



The Ziegler School  
of Rabbinic Studies

בית המדרש ע"ש זיגלר

להתהלך בצדק  
Walking with Justice

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דרכיה דרכי נעם

# THE ETHICAL IMPULSE IN RABBINIC JUDAISM

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## FOUNDATIONS IN HISTORY AND PHILOSOPHY

Although the Bible (especially its first five books, the Torah) is critically important in defining what Judaism stands for, it is the Rabbis of the Mishnah, Talmud, and Midrash (the “classical Rabbis”) and subsequently the rabbis in the many centuries since the close of the Talmud (c. 500 C.E.) who determined what that scripture was to mean for Jews in both belief and action (in contrast to how Karaites, secular Jews, Christians, Muslims, modern biblical scholars, and all others interpret the Bible). Judaism, in other words, is the religion of the rabbis even more than it is the religion of the Bible, just as American law is more what American judges and legislators have created in interpreting and applying the United States Constitution than it is the Constitution itself. To understand how Judaism understands ethics, then, one must study how the Rabbis understood and applied ethics.

Rabbis throughout the ages, however, did not speak with one voice. On the contrary, rabbinic Judaism, like its biblical predecessor, is a very feisty religion, one that takes joy in people arguing with each other and even with God. This means that any author reflecting on any aspect of Judaism will be providing *a* Jewish understanding of the topic, not “*the* Jewish understanding” of it or “what Judaism says” about it.<sup>1</sup> Still, with all the variations among the rabbis, one can locate some concepts and values that most, if not all, scholars would agree are central to the Rabbinic mind and heart. It is those foundations in the methods and content of rabbinic ethics that I seek to summarize in this essay.

This, however, raises an immediate philosophical problem: As Professor Louis E. Newman of Carleton College has demonstrated, scholars err when they apply modern categories like “ethics,” “rituals,” and “law” to ancient and medieval rabbinic texts. For the classical and medieval rabbis, those categories did not exist, and thus to use them in analyzing rabbinic texts is anachronistic.<sup>2</sup> Instead, the Rabbis conceived of all of Jewish law as God’s commandments (*mitzvot*), either given directly (eg, the Decalogue) or through Moses in the Torah (*d’oraita*, Torah laws) or through the judges and rabbis of each generation (*me’dirabbanan*). Thus they would have not understood the modern scholarly debates about whether ethics trumps law in Judaism or the reverse - or even whether law should be shaped by moral norms. Consequently, the very topic of this essay, “the ethical impulse in Rabbinic Judaism,” involves us in a serious problem of method – namely, how can we overcome the anachronism built into it?

And yet, one of the major reasons that Jews cherish Judaism is for its moral guidance. Thus if Judaism is rabbinic Judaism, we need some way to talk accurately about how the Rabbis understood and applied moral norms. Without that we can never speak intelligently about Jewish moral values, and that would be a major loss for both Judaism and for Jews.

So, then, if we must avoid ascribing these categories to the Rabbis, we at least need to determine what we moderns mean by discussing rabbinic ethics. Ethics concerns how one understands the rules that govern our conduct and our ideals. These norms and ideals tell us what I ideally should do, what I must do, what I may do, what I should not do, and what I must not do. They take different forms - law, ethics, custom, and good taste or manners - and so we still have to define the differences among those four categories. Because law and ethics are strongly intertwined in Judaism - they are all commandments, for the Torah and the Rabbis - to understand the very topic of this essay on rabbinic ethics, it is important to understand at least some of the ways we moderns distinguish law and ethics:<sup>3</sup>

- a) **Sources and Enforcement:** laws are created and enforced by governmental authorities; the source of moral norms and the modes of their enforcement are subjects of major disputes in philosophical circles, but what is clear is that they are neither created nor enforced by governments.

<sup>1</sup> Louis E. Newman, “Woodchoppers and Respirators: The Problem of Interpretation in Contemporary Jewish Ethics,” *Modern Judaism* 10:2 (February, 1990): 17-42. Reprinted in *Contemporary Jewish Ethics and Morality: A Reader*; Elliot N. Dorff and Louis E. Newman, eds. (New York: Oxford University Press, 1995), pp. 140-160. His point that one can only provide a Jewish understanding of any topic of Rabbinic thought, not “what Judaism says”: p. 43 (p. 155 in *Contemporary Jewish Ethics and Morality*).

<sup>2</sup> *Ibid.*

<sup>3</sup> For the distinctions between law and custom, see my book, *For the Love of God and People: A Philosophy of Jewish Law* (Philadelphia: Jewish Publication Society, 2007), Chapter Seven.



# THE ETHICAL IMPULSE IN RABBINIC JUDAISM

- b) **Domain – that is, the people to whom the norms apply:** laws apply only to the people subject to the government that enacts them; morals apply, according to some thinkers, universally. Even those who think that morals apply less widely rarely define the domain of a moral norm through the boundaries of a given country.
- c) **Scope – that is, the aspects of life that the norms may govern:** laws in countries like the United States may not govern many aspects of life, such as religious rituals (unless they conflict with American laws on drugs, for example), sexual duties of spouses to each other, or the percentage of one's income that one should give to charity. Ethics can govern every aspect of life, including social and personal matters that, according to the Constitution itself, laws may not touch.
- d) **Goals:** laws are intended to keep the peace and provide basic services to a society; morals are intended to create the ideal human being and society. Put another way, laws define minimally acceptable behavior within a given nation; morals define how people ought to act beyond what the law requires.

Even with these distinctions, I must invoke another insight of Professor Newman's – namely, that the boundary between law and ethics is fluid, like that between the sea and shore. One can certainly recognize what is definitely on land or in the sea – that is, what is clearly law or ethics – but the line between them is not always clear.<sup>4</sup> That is because the relationship between them is dynamic, with some moral norms gaining legal form over time, together with their definition and enforcement by governmental authorities (eg, parents' duties to care for their children), while some laws become unenforceable or are deliberately rescinded, leaving the norms ethical ones that at least some segments of society consider to define proper or improper behavior but that are no longer enforced by the government (eg, American states no longer penalize adultery). The topic of this essay, then, should be understood as this: Recognizing that the Rabbis understood law and ethics to be indistinguishable parts of the commandments that God gave us, how can we locate what we moderns would call the ethical impulse in what they said and did?

## SOURCES OF RABBINIC ETHICS

First, though, where in Rabbinic literature should we look for its ethical components? As I describe in greater detail in the Appendix of my book, *Love Your Neighbor and Yourself*, the Rabbis expressed their ethical views and moral norms in all of the following formats:

**1. Stories.** In the robust literature of classical and modern *midrash aggadah*, rabbis weave rich embellishments of all the biblical stories and tell their own stories about Jewish life and faith in their own time and place. Later rabbis and lay Jews created Kabbalistic and Hasidic stories as well as modern ones. Not all of these stories have ethical import, but many do.

To take one classical example, the Rabbis note that something important is missing in the Torah's account of Adam and Eve – their wedding! The problem, of course, is that nobody else was there to celebrate their marriage with them, and so the Rabbis say that God served as Adam's groomsman and plaited Eve's hair to adorn her for her wedding.<sup>5</sup> What a wonderful way to indicate the personal, moral, and theological significance of marriage in the lives of the couple, their community, and yes, even the cosmos!

**2. General Moral Values and Proverbs.** The Torah announces some general moral values that should inform all our actions – values like formal and substantive justice, saving lives, caring for the needy, respect for parents and elders, honesty in business and in personal relations, truth telling, and education of children and adults. The Rabbis expanded on those and applied them to concrete circumstances through their legal decisions, but they also formulated proverbs to use these values to guide our lives. Rabbinic proverbs are most prominently in evidence in the Mishnah's tractate, *Avot (Ethics of the Fathers)*, but they also appear throughout the Talmud and Midrash and in later works of medieval pietists and philosophers (eg, Moses Hayyim Luzzato's *Paths of the Righteous [Mesillat Yesharim]*) and in the nineteenth-century *Musar* literature as well.

<sup>4</sup> Louis E Newman, "Ethics as Law, Law as Religion: Reflections on the Problem of Law and Ethics in Judaism," *Shofar* 9:1 (Fall, 1990): 13-31; reprinted in *Contemporary Jewish Ethics and Morality* (see n. 1 above), pp. 79-93. His image of the sea and the shore is on p. 29 (p. 91 in *Contemporary Jewish Ethics and Morality*).

<sup>5</sup> *Babylonian Talmud, Berakhot 61a*,



# THE ETHICAL IMPULSE IN RABBINIC JUDAISM

**3. Theology.** This includes Jewish concepts not only about God (the narrow meaning of “theology”), but also about human beings, the People Israel, and the ideal person and society, all of which influence specific moral judgments. So, for example, the Rabbis say:

Rabbi Hama, son of Rabbi Hanina, said: What is the meaning of the verse, ‘You shall walk behind The Holy One your God’ (Deuteronomy 13:5)?...[It means that] a person should imitate the righteous ways of the Holy Blessing One. Just as the Lord clothed the naked,...so too you should supply clothes for the naked [poor]. Just as the Holy Blessing One visited the sick,...so too you should visit the sick. Just as the Holy Blessing One comforted mourners,...so too you should comfort mourners. Just as the Holy Blessing One buried the dead,...so too you must bury the dead.<sup>6</sup>

**4. Prayer.** Requiring Jews to pray three times each day, as the Rabbis do, regularly pulls people out of their self-concern and forces them to think of life from God’s perspective. This clarifies the distinctions between the urgent and the important, and, even more, between the trivial and the significant. Although there are no guarantees in life, interrupting daily activities with this awareness can lead people to think more about the welfare of others and of what one should be doing now to achieve Judaism’s ultimate goals for each of us individually and communally.

So, for example, the daily Amidah has us praying for knowledge, forgiveness, health, prosperity, justice, Israel, and peace, and it expresses our gratitude to God for all the things that we dare not take for granted. This helps to hone our moral character by reminding us that we should be grateful for the many blessings of our lives and that we have a mission to do what we can to serve as God’s partner in achieving these goals.

**5. Study.** One of the distinctively Jewish contributions to moral life is Judaism’s focus on study of sacred texts – not only by rabbis, but by every Jew. Sometimes that study organizes itself around the weekly Torah portion, but sometimes it focuses on other biblical books, on rabbinic literature, or on other parts of the rich Jewish tradition (philosophy, history, literature, art, music, etc.). This exposes Jews to Jewish beliefs and practices on a regular basis. Furthermore, the mode of Jewish study is not just memorization and passive acceptance; Jewish study instead asks participants to pose deep questions about the materials one is studying and to challenge each other about their meaning.

This trains Jews to think critically about many kinds of human phenomena, including moral issues, and it can motivate Jews to act morally as well. For example, if one studies the Mishnah<sup>7</sup> that prohibits asking a shopkeeper the price of goods if one has no intention of buying anything but is rather just seeing if they got a good deal on what they already bought, they may act differently the next time they go shopping.

**6. Law.** This leads us to the primary way that rabbinic Judaism seeks to influence our moral thought, feelings, and behavior – namely, through law. In the aforementioned Appendix to my book, *Love Your Neighbor and Yourself*, I describe both the pitfalls and the advantages of dealing with moral issues in legal ways. Suffice it to say here that, even with its problems, Jewish law is undoubtedly the chief way in which biblical and rabbinic Judaism has sought to provide Jews with moral guidance.

This explains why the Torah has so many laws, many of which have moral import, and it also explains the expansions of, and additions to, those laws in the Oral Torah that the Rabbis articulate. For example, the Rabbis understand the Torah’s command, “Do not put a stumbling block before a blind person”<sup>8</sup> to include not only physically blind people, but also cognitively blind people, thus prohibiting a Jew from giving misleading information about a business prospect to someone who does not know how to evaluate it, or directions to someone when the person asked does not really know how to get to the desired place.<sup>9</sup>

<sup>6</sup> *Babylonian Talmud, Sotah 14a.*

<sup>7</sup> *Mishnah, Bava Metzia 4:10.*

<sup>8</sup> *Leviticus 19:14*

<sup>9</sup> *Giving misleading or dangerous information violates this prohibition: Sifra on Leviticus 19:14. So does suggesting a bad business deal: Babylonian Talmud, Hullin 7b.*



# THE ETHICAL IMPULSE IN RABBINIC JUDAISM

Similarly, one may not entice the morally blind by striking a grown child (who may then strike the parent back, thus violating the commands to honor and respect parents in Exodus 20:12 and Leviticus 19:3 and the specific prohibition of striking them in Exodus 21:15) or by offering alcohol to an alcoholic.<sup>10</sup>

## ASPECTS OF THE IDEAL PERSON IN RABBINIC THOUGHT

What kind of person, then, do these sources seek to create? Perhaps the clearest rabbinic source that addresses that question is the following one, in which Rava (3<sup>rd</sup> century C.E.) describes what he thinks God asks every one of us after death:

Rava said: At the time when they bring a person to [ultimate] judgment, they say to him: Did you deal honestly in business? Did you make time for Torah? Did you procreate? Did you hope for salvation? Did you think about the lessons of wisdom? Did you derive one thing from another? Even so [that is, even if the answers to all these questions are yes], if “the fear of God is his treasure” (Isaiah 33:6), yes [he merits the World to Come]; if not, no.<sup>11</sup>

Note several things about Rava’s list. First, the very first question that people are asked is not whether they committed a major crime, like murder, adultery, rape, or kidnapping; Rava apparently presumes that most Jews do not do such things. Instead, he goes directly to the kinds of things that might trip up normally moral people, for those are the real test of one’s moral mettle, and the very first of those is honesty in business. He recognizes that there is a little larceny in each of us and that a truly moral person resists that temptation.

The next item on his list is making time for study of Torah. People who devote themselves exclusively to their work effectively make work their idol, to which they bow every day with all their attention, energy, and values. Study of Torah is necessary to combat that danger. The converse is also true: as Rabbi Simeon says in *Avot (Ethics of the Fathers)*, “Study of Torah is beautiful when combined with a worldly occupation, for the effort involved in both of them makes one forget sin. All study of Torah that is not accompanied by work is worthless and leads one to sin.”<sup>12</sup>

The third item on Rava’s list is procreation. This is perhaps more important in our day than it was in his, for with a reproductive rate of about 1.8, North American Jews are not even reproducing themselves. It obviously takes a great deal of education to transform a person born Jewish into an informed and practicing Jew, but one cannot educate someone who is not there. Thus from my perspective, in our day, there is no commandment more important than this one, for the very future of the Jewish community and Judaism rests on it. Grandparents then have to fulfill the responsibility the Talmud imposes on them to educate their grandchildren, including actively participating in the process and helping their children bear the costs,<sup>13</sup> and the Jewish community as a whole has a duty to make Jewish education affordable.

“Did you hope for salvation?” The Jew is not allowed to give up hope for a better world – and to take whatever steps they can to fix the world. (See more on this in my book, *The Way Into Tikkun Olam*.<sup>14</sup>)

“Did you derive one thing from another?” This is the active kind of learning that I mentioned earlier.

Finally, all of this marks moral success only if one has a proper attitude toward the world, one in which one does not think of oneself as the be-all-and-end-all but rather realizes that we each live in a world created and ruled by God and populated by people, animals, and an environment for all of which we have a duty to care.

<sup>10</sup> Offering alcohol to a Nazirite, one who has taken a vow not to drink alcohol (and, by extension, to an alcoholic), constitutes putting a stumbling block before the blind: Babylonian Talmud, *Pesahim* 22b. Similarly, one may not sell wood to those who would use it for idolatry: Babylonian Talmud, *Nedarim* 62b. Both the one who lends money on interest and the one who agrees to borrow money on interest violate this law of putting a stumbling block before the blind, as does one who lends money to someone without witnesses: Babylonian Talmud, *Bava Metzia* 75b. Striking one’s grown child violates this prohibition as well: Babylonian Talmud, *Mo’ed Katan* 17a; Babylonian Talmud, *Kiddushin* 30a.

<sup>11</sup> Babylonian Talmud, *Shabbat* 31a.

<sup>12</sup> *Mishnah, Avot* 2:2.

<sup>13</sup> Babylonian Talmud, *Kiddushin* 31b. For more on this, see my *Love Your Neighbor and Yourself: A Jewish Approach to Modern Personal Ethics* (Philadelphia: Jewish Publication Society, 2003), Chapter Four, “Parents and Children.”

<sup>14</sup> Elliot N. Dorff, *The Way Into Tikkun Olam* (Woodstock, VT: Jewish Lights, 2005).



# THE ETHICAL IMPULSE IN RABBINIC JUDAISM

## ASPECTS OF THE IDEAL COMMUNITY IN RABBINIC THOUGHT

In this source, the Rabbis delineate ten necessary components of a community for a rabbi to live there:

It has been taught: A scholar should not reside in a city where the following ten things are not found: (1) A court of justice that can impose flagellation and monetary penalties; (2) a charity fund, collected by two people and distributed by three [to ensure honesty and wise policies of distribution]; (3) a synagogue; (4) public baths; (5) toilet facilities; (6) a circumciser (*mohel*); (7) a surgeon; (8) a notary [for writing official documents]; (9) a slaughterer [a *shohet*, to provide kosher meat]; and (10) a school-master. Rabbi Akiba is quoted [as including] also several kinds of fruit [in the list] because they are beneficial for eyesight.<sup>15</sup>

The Talmud's list includes several items relevant to health care, including public baths and toilet facilities, a "surgeon" to perform the most important form of curative care known at the time, namely, letting blood, and, according to Rabbi Akiba, healthy foods, a recognition that our choice of food is important preventive measure to assure health. Others refer to the necessities of Jewish life — a court of justice, a charity fund, a synagogue, a *mohel*, a *shohet*, a notary, and a school master. In addition, other necessary services were provided at the time by the Roman government — eg, defense, civil peace, and roads and bridges — and those would undoubtedly be on the Talmud's list if that were not so.

This list does not delineate the ideal; presumably that would involve more enhanced accommodations for Jewish education, for example, including higher education. It does indicate, however, some of the underlying values that the Rabbis announced for a community so that it could foster individual Jewish bodies, minds, and souls as well as communal life.

## THE ULTIMATE ETHICAL GOALS OF RABBINIC JUDAISM

In the end, for Rabbinic Judaism, creating a moral person and society are not only desirable ends, but the ultimate goal. This is perhaps most in evidence in the fact that the rabbinic tradition, which highly prized learning, nevertheless prized moral character more:

Rabbi Hanina ben Dosa taught: When a person's good deeds exceed his wisdom, his wisdom will be enduring; but when a person's wisdom exceeds his good deeds, his wisdom will not be enduring.<sup>16</sup>

We teach Torah only to a student who is morally fit and pleasant in his ways, or to a student who knows nothing [and therefore may become such a person with learning]. But if the student acts in ways that are not good, we bring him back to the good path and lead him to the right way, and then we check him and [if he has corrected his behavior] we bring him in to the school and teach him. The Sages said: "Anyone who teaches a student who is not morally fit is as if he is throwing a stone to Mercury" [i.e., contributing to idolatry]....Similarly, a teacher who does not live a morally good life, even if he knows a great deal and the entire community needs him [to teach what he knows because nobody else can], we do not learn from him until he returns to a morally good way of life...<sup>17</sup>

Thus the most important objective of Rabbinic Judaism, like that of the Torah and the Prophets, is to make us more morally sensitive in our thoughts, feelings, and actions. It is thus fitting to end this essay with the statement of Rav, using the language of metallurgy in which impurities are removed: "The commandments were given only to purify human beings."<sup>18</sup>

<sup>15</sup> *Babylonian Talmud, Sanhedrin 17b*

<sup>16</sup> *M. Avot (Ethics of the Fathers) 3:12; see also 3:22.*

<sup>17</sup> *Maimonides, Mishneh Torah, Laws of Study 4:1. The Talmudic passage that he is citing about throwing stones to Mercury appears at B. Hullin 133a, where Rabbi Zeira says this in the name of Rav.*

<sup>18</sup> *Genesis Rabbah 44:1; Leviticus Rabbah 13:3; Midrash Psalms 18:25, in the last of which it is Israelites specifically, rather than all human beings, whom the commandments were given to purify.*



# THE ETHICAL IMPULSE IN RABBINIC JUDAISM – TEXT 1

## בראשית רבה בראשית כד:ז

בן עזאי אומר זה ספר תולדות אדם זה כלל גדול בתורה, רבי עקיבא אומר (ויקרא יט) ואהבת לרעך כמוך, זה כלל גדול בתורה, שלא תאמר הואיל ונתבזיתי יתבזה חבירי עמי הואיל ונתקללתי יתקלל חבירי עמי, אומר רבי תנחומא אם עשית כן דע למי אתה מבזה, בדמות אלהים עשה אותו.

### FROM GENESIS RABBAH 24:7

Ben Azzai said: 'This is the record of Adam's line'. [When God created man, He made him in the likeness of God, male and female He created them - Genesis 5:1 - this is a fundamental principle of the Torah.] Rabbi Akiba said: 'Love your neighbor as yourself' [Leviticus 19:18] - this is a fundamental principle of the Torah, so that you do not say, "Since I am despised, let my friend be despised with me, since I have become corrupt, let my neighbor become corrupt." Rabbi Tanhuma said: If you do that, know Who it is whom you despise, for "He made him in the likeness of God."

## משנה אבות פרק א

יב הלל ושמאי קבלו מהם. הלל אומר, הוי מתלמידי של אהרן, אוהב שלום ורודף שלום, אוהב את הבריות ומקרבן לתורה:...

יד הוא היה אומר, אם אין אני לי, מי לי. וכשאני לעצמי, מה אני. ואם לא עכשיו, אימתי:  
טו שמאי אומר, עשה תורתך קבע. אומר מעט ועשה הרבה, והוי מקבל את כל האדם בספר פנים יפות:

## משנה אבות פרק ב

טו רבי טרפון אומר, היום קצר והמלאכה מרבה, והפועלים עצלים, והשכר הרבה, ובעל הבית דוחק:  
טז הוא היה אומר, לא עליך המלאכה לגמור, ולא אתה בן חורין לבטל ממנה.

### FROM MISHNAH AVOT

1:12: Hillel taught: Be a disciple of Aaron, loving peace and pursuing peace, loving your fellow creatures and attracting them to the study of Torah.

1:14: This was another favorite teaching of his: If I am not for myself, who will be? If I am for myself alone, what am I? And if not now, when?

1:15: Shammai taught: Make the study of Torah a fixed part of your schedule; say little, and do much; and greet every person with a cheerful face.

2:16-17: Rabbi Tarfon taught: The day is short, the task is great, the workers indolent, the reward bountiful, and the Master insistent! You are not obliged to finish the task, but neither are you free to neglect it.

### STUDY QUESTIONS

- What kind of ideal person emerges from these texts?
- Is it possible to list the characteristics of an ideal person?
- In what ways does that ideal person embody the Rabbinic ideals of social justice?
- Do those ideals still apply today? How?



## THE ETHICAL IMPULSE IN RABBINIC JUDAISM – TEXT 2

### דברים רבה שפטים ה:א, ה:ג

אמר רבן שמעון בן גמליאל: אל תהי מלגלג בדין, שהיא אחד משלשה רגלי העולם. למה, ששנו חכמים: על שלשה דברים העולם עומד: על הדין ועל האמת ועל השלום. תן דעתך שאם הטית את הדין, שאת מועזע את העולם, שהוא אחד מרגליו...

זה שאמר הכתוב: "עשה צדקה ומשפט נבחר ליהוה מזבח" (משלי כא:ג) - כזבח אין פתיב כאן אלא "מזבח". כיצד - הקרבנות לא היו קרבים נהגות אלא בפני הבית, אבל הצדקה והדינים נהגות בפני הבית ושלם בפני הבית. דבר אחר: הקרבנות אין מכפרין אלא לשוגג, והצדקה והדינים מכפרים בין בשוגג בין למזיד. דבר אחר: הקרבנות אין נוהגים אלא בתחנות והצדקה והדינים נוהגין בין בעליונים ובין בתחתונים. דבר אחר: הקרבנות אין נוהגין אלא בעולם הזה והצדקה והדינים נוהגין בין בעולם הזה ובין בעולם הבא.

### DEUTERONOMY RABBAH, SHOFETIM, 1 AND 3

Rabban Shimon ben Gamliel said: Do not mock at law, for it is one of the three feet of the world. Why? Because the sages taught, "The world stands on three things: law, truth and peace. Therefore consider: if you pervert justice, you shake the world, because justice is one of its feet..."

It is written, "To do charity and justice is better than sacrifice" (Prov 21:3). It does not say "just like sacrifice" - it says, "better than sacrifice". How is that? Sacrifices could be brought to the Temple, but charity and the rule of law applied then, and still apply now. Another explanation: sacrifices only atone for involuntary sins, but charity and the rule of law atone for both voluntary and involuntary sins. Another explanation: sacrifices are brought only by [those who inhabit] the world below, but charity and the rule of law are used both in the world below and in the world above. Another explanation: sacrifices can occur only in this world, but charity and the rule of law are for this world and for the world to come.

### STUDY QUESTIONS

- Why is the analogy drawn between the legal system and sacrifices?
- Why is the legal system better than bringing sacrifices?
- How does the legal system embody the Rabbinic ideals of social justice?
- Do those ideals still apply today? How?





# THE ETHICAL IMPULSE IN RABBINIC JUDAISM – TEXT 3

## מתוך הסדור

אלו דברים שאין להם שעור: הפאה והבכורים והראיון וגמילות חסדים ותלמוד תורה.

אלו דברים שאדם אוכל פרותיהם בעולם הזה והקרו קיימת לו לעולם הבא, ואלו הן: כבוד אב ואם, וגמילות חסדים, והשפמת בית המדרש שחרית וערבית, והכנסת אורחים, ובקור חולים, והכנסת פלה, וקניית המת, ועיון תפלה, והבאת שלום בין אדם לחברו, ותלמוד תורה כנגד כלם.

## FROM THE SIDUR

These are the things for which no fixed measure is prescribed in the Torah: [the leaving of] the corner of the field for the poor, [the offering of] the first fruits, the offerings brought on appearing before the Lord at the three festivals, acts of kindness and the study of the Torah.

These are the things whose interest a man enjoys in this world, while their capital remains in the world to come - this is what they are: respecting one's father and mother; acts of generosity and love; coming early to synagogue for morning and evening study; giving hospitality to strangers; visiting the sick; assisting the bride; attending the dead; devotion in prayer; making peace between a man and his companion. And the study of Torah is equal to them all.

## STUDY QUESTIONS

- What is the relationship between study and the other things which are listed?
- What makes study so special?
- How does study embody the Rabbinic ideals of social justice?
- Do those ideals still apply today? How?



## THE ETHICAL IMPULSE IN RABBINIC JUDAISM – TEXT 4

### משנה ראש השנה ג:ח

וְהָיָה כִּאֲשֶׁר יָרִים מֹשֶׁה יָדָו וְגִבֵּר יִשְׂרָאֵל וְגו' (שמות יז), וְכִי יִדְּיוּ שֶׁל מֹשֶׁה עוֹשׂוֹת מִלְחָמָה אוֹ שׁוֹבְרוֹת מִלְחָמָה. אֲלֵא לֹאמַר לָךְ, כָּל זְמַן שֶׁהָיוּ יִשְׂרָאֵל מְסֻתְּפָלִים כָּלִּפִּי מַעֲלָה וּמִשְׁעֵבְדִּין אֶת לְבָם לְאַבְיָהֶם שְׂבִשְׂמִים הָיוּ מִתְגַּבְּרִים. וְאִם לֹא, הָיוּ נוֹפְלִין. כִּיֹּצֵא בְדָבָר אֶתְּהָ אוֹמֵר, (במדבר כא) עֲשֵׂה לָךְ שָׂרָף וְשִׂים אֹתוֹ עַל גֵּס, וְהָיָה כָּל הַנְּשׂוּף וְרָאָה אֹתוֹ וְחָי. וְכִי נָחַשׁ מִמִּית, אוֹ נָחַשׁ מִחַיָּה. אֲלֵא, בְּזְמַן שֶׁיִּשְׂרָאֵל מְסֻתְּפָלִין כָּלִּפִּי מַעֲלָה וּמִשְׁעֵבְדִּין אֶת לְבָם לְאַבְיָהֶן שְׂבִשְׂמִים, הָיוּ מִתְרַפְּאִים, וְאִם לֹא, הָיוּ נִמְוָקִים.

### FROM MISHNAH *ROSH HASHANAH* 3:8

‘When Moses would lift up his arms, Israel would do better; [but when he let his arms fall, Amalek would do better] [Exodus 17:11]’. Does this mean that Moses’ arms were capable of deciding the outcome of a war? No! It means: for as long as Israel looked upwards and subjugated their will to their father in Heaven, they would do better; and if not, they would fall. As another example, you can say: “Make yourself a serpent and put it on a pole, and whenever someone who has been bitten sees it, they will live.” [Numbers 21:8] Does this mean a serpent is capable of killing someone or making them live? No! It means: while Israel look upwards and subjugate their will to their father in Heaven, they are healed; and if not, they lose their will to live.

### STUDY QUESTIONS

- What does ‘look upwards’ mean?
- What does ‘subjugate their will’ mean?
- In the light of this text, do our actions matter?
- How does directing our intentions embody the Rabbinic ideal of social justice?



# THE ETHICAL IMPULSE IN RABBINIC JUDAISM – TEXT FOR GROUP STUDY

## תלמוד בבלי סנהדרין יז:ב

וְתִנָּא: כָּל עִיר שְׂאִין בָּהּ עֲשָׂרָה דְּבָרִים הִלְלוּ אִין תִּלְמִיד חָכָם רִשְׁאֵי לְדוֹר בְּתוֹכָהּ: בֵּית דִּין מִכֵּין וְעוֹנְשִׁין, וְקוּפָה שֶׁל צְדָקָה נִגְבֵּית בְּשָׁנִים וּמִתְחַלְקֶת בְּשִׁלְשָׁה, וּבֵית הַכְּנֶסֶת, וּבֵית הַמְּרֻחָץ, וּבֵית הַכֶּסֶא, רוּפָא, וְאוּמָן, וְלִבְלָר, (וְטַבַּח), וּמְלַמֵּד תִּינוּקוֹת. מִשּׁוּם רַבִּי עֲקִיבָא אָמְרוּ: אֵף מֵינִי פִירָא, מִפְּנֵי שְׂמִינֵי פִירָא מְאִירִין אֶת הָעֵינַיִם.

## BABYLONIAN TALMUD, *SANHEDRIN 17B*

It has been taught: A scholar should not reside in a city where the following ten things are not found: (1) A court of justice that can impose flagellation and monetary penalties; (2) a charity fund, collected by two people and distributed by three [to ensure honesty and wise policies of distribution]; (3) a synagogue; (4) public baths; (5) toilet facilities; (6) a circumciser; (7) a surgeon; (8) a notary [for writing official documents]; (9) a slaughterer; and (10) a school-master. Rabbi Akiba is quoted [as including] also several kinds of fruit [in the list] because they are beneficial for eyesight.

## AN IDEAL WORLD?

There is no one official description of the Jewish ideal world; in this matter, as on virtually every other topic, Jewish sources include many voices. That is not to say that Judaism is incoherent in its ideals, though, for many of the factors described in some sources complement those in others...

...Judaism portrays all human efforts as being in partnership with God. Sometimes God is the dominant partner, as in the Exodus from Egypt, but even there, Moses, Aaron, Miriam, and, according to legend, Nahshon ben Aminadav played crucial roles in enabling the Exodus to happen. At other times, human beings must take the initiative, as in our efforts to form a society devoid of gossip and defamatory speech, for example. Most of the time, *tikkun olam* happens as a result of partnership between God and us, and that is illustrated in the cases of people finding cures for illnesses and then ensuring that all the world's people can take advantage of those cures. Thus, as we consider Jewish visions of the ideal, we should take note of the varying roles played by God and by human beings in enabling the ideal to become more and more real.

Elliot N Dorff, *The Way Into Tikkun Olam*, Jewish Lights, Woodstock VT, 2005, p.227



# SESSION SUGGESTIONS – THE ETHICAL IMPULSE IN RABBINIC JUDAISM

## INTRODUCTION

The main purpose of this session is to introduce participants to the wide range of behaviors that come under the heading of ‘social justice’ as perceived by the Rabbis.

Introduce the session by recapping briefly on the main areas dealt with in Rabbi Dorff’s essay:

What is the author’s definition of ethics?

What are the main sources of rabbinic ethics?

What are the characteristics of the ideal person in rabbinic thought?

## CHAVRUTA STUDY

Hand out the chavruta texts. These are based on some of the categories identified by Rabbi Dorff in his essay – the ideal person, law, study and prayer. The final text is perhaps the most obscure, but has been chosen to open up a discussion about intention and the relationship of intention to the reality which is, or can be, created. At the end of the chavruta, draw the discussion together: what have the groups learned about how the rabbis

## GROUP STUDY

The aim of the texts here is to open up a discussion of what the rabbis perceived the ideal society to be (since Rabbi Dorff himself points out that the list from Sanhedrin 17b does not represent this). Using the essay and what they have learned, can participants identify what the rabbis might identify as constituting an ideal society? Is it important for us to have social ideals? How do they relate to our ethical impulses? How do ethical impulses and ideals achieve social justice?

One exercise might be to ask participants to come up with their own list of ten – whether of an ideal person, an ideal community, an ideal society...or perhaps, to ask for all three and then see what the lists have in common and where they are different. What does a community require in order to ‘foster individual Jewish bodies, minds and souls’?

There is a wealth of further information in Rabbi Dorff’s book (from which the second text is cited).

We can ask: are the rabbinic ideals still relevant for us, today? Why/why not?

## CONCLUSION

Allow participants time to amend and update their personal manifestos with their understanding of the ethics of Rabbinical Judaism. This will provide a reference point later in the course, when we come to discuss contemporary issues in the light of sources from the tradition. Hand out the essay for next time, and conclude the session.



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# MUSICAL PLAYLIST TO ACCOMPANY EACH SESSION

Compiled by Noam Raucher

You can use any or all of the songs in the suggested sessions. They are listed in the order of title-artist-album, and all are available on iTunes. Please note that one or two have explicit lyrics – these are clearly marked.

## Introduction

How Come – Ray LaMontagne – Trouble  
For What It's Worth – Buffalo Springfield – Buffalo Springfield  
If I Had A Hammer – Peter, Paul and Mary – The Best of Peter Paul and Mary  
What's Going On – Marvin Gaye – What's Going On

## The Prophets and Social Justice

Fuel – Ani DiFranco – Little Plastic Castle  
Chimes of Freedom – Bob Dylan – Bob Dylan: The Collection  
Keep On Rockin' In The Free World – Neil Young – Greatest Hits

## The Ethical Impulse in Rabbinic Judaism

Talkin' Bout A Revolution – Tracy Chapman – Tracy Chapman  
Blowin' In The Wind – Peter, Paul and Mary – The Best of Peter, Paul and Mary  
Down By The Riverside – Waste Deep In The Big Muddy And Other Love Songs

## A Torah of Justice – A View from the Right?

Hands – Jewel - Spirit  
The Times They Are A Changin' – Bob Dylan – The Essential Bob Dylan  
We Are One – Safam – Peace By Peace

## A Torah of Justice – A View from the Left?

He Was My Brother – Simon and Garfunkel – Wednesday Morning, 3AM  
Oxford Town – Bob Dylan – The Freewheelin' Bob Dylan  
A Change Is Gonna Come – Sam Cooke – Ain't That Good News

## Environment

The Horizon Has Been Defeated – Jack Johnson -On and On  
Holy Ground – The Klezmatics – Wonder Wheel  
Mercy Mercy Me (The Ecology) – Marvin Gaye – What's Going On  
Big Yellow Taxi – Joni Mitchell - Dreamland

## Business Ethics

Working Class Hero – John Lennon – Working Class Hero: The Definitive Lennon  
Carpal Tunnel – John O' Conner – Classic Labor Songs From Smithsonian Folkways  
We Do The Work – Jon Fromer - Classic Labor Songs From Smithsonian Folkways

## International Economic Justice

We Are The World. – USA For Africa – We Are The World (Single)  
Outside A Small Circle of Friends – Phil Ochs – The Best of Phil Ochs  
El Salvador – Peter, Paul and Mary – The Best of Peter Paul and Mary

## Special Needs

What It's Like – Everlast – The Best of House of Pain and Everlast – **EXPLICIT LYRICS**  
Mr. Wendall – Arrested Development – 3 years, 5 months, and 2 days in the life Of...  
The Boy In The Bubble – Paul Simon – The Essential Paul Simon

## Kashrut

All You Can Eat – Ben Folds – Supersunnyspeedgraphic, The LP – **EXPLICIT LYRICS**  
Mr. Greed – John Fogerty - Centerfield  
We Just Come To Work Here, We Don't Come To Die –Anne Feeney - Classic Labor Songs From Smithsonian Folkways

## Israel

Hope: Pray On – Sweet Honey In The Rock - 25  
Yihyeh Tov – David Broza – Things Will Be Better, The Best Of David Broza  
Misplaced – Moshav Band

## Afterword

With My Own Two Hands – Ben Harper – Diamonds On The Inside  
Living For The City – Stevie Wonder – Number 1's  
Redemption Song – Bob Marley - Legend





Published in partnership with the  
United Synagogue of Conservative Judaism,  
the Rabbinical Assembly,  
the Federation of Jewish Men's Clubs  
and the Women's League for Conservative Judaism.



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