

Water Wears Away Stone: How Halakhah Shapes us as Ethical Agents

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Maimonides: Halakhah as "Getting the Story Straight"

1) The Law as a whole aims at two things: the welfare of the soul and the welfare of the body. As for the welfare of the soul, it consists in the multitude's acquiring correct opinions corresponding to their respective capacity. *Guide of the Perplexed*, trans. Pines, III:26

2) ...every *commandment* from among these *six hundred and thirteen commandments* exists either with a view to communicating a correct opinion or to putting an end to an unhealthy opinion, or to communicating a rule of justice, or to warding off an injustice, or to endowing men with a noble moral quality or to warn them against an evil moral quality. Thus all [the commandments] are bound up with three things: opinions, moral qualities, and political civic actions" (*Guide* III:31).

3) *The commandments* ...we have enumerated in the *Book of Love*. All of them have manifest reasons and evident causes. I mean that the end of these actions pertaining to divine service is the constant commemoration of God, the love of Him and the fear of Him, the obligatory observance of the *commandments* in general, and the bringing-about of such belief concerning Him, may He be exalted, as is necessary for everyone professing the Law. Those commandments are: prayer, the *recital of Shema*, the *blessing of food*, and what is connected with it, the *blessing of the Priests, phylacteries, the inscription on the posts of the houses and on the gates*, acquiring a *book of the Torah* and reading it at certain times. All these are actions that bring about useful opinions" (*Guide* III:44).

Moses Mendelssohn: So that the Children (and adults?) Will Ask

4)...how difficult it is to preserve the abstract ideas of religion among men by means of permanent signs. Images and hieroglyphics lead to superstition and idolatry, and our alphabetical script makes man too speculative. It displays the symbolic knowledge of things and their relations too openly on the surface and it spares us the effort of penetrating and searching, and creates too wide a division between doctrine and life. In order to remedy these defects the lawgiver of this nation gave the ceremonial law. Religious and moral teachings were to be connected with men's everyday activities. The law, to be sure, did not impel them to engage in reflection; it prescribed only actions, only doing and not doing. The great aim of this constitution seems to have been: Men must be impelled to perform actions and only induced to engage in reflection.

Jerusalem: Or, On Religious Power in Judaism, Trans. Arkush (118-9).

5) In everything a youth saw being done, in all public as well as private dealings, on all gates and on all doorposts, in whatever he turned his eyes or ears to, he found occasion for inquiring and reflecting, occasion to follow an older and wiser man at his every step, to observe his minutest actions and doings with childlike attentiveness and to imitate them with childlike docility, to

inquire after the spirit and the purpose of those doings and to seek the instruction which his master considered him capable of absorbing and prepared to receive (*Jerusalem*, 118-9).

Mara Benjamin: Love as Routine Care

6) To be a Jew is not to be free from constraint; rather, it is regularly to experience the movement from ignoble bondage in Egypt ('*avdut*) to divine service ('*avodah*'): 'For unto Me the children of Israel are servants; they are my servants whom I brought forth out of the land of Egypt: I am YHVH your God.' (Lev. 25:55). By wrapping oneself in tefillin, the worshipper reenacts this narrative and assents to it.

The liturgical basis for placing the tefillin straps around the finger, from the prophet Hosea (2:19), attests that the yoke of divine service is borne in love: 'And I will betroth thee unto Me forever; yea, I will betroth thee unto Me in righteousness, and in justice, and in lovingkindness, and in compassion. I will betroth thee unto Me in faithfulness; and thou shalt know YHVH.' Server and served are bound in love. By matching words of betrothal to that act of laying tefillin, the rabbis implicitly claim that the Torah and *mitzvot* were given as a lasting sign of divine commitment and devotion. The Jew who binds his arm responds to this gift by committing himself to a life of steadfast service.

The Obligated Self: Maternal Subjectivity and Jewish Thought (xiii).

7) Maternal experience of caregiving as love illuminates God's love for Israel and Israel's response in the performance of mitzvot. Maternity offers, in this way, a corrective in a culture that defines love strictly as an involuntary emotion, as irrational and therefore radically uncontrollable. While Jewish sources recognize that love includes this mysterious, uncontrollable, and unwilled dimension, they also suggest that rigorous, active practice can cultivate love.

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Parental caregiving manifests this performative aspect of love. Most of the time, affect state is not the key factor that drives parents to attend to their children or prevents them from doing so. Primal, visceral love of one's child as powerful as it can be, does not always (or perhaps even usually) tell a parent what to *do* vis-a-vis one's child any more than does one's equally primal frustration or rage. As in Sara Ruddick's discussion of one's preservative love characteristic of maternal thinking, the right question is not 'What did you feel?' but rather 'What did you do?' ...Proper human action in daily life cannot rest or fall on enthusiasm, zeal, or intensity of feeling; certainly one cannot rely on these feelings to keep a dependent creature alive. Parents execute their daily acts of diaper-changing, cleaning, and feeding their young children as an expression of their love, but child-rearing demands that acts of service continue even when parents don't want to attend their children and when they don't feel affectionate toward them.

Likewise, the people of Israel are to perform mitzvot out of, and as the expression of, their love of God. The validity of the performance does not depend on whether an individual is gripped, moment to moment, by a sense of gratitude or love of God. Instead, performance becomes a means by which action can be regulated (*The Obligated Self*, 26-7).

Coda: Two Approaches to Individual Differences:

Benjamin: Legal Obligation as Particular Obligation

8) ...To be an obligated self was to be subject to the law of another: the Law of the Baby. The law could not be fulfilled in abstract but only in active, embodied material actions: soothing feeding, cleaning, comforting, distracting, smiling, and wiping. It became the law of the crying toddler who sought out not just any, but specifically *our* (or *my*), comfort: the law of her seeking out our, or my, face for approval or interest.

The Law of the Baby was not the Law of Any Baby but rather the Law of This Baby. This Baby had to be woken up throughout the night to eat because she was born small. This Baby responded with great interest to one particular plush toy. This Baby's imperative was to hold her at a certain angle so she would fall asleep for a nap. The next day, the next week, This Baby no longer responded to that position or that toy (*The Obligated Self*, 9).

Maimonides: Perfection only for Some

9) Among the things that you likewise ought to know is the fact that the Law does not pay attention to the isolated. The Law was not given with a view to things that are rare. For in everything that it wishes to bring about, be it an opinion or a moral habit or a useful work, it is directed only toward the things that occur in the majority of cases and pays no attention to what happens rarely or to the damage occurring to the unique human being because of this way of determination and because of the legal character of governance... you will not wonder at the fact that the purpose of the law is not perfectly achieved in every individual and that, on the contrary, it necessarily follows that there should exist individuals whom this governance of the Law does not make perfect. For not everything that derives necessarily from the naturally specific forms is actualized in every individual ..." (*Guide III:34*).