

## What Should We Do? Morality, Torah, and History

### Morality *Within* Halakhah

#### 1. *Hovot Halevavot*, Introduction

The duties of the limbs likewise fall into two divisions: The **first** consists of precepts which **reason** would have dictated even if the Torah had not made them obligatory. The **second**, precepts received on the authority of **Revelation** which reason neither obligates nor rejects such as the prohibition of milk with meat... and similar precepts whose reason for being prohibited or obligatory is unknown to us. The duties of the heart, however, **are all rooted in rational principles...**

### Morality *Beyond* Halakhah

#### 2. R. Aharon Lichtenstein, "Does the Jewish Tradition Recognize an Ethic Independent of Halakhah?," *Modern Jewish Ethics* (Ohio University Press, 1975), 83

Traditional halakhic Judaism demands of the Jew both adherence to halakha and commitment to an ethical moment that though different from Halakha is nevertheless of a piece with it and in its own way fully imperative.

#### 3. Ramban, Commentary on Vayikra 19:2

The meaning thereof is as follows: The Torah has admonished us against immorality and forbidden foods, but permitted sexual intercourse between man and his wife, and the eating of [certain] meat and wine. If so, a man of desire could consider this to be a permission to be passionately **addicted** to sexual intercourse with his wife or many wives, and be *among winebibbers, among gluttonous eaters of flesh* (Proverbs 23:20) and speak freely all profanities, since this prohibition has not been [expressly] mentioned in the Torah, and thus he will become a **sordid person within the permissible realm of the Torah!** Therefore, after having listed the matters which He prohibited altogether, Scripture followed them up by a general command that we practice moderation even in matters which are permitted... He should also sanctify himself [to self-restraint] by using wine in small amounts, just as Scripture calls a Nazirite "holy" [for abstaining from wine and strong drink] (Numbers 6:8). and he should remember the evils which the Torah mentioned as following from [drinking wine] in the cases of Noah (Genesis 9:21) and Lot (Ibid., 19:33)... Likewise he should guard his mouth and tongue from being defiled by **excessive** food and by lewd talk, similar to what Scripture states, *and every mouth speaketh wantonness* (Isaiah 9:16)... It is with reference to these and similar matters that this general commandment [*Ye shall be holy*] is concerned, after He had enumerated all individual deeds which are strictly forbidden...

#### 4. Ramban, Commentary on Devarim 6:18

The intent of this is as follows: At first he [Moses] stated that you are to keep His statutes and His testimonies which He commanded you, and now he is stating that even where He has not commanded you, give thought, as well, to do what is good and right in His eyes, for He loves the good and the right. **Now this is a great principle, for it is impossible to mention in the Torah all aspects of man's conduct with his neighbors and friends, and all his various transactions, and the ordinances of all societies and countries.** But since He mentioned many of them — such as, *Thou shalt not go up and down as a talebearer* (Leviticus 19:16). *Thou shalt not take vengeance, nor bear any grudge* (Ibid., Verse 18). *Neither shalt thou stand idly by the blood of thy neighbor* (Leviticus 19:16). *Thou shalt not curse the deaf* (Ibid., Verse 15). *Thou shalt rise up before the hoary head* (Ibid., Verse 32). and the like — he reverted to state in a general way that, in all matters, one should do what is good and right, **including even compromise and, going beyond the requirements of the law.** Thus [a person must seek to refine his behavior] in every form of activity, until he is worthy of being called “good and upright.”

#### 5. Rambam, Mishneh Torah, Yesodei HaTorah 10

There are other things included in desecrating God's name, although they are not of themselves either among the mandatory or prohibitive commandments, as for example, when a great man, famed for his learning and piety, will do something that the public will suspect him on account thereof, **even though such deeds be not transgressions**, yet he has desecrated God's name, as for example: if he makes a purchase and does not pay for it at once, although he has the money and the vendors are claiming it and he delays them; or if he indulges in frivolity, or eats and drink with and among the ignorant, or if his speech with his fellow men be not polite, or if he does not receive them pleasantly, but acts as one looking for strife and shows anger. In such and like matters, all measured by the standard of the greatness of such scholar, he must take particular care, **and act exceedingly better than the law requires.** Conversely, if the scholar restrains himself, speaks politely to his fellow men, and when among them acts like one of them, and receives them pleasantly, takes abuse from them but never gives abuse to them in return, respects them, even those who do not respect him, acts in business honestly, does not remain in company with the unlearned, nor visits their assemblies, and is rarely seen otherwise than to be engaged in the study of the Torah, wrapt in the prayer-garment and adorned with phylacteries, and performs his duties exceedingly more than the law requires, **provided he does not go to extremes and does not act so ridiculously**, so that all praise him and love him and crave to imitate his actions, behold he doth sanctify the Lord, and concerning him, the verse speaks, saying: "And He said unto me, thou art my servant, Israel, in whom I am glorified." (Is. 49.3).

## Halakhah – *Between Truth and Morality*

### 6. **Rambam, *Moreh Nevukhim* I:2**

Reason discerns true from false. Adam had it fully and flawlessly. But fair and foul are matters not of reason but of repute: We do not say that it is fine that the heavens are spherical, or foul that the earth is flat, but that this is true and that false.

### 7. **Rambam, *Moreh Nevukhim* III:27**

The Torah has two aims: material and spiritual well-being. Spiritual well-being comes when the masses, so far as they are able, attain sound beliefs... Material well-being is won by improving human relations in two ways: ... (b) by everyone's acquiring traits of character beneficial to society and conducive to civic order.

### 8. **Rambam, *Moreh Nevukhim*, III:32**

It just is not possible to shift abruptly from one extreme to another. Human nature cannot simply drop everything familiar all at once. ... But the familiar mode of worship, the ways we grew up with, prevalent all through the world in those days, meant only sacrificing various animals in the temples where those images were set up, bowing down to them, and burning incense before them. The pious and devout in those days were devoted to service in those temples consecrated to the stars, as I explained. So with the grace and wisdom evident all through creation, God's Law did not simply annul, reject, and abolish such worship. Human nature, always so attached to the familiar, could not conceive of accepting such a law. It would have been the same in those days as if some prophet today, in calling people to serve God, were to say, 'God forbids you to pray, fast, or call on Him in distress. Your worship must be meditation alone and no act at all.' So God preserved these ways of worship but shifted them to His name rather than objects man-made or imagined

### 9. **Rambam, *Shemoneh Perakim*, ch. 6**

At first blush, by a superficial comparison of the sayings of the philosophers and the Rabbis, one might be inclined to say that they contradict one another. Such, however, is not the case. Both are correct and, moreover, are not in disagreement in the least, as the evils which the philosophers term such—and of which they say that he who has no longing for them is more to be praised than he who desires them but conquers his passion—are things which all people commonly agree are evils, such as the shedding of blood, theft, robbery, fraud, injury to one who has done no harm, ingratitude, contempt for parents, and the like. The prescriptions against these are called commandments, about which the Rabbis said, "If they had not already been written in the Law, it would be proper to add them." Some of our later sages, who were infected with the unsound principles of the Mutakallimun, called these rational laws. There is no doubt that a soul which has the desire for, and lusts after, the above-mentioned misdeeds, is imperfect, that a noble soul has absolutely no desire for any such crimes, and experiences no struggle in refraining from them. When, however, the Rabbis maintain that he who overcomes his desire has more merit and a greater reward (than he who has no temptation), they say so only in reference to laws that are ceremonial prohibitions. This is quite true, since, were it not

for the Law, they would not at all be considered transgressions. Therefore, the Rabbis say that man should permit his soul to entertain the natural inclination for these things, but that the Law alone should restrain him from them.

### **Morality *Against* Halakhah**

#### **10. Rambam, *Moreh Nevukhim* III:34**

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 the governance... 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... Governance of the Law ought to be absolute and universal, including everyone, even if it is suitable only for certain individuals and not suitable for others; for if it were made to fit individuals, the whole would be corrupted and you would make out of it something that varies. For this reason, matters that are primarily intended in the Law ought not to be dependent on time or place; but the decrees ought to be absolute and universal...

#### **11. Rambam, *Shemoneh Perakim*, ch. 1**

Thou knowest that the improvement of the moral qualities is brought about by the healing of the soul and its activities. Therefore, just as the physician, who endeavors to cure the human body, must have a perfect knowledge of it in its entirety and its individual parts, just as he must know what causes sickness that it may be avoided, and must also be acquainted with the means by which a patient may be cured, so, likewise, he who tries to cure the soul, wishing to improve the moral qualities, must have a knowledge of the soul in its totality and its parts, must know how to prevent it from becoming diseased, and how to maintain its health.

#### **12. Rambam, *Shemoneh Perakim*, ch. 5**

If there be found a man who has accomplished this—that is one who exerts all the faculties of his soul, and directs them towards the sole ideal of comprehending God, using all his powers of mind and body, be they great or small, for the attainment of that which leads directly or indirectly to virtue—I would place him in a rank not lower than that of the prophets.

Such a man, before he does a single act or deed, considers and reflects whether or not it will bring him to that goal, and if it will, then, and then only, does he do it. Such striving does the Almighty require of us, according to the words, “Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy might”, that is, with all the faculties of thy soul, each faculty having as its sole ideal the love of God. The prophets, similarly, urge us on in saying, “In all thy ways know Him”, in commenting upon which the sages said, “even as regards a transgression,” meaning thereby that thou shouldst set for every action a goal, namely, the truth, even though it be a transgression, from a certain point of view... This saying is found among their precepts, and is, “Let all thy deeds be done for the sake of God.”