

Foundations for a Thoughtful Judaism Ethics

SOURCES





CLASS 1

THE MORAL IMPERATIVE APPROACH

Source 1



Immanuel Kant, “On a Supposed Right to Lie from Philanthropy” (1797)

... if you have by a lie prevented someone just now bent on murder from committing the deed, then you are legally accountable for all the consequences that might arise from it. But if you have kept strictly to the truth, then public justice can hold nothing against you, whatever the unforeseen consequences might be. It is still possible that, after you have honestly answered “yes” to the murderer’s question as to whether his enemy is at home, the latter has nevertheless gone out unnoticed, so that he would not meet the murderer and the deed would not be done; but if you had lied and said that he is not at home, and he has actually gone out (though you are not aware of it), so that the murderer encounters him while going away and perpetrates his deed on him, then you can by right be prosecuted as the author of his death. For if you had told the truth to the best of your knowledge, then neighbors might have come and apprehended the murderer while he was searching the house for his enemy and the deed would have been prevented. Thus one who tells a lie, however well disposed he may be, must be responsible for its consequences even before a civil court and must pay the penalty for them, however unforeseen they may have been; for truthfulness is a duty that must be regarded as the basis of all duties to be grounded on contract, the laws of which is made uncertain and useless if even the least exception to it is admitted. To be truthful (honest) in all declarations is therefore a sacred command of reason prescribing unconditionally, one not to be restricted by any conveniences (8:427).



Source 2



Maimonides, *Mishneh Torah*, Laws of the Foundations of the Torah 5:5

...אם אמרו להם עובדי פוכבים תנו לנו אחד מכם ונהרגנו ואם לאו נהרג כלכם. יהרגו כלם ואל ימסרו להם נפש אחת מישראל. ואם יחדוהו להם ואמרו תנו לנו פלוני או נהרג את כלכם. אם היא מחיב מיתה כשבע בן בכרי יתנו אותו להם. ואין מורין להם פן לכתחלה. ואם אינו חיב מיתה יהרגו כלן ואל ימסרו להם נפש אחת מישראל:

...If idolaters will say to a group of people: "Yield us one of you and we will kill that one, if not we will kill you all," let all of them be killed rather than surrender to them one soul in Israel. If, however, they single out the one, saying: "Give us that person, if not we will kill you all," if that person be guilty of a capital crime, as, for example, Sheva son of Bichri, they may surrender that person to them, but it is not commendable to advise them to do so; if that person be not guilty of a capital crime, they all must submit rather than surrender them one soul in Israel.

Source 3



Abraham Joshua Heschel, "The Reasons for My Involvement in the Peace Movement" (1973)

The more deeply immersed I became in the thinking of the prophets, the more powerfully it became clear to me what the lives of the prophets sought to convey: that morally speaking there is no limit of the concern one must feel for the suffering of human beings. It also became clear to me that in regard to cruelties committed in the name of free society, few are guilty, but all are responsible. I did not feel guilty as an individual American for the bloodshed in Vietnam, but I felt deeply responsible. 'Thou shalt not stand idly by the blood of thy neighbor' (Leviticus 19:15). This is not a recommendation but an imperative, a supreme commandment. And so, I decided to change my mode of living and to become active in the cause of peace in Vietnam...

Although Jewish tradition enjoins our people to obey scrupulously the decrees issued by the government of the land, whenever a decree is unambiguously immoral, one nevertheless has a duty to disobey it.



Source 4



Babylonian Talmud Shabbat 33b

דיתבי רבי יהודה ורבי יוסי ורבי שמעון, ויתיב יהודה בן גרים גבייהו. פתח רבי יהודה ואמר: כמה נאים מעשיהן של אומה זו: תקנו שווקים, תקנו גשרים, תקנו מרחצאות. רבי יוסי שתק. נענה רבי שמעון בן יוחאי ואמר: כל מה שתקנו - לא תקנו אלא לצורך עצמן, תקנו שווקין - להושיב בהן זונות, מרחצאות - לעדן בהן עצמן, גשרים - ליטול מהן מכס. הלך יהודה בן גרים וסיפר דבריהם, ונשמעו למלכות. אמרו: יהודה שעילה - יתעלה, יוסי ששתק - יגלה לציפורי, שמעון שגינה - יהרג.

אזל הוא ובריה טשו בי מדרשא. כל יומא הוה מייתי להו דביתהו ריפתא וכוזא דמיא וכרכי. כי תקיף גזירתא, אמר ליה לבריה: נשים דעתן קלה עליהן, דילמא מצערי לה ומגליא לן. אזלו טשו במערתא. איתרחיש ניסא איברי להו חרובא ועינא דמיא. והוו משלחי מנייהו, והוו יתבי עד צוארייהו בחלא, כולי יומא גרסי, בעידן צלויי לבשו מיכסו ומצלו, והדר משלחי מנייהו כי היכי דלא ליבלו. איתבו תריסר שני במערתא. אתא אליהו וקם אפיתחא דמערתא, אמר: מאן לודעיה לבר יוחי דמית קיסר ובטיל גזרתיה? נפקו. חזו אינשי דקא כרבי זורעי, אמר: מניחין חיי עולם ועוסקין בחיי שעה! כל מקום שנותנין עיניהן - מיד נשרף. יצתה בת קול ואמרה להם: להחריב עולמי יצאתם? חיזרו למערתכם! הדור אזול. איתבו תריסר ירחי שתא. אמרי: משפט רשעים בגיהנם - שנים עשר חדש. יצתה בת קול ואמרה: צאו ממערתכם! נפקו, כל היכא דהוה מחי רבי אלעזר - הוה מסי רבי שמעון. אמר לו: בני, די לעולם אני ואתה. בהדי פניא דמעלי שבתא חזו ההוא סבא דהוה נקיט תרי מדאני אסא, ורהיט בין השמשות. אמרו ליה: הני למה לך? - אמר להו: לכבוד שבת. - ותיסגי לך בחד? - חד כנגד זכור, וחד כנגד שמור. - אמר ליה לבריה: חזי כמה חביבין מצות על ישראל! יתיב דעתייהו.

Rabbi Judah, Rabbi Yose, and Rabbi Simeon were sitting, and Judah, a son of proselytes, was sitting near them. Rabbi Judah commenced [the discussion] by observing, 'How fine are the works of [the Roman] people! They have made streets, they have built bridges, they have erected baths.' Rabbi Yose was silent. Rabbi Simeon b. Yohai answered and said, 'All that they made they made for themselves; they built market-places, to set harlots in them; baths, to rejuvenate themselves; bridges, to levy tolls for them.' Now, Judah the son of proselytes went and related their talk, which reached the government. They decreed: Judah, who exalted [us],



shall be exalted, Yose, who was silent, shall be exiled to Sepphoris; Simeon, who censured, let him be executed.

[Rabbi Simeon] and his son went and hid themselves in the study hall, [and] his wife brought him bread and a mug of water and they dined. [But] when the decree became more severe, he said to his son, [‘]Women are of unstable temperament: she may be tortured and expose us.’ So, they went and hid in a cave. A miracle occurred and a carob-tree and a water well were created for them. They would strip their garments and sit up to their necks in sand. The whole day they studied; when it was time for prayers they got dressed, covered themselves, prayed, and then put off their garments again, so that they should not wear out. Thus, they dwelled twelve years in the cave. Then Elijah came and stood at the entrance to the cave and exclaimed, who will inform the son of Yohai that the emperor is dead, and his decree annulled? so they emerged. Seeing a man plowing and sowing, they exclaimed, ‘They forsake life eternal and engage in life temporal!’ Whatever they cast their eyes upon was immediately burnt up. Thereupon a Heavenly Voice came forth and cried out, ‘Have you emerged to destroy My world: Return to your cave!’ So, they returned and dwelled there twelve months, saying, ‘The punishment of the wicked in Gehenna is [limited to] twelve months.’ A Heavenly Voice then came forth and said, ‘Go forth from your cave!’ Thus.’ [sic]; they issued: wherever Rabbi Elazar wounded, Rabbi Simeon healed. Said he to him, ‘My son! You and I are sufficient for the world.’ On the eve of Shabbat before sunset they saw an old man holding two bundles of myrtle and running at twilight. ‘What are these for?’ they asked him. ‘They are in honor of Shabbat,’ he replied. ‘But one should suffice you’?—One is for ‘Remember-’ and one for ‘Observe.’ [Rabbi Simeon] said to his son, ‘See how precious are the commandments to Israel.’ And their minds were tranquilized.