YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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***Bein Adam Le-Chavero*: Ethics of Interpersonal Conduct**

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This week’s shiurim are dedicated by Mr Paul Pollack
in honor of Rabbi Reuven and Sherry Greenberg

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**Shiur #04: The Need for a Divine Command (Part 1 of 2)**

**Introductory Questions**

In the last two lessons, we described the universal elements of morality that are incumbent upon all humanity and rooted in the supernatural creation of man in the image of God. Beyond the universal elements of natural morality, the Jew has an innate disposition to do *chesed*, inherited from the Patriarchs, beginning with Avraham.

Taking this all into account, we might imagine that the Torah need not specify any obligations within the interpersonal realm. After all, if all mankind has been endowed with an inner moral calling, and the Jewish people have a heightened sense of this, why does the Torah not assume that everyone will act properly?

One possible explanation is that, despite man’s natural sense of morality, the Torah replaces any internal conscience and dictates a code of behavior for one to follow. God has determined that the Jewish people require commandments to replace natural morality. On the other hand, one might contend that the Torah does not supplant and replace natural morality; rather, it supplements it and adds on *mitzvot* we would not have known on our own. However, if this is so, then we are left to wonder about the *mitzvot* that are logical. Why does the Torah need to command behavior that should be self-evident? Wouldn’t man’s innate rational nature allow one to arrive at many of the *mitzvot* independently? What is added to the interpersonal realm by their being commanded?

One last point arises: *mitzvot* are often classified in one of two categories (to which we will attempt to add a third category in lesson 6); *mitzvot bein adam la-Makom*, ritual commandments between man and God, and *mitzvot bein adam la-chavero*, commandments regarding behavior towards one’s fellow human beings. However, if we think about it, since God is the One commanding us to behave in a certain manner to our friends, doesn’t this indicate that even the interpersonal commandments are obligations to God as well? What purpose then does this distinction serve?

To address these questions about interpersonal *mitzvot*, let us look into the nature of the Torah in the wake of natural morality. Doing so will hopefully enable us to see the fascinating model of Jewish ethical observance and what makes it so unique and powerful.

**Why the Need for a Command?**

The idea that we could have determined the boundaries of proper interpersonal behavior on our own seems to arise from the *Midrash*:

“You shall keep My statutes” (*Vayikra 18:4*) – these are the laws written in the Torah which, had they not been written, would have deserved to be included regardless. For example, theft, forbidden relations, idolatry, blasphemy, and murder — had they not been written, it would have been proper to write them. (*Torat Kohanim, Acharei Mot 9, 13)*

The examples cited by the *Midrash* do not depict acts of kindness, but rather restrictions of grossly harmful behavior. Yet, the question remains, if these laws “would have been proper” for mankind to implement even had they not been codified in the Torah, why did they need to be written at all?

Indeed, certain commandments are self-evident for the simple reason that man’s natural morality, rooted in the supernatural divine image that God has instilled in man (see Lesson 2), dictates standards of behavior. For this reason, Rav Saadia Gaon (in his introduction to *Emunot Ve-de’ot,* sec. vi) and later commentators distinguish between two types of divine commands: rational laws and revelational laws; the latter group became binding at Sinai when we accepted the Torah by declaring “*Naaseh ve-nishma*,” “We will do and we will listen” (*Shemot* 24:7).

If, as the *Midrash* and commentators declare, these rational *mitzvot* could easily have been developed through man’s innate sense of reason, then what is gained by God’s making them commandments? Seemingly, they are logical because they emanate from our natural sense of morality. In the final analysis, does our rational conscience obligate us at all in the interpersonal realm?

**Unique Application to the Jew**

The question is, essentially: what is the role of this natural morality after the Torah has dictated a specific set of principles governing our behavior? As Rav Lichtenstein poses it:

Does the Torah supplant or supplement universal values? ...Subsequent to the Jewish Nation’s formulation of a covenant) with God, are we still bound by the more general norms that preceded it? …What happens to more universal elements? Do these fall away because of the exclusivity of the new relationship? Or do we regard the new relationship as being superimposed upon the old, but not at odds with it? [[1]](#footnote-1)

An analysis of the gamut of Jewish sources creates a strong case that, in fact, the Torah does not come to replace this natural morality, but rather to elevate it and transform it. The Gemara (*Sanhedrin* 59a) states that it is inconceivable that there are *mitzvot* that are binding upon Noahides but not Israelites: “There is nothing that is permitted to a Jew, but forbidden to a non-Jew.” Rashi (ad loc., s.v. *La-zeh Ve-lazeh*) explains:

For when [the Children of Israel] were removed from the category of descendants of Noach, they were removed in order for them to become sanctified, not in order to make it easier for them.

The Gemara seems to make it clear that the Torah seeks to elevate the naturally moral divine nature within man. Being that the basis of “natural morality” is the supernatural composition of man, it would make sense that this obligation remains intact even after the giving of Torah. Man’s rational morality is a divine calling, which still has relevance. Rav Kook seems to express this idea in explaining the dictum “*Derekh eretz* *kadma la-Torah.”* Indeed, moral behavior preceded the Torah*,* for it acts as its anchor, as he writes:

Morality in its natural state, with all its profound splendor and might, must be fixed in the soul, so that it may serve as a substratum for the great effects emanating from the strength of Torah…

Every element of Torah must be preceded by *derekh eretz* [natural ethical behavior]. If it is something agreeable to natural reason and uprightness, it must pass in a straight path, with the inclination of the heart and consent of the pure will implanted in man, like theft, illicit sexual relations, and modesty which are learned from the ant, the dove, and the cat, and all the more so those things which are derived from the internal cognition of man himself and his spiritual sense. [[2]](#footnote-2)

It seems that God purposely ensured that man have this moral bedrock before the Torah was given. Rabbi Meir Simcha of Dvinsk relates that there are specific parts of the Torah which are written upon the hearts of the Jewish people — and to a certain extent, mankind as a whole. These intrinsic ideas serve as the guidebook for our actions even after the Giving of the Torah. Analyzing God’s words to Moshe (Shemot 24:12) at Sinai, "Come up to Me, to the mountain, and remain there; then I will give you the tablets of stone and the Torah and the commandments which I have written, that you may teach them,” he explains:

"Which I have written" cannot refer to the Torah and the commandments; see Rashbam. It seems that [we can understand this in light of the rabbinic dictum:] "Had the Torah not been given, we would have learned modesty from the cat, [aversion to] theft from the ant, [aversion to] sexual immorality from the dove, and [conjugal] *derekh eretz* from the fowl” (*Eruvin* 100b). Therefore [God] said, "Which I have written" — in the book of nature that I have created, which is the book of the Blessed One who created it. (*Meshekh Chokhma*, ad loc.)

At Sinai, then, "the book of nature" remained as one of the sources of obligation in *mitzvot* and morality. As Rav Lichtenstein (“Does Jewish Tradition Recognize an Ethic Independent of Halakha”, p. 66) concludes: “The religious and the ethical are inextricably interwoven; one cannot divorce Halakha from morality.”

In fact, for the Jew, the Torah’s elevation of one’s innate morality is doubly true. Beyond the natural inborn morality common to all humanity, the Jew possesses a unique soul from our ancestors, in which a merciful nature and a pull to kindness are inherent. With this in mind, we can revisit the Maharal’s view of “*Derekh eretz kadma la-Torah”* (cited in lesson 2), wherein he explains that the *Avot,* the Patriarchs, exemplify *derekh eretz*, the proper way to act, before the Giving of the Torah. The *Avot* bequeathed to us their nature and exemplary behavior without a divine command, and it is upon this foundation that the Torah was given to us, to elevate our natural tendencies.

However, if natural morality is expected of the Noahide nations and is obligatory for all of mankind to some degree, what makes the Jew and Judaism unique? What exactly does the Torah add, and what remains of our natural moral calling in our singular Jewish nature?

***Mitzvot Bein Adam La-Makom*: The Command**

Evidently, God feels that man must not rely on natural morality, with all of its importance; one must be commanded in the realm of ethical action. Jewish ethics is a divine mandate. This idea is expressed by a number of commentators at the beginning of the Mishnaic tractate of *Avot*, named for the Jewish Patriarchal tradition and often referred to in English as “Ethics of the Fathers”. *Avot* contains many of the moral teachings of the sages.

Of all the tractates in the Talmud, it is specifically *Avot* which begins by describing the transmission of the Torah to Moshe from Sinai, establishing the chain of tradition. It starts (1:1): “Moshe received the Torah from Sinai and transmitted it to Yehoshua, Yehoshua to the elders…” Rav Ovadya Bartenura (ad loc.) explains the reason for beginning *Avot* in this manner:

For this tractate is not founded on the interpretation of a specific commandment from the Torah like other tractates; rather, it consists entirely of *musar* (ethics) and *middot* (moral traits). Now, non-Jewish scholars have also produced works on similar topics, based on the ethical teachings they have developed by their own rational analysis, regarding how one should treat his fellow. Therefore, the author of the Mishna begins with the introduction, “Moshe received the Torah from Sinai,” to teach you that the ethical and moral teachings contained herein are not mere rational innovations: they were received at Sinai.

The same idea of the divinity of the ethical commandments within Jewish tradition is expressed in many other areas as well. Rav Joseph B. Soloveitchik comments that the Torah’s introduction to the Ten Commandments seems to go out of its way to express how our ethical calling is divine. The Ten Commandments (Decalogue) are given on two tablets, seemingly divided into five *mitzvot bein adam la-makom*, and five *bein adam la-chavero*. The Torah introduces the Decalogue with the verse, “And God spoke all [*kol*] these words, saying” (*Shemot* 20:1). Rashi explains the unique usage of the word *kol*:

This teaches us that the Holy One, Blessed be He, pronounced all these words in a single utterance, which is impossible for human beings.

Rav Soloveitchik explains that this singular utterance is significant in that it teaches us that “all Ten Commandments constitute an indivisible, organic unity. We have not ten commandments, but one, with ten aspects…’all’ in this context means …a totality, an interdependent oneness of all its seeming parts. Faith and morality are integrally one and inseparable.” (*Reflections of the Rav*, p. 193)

Rav Soloveitchik goes on further to explain how the Torah’s message of the indivisibility of the whole of the Ten Commandments serves a dual purpose. Not only does it impress upon us the necessity of a morality based on divine commandment, it also stresses the inconceivability of separating one’s ritual fulfillment from the ethical message of Judaism. “People who are ritualistically observant but ethically deficient distort Judaism. Their self-righteousness and presumed piety are hypocritical… It is moral schizophrenia to separate ethics from God.” (*Reflections of the Rav*, p.195)

The message seems to be clear: there is a religious imperative to be moral and ethical, and it is inseparable from one’s ritual observance. However, again we may ask, had the Torah not explicated what one would have logically determined on his own, what would have been insufficient in the laws one could develop based his innate sense of logic?

**The Torah’s Approach vs. Secular Humanism**

Secular humanists believe that man can be induced and motivated to pursue ethical norms without the absolute imperative of the divine. The teachings of rationalists throughout the centuries indicate that goodness can be learnable through the intellect. Contemplating proper behavior, one arrives at an understanding that naturally leads one to its fulfillment. The source of obligation of ethical principles is reason itself, natural morality. In a different context, Rav Aharon Lichtenstein (*By His Light*, p. 208) notes that Mathew Arnold defines culture as “the study of perfection” and literature, high culture, as “the best that has been thought and said in the world.” It is this that is supposed to refine man.

However, Rav Lichtenstein declares, “the dismal record of human performance in this area testifies to man’s most tragic failure in history.” [[3]](#footnote-3) The rationalist thinkers throughout the centuries have never succeeded in creating a culture of upstanding morality. Modern contemporary culture, in particular, has moved perceptibly away from many values it once cherished, “becoming increasingly vulgarized and inundated by permissiveness, hedonism, eroticism and violence” (*By His Light*, loc. cit.).

The Torah clearly feels that with all the power of reason and with all the influence of natural morality, commandment is necessary. In fact, the majority of the seven Noahide *mitzvot* seem to serve to create the basic foundations of an ethical society. According to the Ramban, they include the commandment of setting up courts, which requires the creation of an ethical society forbidding theft, kidnapping and the like (Ramban, *Bereishit* 34:13). We might assume that it is sufficient that a Noahide perform these commandments out of reason alone. However, the Rambam (*Hilkhot Melakhim* 8:11) tells us that non-Jews are obligated to perform their commandments with the knowledge that these laws are divine directives.

But why is a divine commandment necessary, when God Himself has included within our nature the rational understanding to act with certain standards of behavior?

The Torah clearly feels that reason alone is insufficient, and so it adds a divine imperative. Offhand, we may suggest a few understandings of why that would be so, some more technical and some more fundamental.

**Explanations of the Need for a Divine Mandate**

*Reason often falls short.*

On the simplest level, God’s technique of commanding the obvious is based on the fact that even something that is self-evident may never be realized if one does not take the time to think about it. Thus, the divine command might merely be to remind us of what is seemingly logical, and the divine mandate does not seek to replace or strengthen the logical requirement, but rather to act as an eye-opener

However, a deeper look at the divine command seems to reflect a greater purpose. Not only is reason often inadequate in reaching morality, but it is also sometimes defective. As “natural” as natural morality is, it is also subject to re-examination and change.

*Reason isn’t sufficiently binding.*

Plato claims that if a person understands proper behavior through logic, there is no need to command that person. Logic becomes one’s religious requirement. Aristotle says that pure reason still is not enough to compel one to do something. In fact, the breakdown of Platonic thought results, in part, from his feelings that intellect alone can breed behavior, and his detractors’ witnessing that it could not. (See Berkowitz, loc. cit.)

We may wonder, though, why in fact reason does not sufficiently obligate one to act morally. If man does have a divine inner urge to do right, what holds him back?

Simply stated, one often knows the right thing to do, but difficult circumstances or pure laziness hold one back. Without a binding command, man may opt to violate his own morals, just because he is too tired to act properly.

However, the human mind is very sophisticated, sometimes using its powers to convince one that given actions are in fact proper. Instead of allowing one to feel guilt over opting for easy, immoral behavior, the mind has the power to rationalize, allowing one to choose whatever feels correct. One might refer to this as the power of bribery. The verse (*Shemot* 23:8) states that a judge is forbidden to take even the smallest amount of money from a party to a case he is presiding over: “Do not take a bribe, for the bribe will blind those who see and corrupt the words of the righteous.” Despite the fact that the judge is an educated expert in his field, the Torah is worried that he might — even inadvertently — lose his proper sense of judgment. Sometimes, man can convince himself that something is proper, when his moral sense rationally knows the opposite. This is often expressed in cognitive dissonance: an individual may know that an action is wrong or harmful, and yet he may feel compelled to do exactly that. As the famous ethicist Bertrand Russell exemplified in his life and expressed openly, knowledge of ethics does not transform someone into an ethical being. However, a divine command acts as the bottom line, preventing the rationalization which would otherwise permit the action which, deep inside, one knows is improper.

Additionally, the Torah is built on a unique understanding of the character of man in general and the character of the Jew in particular. From this perspective, man-made moral systems that are not based upon fear of Heaven are insufficient because they can be subject to change. Hence the moral relativism that has taken over contemporary culture and has led society to accept behaviors and standards that were considered to be unethical or repugnant in earlier generations.

The Sages interpret the verse (*Vayikra* 5:21) “When a person sins and commits a trespass against God by dealing falsely with his neighbor” homiletically, meaning that one who commits a trespass against God will eventually also deal falsely with his neighbor.

Rabbi Reuven was asked by a philosopher in Tiberias: “Who is the most contemptible person in the world?”

He replied: “One who denies his Creator, because the denial of all norms follows if one rejects God. No man violates a law unless he first repudiates the authority of the law.” (*Tosefta* *Shevuot* 3:5)

Rav Soloveitchik elaborates on this:

Rabbi Reuven felt that the nonbeliever constitutes a danger to the moral fabric of society. The philosopher was astonished by his answer because faith, after all, is the private affair of the individual; and, furthermore, are not many atheists teachers of morality? The Rabbi insisted, however, that eventually atheism leads to the demoralization of the individual and society. Man can easily rationalize his crime, declare norms to be relative, and proclaim himself the arbiter of right and wrong. With most people, the baser part of their natures will tend to dominate. Indeed the moral bankruptcy of secularism is apparent to all students of our contemporary world…Morality without faith cannot sustain itself. (*Reflections of the Rav*, p. 194)

Rav Natan Gestetner (*Le-horot Natan,* Avot 1:1) explains that Rav Ovadya Bartenura’s explanation of the introduction to *Avot* teaches us that, despite the fact that without a command we would have been able to know how to act interpersonally, the requirement to do so is divine. “For one who acts this way out of rational understanding will not be able to maintain his convictions when faced with a situation of temptation or where moral actions will cause him a great loss.” He will fail to remember that “the punishment for sins between man and his fellow is more severe than [the punishment for sins] between man and God.” Evidence of this may be seen in the law that ritual obligations can be violated in most cases for *pikuach nefesh*, saving a life, while some opinions (though they are not accepted halakhically) rule that a person cannot rob another even to save his own life. (See *Chiddushei Ha-Re’a, Ketubot* 19a.) He adds, “Because man’s understanding of morality is not complete, even the people of Sodom saw themselves as lawful individuals… Those people who claim they violate the Torah but maintain their moral compass are merely fooling themselves; any moral principles not rooted in unwavering commitment to the Almighty are limited by human understanding and will be pushed aside in the face of difficulty.”

In next week’s lesson, we aim to conclude our discussion of the need for commandment and examine the Torah’s employment of this idea.

1. *By His Light* (Yeshivat Har Etzion 2002), p.19. See also “Does Jewish Tradition Recognize an Ethic Independent of Halakha?” p. 66. [↑](#footnote-ref-1)
2. *Orot Ha-Torah* 12:2-3, quoted in Rav Amital’s work, *Jewish Values in a Changing World* (Ktav 2005), p. 24. [↑](#footnote-ref-2)
3. Rav Eliezer Berkowitz, *Essential Essays on Judaism* (The Shalem Center 2002), p. 19. See chapter 1 for a lengthy history of the history of rational ethicists and their failures. [↑](#footnote-ref-3)