



What is Life Worth? • Parshat Behar-Behukotai

“Mr. Feinberg, my husband was a fireman and died a hero at the World Trade Center. Why are you giving me less money than the banker who represented Enron? Why are you demeaning the memory of my husband?” This was the tragic question of a widow trying to figure out her life after 9/11 and understand the complex calculations made by Kenneth R. Feinberg, the special master of the government’s compensation fund. He shared this dilemma and many other difficult challenges in his fascinating book, *What Is Life Worth?: The Inside Story of the 9/11 Fund and Its Effort to Compensate the Victims of September 11th*.

Feinberg did not sugarcoat the personal attacks leveled at him for doing an unenviable job. He writes about having the capacity to “stand up to criticism and stress, and to labor effectively in a very emotional vineyard...” In this kind of leadership, many misunderstand the delicate nature of the work and the temperament require: “empathy and sensitivity to the plight of those singled out for special consideration; confidence and firmness towards critics.” He understood the profound despair behind the criticisms: “Life’s unfairness is usually the real source of their anger. The nature of the compensation received is secondary.”

What interests us and ties the compensation fund to this week’s double Torah reading, Behar-Behukotai, is the attempt to put a valuation on individual lives. There’s an inherent unfairness

and detached and impersonal objectification to an exercise that is by nature highly personal. Feinberg admits that: “It’s never fair to put a price on any life, but we do it all the time, as Feinberg said in a television interview: “Juries every day in New York, every village and hamlet in this country, listen to the evidence and then place a value on an injury, on a death. It is the American way of compensating victims.”

In Jewish law, one of the ways we measure a life financially is through compensation for injury. “One who injures another is liable to pay compensation for that injury through five types of indemnity: He must pay for damage, for pain, for medical costs, for loss of livelihood, and for humiliation” (BT *Bava Kama* 83b). It is not enough to pay someone’s medical bills. If you have injured another, you are obligated to cover the cost of physical pain that may far outlive whatever medical procedure one has to endure. There is loss of revenue from not working during convalescence. There is also the cost of psychological harm. The Talmud uses the example of one person slapping another in the face in public. There may be no medical harm, enduring pain, or loss of income, but the humiliation may be substantial. These costs are far from easy to determine.

In our *parsha*, however, the valuation (*erekh*) of individuals is for a different purpose, not as compensation for the dead but as a tool to give *tzedaka*, charity. In Leviticus 27:1-2, we read, “God

spoke to Moses, saying: Speak to the Israelite people and say to them: When any party explicitly vows to the equivalent for a human being,” Rashi, citing both a midrash and the Talmud, explains that there were fixed monetary valuations for someone who wanted to give money to the Sanctuary as if to communicate metaphorically that the life of the Temple is dependent on the lives of those who benefit from it.

Rabbi Samson Raphael Hirsch explains that these freewill offerings come down to “*erekh*,” a word used in modern Hebrew for ‘worth’ or ‘value.’ This is not only monetary in meaning but communicates the values we hold. Rabbi Hirsch states that we place one value – our individual lives – next to another value – the estimation of our worth as a person in relationship to the holiest of places. We do not measure every single life differently, even though we believe in the singularity of each human life. Rather, “This value is given as a fixed one, it has absolutely nothing to do with physical, spiritual, intellectual, moral or social qualities...”

When valuations are fixed, some people who cannot afford to give the set amount would not be able to contribute. Thus, the Torah continues: “But if one cannot afford the equivalent, that person shall be presented before the priest, and the priest shall make an assessment; the priest shall make the assessment according to what the vower can afford,” (Lev. 27:8). Rashi here explains, based upon the Talmudic volume dedicated to this form

of charity (BT *Arakhin* 23b) that the priest works with the donor so that he can also feel the sense of belonging that comes with contributing to this remarkable spiritual center while making sure that he still has “a bed, mattress and pillow, and the tools necessary for his trade.” Additionally, the Talmud discusses what happens if a person made this vow when he was poor, became wealthy, and then became poor again. Does his commitment change?

These Talmudic cases of injury and charity, like those in the 9/11 victim compensation fund, occupy the complicated space between establishing objective standards that will never be fully just with the subjectivity of one’s individual financial and social standing. The process will always be inherently flawed because we can never measure human worth with accuracy. And most of the time, we don’t have to. But, every once in a while, we have to, and it requires clarity, strength of character, and lots of time. It takes moral leadership. As we close the book of Leviticus, we are asked to personalize the Temple and its rituals by asking what we are willing to give to God to show what we value.

How would your charitable giving change if you assessed your personal worth in relation to the worth of what you are giving to?