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MAKING JEWISH MORAL DECISIONS

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Let's suppose that during this past week you were faced with a morally challenging decision, which is not a far-fetched possibility. Say you were faced with a situation that demanded much of your time, energy, and spirit until it was resolved. Our favorite source for examples of such circumstances is the *New York Times* Sunday Magazine column, "The Ethicist."

We know of several approaches and sources individual Jews use to help them make moral decisions. The first and by far the most popular we've seen is how they *feel*, whether or not they're *comfortable* with a particular decision. But it should go without saying that feelings are no test of what's morally appropriate. To take the most egregious example, Hitler felt "comfortable" ordering the murder of millions of Jews, Gypsies, homosexuals, and political opponents. And on a much more mundane level, we know many Jews who feel comfortable engaging in *lashon hara*, gossip, which destroys the spiritual well-being and practical welfare of others. How we *feel* often reflects nothing more than our emotional learning history, and so our feelings are certainly not a reliable guide to making moral choices, popular opinion notwithstanding.

The second major approach to moral decision-making is to rely on various forms of higher education and knowledge. Familiar examples include: philosophy and ethics, other religious and spiritual traditions, and even physical and social scientific knowledge. While extraordinarily instructive lessons for life can be drawn from philosophy and ethics, and other religious and spiritual traditions, they have two significant drawbacks for us: They are not addressed to us in particular as Jews, having a unique history and purpose as a people; and they don't comprise an integrated curriculum of wisdom and knowledge, one that forms a foundation which enables us to become a unified community and people, ensuring our survival and success, despite our inconsequential numbers. Since these alternative approaches and sources comprise myriad possibilities from which individuals may select what personally moves them, the result is a hodge-

podge of convictions and commitments, which more often than not undermine rather than build unified Jewish community.

Occasionally, physical and social sciences are also sources of moral decision-making. But for all their value, science and scientists—including those who treat their method and its results with religious awe—are not devoted formally to asking and answering *moral* questions. Their common conviction, which is widely promoted and publicized, is that science should be divorced entirely from moral wisdom and knowledge. For example, in his essay "Science and Morality,"* Edward Teller of the conservative Hoover Institution at Stanford University, never once mentions God or religion. However, he notes that, "Politics considers what is right. . . . *Truth, morality, beauty*. It has been humanity's persistent hope that these three ideals should be consistent with each other. Yet successful activities in science, politics, and art diverge greatly, and I believe the three activities can be pursued initially without regard to each other, or without reconciling the possible conflicts that may arise."

Lastly, figuratively and literally, we may look to Torah as a source for making moral decisions. Although ironically, for most of us most of the time, Torah is not and cannot be our guide to resolving day-to-day moral challenges.

"Say what?" you say.

For starters, typically when we think of "Torah," what we have in mind is Torah *shebikhtav* (תורה שבכתב), the *written* Torah, the facsimiles of which reside in our synagogues. But then our tradition is also—in fact, primarily—based on Torah *shebal peh* (תורה שבעל פה), the oral Torah. What we know as rabbinic Judaism, which is founded on the written Torah, goes far beyond it in defining the purposes, parameters, and paths of Jewish life.

It's difficult practically to base our commonplace moral decisions on the written Torah. Like all statutory legal structures, it's typically far too general, doesn't cover the details of endless day-to-day

* *Science*, 280 (5367):1200-01 (May 22, 1998).

situations—it's mostly a juridical *vision*, not a map of well-marked paths. Moreover, every legal system produces an appellate body of law as well, what initially becomes its oral law, resulting from appeals regarding the meaning and application of its statutes, which in time is reduced to writing. And, of course, our oral law was eventually canonized and written in the Mishna and Talmud—which describe the *paths* of Jewish life.

Our tradition teaches that oral law dates from well before the events at Mount Sinai. But how old precisely is Jewish oral law, as demonstrated by examples from our sacred texts? We have the oral prohibition of eating from the tree of knowledge of good and evil in the Garden of Eden. We have the seven Noachide laws. We have the school of Shem and Ever in the time of Yaakov and Esav, which taught a new conception of, and way of relating to, God.

The oral law was taught to the people for 40 years before the outline of it in the form of the written Torah was committed to writing and given to them. Our tradition teaches that Moses received the *complete* Torah at Sinai. By the time the people received the written Torah 40 years later, not surprisingly they were already well versed in the oral law. When we responded as a whole people at Sinai with the words *na'aseh v'nishma* (נעשה ונשמע), we will do and we will hear, it was a commitment not only to *do* what had been spoken by God, but to *hear* that which had remained verbal, the oral law. The written Torah thus is understood as an *outline*, “like short notes on a lengthy lecture,” suggests Rabbi Samson Rafael Hirsch (1808-1888) in his commentary (Exodus 21:2).

The word we have for the oral law is “*halakhah*,” from the root הלך-לך-לך. It means to walk a path, to progress step by step towards a goal.

The Conservative movement, with which we have been affiliated, is a *halakhic* movement. It's not because we're “sticklers” for the law or because we regard the law as a fetish, irrationally convinced of its “magical” properties, or because we're simply slavishly devoted to it without any reason. We've been committed to Conservative Judaism as a movement because fundamentally we believe that neither our feelings nor other knowledge traditions are the best approaches and sources for us as Jews to find our way through the moral spiritual challenges of life.

Instead, in all our imperfect knowledge and action, we revere the Torah, complete in its written *and* oral incarnations, as the path of *wisdom* that can best bring us not only personal fulfillment but purpose and progress as a spiritual community and people.

But here's the rub: A sizable majority of Jews in our time have rejected the Torah as a source on which to base moral decisions and center their lives, which shouldn't be surprising since it's estimated that less than five percent of American Jews have read the written Torah in Hebrew, which is the only way to begin to truly understand it. And an even more miniscule percentage of Jews know anything of the oral law.

So we believe that if we Jews are to become all we can be—surviving and succeeding, unified as one spiritual Jewish community and people—more than anything else, we have to educate ourselves to the vision and path of the complete Torah, adopting it as the basis for making our day-to-day Jewish moral decisions.

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