

*Moral Intuition and Jewish Ethics*¹

By: ANTHONY KNOFF

Introduction

Our generation is currently witnessing acts of terrorism around the world, performed in the name of God. Movements that define and present themselves as devoted to God have expressed that devotion through a deadly violence that is antithetical to Godliness.

In the face of this enormous *hillul Hashem*,² it is incumbent upon the Orthodox Jewish community to look inwards and ask whether we are succeeding in expressing the lofty ethical values of Torah in our own lives, schools and communities.

Far less extreme than Islamic terrorism, though still of great relevance to our concern, are the scandals in significant number that have been exposed in Orthodox Jewish communities.³ These cases provide the impetus and perhaps the imperative for the Orthodox community to ask whether sufficient focus has been given to ethical development as an essential and fundamental component of Torah life.⁴ Indeed, the laxity of

¹ The author wishes to thank Dr. Tom Angier, Rabbi Jack Bieler and Rabbi Bin-yamin Zimmerman for their comments on a version of this article.

² For an account of Rabbi Yehuda Amital's designation of the 9/11 atrocities as *Hillul Hashem*, see Yonatan Shai Freedman, "Stories Rav Amital Told; Stories of Rav Amital," <http://www.haretzion.org/component/content/article?id=114:hessed-yonatan-freedman> (2010).

³ There are, of course, major dissimilarities between terrorism and scandals but the common denominator is the *hillul Hashem* which obscures the fundamental relationship between Godliness and ethics.

⁴ For an explanation of some recent scandals in terms of a lack of sensitivity to Jewish ethical values, see Marc Shapiro, "Responses to Comments and Elaborations of Previous Posts III," <http://seforim.blogspot.com/2009/09/marc-b-shapiro-responses-to-comments.html>.

For a stimulating and instructive discussion of the capacity of a communal attitudinal climate to affect individual behaviour, see Joshua Berman, "Collective Responsibility and the Sin of Achan," *Radical Responsibility: Celebrating the Thought of Chief Rabbi Lord Jonathan Sacks*, ed. Michael J. Harris, Daniel Rynhold and

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many Jews with regard to ethical imperatives, when contrasted with their scrupulousness in adhering to ritual requirements, was already noted in the 19th century by Rabbi Yisrael Salanter:

[I]n our districts injunctions against consuming [unkosher food] have become innate in the Jewish soul... But in our great iniquity the contrary is true in commercial relations. When their business dealings possibly entail thievery and extortion, most men will not be concerned prior to being sued, and there are some among them who, even after being sued, will employ deceitful devices or will be arrogant.⁵

To be sure, these deficiencies must not be exaggerated and there are many outstanding ethical features of the contemporary Orthodox community.⁶ Nevertheless, our eternal mandate and the challenges of our generation demand that we not sit on our laurels. We must constantly be seeking to improve our community's conduct with regard to *menschlichkeit* and *middot* development (as well as, it goes without saying, other areas of Torah living). This article is a modest submission toward that end.

In addressing this salient practical issue, I begin, perhaps unexpectedly, with a classic philosophical question regarding the relationship between Divine law and ethical intuition. A careful analysis of the approach to this question presented in Torah sources warrants the conclusion that ethics lies at the heart of Torah life but in a way that is not limited to

Tamra Wright (Maggid Books, 2012), chapter 3. Rabbi Berman argues that if even a single individual commits an infraction that is informed by a collective attitudinal climate, the whole that created that climate should be held accountable.

For discussions of how the lack of attention paid to ethics and character has manifested itself in other ways in the Orthodox community, see Rabbi Yitzchak Adlerstein, Symposium: "The Sea Change in American Orthodox Judaism," *Tradition: A Journal of Orthodox Jewish Thought*, Vol. 32, No. 4 (Summer 1998), p. 22; Jonathan Rosenblum, "Dr. Middos is Not Just for Kids," <http://www.cross-currents.com/archives/2011/08/03/dr-middos-is-not-just-for-kids/>; Rabbi Ilan Feldman, "Why the Giant Sleeps," *The Klal Perspectives Journal*, (December 2012); Rabbi Aharon Lichtenstein, *By His Light: Character and Values in the Service of God*, ed. Rabbi Reuven Ziegler (Ktav Publishing House, 2003), pp. 17–19

⁵ Quoted in Hillel Goldberg, *Israel Salanter* (New York: Ktav, 1982), p.78.

⁶ For reference to a range of academic articles documenting the high standards of marital commitment, charitable giving and resistance to alcoholism and drug abuse in the Orthodox community, see Lawrence Keleman, *Permission to Receive: Four Rational Approaches to the Torah's Divine Origin* (Targum, 1996), pp. 127–142, 148–157.

commitment to *halakhic* strictures. This understanding elicits several instructive indications for moral education in the Orthodox community.

Euthyphro Dilemma

In Western philosophical discourse, discussions regarding the relationship between religion and morality often begin with the Euthyphro dilemma. In response to Euthyphro's affirmation that piety is that which the gods want us to do, Socrates asks whether the gods love piety because it is pious or if it is pious because they love it.⁷ This question was frequently reiterated in a monotheistic context in which it was asked whether Divine law is valid because it conforms to reason or because it is willed by God.

Christian and Islamic theology were split on this question. The early Islamic fundamentalists known as the Asharites posited that the content, value and significance of religious norms are to be understood as solely deriving from the fact that God revealed them. This view was championed in the Christian tradition by John Duns Scotus⁸ and is consistent with the theology of Tertullian who viewed faith and reason as distinct and opposed, such that the requirements of religion could not be understood or appreciated through human reason.⁹

It has frequently been noted that such a position is hardly found in Jewish sources¹⁰ which understand God's revelation to be in accordance with antecedent moral or rational standards.¹¹ Building on this foundation, I will argue that a compelling reading of *Humash* and the preponderance of Torah sources support the position that human beings have the

⁷ *The Dialogues of Plato*, trans. Benjamin Jowett (London: Sphere, 1970), pp. 35–56

⁸ The contrary view, that Divine law conforms to reason, was represented in early Islamic philosophy by the Mutazilites and, in medieval Christian philosophy, by Thomas Aquinas. For a discussion of Christian, Islamic and secular approaches to ethics in this context, see Eliezer Berkovits, *God, Man and History* (Shalem Press, 2004), pp. 92–94.

⁹ For a discussion of Tertullian's writings and influence in this area, see Yoram Hazony, "Jerusalem and Carthage," *Hebraic Political Studies* (Summer 2008), pp. 263–269.

¹⁰ For emphatic statements to this effect, see R Lichtenstein, *By His Light*, p. 108; Jonathan Sacks, *To Heal a Fractured World* (Continuum, 2005), p. 164; Daniel Statman and Avi Sagi, "Divine Command Morality and the Jewish Tradition," *The Journal of Religious Ethics* 23 (1995): 49–68.

¹¹ This seems to be true of *hukkim* and not only of *mishpatim*. See, for example, R Lichtenstein, *By His Light*, pp. 108–109.

capacity to recognise moral truth by means of moral intuition¹²—a feature of humanity that has immense theological and practical significance.¹³

Moral Intuition and the *Mitzvot* of the Torah

The positive understanding of human capacity for moral intuition in *Humash* can be well appreciated through analysis of stories involving Biblical characters who are not bound by Torah law. Whilst personalities living prior to *Matan Torah* and those who are not members of *Bnei Yisrael* are not bound by the Sinaitic covenant, the narrative clearly assumes that they have a capacity for appreciating the moral truth underlying many of the *mitzvot* of the Torah.

This understanding is supported by the punishment of such characters when they behave immorally even though their behaviour does not transgress any prophetic command. That punishment is allocated clearly indicates that the perpetrators should have behaved differently. Hence, Kayin is punished for murdering his brother¹⁴ and declines to advance the obvious defence that Hashem had never commanded him not to do so;¹⁵ the generation of the flood is punished for corruption and immorality;¹⁶ the people of Sodom are destroyed for not caring for the poor and

¹² This understanding of moral intuition is often termed ethical intuitionism. For a recent support of this theory, see Robert Audi, *The Good in the Right: A Theory of Intuition and Intrinsic Value* (Princeton University Press, 2004).

¹³ Admittedly, my position seems in tension with that of *Sefat Emet* who understands (in his commentary to *Vayikera* 10:1, no. 648) that, subsequent to the making of the Golden Calf, *Bnei Yisrael* lost their capacity to intuit the Divine will and had to rely solely on revelation. It is questionable, however, as to whether *Sefat Emet* would doubt the capacity for reliable moral intuition. As we show below, many authorities confirm the *Humash's* indication that such an understanding is available to all humans, not just *Bnei Yisrael*. The *Sefat Emet's* comments are made in the context of discussion of the sacrifice of Nadav and Avihu that they offered without being commanded to do so. The capacity of human beings to intuit moral truth is also in tension with Rabbi Avraham Yeshayahu Karelitz, *Hazon Ish Emunah U-Bitahon* (Jerusalem: Mesora), p. 27 and questioned by Rabbi Asher Weiss, *Minbat Asher, Devarim* (Machon Minchas Osher L'Torah V'Horaah), 51:4.

¹⁴ See Hizkuni, *Commentary to Bereshit* 7:21; Jonathan Sacks, *To Heal a Fractured World* (Continuum, 2005), p. 163.

¹⁵ See Yonatan Grossman, "Religious Sin, Ethical Sin and the Punishment of Exile," <http://etzion.org.il/vbm/english/parsha.59/01bereis.htm>.

¹⁶ See Hizkuni, *Commentary to Bereshit* 7:21; Ramban, *Commentary to Bereshit* 6:2, 6:13; Rabbi Avraham Grodzinski, *Torat Avraham*, *Torat Ha-Sekhel Ha-Enoshi*.

needy,¹⁷ and Onan is designated as evil and is caused to die after destroying his seed.¹⁸

This perspective is further confirmed by Torah narratives in which characters behave in a laudatory way without having been commanded to do so but on the basis of their own moral sensitivity. One example is that of Avraham who undergoes remarkable self-sacrifice to save Lot.¹⁹ Another is the refusal of the midwives to obey Pharaoh's command to kill every male Hebrew child,²⁰ behaviour about which they had never been commanded but for which they receive Divine reward.²¹

The human capacity for recognising moral principles is further exemplified by Avraham's questioning of God's decision to destroy the city of Sodom. Whilst human beings are prohibited by halakhah from killing another person, except in the context of the judicial system, Avraham appreciates this standard of justice as one that is antecedent to Divine command and to which even God is accountable.²²

Human capacity for moral intuition also explains why Balaam confesses to having sinned by traveling to curse *Bnei Yisrael* when he had been given explicit permission to do so.²³ Despite not being bound by the Torah prohibition against cursing nor by a prophetic instruction to that effect, Balaam should have been guided by an ethical intuition and realised the egregious nature of such behaviour through his own moral understanding.²⁴

¹⁷ See *Hiddushei HaRan, Sanhedrin* 56b, s.v. *va-ye-zan*; *Torat Avraham*, *ibid* based on Ezekiel 16:49.

¹⁸ See *Torat Avraham*, *ibid*.

¹⁹ See Rabbi Yaakov Kaminetsky, *Emet Le-Ya'akov, Bereshit* 14:14.

²⁰ *Shemot* 1:17. See Jonathan Sacks, *Future Tense: A Vision for Jews and Judaism in the Global Culture* (Hodder and Stoughton, 2009) p. 216. The midwives are described as having *yir'at Elokim*. This phrase is also used by Avraham who explains to Avimelekh that he feared for his life in Gerar because of the lack of *yir'at Elokim*. Rabbi Sacks argues that this term refers to a universal moral sense that is presumed to be present in everyone, unless corrupted.

²¹ See Hazony, "Jerusalem and Carthage," p. 275.

²² See R Lichtenstein, *By His Light*, p. 108; Rabbi Jonathan Sacks in "Chief Rabbi Lord Jonathan Sacks and Yoram Hazony: Is the Bible a Work of Philosophy?" YouTube Video, 17 min, <https://www.youtube.com/watch?v=8bKJF3UjklU>

²³ *Bemidbar* 22:33. See Rabbi Yehudah He-Hasid, *Commentary to Bemidbar* 22:33. See also Rabbi Naftali Zvi Yehudah Berlin, *Ha'amek Davar*, Introduction.

²⁴ The position that all laws consonant with human reason were observed before the Torah was given is also advanced by Rashbam, *Commentary to Bereshit* 26:5. The Rashbam gives the examples of laws concerning robbery, incest, covetousness, the establishment of a legal system and the offering of hospitality.

That human beings can recognise and appreciate the wisdom of the *mitzvot* is further supported by Moshe's declaration to *Bnei Yisrael* that their proper observance of mitzvot will lead to the nations recognising Israel as 'a wise and understanding people.'²⁵ Hence, it is expected that the proper observance of *mitzvot* will involve an appreciation for the wisdom that these laws express and that the nations of the world will also recognise and appreciate such wisdom.²⁶

The same position is to be inferred from the *Gemara* in 'Erwin:

Rabbi Yoḥanan said: Had the Torah not been given, we would have learned modesty from the cat, [aversion to] theft from the ant, chastity from the dove and [conjugal] manners from fowl.²⁷

It is clearly understood that many of the *mitzvot* could have been derived through intuitive evaluation of the practices of other species.²⁸

Indeed, this very recognition of *Hazal* accounts for their engagement with both *Halakha* and *Aggada*. In contrast to the Roman jurists who were concerned only with the analysis of legal norms and the definition of their legal nature, *Hazal* sought to understand the ethical and philosophical impulses that help to shape the law, based on an assumption that such foundations can be understood by human intellect.²⁹

These Biblical and Rabbinic indications were later articulated explicitly and sometimes expansively by *Ba'alei Maḥshava* from the period of the *Gaonim* until the modern day. Hence, Saadia Gaon affirms the ability of human intellect to comprehend the rationale of many *mitzvot*, explicitly asserting that a large body of God's commandments fall into what he calls the category of 'rational precepts of the Torah.'³⁰ A similarly positive evaluation of man's moral cognitive capabilities is advanced by Rabbenu Bahya ibn Paquda who, in his introduction to *Duties of the Heart*, writes of 'wisdom implanted in man's nature, in his character and his powers of

²⁵ *Devarim* 4:6–8.

²⁶ See Rambam, *The Guide for the Perplexed*. Translated by M. Friedlander (New York: Dover, 1956), III:31; Hazony, "Jerusalem and Carthage," p. 283.

²⁷ *Erwin* 100b.

²⁸ See Rabbi Avraham Yitzhak HaKohen Kook, *Orot Ha-Torah* (Jerusalem: Hoshen, 5733) 12:2-3.

²⁹ See Menachem Elon, *Jewish Law: History, Sources, Principles*. Translated by Bernard Auerbach and Melvin J. Sykes (Philadelphia, Jerusalem: The Jewish Publication Society, 1994), p. 103.

³⁰ *The Book of Doctrines and Beliefs*. Translated by Alexander Altmann (Indianapolis/Cambridge: Hackett Publishing Company, 2002), p. 97.

perception.³¹ Whilst Rabbenu Bahya does not explicitly relate this moral sensitivity to particular *mitzvot*, his affirmation that this intellectual stimulus helps man to praise truth, denigrate falsity, choose righteousness and condemn injustice clearly entails the view that man can recognize the moral principles underlying many of the *mitzvot* relating to honesty and righteous behavior.³²

This position finds an emphatic advocate in Rambam who refers³³ to a school of thought for whom the essence of Divine command is that it not correlate to anything that the human mind finds persuasive. Rambam emphatically rejects this approach, affirming that ‘what compels them to feel thus is a sickness that they find in their souls.’ In a similar vein, Rambam writes³⁴ that there is no doubt that a person who wishes to commit murder, theft or disrespect of one’s parents but who refrains because of

³¹ *Duties of the Heart*. Translated by Daniel Haberman (Feldheim Publishers, 1996) vol. 1, p. 3.

³² A similar position is advanced by Rabbenu Nissim Gaon in his introduction to Talmud, which discusses the obligations upon all people to obey logical rules.

³³ *Guide for the Perplexed* III:31.

³⁴ *Shemonah Perakim*, chapter 6.

the halakhic prohibition is spiritually deficient.³⁵ Hence the primary motivation for what Rambam terms rational *mitzvot* (*mitzvot sikhlīyot*) is not the Divine command but an appreciation for their essential rationality.³⁶

³⁵ Other sources for this idea, cited by Rabbi Yitzchak Blau, “The Implications of a Jewish Virtue Ethic,” *Torah u-Madda Journal* 9 (2000), p. 30, include R. Menachem ha-Meiri, *Hibbur ha-Teshuvah, ma’amar 1, perek 2* (Jerusalem, 1976), 56; R. Moshe Trani, *Beit Elokim, “Sha’ar Teshuvah,”* chapter 4 (Jerusalem, 1984), 114; *Divrei Hayyim al ha-Torah* (Brooklyn, 1962), 68; R. Yisrael Lipshutz, *Tiferet Yisrael*, Commentary on *Avot* 2:9, *Yakbin* 86; R. Barukh Epstein, *Tosefet Berakhab*, Commentary on *Vayikra* 19:31; R. Meir Simcha Ha-Kohen, *Mesbekeh Hokhmah*, commentary on *Vayikra* 16:30 and R. Eliyahu Lopian, *Lev Eliyahu*, Vol. I (Jerusalem, 1972), 155–161. For other sources for the position that the motivation for observance of some of the *mitzvot* is an appreciation for the goal or underlying principle of the mitzvah, see Maharal, *Gur Aryeh, Shemot* 22:24; Rabbi Simcha Zissel Ziv as discussed in Dov Katz, *Tenu’at ha-Mussar* (Tel Aviv 5723) Vol. 3, 138-139, Vol. 5, 167-168; Rabbi Yehiel Ya’akov Weinberg, *Responsa Seridei Eish* 1:61; Rabbi Ovadia Yosef, *Yabi’a Omer*, YD 6:29 and Rabbi Moshe Shapira, *Re’eh Emunah*, p. 291.

Others, without questioning the reliability of moral intuition, considered it an inappropriate motivation for *mitzvah* observance after *Matan Torah*. See, for example, Rabbi Moshe Feinstein’s discussion of Rabbenu Tam’s position in *Responsa Iggerot Moshe, Yoreh De’ah*, I:6 and R. Feinstein’s own position in *Derash Moshe* (Bnei Berak:1988), vol. I, p. 196. See also Rabbi Moshe Sofer, *Derashot Ha-Hatam Sofer* (Klausenberg, 1889, I), 19b. For a discussion of these sources, see Anthony Knopf, “Mitzvah Observance: The Appropriate Motivation” in *Morasha Kehillat Ya’akov: Essays in Honour of Chief Rabbi Lord Jonathan Sacks*, ed. Michael Pollak and Shmuel Simons (Jerusalem: Koren Publishers, 2014), pp. 129–139.

³⁶ Another important source in understanding Rambam’s position on this issue is *Mishneh Torah, Hilkhot Melakhim* 8:11, which discusses the conditions under which a gentile who observes the seven Noachide laws will merit the World to Come. Some versions of this text state that a gentile who observes those laws because they find them intellectually compelling (and not because they are commanded in the Torah) is neither one of the pious of the nations nor one of the wise-people of the nations. However, many modern scholars have considered more reliable an alternative version of the text in which such gentiles are, indeed, designated as among the wise of the nations. See Eugene Korn, “Gentiles, the World to Come and Judaism: The Odyssey of a Rabbinic Text,” *Modern Judaism* 14 (1994): pp. 265–87. The plain understanding of each version of this text is that gentiles who observe the seven laws merit the World to Come only if the motivation for observance is the Divine command. R. Kook, *Iggerot Re’iyah* (Jerusalem 5722), I, no. 89, however, challenges this understanding and maintains that Rambam’s position is that a gentile who comes to understand the laws as a result of his own thinking gains more credit than one who keeps the laws because they were commanded.

Another advocate of the normative significance of moral intuition is Rabbi Naftali Zvi Yehuda Berlin. Just as our earlier analysis demonstrated that Biblical characters are accountable for failing to follow the dictates of their moral intuition, the Netziv affirms, as a general principle, that gentiles are obligated in *mitzvot* that can be discerned through the intellect (*mitzvot sikhlivot*).³⁷

Hence, whilst some Christian and Muslim thinkers affirmed that the only significance in Divinely revealed laws is that they are commanded by God, we have shown that the normative Torah position is that many Torah laws are based on antecedent moral norms that can be recognized by human intuition.

Moral Intuition as the Basis for Norms Not Explicated in Halakhah

It is clear, however, that the *Humash*, *Hazal* and Torah authorities support the further claim that the human intellect can recognise and apply moral principles, even with regard to behaviour that is neither *halakhically* required nor prohibited.

The capability of humans to recognise moral norms governing behaviour that lies outside the framework of Torah commandments is clearly indicated through Biblical example.

Indeed, each of the forefathers is recognised for the excellence of his moral performance and character, above and beyond what would later be required by Torah law. Hence, they each conduct themselves toward others with love as exemplified, for instance, in Avraham's intervention on behalf of Sodom, Yitzhak's conciliatory attitude toward Avimelekh and Ya'akov's gentle interaction with Lavan.³⁸

³⁷ Approbation to Rabbi Yisrael Meir HaKohen Kagan's *Abavat Hesed*. See also Rabbi Barukh Halevi Epstein, *Barukh She-amar*, in his commentary to *Pirkei Avot*, where he recognises that there are *mitzvot* that we would have arrived at even had they not been commanded. Human understanding of many of the ideas underlying *mitzvot sikhlivot* is also recognised by Rabbi Joseph B. Soloveitchik, *Community, Covenant and Commitment: Selected Letters and Communications*, translated by Nathaniel Helfgot (Ktav, 2005), p. 333 and Rabbi Menachem Mendel Schneerson, "Universal Mission" Chabad.org, 1:37–2:01, http://www.chabad.org/therebbe/livingtorah/player_cdo/aid/712309/jewish/Universal-Mission.htm.

³⁸ Rabbi Naftali Zvi Berlin, *Ha'amek Davar*, Introduction; As Hazony ("Jerusalem and Carthage," p. 275) notes, both Miriam and the daughter of Pharaoh risk their lives in order to save Moses. The question of whether there is a halakhic

In other instances, Biblical characters are held to account for their behaviour even though their conduct violated neither a specific command addressed to them personally nor any of the prohibitions of the Torah.

In *Devarim* 23:4-5, for example, we find the stipulation that ‘an Ammonite or a Moabite shall not enter into the congregation of the Lord’ because they failed to meet Bnei Yisrael with bread and water when they left Egypt. The failure to extend kindness in this way does not entail *halakhic* transgression³⁹ but there is a claim against ‘Ammon and Mo’av as they did not follow the guidance of a healthy moral intuition.⁴⁰

In accordance with these passages is the rabbinic concept of *derekh eretz*⁴¹ Rabbi Eleazar b. Azariah’s view that “without *derekh eretz*, there is no Torah” clearly entails a discernible normative ethic external to Torah revelation.⁴²

Given these multiple Biblical and classical rabbinic indications, it is not surprising that representative Torah thinkers explicated their positions on this matter accordingly. Hence, Rambam writes that a person will be rewarded for doing what is right and honourable and punished for any deed that he understands to be improper, even if it is not specifically forbidden. According to Rambam, an action can be *halakhically* permissible but recognised by the moral intuition to be inappropriate behaviour.⁴³ This same position is advanced by Rabbenu Bahya ibn Paquda,⁴⁴ Rabbi Menachem Me’iri,⁴⁵ Rabbi Samson Raphael Hirsch,⁴⁶ Rabbi Moshe

obligation to risk one’s life to save another depends on the degree of risk incurred; see *Responsa Radbaz* 1582.

³⁹ The nations of Ammon and Moav were, of course, Gentile and, hence, not bound by halakha (aside from the Seven Noachide Laws). My point is that they were expected to attain knowledge, through moral intuition, of a standard of conduct that is not a halakhic imperative.

⁴⁰ See Rabbi Avraham Grodzinski, *Torat Avraham, Torat Ha-Sekhel Ha-Enoshi*.

⁴¹ *Avot* 3:17; *Vayikra Rabbah* 9:3 (*Tzar*).

⁴² I am grateful to Rabbi Binyamin Zimmerman for pointing out to me the relevance of this concept, which is also discussed in this context by Rabbi Aharon Lichtenstein, “Does Judaism Recognize an Ethic Independent of Halakhah,” *Leaves of Faith: The world of Jewish Living* (Ktav, 2004), Vol. 2, pp. 33-34.

⁴³ *Guide for the Perplexed* III:17.

⁴⁴ *Duties of the Heart*, Introduction.

⁴⁵ *Me’iri*, Commentary to Shabbat 105b.

⁴⁶ See R Hirsch’s commentary to *Vayikra* 18:4 and *Devarim* 6:18, translated by Isaac Levy (London: The Judaica Press, 1966), *Horeb*, translated by Isidor Grunfeld (Soncino, 1962), paragraph 219 and 325 and *Jesburun* I, 1914, 73ff. See the discussion by Dayan Isidor Grunfeld in his introduction to *Horeb*, lxxxi-ixxiv and

Shmuel Glasner,⁴⁷ Rabbi Avraham Yitzhak Hakohen Kook⁴⁸ and Rabbi Yehuda Amital.⁴⁹

From the above Biblical analysis and rabbinic citations, we see that there is a strong, deeply rooted *mesorah* for the notion that human beings are endowed with a moral intuition with which they can appreciate moral norms that are not the subject of specific *halakhic* legislation.⁵⁰

Isaac Heinemann, *Ta'amei ha-mitzvot be-sifrut Yisrael* (Jerusalem: 1956) vol. 2, 95, who notes that this idea was also advanced by R Hirsch's teacher, Isaac Bernays.

⁴⁷ *Dor Revi'i*, Introduction, p. 26a-26b.

⁴⁸ *Orot ha-Kodesh* (Jerusalem: Mosad HaRav Kook) 3:318. See also *Iggerot Re'iyyah*, Vol. 1, letter 89.

⁴⁹ *Jewish Values in a Changing World* (Ktav, 2005), Chapter 2. Although R Amital (p. 27) interprets Ramban's commentary to *Devarim* 6:18 to the same effect, Ramban is not explicit on this matter. On the ambiguities of this passage with regard to this issue, see Rabbi Gidon Rothstein, *We're Missing the Point: What's Wrong with the Orthodox Jewish Community and How to Fix It* (New York: OU Press, 2012) p. 116.

⁵⁰ We have assumed in our discussion that norms discerned through moral intuition are binding, even after *Matan Torah*. This contrasts with what R Amital (p. 23) refers to as a commonly held view that natural law lost its validity after the giving of the Torah. Indeed, this could be the view of Bartenura at the beginning of his commentary to *Pirkei Avot*. Bartenura's affirmation that the ethics contained in *Avot* are part of a tradition dating back to Sinai seems to leave open the possibility that there are other moral norms that are not part of the Sinaitic tradition. However, R Feinstein, *Iggerot Moshe* OH IV:66 and Rabbi Natan Gestetner, *Le-horot Natan* 1:1 understand Bartenura's position to be that, subsequent to *Matan Torah*, one should rely solely on Torah and not intuition for moral guidance. This also appears to be the view of Rabbi Hayyim of Volozhin, *Ru'ah Hayyim* (Targum, 2002), 1:2. See, however, *Ru'ah Hayyim* on *Pirkei Avot* 3:17 where R Hayyim recognizes the mishnah's distinction between *Derekh Eretz* and Torah. The rejection of moral intuition as an arbiter of moral norms subsequent to *Matan Torah* is also affirmed by R Feinstein, *ibid* and by R Weiss, *Minhat Asher*, *Devarim* 51:4. For a trenchant critique of this position, see Rabbi Aharon Lichtenstein, "Jewish Philanthropy—Whither?," *Tradition* Vol. 42, No. 4 (Winter 2009), p. 199. At any rate, the view that natural morality is of no consequence for Jews after *Matan Torah* is clearly rejected by Rabbenu Bahya ibn Paquda, Rambam, Me'iri, R Hirsch, R Meir Simcha of Dvinsk, R Glassner, R Kook and R Amital as cited in this article. Moreover, Rabbi Binyamin Zimmerman pointed out to me that, although one might argue that *Derekh Eretz* was necessary only before the Torah was written, this seems to be negated by the mishnaic teaching of *im ein derekh erez, ein Torah*.

The Image of God

The capacity to intuit moral truth is far from peripheral to the Torah understanding of human ontology. Indeed, according to many Torah thinkers, this capability constitutes the Divine image for which humanity is distinguished.

The essence of this idea is expressed in R Hirsch's commentary to Avraham's pleas before God with regard to the fate of Sodom:

This dialogue—so to call it—between Avraham and the Judge of the world, in which a creature of dust dares to step before the Presence of God with his feelings of justice and finds agreement and approval, is a guarantee of the godliness of the voice within us which pleads for justice and righteousness. Though we are 'dust and ashes'—founded from dust and destined to ashes—not everything within us is dust and ashes. In this body of dust and ashes, there is a spark of the Creator of the universe and an echo of His spirit. Humanity and justice and all the spiritual and moral assets of man received their eternal confirmation through this Divine echo in the heart of man.⁵¹

The same concept is affirmed by R Kook:

An upright man must believe in his... feelings that follow a straight path from the foundation of his soul, that they are good and upright and that they lead him along the straight path... A Jew is obligated to believe the soul of God is found within him, that his entire essence is one letter of the Torah.⁵²

Whilst R Hirsch and R Kook refer to the moral sense in explaining the Godly dimension of humanity, Rabbi Eliyahu Dessler emphasises the orientation toward compassion:

⁵¹ R Hirsch, *Commentary on the Torah*, end of *Beresheet*, ch. 18. See also *ibid*, *Vayikra* 18:4 and *Jeshurun*, 1, 1914, pp. 73ff.

⁵² *Orot Ha-Torah*, ch. 11, quoted by Chaim Navon, *Genesis and Jewish Thought*, translated by David Strauss (Jersey City: Ktav, 2008), p. 176. For similar views, see Rabbi Bahya Ibn Paquda, *Duties of the Heart*, Introduction; Rabbi Meir Simcha of Dvinsk, *Meshekh Hochma, Devarim* 30:11; R Moshe Shmuel Glasner, *Dor Revi'i*, Introduction, p. 26a-26b; R Avraham Grodzinski, *Torat Avraham, Torat Ha-Sekhel Ha-Enoshi*; R Joseph B. Soloveitchik, *Derashot HaRav: Selected Lectures of Joseph B. Soloveitchik* (Edison, NJ: Ohr Publishing, 2003) p. 237 and *Divrei Hagut ve-Ha'arakha* (Jerusalem: World Zionist Organization, 1982), p. 252 and R Menachem Mendel Schneerson, "Jewish Universal Mission," http://www.chabad.org/therebbe/livingtorah/player_cdo/aid/712309/jewish/Universal-Mission.htm, 2:07.

The power of giving is a Divine power, one of the traits of the Creator of all things, may He be blessed, Who shows compassion, is beneficent and gives, without receiving anything in exchange... In this way, He made man, as it is written: 'God made mankind in His own image,' so that he would be able to show compassion, be beneficent and give.⁵³

The recognition of the capacity of mankind's Divine image to elicit ethical truths independent of Divine revelation is of monumental significance.

The Role of Torah

Having established that the normative Torah position is that *Mitzvot* relating to ethics and character can be discerned through moral intuition, we are faced with a weighty theological challenge. If these truths are accessible to human reason, what need is there for revelation? Whilst Torah revelation is necessary for knowledge of the *mitzvot* of *Kashrut* and *Shabbat*, what is the purpose of the inclusion of the Torah's many ethical laws? Indeed, it was this very resistance to the redundancy of revelation that bolstered the position of the fundamentalist Islamic philosophers who rejected the notion of the rationality of Divine law on this basis.⁵⁴ How is the position, that these *mitzvot* are discernible without Torah, consistent with the centrality, indeed reverence, with which we regard the *Book of Books*?

Our answer must begin with a qualification of our positive evaluation of the potency of moral intuition. Indeed, a basic knowledge of human history reveals that there have been many thinkers and civilisations that developed and promoted views that are profoundly at odds with the Torah *weltanschauung*. To take an example of one distinguished civilisation, the ancient Greeks had no concept of the sanctity of life. They practised abortion on a wide scale⁵⁵ and babies born with congenital defects were

⁵³ *Mikhtav Me-Eliyahu I*, p. 32 quoted in Chaim Navon, *Genesis and Jewish Thought*, p. 54.

⁵⁴ See Eliezer Berkovits, *God, Man and History*, pp. 92-3. Remarkably, Saadia Gaon deemphasizes the significance of the revelation of ethical laws by affirming that they are included to provide knowledge of correct conduct to those who have not yet realized it intuitively and to enlighten those who might otherwise never realize these truths. *The Book of Doctrines and Beliefs*. Trans. Altmann, pp. 95, 103, 123. See similarly Rambam, *Guide for the Perplexed* I:34. For a discussion of Augustine's similar view, see Eliezer Berkovits, *ibid* p. 5-6.

⁵⁵ See Michael Tooley, *Abortion and Infanticide* (Oxford: Clarendon, 1983).

often simply left to die. The Stoics, Cynics, Sceptics and Epicureans all viewed suicide as a perfectly legitimate assertion of human freedom. To take another example, our own Western culture has seen the legalisation of abortion, a strong movement favouring the legalisation of voluntary euthanasia and assisted suicide and arguments from prominent ethicists for the permissibility of infanticide.⁵⁶

Accordingly, many of the aforementioned proponents of the potency of moral intuition explicitly recognise its fallibility.⁵⁷ Hence, Saadia Gaon writes that a person who is unable to ‘concede to the existence of any wisdom that might be hidden from him’ is guilty of ‘arrogance and conceit.’ Such a person, writes Saadia, must rely primarily on authentic tradition for this ‘hidden wisdom.’⁵⁸ Similarly, Rabbi Yosef Albo stresses the inevitable imperfection of the moral sense such that something may seem desirable when, in fact, it is abhorrent.⁵⁹ To take a recent example, Rabbi Menachem Mendel Schneerson writes that ‘the human intellect...is not always reliable in judging what is good and what is the reverse.’⁶⁰

Moral Preservation and the Torah *Weltanschauung*

The picture that emerges is one of a potent moral intuition that is nevertheless fallible. In this context, we can move toward an understanding of the significance and value of revelation for the ethical life. Our moral clarity is preserved through exposure to and study of the Torah worldview. In an incisive passage Leo Tolstoy explains how the deviation from a traditional worldview eventually leads to an erosion of moral standards:

The institutions of a secular morality that is not based on religious doctrines are exactly what a person ignorant of music might do if he

⁵⁶ See Peter Singer, *Rethinking Life and Death: The Collapse of Our Traditional Ethics*, (New York: St Martin’s Griffin, 1996). These examples are discussed by Jonathan Sacks, *The Great Partnership: God, Science and the Search for Meaning* (London: Hodder & Stoughton, 2011), pp. 152-3.

⁵⁷ Recognition of the fallibility of intuition and of the diversity of moral positions across cultures raises epistemological questions that, in a different context, would need to be addressed philosophically. In these matters, I have been influenced by the epistemology of Alvin Plantinga. See, for example, *Warranted Christian Belief* (Oxford University Press, 2000).

⁵⁸ *The Book of Doctrines and Opinions*, trans. Altmann, 35, 156.

⁵⁹ *Sefer Ha-Ikkarim* 1:8.

⁶⁰ *Letters by the Lubavitcher Rebbe* (Kehot, 1979), p. 62. See also R Naftali Zvi Yehuda Berlin, *Ha’amek Davar, Bereshit* 20:11 and R Joseph B. Soloveitchik, in Abraham R. Besdin, *Reflections of the Rav: Lessons in Jewish thought adapted from lectures of Rabbi Joseph B. Soloveitchik* (Ktav, 1993), p. 194.

were made a conductor and started to wave his hands in front of musicians well-rehearsed in what they are performing. By virtue of its own momentum, and from what previous conductors had taught the musicians, the music might continue for a while, but obviously the gesticulations made with a stick by a person who knows nothing about music would be useless and eventually confuse the musicians and throw the orchestra off course.⁶¹

Whilst mankind bears the capacity for intuiting moral truths, the sensitivity to this intuition is diluted when people reject the worldview that gives those moral principles structure and meaning. Learning the sections of Torah that deal with moral principles enables us to understand and inculcate the perspectives on such fundamental concepts as responsibility, dignity and justice. It is through this process that our moral clarity is preserved.

Stretching Moral Horizons

The significance of Torah revelation of ethical laws and principles is not only in its preservation of baseline moral standards but also in the progressive expansion of our moral horizons. Whilst human beings have a natural sensitivity to justice and mercy, the moral sense is expanded and deepened through acceptance and inculcation of *halakhic* norms. Rabbi Joseph B. Soloveitchik refers in this regard to the mitzvah of *ve-ahavta le-rei'akha ka-mokha*.⁶² Whilst it is common for humans to feel a sense of solidarity with members of their group, the depth of love and the altruistic self-sacrifice that this mitzvah requires transcends this basic identification and constitutes an extremely exalted level of morality.⁶³ Remarkably, this very mitzvah is the subject of the same observation by the contemporary political philosopher Michael Walzer. Walzer comments on the moral

⁶¹ Leo Tolstoy and Jane Kentish, *A Confession and Other Religious Writings* (Hammondsworth: Penguin, 1987), pp. 150f. In the same vein, the moral philosopher Elizabeth Anscombe argued in 1959 that concepts such as 'obligation' and 'ought' had become incoherent outside the context of belief in Divine law ['Modern Moral Philosophy', reprinted in GEM Anscombe, Mary Geach and Luke Gormally, *Human Life, Action and Ethics: Essays* (Exeter: Imprint Academic, 2005), pp. 169–94]. See also *Covenantal Imperatives: Essays by Walter S. Wurzbarger on Jewish Law, Thought and Community*, ed. Eliezer L. Jacobs and Shalom Carmy (Jerusalem/New York: Urim Publications, 2008), p. 84.

⁶² *Vayikra* 19:18.

⁶³ *Community, Covenant and Commitment*, p. 333.

principle articulated by ethicist Thomas Nagel⁶⁴ that ‘we should not be indifferent to the suffering of other people’:

I acknowledge the principle but miss the excitement of revelation. I knew that already.⁶⁵

But such is not the case, writes Walzer, of the mitzvah to love one’s fellow as oneself:

[‘Love thy neighbour as thyself’] is unlikely to figure in the list of philosophical discoveries—if only because the question Why should I love him **that much?** is not crazy.⁶⁶

Many of the Torah’s requirements are not typically obvious to the moral intuitive sense. Indeed, exposure to Torah ethics does not merely reinforce intuitive ethics but builds on its foundations.⁶⁷

Progressive Self-Discovery

We have argued that, whilst the moral sense is to be recognised as the Divine image in humanity, Divine command instructs us to accept norms of behaviour and character that are not typically demanded by this moral intuition. Whilst this could be understood to require the unreflective acceptance of essentially non-rational *halakhic* demands, I propose that learning and living by the halakha’s ethical requirements facilitate a deeper self-understanding or, more precisely, a deeper understanding of the *tzelem Elokim*. Whilst there are ethical requirements that are not generally recognised by the moral sense, Torah learning and living should lead one to appreciate their intuitive plausibility.

That the study of a text can lead to a greater sensitivity to and development of one’s intuitive understandings is argued by the philosopher Stanley Cavell:

⁶⁴ “The Limits of Objectivity,” from Sterling McMurrin (ed.), *The Tanner Lectures on Human Values*, I (Salt Lake City and Cambridge: University of Utah Press and Cambridge University Press, 1980), pp. 109-110.

⁶⁵ *Interpretation and Social Criticism* (Cambridge, MA: Harvard University Press, 1987), p. 6.

⁶⁶ Ibid, p. 8. For more discussion and exemplification of the Torah’s expansive ethical requirements, see Rambam, *Shemonah Perakim*, chapter 4, and Rabbi Moshe Cordovero at the beginning of *Tomer Devorah*.

⁶⁷ Rabbi Binyamin Zimmerman suggested to me that this understanding of the relationship between natural intuition and ethical *mitzvoth* corresponds to Rab-benu Yona’s discussion of Torah and *Derekh Eretz* in his commentary to *Avot* 3:17.

If the thought of a text such as Emerson's... are yours, then you do not need them. If his thoughts are **not** yours, they will not do you any good. The problem is that the text's thoughts are neither exactly mine nor not mine. In their sublimity as my rejected—say repressed—thoughts, they represent my further, next, unattained but attainable, self.⁶⁸

If the word 'Emerson' is replaced with 'God', Orthodox Jews would have tremendous problems with this paragraph. Hashem's wisdom is greatly needed even if it transcends human understanding. But what of the idea that 'the text's thoughts are neither exactly mine nor not mine' but 'represent my further, next, unattained but attainable self'? With this approach, the expansion of our moral knowledge through learning Torah is not merely the deferential acceptance of revealed norms but a process of self-development. The divinely revealed Torah corresponds to the divine image of each human being. An understanding of Torah facilitates a deeper understanding and development of one's soul. To paraphrase Cavell, certain ethical truths contained in the Torah may not be recognised by the unrefined moral intuition, but those insights are nevertheless 'attainable.' Through relevant *halakhic* analysis and contemplation of Biblical narrative, one should develop a greater degree of ethical sensitivity. Sometimes these insights are recognised intuitively by identifying the moral principle underlying a *halakhic* ruling or exposure to a Biblical model of ethical conduct. Study of halakhic and narrative literature can also refine one's understanding of moral reason through appreciation of the philosophical concepts underlying law and narrative.⁶⁹

This approach accords with that of the Vilna Gaon in his commentary to *Yesha'yahu*.⁷⁰ The Gra explains that there are three categories of *mitzvot* that pertain to different relationships: man's relationship with his fellow, with *Hashem* and with himself (*le-'atzmo*). He relates these categories to the three pillars of the world mentioned in *Pirkei Avot*. Whilst acts of kindness pertain to interpersonal relationships and serving God is *bein adam la-Makom*, the Gra identifies Torah as the pillar that relates to personal perfection (*le-'atzmo*). While we might have related to Torah as merely a source of *mitzvot*, both *bein adam la-Makom* and *bein adam la-haveiro*, the Gra seems

⁶⁸ Stanley Cavell, *Conditions Handsome and Unhandsome* (Chicago, IL: University of Chicago Press, 1990), p. 57.

⁶⁹ For a similar approach, see R Joseph B. Soloveitchik in *Reflections of the Rav*, p. 61 and "Redemption, Prayer, Talmud Torah," *Tradition* 17:2, p. 68-9.

⁷⁰ *Bei'ur Ha-Gra, Yesha'yahu* 1:2.

to understand that the essence of Torah study is directed towards opening up one's character to create a deeply wholesome personality.⁷¹

Through this discussion, we arrive at an answer to the important question of the significance and value of Torah revelation for the ethical life. Human moral intuition requires the support structure of a worldview. Our moral sensitivity is honed and supported through an understanding and integration of a Torah *weltanschauung*. Moreover, the Torah ethical norms are not merely reflective of the demands indicated by moral intuition but require a greater level of ethical conduct. Our engagement with these Torah concepts leads to an elevated moral intuition whereby our understanding of ethical requirements is lifted to a higher plane.⁷²

Implications for Moral Education

We noted above that Rambam and many other authorities advance the view that we should feel a sense of aversion toward unethical behaviour.

⁷¹ I am grateful to Rabbi Binyamin Zimmerman for suggesting to me the relevance of the concept of *bein adam le-atzmo* to this topic and for his discussion of the relevant sources in "Mitzvot Bein Adam Le-atzmo and Building Character," <http://etzion.org.il/vbm/english/archive/chavero/08chavero.htm>.

⁷² Due to lack of space, I have not discussed two other ways in which the Torah transforms and elevates ethical life. The first is the role of emotion. In contrast to Plato's position (*Alcibiades I*) that knowledge ensures proper ethical behaviour, evidence shows that the emotional identification with moral norms is an important factor influencing moral behaviour. For a range of arguments for the importance of emotion for ethical commitment, see Arthur Schopenhauer *On the Basis of Morality*, translated by E.F.J. Payne (New York, 1965), pp. 168–70; James Q. Wilson, *The Moral Sense* (Free Press, 1993), p. 251; Jonathan Haidt, *The Emotional Dog and Its Rational Tail*; "A Social Intuitionist Approach to Moral Judgment," *Psychological Review*, 2001, Vol. 108, No. 4, pp. 814–834 and Eric Schwitzgebel, "Cheeseburger Ethics," <https://aeon.co/essays/how-often-do-ethics-professors-call-their-mothers>.

On the emotional potency of an ethical life grounded in Torah, see *Derashot Ha-Ran, Derasha 5*; Rabbi Joseph B. Soloveitchik, *Out of the Whirlwind: Essays on Mourning, Suffering and the Human Condition* (Ktav, 2003), p. 44, 197; see also Hastings Rashdall, *The Theory of Good and Evil, A Treatise in Moral Philosophy*, Vol. 2, p. 267.

The second facet of Torah ethics not discussed here is the importance of Divine command. See, for example, the concept of *gadol ha-metzveh ve-oseh* in *Bava Kamma* 38a, *Kiddushin* 31a and *Kiddushin* 87a. See also R. Joseph B. Soloveitchik, "Majesty and Humility," *Tradition* 17:2, pp. 36–7.

It is remarkable that, whilst many of us frequently experience such repugnance by ritual transgressions such as eating pork, ethical transgressions often fail to evoke the same revulsion.⁷³

I propose that our discussion of the relationship between moral intuition and Torah ethical living is of great significance in addressing this problem. Torah sources emphasise the importance of ethical character as the foundation of a Torah life.⁷⁴ This problem should be addressed from a number of angles that are rooted in the philosophical and theological positions advanced above.

Character Focus in Parental and Classroom Discipline

Social science research has revealed that moral education of children is more effective when a greater focus is applied to the child's character than to his behaviour. For example, Christopher J. Bryan's experiments revealed that a group of three to six year olds were more likely to assist with a task when encouraged to be a helper than if they were merely requested to help.⁷⁵ Similarly, the rate of cheating was cut in half when children were told 'please don't be a cheater' instead of 'please don't cheat.'⁷⁶

Research also indicates the efficacy of praising children's character rather than just their behaviour. Hence, telling children that you recognise

⁷³ As Aharon Hersh Fried notes, "Is There a Disconnect Between Torah Learning and Torah Living? And If So, How Can We Connect Them? A Focus on Middos," *Hakirab*, vol. 6, p. 41. This is the exact opposite of what is advocated by Rambam. Such a situation is decried by R Kook in *Orot ha-Kodesh* III, *rosh davar*, 11.

⁷⁴ See Simḥa b. Samuel of Vitri, *Maḥzor Vitri*, ch. 426; Rabbenu Yona, *Commentary to Pirkei Avot* 3:17; *Orehot Tzaddikim*, Introduction; Rabbi Ḥayyim Vital, *Sha'arei Ha-Kedusha*, Section 1, Gate 2; Rabbi Eliyahu of Vilna, *Even Shelemah*, 1; Rabbi Ḥayyim of Volozhin, *Ru'ah Ḥayyim* on *Pirkei Avot* 3:17; R Kook, *Orot ha-Kodesh* III, *rosh davar*, 11 and Rabbi Aharon Kotler, quoted by Berel Wein and Warren Goldstein, *The Legacy: Teachings for Life from the Great Lithuanian Rabbis* (New Milford, CT and Jerusalem: Maggid, 2012), p. 38.

⁷⁵ Bryan, C. J., Master, A. and Walton, G. M. (2014), "'Helping' Versus 'Being a Helper': Invoking the Self to Increase Helping in Young Children." *Child Development*, 85: 1836–1842.

⁷⁶ Bryan, C. J., Adams, G. S., & Monin, B. (2012, November 5). "When Cheating Would Make You a Cheater: Implicating the Self Prevents Unethical Behavior," *Journal of Experimental Psychology: General*.

that *they* are nice, helpful and giving was more effective in generating future generous behaviour than merely remarking that *what they did* was nice and helpful.⁷⁷

While these findings are of consequence for any culture, they are of particular significance in the context of our earlier discussion. When a child is praised or receives ethical guidance relating to his character, his attention is drawn to his Divine image. An identification of one's inner character is effective not only in stimulating ethical behaviour but in appreciating the Godliness that is the very essence of each human being's character. As a result, ethical behaviour is likely to be seen as an expression of the child's deepest spiritual yearnings.

The same congruence exists between the results of empirical research on child discipline and the discussion of human nature as essentially oriented toward goodness and compassion. Researchers have distinguished between the moral emotions of shame and guilt. Whilst shame is a negative judgment about the core self, guilt involves a recognition that one has behaved wrongly but that one retains a core of self-worth that can never be lost. Whilst the human ontology assumed in Ancient Greek tragedy is one of shame, Judaism rejects this in favour of a guilt culture in which evil is an attribute of the act, not the agent.⁷⁸ This is the consequence of the belief that human beings bear a Godliness that manifests itself in a sensitivity to justice and an orientation toward compassion as affirmed in our discussion.

Research has shown that a major factor in the effectiveness of child discipline is whether the child is made to feel ashamed or guilty. Whilst shame and its consequent feeling of worthlessness result in an inability to accept responsibility, children experiencing guilt tend to feel regret, display a greater capacity for empathy and typically try to rectify their mistakes.⁷⁹

⁷⁷ Joan E Grusec and Erica Redler, "Attribution, reinforcement, and altruism: A developmental analysis," *Developmental Psychology*, Vol 16(5), Sep 1980, 525–534.

⁷⁸ See Jonathan Sacks, *Koren Sacks Yom Kippur Mahzor*, p. lxxii and Elyakim Krumbein, "On the 'Humility' Dilemma and its Solution," *Tradition* 39:1, p. 10. See also R Kook, *Orot Ha-Teshuvah* (Or Etzion, 1970), ch. 5. Rabbi Jack Bieler pointed out to me that this is reminiscent of Yaakov's words to Shimon and Levi, where he curses not his sons, but their anger.

⁷⁹ See Tangney, June Price, Recent advances in the empirical study of shame and guilt, *American Behavioral Scientist*, Vol 38(8), Aug 1995, 1132–1145; Nancy Eisenberg, "Emotion, Regulation, and Moral Development," *Annual Review of Psychology*, Vol. 51: 665–697 (Volume publication date February 2000). Much of

The recognition of the correspondence between the significance of the intuitive moral sense and the results of empirical research are instructive for parents and educators seeking to maximise ethical conduct in the Orthodox community. Errant behaviour should be viewed and dealt with in the context of a conviction that the child has an innate capacity for distinguishing right from wrong, and, to quote from the aforementioned commentary of R Hirsch, contains ‘a spark of the Creator of the universe and an echo of His spirit.’ This shared recognition facilitates an honest discussion in which it can be explained that the behaviour is disappointing as it does not accurately reflect the Divine character of the child.⁸⁰

Affirmation of Moral Intuitions

We argued above that Torah commitment should support and affirm our natural moral intuitions. Although this contention was expressed in the context of the congruence between these norms and a Torah worldview, there are other ways in which moral norms can be regularly affirmed in a Torah context.

Indicative of this is research carried out by psychologist Dan Ariely. Ariely had participants complete a test and awarded them with cash for each correct answer. The participants were given ample room to cheat. Prior to starting the test, half the participants were asked to list 10 books from their high school reading list whilst the other half recited the Ten Commandments. Whilst many of those in the former group cheated in the test, there were no cheaters amongst those who had recited the Ten Commandments. Ariely notes that a follow-up experiment involving atheist participants showed that reading the Ten Commandments had the same effect.⁸¹ This, of course, is entirely to be expected given our topic of discussion. The normative impact of the ‘*aseret ha-dibberot*’ is not only because they are revealed in a sacred text but because they (or the bulk of

this research is referred to and discussed by Adam Grant, “Raising a Moral Child,” *New York Times*, April 11, 2014.

⁸⁰ The application of this approach is not confined to moral education of children. Indeed, Charles Snyder argues that religious Jews develop a highly positive self-image and are less susceptible to substance abuse so as not to compromise that image by causing intellectual and physical impairment. Interestingly, Snyder writes that Jewish religious observances play an important role in reinforcing this appreciation of human dignity. See Charles R. Snyder, *Alcohol and the Jews*, Arcturus Books Editions (London: Feffer and Simons, 1978), 168.

⁸¹ Dan Ariely, *The (Honest) Truth About Dishonesty: How we lie to everyone—especially ourselves* (London: HarperCollins, 2012), pp. 39-40.

them) correspond to our intuitive moral sense. Ariely sees this experiment as indicative of the potency of what he calls ‘moral reminders.’ The participants were aware that lying is wrong even prior to reading the Ten Commandments, but the process of reading them (especially the prohibition relating to honesty, that against bearing false witness) reminded them and reinforced their moral awareness.⁸²

Ariely’s demonstration of the definitive moral impact of being reminded of moral beliefs is reminiscent of Rabbi Moshe Chaim Luzzato’s introduction to *The Path of the Just* in which he writes of things ‘well known and their truth revealed to all’ but that ‘forgetfulness in relation to them [is] extremely prevalent.’

This principle has implications for anyone who is involved in Jewish leadership and education (including within the home). Moral principles typically supported by ethical intuition must not be taken for granted but must constantly be reaffirmed. If we want to develop and preserve a heightened ethical sensibility in the Orthodox community, we must frequently and consistently take the opportunity to hammer home our recognition and affirmation of intuitive moral principles.

Building on Intuitive Foundations

We quoted above Stanley Cavell’s account of the individual’s engagement with a piece of literature. The ‘text’s thoughts’ may not be in line with my current thoughts but may ‘represent my further, next, unattained but attainable, self.’

I propose that this approach should, *mutatis mutandis*, guide our learning and teaching methodology when encountering Torah sources relating to ethical issues. The laws, concepts and stories should not merely be regarded as information regarding what is classified as mandatory or prohibited, meritorious or reprehensible. Rather those learning and teaching Torah must seek to ‘make more real one’s own not-yet realized self.’⁸³ Before learning a *sugya* in Jewish ethics, one must first identify one’s own

⁸² See similarly the experiment of Brandon Randolph-Seng and Michael Nielson, documented in Ara Norenzayan, *Big Gods: How religion transformed cooperation and conflict* (Princeton University Press, 2013).

⁸³ See Aviva Gottlieb Zornberg, “‘From Another Shore’: Moses and Korah,” *Radi- cal Responsibility: Celebrating the Thought of Chief Rabbi Lord Jonathan Sacks*, p. 236.

intuitive position on the topic in question⁸⁴ and then ask how the texts address that inclination and how one's own deepest spiritual yearnings relate to the issue. Whilst there may be times when one must simply cast aside one's position in deference to the authoritative text,⁸⁵ the more typical experience will be a process of refining and building upon one's intuitive moral foundations.

It is this relationship between natural morality and Torah that is advanced by R Kook:

The sign [by which one can recognise] pure fear of Heaven is when the natural morality which is rooted in man's honest nature ascends by means of [the fear of Heaven] to higher levels than it would have attained without it.⁸⁶

Elsewhere, with more specific reference to Torah:

Morality in its natural state, with all its profound splendour 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 erez. 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... and all the more so those things which are derived from the internal cognition of man himself and his spiritual sense.⁸⁷

A similar perspective is advanced by Rabbi Natan Zvi Finkel:

⁸⁴ One challenge here is distinguishing between moral intuition and political correctness. For a discussion of these concerns, See R Lichtenstein, "The Legitimization of Modernity," *Leaves of Faith: The World of Jewish Living* (Ktav, 2004), Vol. 2, p. 303 and Rabbi Norman Lamm, "Amalek and the Seven Nations: A Case of Law vs. Morality," in Lawrence Schiffman and Joel B. Wolowelsky, eds., *War and Peace in the Jewish Tradition* (New York, 2007), p. 226.

⁸⁵ For a discussion of some difficulties with reconciling moral intuition with a Torah outlook, see Marc B. Shapiro, "Thoughts on 'Confrontation' and Sundry Matters Part II," <http://seforim.blogspot.co.za/2009/09/marc-b-shapiro-thoughts-on.html> and Norman Lamm, "Amalek and the Seven Nations: A Case of Law vs. Morality," p. 208.

⁸⁶ *Shemonah Kevatzim* 1:75.

⁸⁷ *Orot Ha-Torah* 12:2-3, quoted by R Amital, *Jewish Values in a Changing World* (Ktav 2005), p. 24.

The giving of the Torah came to build on these [innate character traits] and to command [the Jewish People] to continue to rise heavenward to ever higher levels transcending those who are in the realm of *derekh eretz*.⁸⁸

I believe much thought should be given to the practical implementation of these directives and that the relationship between revealed Torah and natural morality is strengthened through *Talmud Torah* in the context of natural moral sensitivity.

Worldview

Earlier in this article, we argued that moral values corrode over time when they are not seen in the context of a supporting and meaningful worldview. If a culture lacks a clear outlook on life or when the world perspective is at tension with natural moral sensibilities, the latter are unsustainable in the long run.

Whilst there are many reasons for placing more emphasis in Jewish scholarship and education on Torah *weltanschauung*,⁸⁹ its necessity for the preservation of ethical standards is high among them. We must heed the call of R Hirsch who emphasised the importance of this endeavour:

The ideal of a perfect personal and national life, along with an understanding of the ultimate goal of all human development, is to be derived from the knowledge of the Torah. It is this ideal and this understanding that, first of all, must become the standard by which to measure and evaluate the modern non-Jewish world with all its spiritual, moral and social phenomena that mark the lives of men and nations.⁹⁰

The articulation and promotion of philosophical perspectives on matters of personal and social ethics will both buttress and deepen our intuitive moral foundations.

⁸⁸ *Or Ha-Tzafun*, Vol. 1, pp. 173, 175.

⁸⁹ See Anthony Knopf, "Placing Judaic Values at the Center of the Jewish Agenda," *Conversations* Issue 20 (Fall 2014), pp. 10–35.

⁹⁰ *Collected Writings* (Jerusalem: Feldheim, 1997), vol. 7, 456. For R Joseph. B. Soloveitchik's decrying of the failure to look to the Bible for a spiritual outlook on the world and mankind, see *Family Redeemed: Essays on Family Relationships*, ed. David Shatz and Joel B. Wolowelsky (New York: Toras HoRav Foundation-Ktav, 2000), pp. 3-4. For a discussion of the lack of emphasis on the deeper meaning of *mitzvoth* in contemporary *haredi* schools, see Jonathan Rosenblum, "Tapping into Their Idealism," *Mishpacha Magazine* (February 14, 2010).

Moral Education Should Not Be Confined to Halakhic Observance, Narrowly Defined

A final recommendation relates to the recognition of moral norms with regard to matters that are not the subject of *halakhic* demands. As established above, this was recognised by many rabbinic authorities and is supported by a number of Biblical indications.

That this is seldom recognised in Orthodox Jewish life is bemoaned by R Amital who refers to the widespread ‘impression... that there is nothing in Torah but that which exists in *Halakhab*, and that in any confrontation with the new problems that arise in modern society, answers should be sought exclusively in books of *Halakhab*.⁹¹

This insensitivity may well account for some legal scandals in the Orthodox community in which *halakhic* justifications might sometime be advanced for illegal behaviour without a sensitivity for the broad ethical underpinnings of Judaism.⁹²

We must ensure that our communities, schools and families frequently hammer home the message that adherence to the letter of Jewish law does not satisfy Judaism’s ethical requirements. This must also inform our attitude to specific behaviours that transcend *din*. Examples include praying for someone in need,⁹³ taking ownership of something in a legal manner when the item was also desired by someone who really needed it,⁹⁴ drunken and gluttonous behaviour, an obsession with material possessions, speaking in an uncouth manner,⁹⁵ sensitivity toward all human beings including evil doers⁹⁶ and the ethics of taking advantage of a computer glitch to get cheap tickets from an airline.⁹⁷

⁹¹ *Commitment and Complexity: Jewish Wisdom in an Age of Upheaval* (Ktav, 2008), p. 48. For a similar view, see R Lichtenstein, “A Torah of Life, a Life of Torah,” <http://vbm-torah.org/archive/sichot67/17-67yitro.htm> (Summer, 2001).

⁹² See Marc Shapiro, “Responses to Comments and Elaborations of Previous Posts III,” <http://seforim.blogspot.com/2009/09/marc-b-shapiro-responses-to-comments.html>.

⁹³ See *Berakhot* 12.

⁹⁴ See *Kiddushin* 59a.

⁹⁵ See *Hovot Ha-Levavot, The Gate of Divine Service*, chapter 4; Ramban, *Commentary to Vayikra* 19:2; R Adlerstein, “Symposium, The Sea Change in American Orthodox Judaism,” *Tradition*, p. 22.

⁹⁶ Rabbi Naftali Zvi Yehudah Berlin, *Ha’amek Davar*, Introduction.

⁹⁷ See Rabbi Efreim Goldberg, “Just Because it is Permissible, Doesn’t Mean it is Right,” <http://rabbisblog.brsonline.org/just-permissible-doesnt-mean-right/> (January, 2013).

As Rabbi Moshe Shmuel Glasner argues, the Jewish People will never succeed as representatives of the moral wisdom of the Torah unless they complement *halakbic* requirements with more universal ethical sensibilities.⁹⁸

Conclusion

We have shown that Torah sources support a definitive position with regard to the relationship between Divine law and natural morality: Moral norms exist independently of being revealed in the Torah and mankind bears some ability to discern those norms. Nevertheless, Judaism rejects a pollyannaish perspective on humanity and recognises both the capacity and reality of widespread moral error. It is into this space that the Torah fits by affirming, complementing and deepening moral commitment. The recognition of the importance of both human moral intuition and the revealed Torah in the process of moral development leads us to several conclusions for consideration by all those who are concerned with the advancement of ethical standards in the Jewish community. 

⁹⁸ *Dor Revi'i*, Introduction.