take it; that rests on a verse. But in practice, how is the division made? You will see here — you have already entered into many of the methods of the Rishonim, right? What do we do with money that is in doubt? There is a doubt here — a real doubt. There are at

least some laws of doubt here. There is *drara dmamona* [a monetary doubt]. Tosafot explains this term: “even without their claims, a doubt arose for the court.” It’s not that someone invented something — not every argument creates a doubt, right? If you’ve already gotten into it — the case of “that ship” — someone shouts, but not everyone who shouts is a party to the matter. But he is “holding” it, and his claim may be true. There is data. There are methods — I won’t get ahead of what you are engaged with in the morning session — but there are methods among the Rishonim that say the Sages ruled here, and there are methods among the Rishonim that say the Sages only defined the situation — that the garment is already divided in principle, and the Sages simply put that into effect. But it doesn’t matter which. However it may be, the Sages are speaking of a situation where two people are holding a garment. Maybe you don’t like it that someone else is holding the garment too. But that’s the truth.

You divide the garment with an oath, because that is the truth — even though you are convinced that you bought it first. Yes, there are reasons that can lead a person to tell himself he is entitled to take it for himself; the exact facts need to be checked. Not every case is parallel. The parallel case of two holding a garment is actually very rare — it is doubtful there will really be two people holding one garment. Also, as you’ll see later in this sugya, what is under your hand is indeed yours. And when they do need to divide the garment, they will not cut it, because that would destroy it. They will need, like sensible people, to sit “together” and find a compromise — to sell it, to each other or to someone else, and share the proceeds. They are “together.” When two hold a garment they are “together.”

13. The Meaning of Togetherness: Brotherhood, Family, and Obligation

In our “togetherness,” the whole market, all the money — these are places where we are “together.” If you are alone on a deserted island, you have nothing to do with money. Money is *muktze* [prohibited to be moved on the Sabbath], right? Money does not receive impurity — why? Because there is nothing, in itself, for anyone to do with it. Silver coins, paper money — certainly, it’s nothing. It’s just something with which I can conduct economic relationships with you.

So we are “together”: we conduct economic relationships, but we are searching here for something much greater, much deeper than the economic. Though also economic — a person can be fair, an honest merchant, wanting what you’d call a win-win, so that we both profit from the deal. Why not? I can be nice to you without that meaning I feel an essential inner connection to you. And states can be nation-states — there is a lot of debate about this, including in the State of Israel: is there still a place for nation-states? The more a nation loses its sense of purpose, the more it may become irrelevant, uninteresting — the more it may fail to give people strength.

I can’t see the clock from here — when it’s time to finish, someone stop me, okay? Someone volunteer.

And I repeat: the Torah presents this garment as a metaphor. When you see someone in economic distress, it’s your problem, because he is your brother. Not your brother in the sense that you know him — you may not know him, you may not even recognize him — but he is your brother, because if we have common ancestors, then we are family. That doesn’t mean you hug everyone, and it doesn’t mean you have a relationship with

everyone, but the basic view of who the Jewish people are, what the State of Israel is, what it should be — we have guests, and we have partners. There are the Druze, and possibly others, who really accept the sovereignty of the state, who really take on the identity of the state. It's possible to add more and more. Joshua agreed that all seven Canaanite nations could remain here — he sent them three messages: whoever wants to make peace can make peace. To make peace meant becoming fully subject to Israeli sovereignty and to the laws of the Torah. So yes — in principle, our family can take in more, but first of all it is family. You know some, you don't know others; there is this "togetherness." And what is the meaning of this "togetherness"? The whole of Bava Metzia is engaged in showing that this garment belongs to everyone.

And therefore you guard it, and therefore you hire workers, hire craftsmen, and you cannot simply treat them however you personally would like — they don't get a say in that. There is some "togetherness" here, and this "togetherness" imposes things and obligations on you that maybe you don't want — even if you would rather manage alone, [the Torah says], I don't want to let you manage alone. Or, in matters you might be able to stipulate around in money matters, the Torah tells you what is expected: what is right, what is fair, what is straight, what is worthwhile.

Look at chapter four, which deals more with definitions of money, and also with all sorts of laws against overcharging, exorbitant prices — which you could also ask: why is this fair? Let me sell at whatever price I want! But here there is something beyond simply creating a fair market. It comes from a much deeper place. There is no prohibition on interest in human logic alone. In Islam there is no interest — because they took it from the Torah, of course — but the Islamic economy indeed struggles with this a great deal;

they have also found a few clever workarounds. Maybe we'll talk about this more in chapter five. In principle, though, it's a real problem: the stock market, for example, operates without interest, but the policy of the banks — I will restrain myself and say only what's necessary.

So we hold a garment — we have a state “together,” we have a society “together” — and how do we approach it? There is something here that is very clear — not necessarily from Bava Metzia itself, but the more we engage with the laws of Bava Metzia, the more it will permeate us, the more it will get into our hands. You are not only learning the laws of adjudication; not everyone here will end up as a judge. But every law in the Torah needs to be learned regardless — we are engaged in Torah study. And this builds in us something much deeper. It fills out the view, straightens the view, of what “togetherness” is.

I have responsibility for someone else's property. Wolves don't have laws of buying and selling; they don't have laws of returning lost objects, for example. But, in principle, understand that returning a lost object is not simply a matter of human morality — “it belongs to him, so return it.” That's not quite true; it doesn't [technically] belong to him anymore. The moment a person lost his property — lost control of it, lost the ability to legally demand it — it is, in a legal sense, no longer his property. And if you give it back to him [in a case where the law does not actually require you to], you may not even realize that God has transferred these economic abilities into your hand and asked you to do all sorts of things with them. You are recognizing that — it's not [merely] a lack of caring, not a lack of respect — it's an understanding that there is a God here who transfers [these things to you]: “the property of the righteous is more dear to them than

their bodies.” You have money — your money — and this isn’t some call to be a spendthrift, to “give it all up.” There is no wastefulness in any of this. There is “togetherness” here, and this “togetherness” must grow. Must be built.

14. Contemporary Political Conflict: Winner-Takes-All, the US, and the Supreme Court

So I repeat: if really the whole reason for our “togetherness” is the most utilitarian, the most convenient, the most worthwhile — in the end, maybe it is also the most moral, because it builds well-managed societies that are good for everyone. So when two hold a garment, if I have a way to get the whole garment for myself, then I will do it — if I have a way. There are rules of the game that I have to maintain; there are laws, there are boundaries — but there is nothing heartfelt here, really. This is a state of all its citizens. I don’t care if another million people come, or another million leave. There can be people whose opinion, in principle, I don’t need to consider — I have no choice, because I simply can’t. I want a democratic state, and I want elections, and therefore I need you to vote too, just as I vote. If I don’t let you vote, you won’t let me vote. If I don’t stop at a red light, you won’t stop at a red light either, and then we’ll all get stuck in a traffic jam at the intersection, and we’ll all lose. So it’s worthwhile for me to stop at a red light in my turn, and for you to stop at a red light in your turn — but if you find a bypass road, or a way to make a U-turn and get there faster... well, people are busy; they won’t do that on purpose, of course not, they won’t break the law outright. So if “togetherness” really is like wolves, then if a wolf can arrange a more respectable rank for himself without harming anyone, why not? What does that have to do with being fair? He will be fair because it’s much more pleasant to be fair — though I don’t think it’s really about pure

self-interest either. Say, for example, someone holds a garment and knows the garment is his, and knows the garment is his, and shouts as much — but wait. You think the garment is yours; he thinks it's his. You think you paid the price and lifted it first, and you're certain of your own involvement, and so on — and he thinks the same. Okay.

Look — when it comes to economic matters, there is some basic fairness that requires a person to concede. But what happens when it comes to opinions, values, truths? That's where we run into trouble when two hold a garment. Not the budget division of the state, which is also important and must not be disparaged — but rather, in what direction should a society be led? What direction should its outlook be set in? There are those who say, “I want to lead the State of Israel” — everyone wants the State of Israel to be good. But there are those who think that leading it well means quickly applying Israeli sovereignty over [Judea and Samaria], and there are those who think the opposite, to my great sorrow.

So how do I relate to those who think the opposite? They also hold the garment — certainly they hold the garment. So I could take the rules of the game and stretch them to the limit, because [I could tell myself] they're talking nonsense, they're irrelevant, I know the truth, I believe in the Torah, I have learned it, it's clear to me what the value of Israeli sovereignty over [Judea and Samaria] is, the connection between Israel and their land — it's clear to me, the whole Bible says this, all the prophets say this, and they simply don't understand it. Well — I still want to be “together” with them. I don't want to be without them. I want to be “together.” But because of this “togetherness,” I could still pull for positions of power, take over positions of power, and try to play with the political reality.

The political reality today in the State of Israel is sometimes such that “the winner takes all” — that’s what it’s called. There’s a coalition — sometimes the coalition is built on 70 seats, so it’s still a large majority; many times it’s built on 61 or 62, and the coalition takes over everything. In every decision, the coalition — and when the opposition tries to propose bills, many times they aren’t even allowed to, if there’s any chance it threatens the coalition. So 62, or 65, or even 70, control the other 50 or so — and those other 50, politically, are meaningless. They’re tossed a couple of committees. And it doesn’t really matter who is in power; it’s such a forceful, struggle-based system. You hear about the elections — before the elections there are elections twice a week, it feels like, and when the gaps are bigger there are already those managing the campaign, so you hear someone explaining that if that person is elected, the State of Israel will collapse. It doesn’t really matter who. Each side talks about the other as if it were a catastrophe, a disaster. After all, no one here is really “the Messiah” — well, maybe one of the people here, we’ll be so lucky — but they’re good people, not perfect ones. It’s not that someone really has the solution. No one here is a total villain, and no one is “the Rock of Israel and its Redeemer” among the politicians. But the partisan discourse — theirs, and the media’s, and — I hope I’m not sinning by saying this — is that “who knows what the other one [will do],” and anyway, if I manage to win a majority, then the whole pot is supposedly mine — the whole pot is mine. And there is some togetherness here — why not? Why not. It’s the same in the US: Democratic-Republican struggles, and what a monster the other side is, and he overturns the laws that were legislated, and he’ll block them, and he appoints his judges and they appoint their judges. Some version of “I know — I am the truth.” Not talking about interests, I’m talking about values, worldviews — how is it

better to build America, how is it better to build the State of Israel, or another state. So I know what the truth is, and he is mistaken. He's mistaken — so if I win the game, I maintain the boundaries, I maintain the “togetherness.” I don't want to dismantle this Leviathan. I understand we need to add the fins. I understand that if half or a third of the Leviathan's cells leave, there will be no Leviathan left. I have no choice. I understand that our “togetherness” helps all the wolves. But I will try.

If there is no trust in the inner core, no trust in the inner identity, no trust in “togetherness” — and I will broaden what I mean by “togetherness” — then you can take the positions of power you've managed to gain and stretch them to the limit. Look at how the Supreme Court has been operating in recent years: the claim that everything is justiciable, and the concern that judges of a certain outlook will become much more dominant on the Court. And I am not talking about the rule of law — we all want the rule of law, everyone thinks it's very important. I'm talking about what has taken over the Supreme Court. These are people who are clearly good, moral people, people who want the State of Israel to be proper. They pursue their own sense of justice. They call themselves enlightened — “enlightened” is the language of light: “the glory of God shone upon them.”

Are we finished? According to everyone, or only according to your own calculation? I want to end with something positive.

15. Beit Hillel and Beit Shammai: Listening Amid Disagreement

We are “together.” There is a debate in Israeli society over whether the court should be active and intervening, or whether the court should defer more broadly. I'm not even sure

there really is such a debate — because if the court is active but not in line with your opinions, then you object; but if it's active in your direction, if it pushes hard in your direction, then you need to ask yourself this question. Is it really not the case that “everything is justiciable” — as long as the judges think like me? Judges — I don't know quite what to call it; there's a bit of a difference. So it's not exactly...

How does the Torah want us to relate to this complexity? When you say that he is part of the family, is it: “I'm stuck with him and there's nothing to be done — he's my brother, and that's that”? Or is there some Divine meaning here? Is it “how good that I'm stuck with him,” in quotes? Or “I need him”? Or “my truth is great and beautiful, but his truth — [and] I am not a pluralist! [I am] not in that direction at all! — [but] his truth will somehow enrich my truth. Deepen my truth.” Does God speak only through the sons of Rachel? Only through the sons of Leah? Only through Beit Shammai? [Or] only through Beit Hillel? Only through certain sides? Or do the [different] voices require much listening — and this is a great art, to identify that kind of listening — [so that] they can bring us to a much greater place? Is it a case of “you're stuck with it, and I need to consider the opposition too”? Or, even within the coalition, there are all sorts of parties, as I have no choice and I need to consider them, to my great sorrow? Or [perhaps] “how fortunate is it that I need to consider them”? It's strange, because I have very clear opinions, and I have a Torah that I have clarified for myself, and I have a path that I am sure of. And these constraints — are they [forced] constraints? Or are they purposeful constraints from Heaven — that someone else also holds this garment? Has it “stuck” me? [Has] it saddened me, because I had so many dreams about this garment? I thought I would do all sorts of good things; it would be very nice for me if things worked out the

way I wanted, right? Or are there people here who are part of me? That is the underlying question: are [those who disagree] part of me? And if so, how do we build the relationship? All of this is found within these laws.