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Eugene Korn

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# Jewish Ethics

*Eugene Korn*

Before modern times, there was no systematic account of Jewish ethics. This can be attributed to the fact that Jewish tradition never considered ethics an autonomous subject matter or mode of inquiry. There is no indigenous Hebrew word for ethics, describing what ancient Greek thinkers used to denote the subjects of human character development, social responsibilities, and personal duties, yet there are numerous classical and premodern Jewish texts describing character virtues and development, social responsibilities, and personal obligations. Ethical concerns form part of the core of Judaism and Jewish culture, but they are embedded in Jewish Law (Halakhah), theology, and textual commentaries, and only modern thinkers would see Jewish ethics as an isolated and independent inquiry. Examples of this phenomenon are the minor tractate *Avot* ('Fathers') of the Mishna, Maimonides' essay known as 'Eight Chapters', and his compilation of 'Laws of Character Traits'. The first is a second- and third-century corpus of unsystematically collected aphorisms tracing the generations of early Rabbinic authorities, the second appears in the context of Maimonides' medieval commentary on the Mishnah *Avot*, while the third is a section of Maimonides legal code, *Mishneh Torah* (MT).

Systematizing Jewish ethics is also difficult because both Jewish ethics and law are strongly pluralistic, and hence cannot be formulated as an apodictic system similar to logic or mathematics, the way Benedict Spinoza and some modern ethical philosophers have attempted to do. A systematic treatment of Jewish ethics is therefore necessarily a 'rational reconstruction', i.e. a logical tapestry woven from many different strands of Jewish literature, law, liturgy, and theology.

**Keywords:** Ethics, Reason, Tradition, Scripture, Jewish theology, Law, Israel, Imago Dei (Image of God)

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# 1 The structure and values of classical Jewish ethics

## 1.1 Positivist imperatives

Traditional Jewish ethics can be seen as having three fundamental structural components (Berkovits 2000: xi–xx): positivist imperatives, overarching values, and the ultimate guiding vision. Explicit biblical imperatives constitute the first component, and are known as *mitsvot* (commandments) in Jewish religious discourse. As a central category in Jewish life, religion, and culture, commandments give Jewish ethics a strong deontological character. Most often the biblical imperatives are too general, so the Talmudic rabbis had to flesh out the specific situations to which these imperatives apply, as well as the exact behaviour that they proscribe or prescribe. Honouring one's father and mother (Exod 20:12) and not infringing on a neighbour's property or business (Deut 27:17) are cases in point. When must children display honour to their parents, and what specific behaviours are entailed in this imperative? How much competition is fair when it reduces another person's profits? In which commercial areas should competition be regulated, and in which not? The Talmud proceeded to define in significant detail how one can fulfil these imperatives.

In Jewish tradition and theology, these positivistic imperatives flow from the biblical covenant contracted between God and the Jewish people, and hence there is very little (if any) influence of natural-law considerations in formal *mitsvot*. For example, Jewish sexual ethics are driven by the value of fulfilling the imperative to procreate found in Gen 1:28, not by how God designed nature. Since Jews have a duty to procreate, when a woman has blocked fallopian tubes most Rabbinic authorities and Jewish ethicists allow artificial reproductive methods (e.g. IVF) to achieve fulfilment of the commandment. If nature poses a problem, circumventing the natural blockage presents few ethical obstacles. According to both Jewish Law and ethics, preserving life takes priority over everything except committing murder, idolatry, and adultery or incest. Since Jewish tradition sees adult sexual abstinence as injurious to mental and spiritual health, contraception is warranted if pregnancy would endanger the life of a woman. In contrast to Catholic natural law ethics, the fact that such methods deviate from the way pre-scientific humans reproduced or engaged in sexual activity is largely irrelevant for Jewish ethics. These examples are representative of the entire system of commandments and obligations.

Jewish ethics is consequently behaviour- and act-oriented. The biblical commands of 'give to the poor', 'do not murder', 'do not stand idly by while your neighbour is in danger', or 'do not perform work or work others on the Sabbath', are hallmarks of Jewish ethics. Unlike other approaches, this ethical framework does not strive for contemplation (Plato or Aristotle), metaphysical unity (mystics), or intention/authenticity (existentialists), but for empirical human action with beneficial effects on society and its individuals. Maimonides

is a major exception, as he followed the Greek philosophers who maintained that the metaphysical knowledge of God was the highest virtue of life. He did, however, posit ethical virtues and behaviour as prerequisites to intellectual perfection, thus according them penultimate value (*Guide of the Perplexed* [Guide] III:54).

Although traditional Jewish ethics takes scriptural imperatives seriously, it is neither literalist nor fundamentalist. Even Orthodox Jews who insist that the Bible is divine and inerrant understand that its interpretation is given over to human judgment and reason. To dramatize this point, the Talmud goes so far as to claim that the Talmudic sages aggressively told God to 'stay out' of a debate on a point of Jewish Law, because after Sinaitic revelation 'the *Torah* no longer resides in Heaven' (Babylonian Talmud [BT] *Baba Metsi'a* 59b, based on Deut 30:12). This means that appeals to post-Sinai revelation or divine oracles have no standing in the face of rational argument. (While frequently translated erroneously as 'law' from the Greek '*nomos*', the Hebrew word *Torah* is best translated as 'teaching'. In Jewish literature *Torah* sometimes refers narrowly the Pentateuch, sometimes to the entirety of Jewish scripture, and other times most widely to all Jewish religious lore. Here it refers specifically to the Pentateuch, understood as revelation received at Mount Sinai.) Jewish exegesis thus primarily employs human rationality and considerations of guiding values to determine the normative meaning of biblical imperatives.

Consequently, Jewish ethics and law are not necessarily committed to the literal interpretation of biblical texts. In fact, sometimes a literalist interpretation constitutes heresy. The famous *lex talionis*, 'an eye for an eye [...]' (Exod 21:23) best illustrates this principle. The Talmudic rabbis reasoned that the value of one person's eye is not always equal to the value of another person's eye, and that the pain suffered by one person in losing his eye is not necessarily equivalent to the pain suffered by another losing his eye. It would therefore be a violation of justice to apply the verse literally. Instead, normative Jewish teaching demands that monetary compensation equivalent to the value of the lost eye be paid by the aggressor to the victim (BT *Baba Qama* 83b–84a). Considerations of retributive justice guided the normative application of the verse, not the verse's literal meaning.

Capital punishment is another case in point. The Bible enumerates a large number of capital crimes, yet the intrinsic sanctity of each human person established a bias against taking human life. Hence the Talmudic rabbis formulated elaborate judicial procedures that for all practical purposes ruled out the actual legal implementation of execution (BT *Sanhedrin* 81b). The predominant Talmudic authority, Rabbi Akiva, even maintained that if he were the head of the Jewish court he would rule out capital punishment in principle. Though the predisposition against execution is ancient, it still dominates in Jewish life

today. In the Jewish state of Israel, Adolf Eichmann was the only criminal to ever undergo execution, despite horrific massacres committed against Israelis by terrorists.

Another example is the biblical prohibition of charging interest (Exod 22–25; Lev 25:36–37; Deut 23:20). Taken literally, the biblical prohibition applies to all loans, both business and personal. However, if implemented literally there would be little incentive to issue loans on property or for business purposes, causing all but the wealthy to be deprived of a livelihood. As a result, the traditional rabbis formulating Jewish legal and ethical norms found a way to permit charging interest indirectly on commercial loans, while retaining the prohibition on loans to the needy for personal reasons (BT *Sh'vi'it*, ch. 10).

## 1.2 Overarching values

The second level is overarching values. Examples of these values are the divine image in which all humans are created (Heb: *tselem Elohim*; Lat: *imago dei*; Gen 1:26), justice (Heb: *tsedeq*; Deut 16:20), acts of loving-kindness/compassion (Heb: *hesed/rahamim*), love of one's fellow (Lev 19:18), peace, holiness (Lev 19:2), and the general concepts of the right and the good (Deut 6:18). These foundational values underlie the interpretations of specific behavioural *mitsvot* and constitute the intermediate purposes of fulfilling the commandments.

The above generic values run through all Jewish ethical judgment and are sometimes referred to as 'meta-Halakhic values'. The doctrine that every human being is created in God's image invests all human life with intrinsic sanctity and immeasurable value. A famous Talmudic dictum – which later found its way into the Qur'an – claims: 'One who saves a single life is as if [i.e. is morally equivalent to] he saves the entire world; one who destroys a single life is as if he destroys the entire world' (*Mishna Sanhedrin* 4:5, Yemenite manuscript). Mathematically these equivalencies hold only if human life has no value or if it possesses immeasurable value. Judaism opted for the latter solution, implying that life-and-death ethical dilemmas cannot be solved by finite utilitarian calculations. Human life has intrinsic non-finite value that is independent of social or intellectual utility. Hence Jewish ethics generally rejects moral utilitarianism or consequentialism in life-and-death matters, insisting that all human life is worth living and that one may not destroy one innocent life to save another, or even to save many other lives (Jerusalem Talmud [JT] *Terumot* 8:10).

The intrinsic value of human life derived from *tselem Elohim* is a fundamental consideration in nearly all Jewish interpersonal ethical prescriptions, and it creates an absolute axiological dichotomy between physical objects and human beings. According to biblical ethics, the destruction of personal property – no matter how valuable – is not a capital offense, nor can there be monetary ransom for any act of homicide (Num 35:31). The Bible and Talmud understood that one of the worst ethical violations is to dehumanize

a person by equating him or her with the worth of a material object or a monetary sum (Greenberg 1995: 30).

Rabbis and Jewish philosophers have given different philosophic interpretations to *tselem Elohim*, including rationality (Maimonides), metaphysical freedom/moral sensibility (R. Meir Simcha of Dvinsk), transcendent glory (Nahmanides), and creativity (R. Joseph B. Soloveitchik), but all interpretations converge on the principle that *imago dei* confers upon every human being intrinsic sanctity and dignity. The Talmudic rabbis expressed the moral dimension of the divine image as *kevod ha-beriyot* – the dignity owed to every human being.

Although *tselem Elohim* confers infinite value on human life, Jewish ethics is not pacifist. Life – not death or suicide – is a religious *desideratum*, and Jewish ethics prescribes that, if someone attempts to kill another, the victim has the right to defend himself by killing the ‘pursuer’ when no other means obtain (BT *Berakhot* 58a). Both Jewish ethics and Jewish history have demonstrated to Jews that abusing power is immoral, yet so is abject powerlessness. Jewish ethics does not valorise martyrdom, and allowing evil to reign unopposed by physical force only promotes slaughter and greater evil, thus undermining human flourishing. Hence Jewish ethics demonstrates no defensiveness for the possession of national sovereignty and defending legitimate Jewish security interests with physical force when necessary. Neither unbridled power nor complete powerlessness is a virtue. The ideal of Jewish ethics is to possess power and use it within moral limits.

A second foundational value of Jewish ethics is justice, or *tsedeq*. This is articulated as a broad moral value by the commandments in Deut 1:16–17: ‘Decide justly between one party and the other – be it a fellow Israelite or a stranger. You shall not be partial in judgment: hear out low and high alike’, and Deut 16:20: ‘Justice, justice you shall pursue’. While the verses refer specifically to the judicial context, the wide application of justice in interpersonal relations throughout Jewish teachings is undeniable. As in the original judicial context, justice in Jewish ethics connotes fairness and impartiality, i.e. equal treatment and the absence of arbitrary favouritism of one person over another. In Jewish tradition the paradigm for the necessity of retributive justice is found in the biblical Abraham’s demand that God abide by the standards of justice: ‘Will the judge of all the earth not do justice?’ (Gen 18:25). The essential principle of human equality – particularly regarding life and death – is expressed by the Talmud’s rhetorical question, ‘who says your blood is redder than his?’ (BT *Sanhedrin* 74a/b), and its claim that all humanity was created from one person (Adam) so that no person can claim, ‘my father is greater than yours’ (*Mishna Sanhedrin* 4:5). Because of the radical equality of human life, directly choosing one life over another on utilitarian grounds is prohibited in Jewish ethics, and controversially permitted only via passive inaction, indirect action or *in extremis*. Rabbinic

literature contains numerous discussions of 'life-boat ethics' dilemmas (JT *Terumot* 8:10; BT *Sanhedrin* 74 a–b; Karelitz, *Sanhedrin* 25a; Waldenberg 1975: 15:70).

The commitment to justice and equality gives Jewish ethics an objective dimension that enables rational argumentation. Classical Jewish texts rejected purely subjectivist and emotivist conceptions of ethical values.

A third foundational set of Jewish ethical values is compassion (*rahamim*) and loving-kindness (*hesed*). The former is an internal character virtue, while the latter is the behavioural expression of that virtue. *Rahamim* signifies empathy with other human beings in distress; *hesed* means extending oneself with care and support into the lives of others. Maimonides defined *hesed* as 'overflow', i.e. extending oneself to others (*Guide* III:53). *Hesed* is the virtue of treating others with love as human subjects like oneself rather than as mere objects. So primary is the value of loving-kindness that the Talmudic rabbis derive its obligatory nature from the divine itself:

Just as the Holy One clothed the naked [...] so should you clothe the naked. Just as the Holy One visited the sick [...] so should you visit the sick. Just as the Holy One consoled those in mourning [...] so should you console mourners. Just as the Holy One Blessed be He, buried the dead [...] so too should you bury the dead. (BT *Sotah* 14a)

This Talmudic passage also asserts that the Pentateuch begins at creation with an act of *hesed* and ends with the divine burial of Moses, an act of kindness, meaning all revelation is a doctrine of kindness and God is immanent through the divine's relations with others. God as the archetype for deepening human existence through relating ethically to others is the source of the dialogical philosophies of Martin Buber and Emanuel Levinas.

The above Rabbinic teaching reveals another primary concept of Jewish ethics: *imitatio dei* (imitation of God; Heb: *v'halakhta b'derachav*). Because humans are created in the image of God, they have both the capacity and the moral obligation to imitate God's attribute of loving-kindness. The Jewish norm of imitating God differs essentially from the Greek concept (imitation through contemplation) as well as the Christian one (imitation of Jesus' passion). In Jewish ethics, human beings become godly through caring and relating lovingly to others.

The second-century Talmudic authority, Rabbi Akiva, identified Lev 19:18 ('Love your peer like yourself') as 'the great principle of the Torah' (JT *Nedarim* 9:4). Two centuries earlier the Rabbinic sage Hillel laid down this ethical principle as axiomatic in its more precise negative form: 'What is hateful to you, do not do to others. This is the entire Torah; the rest is commentary'. (BT *Shabbat* 31a). Whether in its positive or negative formulation, this principle is fundamental to Jewish ethics because it entails both the value of justice as

equality ('like yourself') and empathy/compassion ('love'). Rabbinic tradition identified this principle as the Bible's source of the obligation to act with compassion and loving-kindness toward others (Maimonides, *MT*, Laws of Mourning 14:1).

Another overarching and cognate *desideratum* in Jewish ethics is peace (*shalom*). According to the Talmudic teaching, 'the entire Torah was given for the sake of peace' (BT *Gitten* 59b). Maimonides was more expansive on this point in his legal code: 'The laws of the Torah are not a [source of] destruction in the world, but of loving-kindness, compassion, and peace in the world' (*MT*, Laws of the Sabbath 2:1). The religious and moral value Jewish tradition places on peace is so high that it understands *shalom* to be one of the names of God (BT *Shabbat* 10b, based on Judg 6:24). Unlike the Tetragrammaton this is not a proper name, rather it is something that acquires meaning through how humans shape their relations with God and human creatures. As such, Jewish religious authorities possess the authority to enact public edicts for the purpose of effecting peaceful relations, sometimes even when such enactments entail contradicting biblical laws. Nor does the ethical value of peace and its potency refer only to pacific relations between nations or societies; it also applies to domestic harmony between husband and wife and to bilateral harmony between individuals (BT *Hullin* 141a; Maimonides, *MT*, Laws of Chanukah 4:14)

The moral and religious obligation for Jews to pursue the ethical life is summed up in Deut 6:18: 'You shall do what is right and good in the eyes of the Lord'. Traditional Jewish rabbis and ethical thinkers also took as their lodestars the teaching of the biblical prophets:

It has been told to you, O man, what is good and what the Lord demands of you: only to act justly, and love kindness, and walk humbly with your God. (Mic 6:8)

This is what the Lord Almighty said: 'Administer true justice; show mercy and compassion to one another'. (Zech 7:8–9)

### **1.3 Guiding vision**

The third level in the structure of Jewish ethics is its ultimate guiding vision, understood as the *summum bonum* (highest good) of Jewish life that animates the entire system. This is the messianic vision of a society suffused with peace, justice, compassion, and knowledge of God. Jewish tradition claims that Jews are obligated to realize this ideal over human history by virtue of their covenant with God (Isa 2:1–6). Maimonides articulated his vision of the idyllic messianic era in the final passage of his legal code *MT* (*Laws of Kings and their Wars*, 12:5). As the final crescendo of his compendium, he understood these conditions to be the ultimate objective of Jewish Law and ethics.

The global enterprise of Jewish ethical and religious life subscribes to historical progress. That is, the vision of a messianic era is the endpoint of history, supplying direction and purpose to normative Jewish behaviour. The messianic ideal is not merely a theoretical idea but a practical goal, to be worked towards through individual acts in a gradual manner, according to Jewish rational theologians. Unlike other theologies and mystical systems, the Jewish conception of the messianic era occurs within empirical history. Thus, taking the messianic vision seriously entails assuming moral responsibility for building a better future and repairing the world, which is known by the popular Hebrew phrase *Tiqqun Olam*. Jewish ethics therefore is activist, and resists impulses of historical passivity or determinism. Ultimately, all acts – whether ritual or interpersonal – are designed to produce this final *telos* (end/goal) envisaged by the Jewish prophets:

And they shall beat their swords into ploughshares and their spears into pruning hooks. Nation shall not take up sword against nation; They shall never again know war; But every man shall sit under his vine or his fig tree with no one to disturb him. (Mic 4:3–4; Isa 2:2–4)

The Jewish neo-Kantian thinker Herman Cohen noticed in the early twentieth century that this messianic dream supplies not only vision and inspiration but also practical motive for ethical commitment since it ensures the ultimate efficacy of moral action over history.

The structure of Jewish ethics, therefore, is similar to a tree. Its branches are specific positivist laws, its trunk is formed by overarching generic values, and its roots are the ultimate messianic dream that nurtures the entire living body.

## **2 Jewish ethics and Jewish theology**

As can be seen from the above analysis, classical Jewish ethics is based on Jewish theological principles – the axiom that human beings are created in the divine image, the imitation of God's attributes, revelation, divine commandments, and the messianic vision. The inextricable connection between Jewish theology and ethics is clearly exhibited in Leviticus 19, which enumerates eighteen ethical obligations humans have toward each other, e.g. the prohibitions against misleading, cheating, or hating others as well as the fundamental principle of 'love your fellow as yourself'. While some Rabbinic exegetes understood 'your fellow' (*ra'ekhahah*) in this verse to denote 'your peer', i.e. another Jew, the Bible also obligates Jews to love the 'stranger' (*ger*; Lev 19:34; Deut 10:19). The Talmudic rabbis expanded this obligation to include supporting, providing safe domicile to, and defending Gentiles in a Jewish polity (BT *Gerim* 3:3, 4). Significantly, all the interpersonal ethical obligations found in Leviticus 19 are framed by the theological imperative to strive for holiness because God is holy (Lev 19:2) and the commandment to obey God who liberated the Jewish people from slavery in Egypt (Lev 19:36–37). In both

the Bible and traditional Jewish ethics, moral imperatives lose their foundation without their theological presuppositions.

The nexus between Jewish theology and ethics is also graphically illustrated by a Rabbinic parable based on Deut 21:23, which prohibits allowing the corpse of an executed criminal to remain hanging throughout the night:

There were once twin brothers who were identical in appearance. One became king, while the other became a brigand and was hanged. When people passed by and saw the brigand hanging, they exclaimed, 'The King is hanging. The King is hanging'. (*Midrash Tanhuma*, Deut 21:23)

In this parable the human being is mistaken for God. Thus when a person abuses a human being – even a human body that has lost its soul – he or she *ipso facto* defames and blasphemes God because each human reflects God's image. *Tselem Elohim* constitutes, therefore, an essential bridge between ethics and theology. God is present in all human relationships; in effect there are no exclusively bilateral human relations. Ethical acts always have theological implications; how one treats another necessarily reflects on God. The doctrine that all human beings are created in the image of God demands that there be no cleavage between moral and religious duties, between Jewish ethics and theology.

If the intrinsic value of human life based on the theological axiom that all persons are created in the image of God is the beginning of Jewish ethics, the messianic dream is the endpoint of Jewish ethics, and it fuses moral perfection and theological knowledge. Here is Maimonides' formulation of that ideal:

At that time there will be no starvation; there will be no hunger, no war; nor will there be any jealousy, nor any strife. Blessings will be abundant, comforts within the reach of all. The single preoccupation of the entire world will be to know the Lord [...] There will be great sages who will attain an understanding of the Creator to the utmost capacity of the human mind (end *MT*).

Here peace and moral perfection are the natural consequences of 'the full knowledge of God'. Theological perfection necessarily leads to ethical progress, because the ideal state of affairs is a world where every person fully recognizes the image of God in others. Thus while some Jewish theologies stress obedience to commandments and exhibit a nearly-exclusive deontological form, the project of Jewish ethics is fundamentally teleological and rational, i.e. oriented to promoting intermediate objectives toward this ultimate ideal.

This explains why Jewish ethical discussion typically contains a minimum of dogma and a maximum of prudential reasoning. Divine Command Morality finds little quarter within Jewish ethical writings.

### **3 Jewish ethics and Jewish Law (Halakhah)**

Jewish Law plays a dominant part in normative Jewish thought and life, prescribing and prohibiting – as does Jewish ethics – correct behaviour. Yet Halakhah and Jewish ethics are conceptually independent. While legal norms are highly specific, ethical concepts are frequently too generic to be crystallized as law. The Rabbinic concept of '*lifnim meshurat ha-din*' ('before the line of the law') counsels Jews to pursue ethical values that are beyond strict law. Commitment to ethical values is understood as an a priori requisite to formulating correct theology, accurate Jewish teachings, and Jewish Law. Rabbinic maxims claim that 'civility (*derekh erets*) precedes the Torah', and 'where there is no civility, there is no Torah' (*Mishna Avot* 3:17). The Talmud teaches that following strict law and ignoring ethical values is evil and at times leads to tragedy and invokes divine punishment:

Jerusalem was destroyed only because [Jews] followed the laws of the Torah, i.e., they insisted on the law and did not act above and beyond the strict legal requirement. (BT *Baba Metsi'a* 30b)

Another Talmudic text saw following the strict law regarding the absence of any obligation to return the lost object of a gentile as barbaric (JT *Baba Metsi'a* 2:5). Medieval Rabbinic authorities concurred that Halakhah uninfluenced by ethical values is insufficient to ensure correct behaviour. One authority viewed acting on everything allowed by Halakhah as producing a despicable person (Nahmanides, commentary on Lev 19:2), while another saw it as pagan cruelty (Maimonides, *MT*, end Laws of Servants; *Guide* III:17). A number of modern Rabbinic thinkers have also articulated the palpable insufficiency of law to ensure correct human behaviour (Lichtenstein 1978: 107; Hirsch 2012, commentary to Lev 18:4 and Deut 6:18; Glasner 1977: Introduction; Kook 1994: Part 3: 318; 1995: Letter 89 [vol. 1]).

### **4 Jewish ethics as developmental**

The structure of Jewish ethics, as well as the relation of Jewish ethics to both Jewish theology and Jewish Law, indicate that Jewish ethics is a dialectical process, balancing values, law, and vision. Because of this balance Jewish ethics tends to be casuistic – reasoning about a particular case in a specific context – variable, and pluralistic, leaving room for competing opinions. There are few absolutes or 'categorical imperatives' in

Jewish ethical discussion. Only three commandments – the prohibitions against murder, idolatry, and adultery/incest – must be obeyed at the cost of sacrificing one's own life. At all other times both Jewish ethics and law call for violating a commandment in order to save human life. Yet even in these three limiting cases, the Talmud makes clear there are exceptions to the general rule (BT *Sanhedrin* 74a). Priorities, operative imperatives, and decisions are most often dependent upon the particulars at hand.

Crucial also is understanding Jewish ethics as developmental. Because of the balance of biblical law with human reason and its understanding of values, different applications of the same imperative can evolve and change normative behaviour over time. This is best demonstrated by the biblical command for Jews to blot out all traces of the Amalekite people and totally exterminate the Canaanite tribes when Joshua's conquered Canaan (Deut 25:17–19; 1 Sam 15:1, 3; Deut 7:1–2; 26:16–17). Taken literally this means killing every Amalekite and Canaanite – not only adult male combatants but also women and children.

There is no historical evidence that Jews in fact ever tried to fulfil this imperative literally, but even the theory and the potential for implementation disturbed Jewish thinkers over time. Recognizing the morally problematic nature of the command, the Talmudic rabbis ensured that the prescribed genocide never take place by announcing that the Assyrian king Sennacherib forced his vanquished peoples to intermarry as a way of subjugating them and undermining the threat of their own nationalisms. Hence, concluded the rabbis, it is impossible in principle to know that any specific person is descended from the Canaanite or Amalekite tribes, and the imperative to annihilate Amalekites is *per force* inoperative (*Mishna Yada'im* 4:4; BT *Berakhot* 28a; *Yebamot* 17b; *Yoma* 84b). Nearly one thousand years later, Maimonides went further and denied that these commandments would not apply even theoretically to Canaanites and Amalekites who accept the basic moral principles of civilization, i.e. the prohibitions against murder, theft, anarchy, and adultery/incest (*MT, Laws of Kings and their Wars*, 6:4). It is important to note that these developments were instituted by authorities who determined the normative understanding of Jewish Law and correct Jewish behaviour.

Similar conceptual and behavioural developments took place throughout the history of Jewish ethics regarding polygamy, capital punishment for heretics and Sabbath violators, slavery, corporal punishment, animal sacrifices, and monarchy. Here again there is a resistance to fundamentalism, and the thrust of progress dictated by the primacy of the ethical in Jewish tradition.

## **5 The *musar* movement**

In the middle of the nineteenth century a form of Jewish ethics termed '*musar*' developed in Lithuania (the Hebrew term '*musar*' is best translated as 'discipline'). The Musar

movement taught that meditation, humility, self-improvement, and development of ethical virtues would be effective antidotes to the influence of modern secular culture and would restore the traditional theological orientation and religious habits of young Eastern European Jews. It broke from the conventional educational strategies of the time by supplementing the rational analyses of Torah texts with spiritual exercises and studies geared toward developing personality virtues and regular moral habits. The ultimate objective of *musar* education was not the development of ethical values *per se*, but deeper spirituality, obedience, and religious consciousness.

The foremost leader of *musar* was R. Israel Lipken Salanter, who left his post at the traditional yeshiva in Vilna (Vilnius) to develop his own educational methods. To strengthen his focus on the development of an ethical personality, Salanter utilized as curricular materials three prior ethical tracts: *Mesilat Yesharim* ('The Path of the Honest Ones') by Moshe Chaim Luzzatto, *Tiqqun Middot ha-Nefesh* ('Improvement of the Soul') by Solomon ibn Gabirol, and *Heshbon Ha-Nefesh* ('The Accounting of the Soul') by Menachem Mendel Lefin.

Contrasting important *musar* schools evolved in Slabodka (now Kaunas, Lithuania) and Novaradok (near Minsk, Belarus) at the end of the nineteenth century. The former was led by R. Nosson Tzvi Finkel, and stressed the greatness of the human being because he was created in the image of God, while the latter was led by R. Yosef Yozel Horwitz and stressed the negation of ego and the physical world. After its apex in the first decades of the twentieth century, the *musar* movement went into decline after the Second World War. It has experienced some revival in the twenty-first century, paradoxically both in liberal, non-traditional communities and in ultra-Orthodox Jewish institutions.

## **6 Present and future challenges of Jewish ethics**

Jewish ethics is an ongoing interpretative process of bringing traditional values and imperatives into harmony with evolving moral consciousness and sensibilities. Hence, new challenges in the present and the future continually confront that intellectual discipline. The rapid pace of technological change in the biomedical sciences and in cyber-technology has dramatically altered contemporary life and offers new possibilities for the future. These give rise to profound ethical questions around extending and terminating life, genetic engineering, transplanting vital organs, conception and pregnancy, disease prevention, privacy, and the use of artificial intelligence. Contemporary and future Jewish ethics will have to grapple with these new areas based on its traditional methodologies and guiding values, when scientific and technological breakthroughs are thrown into the mix (see, for example, [A Jewish Theological Perspective on Technology](#)).

Other major areas requiring ethical rethinking are the status of women, women's rights in Jewish life, and gender (see [Feminist Theologies](#)). Traditional Jewish life was structured

around a patriarchal dominance in domestic, religious, and political life, as well as social roles, authority, scholarship, marriage, divorce, and ritual performance. This leads to questions such as: how much of the post-modern egalitarian ethos ought to influence Jewish values and living patterns? How should the recent discovery of gender fluidity influence Jewish ethics and behaviour? Jewish ethics must find a way to respect tradition and precedent while taking into account the modern sensibilities of justice and equality for women's rights and roles, as well as the fair treatment of same-sex oriented individuals and sexually nonbinary persons. These questions are hotly debated today by ethicists, rabbis, philosophers, writers, and leaders of Jewish communities, which illustrate the evolutionary and pluralistic nature of Jewish ethics. There is no consensus on the proper understanding and policies regarding the hitherto marginalized persons cited above. Regarding the status of women, American Reform Judaism first admitted a woman (Sally Priesand) to its Rabbinate in 1972, while the Conservative Movement ordained its first woman rabbi (Amy Eilberg) thirteen years later in May 1985. As early as 1977, Reform, Reconstructionist, and secular Jewish ethicists began to call for legislation permitting same-sex activity and in the 1990s eliminated all the traditional inequalities and marginalization of women and same sex persons, emphasizing full legal, social, and religious equality for them. The rabbis and ethicists of Conservative Judaism have also moved in this direction, albeit at a slower pace since they still claim fidelity to traditional Halakhah which in the past posed obstacles to full equality and normalization of these persons. In 2006, the Conservative Movement's Committee on Law and Standards accepted the legal opinion expressed by Rabbis Elliot Dorff, Daniel Nevins and Avram Reisner in their responsum, *Homosexuality, Human Dignity and Halakhah*, which normalized the status of same-sex-attracted individuals by officially welcoming them in Conservative synagogues and opened the door for same-sex-attracted couples to marry and become Conservative officiants. Even some contemporary Modern Orthodox groups in America and Israel are beginning to recognize women rabbis and religious authorities, and are working to remove the traditional stigmas and restrictions against same-sex oriented Jews. Significantly, the justifications for all these developments are based on ethical arguments in which the concepts of equality, dignity, and the image of God are central considerations.

Contemporary right wing, centrist, and fervently Orthodox leaders continue to reject egalitarianism in all its forms and to insist on adhering to traditions of the past, which deny authority and political, communal, and religious leadership roles to women. These Orthodox groups and institutions have retained their classical intolerance of homosexuality as a practice and general non-acceptance of publicly-identified same-sex oriented men and women. Ethical valuations and policies towards such persons thus run a gamut from full acceptance and equality to limited inequality to rigid rejection.

Another fertile subject for future Jewish ethics is ecology and environmental concerns. While constituting a new area of ethical inquiry, the moral questions around conservation, sustainability, and ecological preservation should prove resonant within the traditional Jewish values of stewardship of the earth (Gen 2:15), the obligation to ensure human survival (Gen 1:28), the covenantal charge to bring blessing to the world (Gen 12:2–3) and to improve it, i.e. *Tiqqun Olam*.

The post-Emancipation status of Jews as equal citizens in Western democratic societies, combined with the reality of a secure Jewish homeland, affords Jews the possibility to relate to Gentiles as political and social equals. In the premodern diaspora, Jews were vulnerable and often victimized. Their condition of weakness generated an ethic of suspicion toward Gentiles. It remains to be seen whether Jews will be able to formulate a new ethic of partnership and equality with the gentile world. The international success of the State of Israel and Jewish sovereignty have contributed toward a greater sense of Jewish security, and the equality contemporary Jews hold offers them perhaps the first opportunity since the destruction of the Second Commonwealth in the first century CE to achieve this ethic of partnership.

The State of Israel possesses significant military and civil power, which has spawned new questions in the fields of military, social, and political ethics. Contemporary Jewish ethics must grapple with questions of how this power can be employed for legitimate self-defence, and the challenge to avoid dominating and exploiting others, i.e. it must define the line between the moral and immoral use of power. In addition, Jewish Israelis live in the condition of being a social majority, which is without precedent in 2,000 years. Jewish ethicists must determine what new responsibilities the governing Jewish majority in Israel has toward the minorities in its midst – a determination complicated by the hostility Israel experiences from its neighbouring countries. Foremost among these issues is the determination of Jewish ethical responsibilities toward the five million residents residing in the Palestinian territories, over which Israel has partial control. Israeli thinkers and ethicists continue to struggle with the ethics of occupying Palestinian territories, and the particular Israeli policies controlling the Arab populations in those areas that must be balance against legitimate considerations of Israeli self-defence and security. Opinions run the gamut from complete rejection of occupation on moral grounds, to defence of quasi-occupation on the grounds of security, to principled defence of occupation of all territories conquered in 1967 based on both security and religious grounds.

In effect, modern tolerance, civil equality, majoritarian conditions, independence, and the means of military defence comprise an experiment in transforming Jewish culture and its values: Israeli sovereignty poses challenges to the traditional image of Jews as victims, and the resultant ethic of suspicion. The guiding values of human beings created in the image of God, with its conferral of intrinsic dignity upon each person, can be the

foundation for a more universal ethic of partnership. Yet psychological and intellectual transformations born out of a sense of Jewish security and the willingness to shape a different Jewish future will also be required.

## **7 Modern and contemporary Jewish ethical writing**

The fast pace of social, technical, conceptual and cultural change in the last two centuries have generated a robust literature around Jewish philosophical, theological, political, military, personal, gender, and social ethics. Some modern Jewish ethical writings retain the traditional theological orientation while others veer away from biblical and Talmudic authority to champion a less religious and more rational philosophical process.

## **8 Note on primary sources**

For the following tractates in the Babylonian Talmud, see Epstein 1961:

- *Tractate Baba Qama*
- *Tractate Sanhedrin*
- *Tractate Yada'im*
- *Tractate Yebamot*
- *Tractate Baba Metsi'a*
- *Tractate Berakhot*
- *Tractate Hullin*
- *Tractate Gittin*
- *Tractate Sanhedrin*
- *Tractate Sh'vi'it*
- *Tractate Sotah*
- *Tractate Yoma*

For the following tractates in the Jerusalem Talmud, see Guggenheimer 2020:

- *Tractate Baba Metsi'a*
- *Tractate Tractate Nedarim*
- *Tractate Tractate Terumot*

Other primary sources include:

- *Midrash Tanhuma, Deuteronomy*
- *Mishna, Avot*
- *Mishna, Sanhedrin*

## **Attributions**

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