

# Why Judaism Has Laws

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What are the norms that make us good people, and what kind of principles must we infuse into our daily lives to make us moral? These are the questions at the heart of a great philosophical debate that has taken place in the West over the last few centuries. Traditional Judaism, which frequently stands apart from the major trends of Western thought, has weighed in with its own, unique position. According to classical Jewish belief, it is not enough for morality to consist entirely of wise sayings, good intentions, virtues. Morality also, and more importantly, needs laws.

If we open the Hebrew Bible, we will quickly find that it is riddled with collections of laws, particularly in the five books of Moses. These are norms that the Bible insists can and should be adopted by ordinary people in their day-to-day lives. A typical example appears in Leviticus 19:

When you reap the harvest of your land, you shall not wholly reap the corners of your field, nor shall you gather the gleaning of your harvest. And you shall not glean your vineyard. You shall leave them for the poor and for the stranger. I am the Eternal your God.

You shall not steal, nor deal falsely, nor lie to one another.

You shall not swear by my name falsely, nor shall you profane the name of God. I am the Eternal.

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You shall not defraud your neighbor nor rob him. The wages that of him that is hired shall not abide with you all night until morning.

You shall not curse the deaf, nor put a stumbling block before the blind, but shall fear your God. I am the Eternal.

You shall do no unrighteousness in judgment. You shall not respect the person of the poor, nor honor the person of the mighty. But in righteousness shall you judge your neighbor.

You shall not go up and down as a talebearer among your people.

Neither shall you stand aside when mischief befalls your neighbor. I am the Eternal.<sup>1</sup>

Here we see that the Bible uses laws—that is, statements of concrete rules of behavior—to express not only certain ritual prescriptions, such as the Sabbath and holidays, but also moral ones, such as judging fairly and helping your neighbor. The rabbinic tradition continued this approach, developing alongside its rich literature of tales and legends a great legal corpus dedicated to setting the standards of good behavior not only in broad terms, but also in detail—namely, as a system of rules handed down in accordance with a tradition of right and wrong.

Of course, the very idea that morality can comprise a system of traditional rules is today problematic. We have been raised in a culture that emphasizes the decision-making independence of the individual, often to the exclusion of almost everything else. And we have been taught to think that even to speak of moral laws is somehow a threat to the foundations of what we today consider to be the model of a normal, responsible person. The idea that the individual should subordinate his or her daily life to a set of rules and standards that are defined by a *tradition*—that is from without, rather than from one's own understanding of right and wrong—seems to run counter to what modern life is all about.

But given the moral record of the Western world during the last century, we might want to leave ourselves room to reconsider. I think it is obvious that in the twentieth century, something went very wrong with

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Western morality. This was a century that opened with many believing that war was a thing of the past. But instead, dutiful, educated, supremely modern people who read Shakespeare and listened to Mozart embarked on horrific campaigns that resulted in the deaths of tens of millions of innocents. In the wake of World War I, the Holocaust, and the Gulag, it is hard to avoid the feeling that while Western civilization may excel at making people prosperous and physically healthy, it is still far from knowing how to make people good. A parallel advancement in morality is, it seems, beyond our reach.

I will suggest in what follows that Jewish tradition offers its own approach to the problem, a conception of morality that is different from the normative Western view. It rests on the institution of a system of moral law, or what has traditionally been called *halacha*—a way, or a path. I will try to make the case that in Judaism, the law is not simply a set of arbitrary or authoritative rules, but a discipline geared to orienting both the community and the individual toward a vision of the good society. Of course, trying to live according to such a system of law requires discipline and sacrifice. But we should at least consider the possibility that such hard work may be necessary, even vital, if we hope to overcome mankind's seemingly infinite capacity for barbarism.

Before beginning, however, I would like to note that interest in the question of whether we need law to become moral men and women, and what kind of law we need in order to be so, has enjoyed a rather impressive revival in recent years, in all of the various movements of Judaism. Orthodoxy, for example, has begun an earnest internal debate over whether that movement has gone too far in its focus on details, stringencies, and codes of law, at the expense of the broader values or principles that the law is meant to advance. At the same time, the Reform movement—the one branch of Judaism that rejected the idea of *halacha*—has reopened the issue of Jewish law in a significant way, as well. A salient example of this change is the platform adopted by the Reform rabbinate in 1999, which broke with its

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century-long opposition to Jewish law in calling for the “ongoing study of the whole array of commandments,” and for the renewed observance of many classical practices previously rejected by the movement.<sup>2</sup>

Whereas Jews in their different movements may argue over the specific weight and contents of law, the idea of a moral law will, it seems, always be a question for Jews, if for no other reason than because our central ancient texts, beginning with the Bible and continuing throughout the rabbinic tradition, are full of laws. And if we are to undertake an honest re-examination of Judaism by returning to its sources, we must at least take seriously the fact that, historically, it reserved a special place for law as a crucial element in the advancement of a vision of a moral people in history.<sup>3</sup> What I would like to suggest here is that there is a good reason for this, and that it has something to do with the Jewish understanding of morality in general, and of the way morality should be conveyed and instilled in Jewish thought and action in particular.

## II

To understand the meaning of law in Judaism, we must begin with the fact that Jewish morality differs from the mainstream Western approaches, in both their Christian and secular iterations. We begin with the following observation: Whereas the focus of the main streams of Western moral thought is on the *thoughts or beliefs or inner qualities* that a person brings to bear in his moral decision-making, in Judaism the most important thing is *the impact of our actions on our world*.<sup>4</sup> That is to say: Does a given action in fact make the world a better place than it would have been had the action not been taken?

We may find a typical example of what I am calling the mainstream Western view in the writings of Immanuel Kant, who can be said to have

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been the founder of modern ethical thought. In his *Groundwork of the Metaphysics of Morals*, Kant makes it very clear that:

A good will is good not because of what it effects or accomplishes, because of its fitness to attain some proposed end, but only because of its volition, that is, it is good in itself.... Its usefulness or fruitlessness can neither augment nor diminish this value.<sup>5</sup>

In other words, a central theme in Kantian ethics is that it is the purity of one's decisions, rather than the result of one's actions, in which one's moral character is to be found. A similar emphasis can be found in the writings of C.S. Lewis, one of the most popular writers on Christianity of the last century. In his *Mere Christianity*, he writes:

When a man who has been perverted from his youth and taught that cruelty is the right thing, does some tiny little kindness, or refrains from some cruelty he might have committed... he may, in God's eyes, be doing more than you and I would do if we gave up life itself for a friend.... The bigness or smallness of the thing, *seen from the outside*, is not what really matters.<sup>6</sup>

These views are similar, and they should be familiar. For in Kant's rejection of the "usefulness or fruitlessness" of an action, as in Lewis' dismissal of "the bigness or smallness of the thing, seen from the outside," we see the common denominator that unites most Christian and Enlightenment thought on morals. This is the idea that what you actually succeed in achieving with your actions is of relatively little account. What really matters is what happens inside your soul. As we have often heard it said, it's the thought that counts.

Such views are, however, largely absent from the classical texts of Jewish tradition. What we find there is much more frequently a kind of morality that is deeply interested in the consequences of our actions: In whether or not we succeed in taking care of the needy, for instance, and in how we work together to create a good society.

This is felt most clearly in the teachings of the biblical prophets. The prophet Jeremiah, for example, presents God as denouncing the patrons of

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society not for their impiety, but for their lack of justice, as reflected in the suffering of the needy and orphaned:

They are waxen fat, they are become sleek;  
Yea, they undertake deeds of wickedness;  
They plead not the cause of the fatherless...  
And the right of the needy they do not judge.  
Shall I not punish for these things?  
Says the Eternal;  
Shall my soul not be avenged  
On such a nation as this?<sup>7</sup>

For Jeremiah, God's vengeance is taken on that nation which does not "plead the cause of the fatherless," or which allows good intention without regard for results to distort the outcomes of the system in favor of the wealthy and powerful. This is what must inevitably happen in any system that is not explicitly dedicated to a good society as measured by results, for the good intentions of the naïve are invariably taken advantage of by the savvy and sophisticated.

Isaiah, too, sees the central problem of justice not as a matter of man's inability to adhere to absolute rules, but rather his inability to bring good into his world, and especially to those parts of it where the need is greatest. In one famous passage, he tells Israel to stop focusing exclusively on the sacrifices, which are less important than the moral reality which the law was meant to bring about:

What need have I of all your sacrifices? Says the Eternal.  
I am sated with burnt offerings of rams,  
And suet of fatlings,  
And blood of bulls, or lambs, or of he-goats, when you come to appear  
before me.  
Who has required this of your hand, to trample my courts?  
Bring me no more empty offerings.

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The smell of abomination they are to me.  
As for your new moons and Sabbaths and religious assemblies,  
I cannot bear iniquity with solemn meeting.  
Your new moons and fixed seasons  
Fill me with loathing;  
They are become a burden to me;  
I am weary of enduring them...  
Cease to do evil;  
Learn to do good,  
Devote yourselves to justice;  
Aid the wronged.  
Uphold the rights of the orphan;  
Defend the cause of the widow.<sup>8</sup>

For the prophets, justice, like all moral categories, reflects the ability of a people to advance a vision of the good, and to re-orient itself in practice to a higher idea of what human communities are capable of achieving. This is, in fact, the Hebrew Bible's central concern, although our understanding of it has been so deeply influenced by both classical Christian and modernistic interpretations that we tend to forget it. Indeed, if there is any one striking fact about biblical Judaism, it is that good intentions are rarely if ever weighed over good outcomes. Kings are accountable for the kingdoms they lead; prophets rail against them for their failures to protect the needy, to root out idolatry, or to act morally. Foreign nations are upbraided for their reprehensible behavior. The idea that we are in truth not of this world, and that we should cut ourselves off from what Martin Buber called the "lowlands of causality," where things really happen, and instead attach ourselves to a pure existence that is beyond human, historical, social reality—this is almost completely absent from a thousand years of Jewish writing.

The rabbinic sages, as well, argued forcefully that Judaism aims at a set of moral values that are the very purpose of the law, including human dignity, life, peace between neighbors, honor to one's parents, honest business dealings, dignified speech, honoring the dead, and communal unity; and

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that these values must be advanced in the real world if the laws are to maintain their merit. Perhaps the most vivid rabbinic statements stress that one societal value or another can be “weighed against all the rest of the commandments,” or that its violation is akin to the shedding of blood—that is, a violation of the basis on which society is built:

Anyone who speaks poorly of others, it is as though he has denied a fundamental of faith.

Anyone who embarrasses his fellow in public, it is as though he has shed his blood.

Charity is weighed against all the commandments.

The entire Tora is dedicated to the ways of peace.<sup>9</sup>

All of these quotations from the Talmud and Midrash reflect the decisive position that moral outcomes have in determining the moral good. They relate to the kind of society we build, rather than the kind of intentions or beliefs to which we are dedicated.

In this vein, the rabbinic tradition denounces the *hasid shoteh*, the pious fool whose excessive dedication to prayer and sanctity causes him to be a burden to those around him. In the eighteenth century, Rabbi Israel Salanter cautioned:

It is not infrequent for an energetic individual to rise in the middle of the night [to offer *shihot* prayers asking God’s forgiveness for his sins], and make such noise in rising from the bed that he wakes the entire household.... He is blissfully unaware that his loss outweighs his gain.<sup>10</sup>

In other words, as opposed to the mainstream Western view, the traditional Jewish view of the good person is one in which who you are is in large measure a function not of what you think or believe, but of what you *do*—that is, where you succeed in helping society move toward a higher, better order. Not purity of faith but perfection of our world is the ideal toward which we must strive. Not piety, but performance.

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### III

This is fairly straightforward, and it is a point which many Jewish thinkers have made in the modern era. What is rarely explained, however, is why exactly we need law in order to achieve this. We may suggest that the Jewish approach to morality—as emphasizing consequences rather than intentions—leads us inevitably to a second contribution: A method of making morality effective in the world, which distinguishes Jewish moral thinking from that most commonly found in the West.

Since pre-Christian times, Western tradition has consistently sought to portray morality as a kind of personal dedication that relates to one's conscience (knowledge or faith or reason or intentions) rather than the habits of our corporeal selves—thus Plato, Augustine, Kant, and so many others. What unites this tradition is its fundamental dismissal of the body as a significant factor of the good, the assumption being that once man's mind is properly directed, his body will surely follow.<sup>11</sup> If you think good thoughts, so this theory goes, you will automatically do good deeds.

The problem, however, is that this is simply not true. As anyone knows who has ever tried and failed to bring about a major change in his own behavior, such as a diet or a change in one's sleeping patterns, it is clear that the body does not automatically follow the dictates of the soul or the mind. We conclude that smoking is bad; we do not automatically quit. If morality is really about consequences and effective actions rather than good thoughts or intentions, then it cannot exist without the cooperation of the body. And it is a very hard thing to persuade the body to do anything that it is not accustomed to doing.

As opposed to the Western moral tradition, which sets itself against the body and the material world it inhabits, Judaism describes man's nature as comprising both spiritual and material elements, both of which must be

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engaged and tutored if we are to improve ourselves and our world.<sup>12</sup> In the midrashic literature, man is described consistently as dual, combining both the “upper” and “lower” realms, *elyonim* and *tahtonim*, the angelic and the animalistic.<sup>13</sup> He also possesses a “good inclination”: Not just an idea of the good but a drive to do good, which must be trained to overcome the powerful “evil inclination,” which leads us to abandon the good in pursuit of natural gratification. Much of later Jewish moral literature focused not merely on the derivation of correct beliefs, but also on the discipline required to bring about moral outcomes—such as Rabbi Moses Haim Luzzatto’s eighteenth-century classic, *The Path of the Just*.

This discipline is no trifle. The body is a cauldron of complex and conflicting forces, needs, and appetites, which have no particular interest in the quiet conclusions of moral reasoning. Unlike the mind, the body cannot be taught through persuasion, for its “knowledge” does not take the form of words, arguments, or even primarily emotions. The body “understands” through habits, which are ingrained by forcing it to do things it would not have ordinarily done, and by teaching it to defer its own drives and spontaneous behaviors to the dictates of principle or vision.

We may draw an analogy to sports or music. Anyone who has ever undertaken serious training will understand that when the aim is to excel at any kind of performance, it is not enough to read books, attend classes, or think about the best way to do it. The greatest portion of our efforts must be dedicated simply to intensive practice, to repetition, to arrive at the point where doing it right is second nature—that is, to the point where it is something you do not have to think about. For someone who has practiced many long hours through intensive repetition, the basic level of performance is something that his or her body does automatically, as a matter of habit. And if one stops practicing for a few months, one loses that edge. Excellent performance in any arena requires the uninterrupted training of our unconscious, habitual, physical selves. We must work on not just our minds, but the habits of our bodies as well.

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Now, if being a good person is less about what you think than about what you achieve, it is difficult to avoid the conclusion that when we speak of moral excellence, we are talking about something that is more like being a musician or an athlete than like being a philosopher or a historian. It thus follows that in order to teach people to be good, it cannot be just a matter of teaching one to think or believe certain things. Morality, like any other performance skill, requires actual training, not just good intentions. And training means stricture rather than laxity, repetition rather than spontaneity.

Traditional Judaism believes in engendering good in the world by training us to adopt not only moral beliefs but moral habits. This it achieves through the discipline of law. Good actions in Judaism, such as providing for the needy, taking in guests, dealing honestly in business, and contributing one's time to family and community take on the status of not simply a good deed, but a *mitzva*—a “commandment” grounded in a system of law. Giving of yourself becomes a duty that is perceived as coming from without: Not a product of one's autonomous decision making, but an obligation which must be upheld if one is to remain on the right side of the law, and thereby uphold one's covenantal obligations to God and Israel. Thus, whereas modern Western thinking tends to view as genuinely moral only those actions which stem from an act of self-legislation—a decision to follow a rule that is, in essence, of one's own making—Judaism takes the opposite view: That whereas there is certainly something admirable about the individual who invents good rules and keeps them faithfully, only a morality which is grounded in law can be counted upon not only to help redress a specific crisis, but also to act as a consistent force that instills the habits of goodness in both the individual and the community.

This is perhaps what the Talmud in tractate Kidushin meant when it said that one who is commanded and takes action is greater than one who is not commanded, but acts nonetheless.<sup>14</sup> Morality must not be left up to the

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immediate decision of the individual actor who finds himself in the situation of a moral dilemma. Rather, the moral person is one whose habits lead him to do the right thing without having to think too hard about whether he or she wants to or not.

#### IV

This aspect of the law—as the principal agent of moral training for the Jew—is not, however, limited only to those laws that deal directly with overtly moral questions. According to Judaism, even the “ritual” aspects of Jewish law, or those that appear to have no moral content, are nonetheless crucial for the training they provide. The dietary laws, for example, can be understood as preparation for a situation in which proper moral conduct may come into conflict with a specific physical urge, in this case the appetite for food. Through the continual, controlled inhibition of this appetite, man learns to limit the influence of this urge upon his actions.<sup>15</sup> When combined with similar training regarding other physical inclinations, man’s being as a whole becomes conditioned to responding rightly and accurately whenever emotions or inclinations conflict with moral demands. As Eliezer Berkovits, one of the leading philosophers of Judaism in the last century, put it:

The aim [of the law] is to teach... a new “awareness,” one which is foreign to the organic [physical] component of the human personality... The purpose of the inhibitive rules is to practice saying “no” to self-centered demands; whereas the fulfillment of the positive commands is the exercise of saying “yes” in consideration of an order different from one’s own.<sup>16</sup>

This does not, of course, mean that the ritual laws have no spiritual or theological meaning beyond their importance for moral training. On the

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contrary, Jewish ritual is filled to the brim with symbolism concerning the Jew's relationship with God, his community, or his own inner self. But such additional meaning could have been reached, one may argue, even if these rituals were not rules, but merely customs passed on from parents to children. What the idea of law contributes is the sense of acting out of obligation, even in contravention of momentary desires. By presenting rituals as law, Judaism demands that people impose discipline on their own actions in every sphere of their physical lives. Thus the tradition trains them as moral beings in a way that no amount of preaching can.

To illustrate the advantages offered by this kind of discipline, it is useful to consider the example of moral conduct with regard to speech—and in particular, the injunction against gossip, or the spreading of stories about people. This is derived from the Ninth Commandment's declaration that "You shall not bear false witness against your neighbor," as well as the verse in Leviticus that says, "You shall not go as a talebearer among your people."<sup>17</sup> The reason gossip is considered a bad thing is, I think, fairly clear: Everyone has said or done things of which they are not proud. It does very little good for a society to be in the habit of amusing itself by spreading the news of these failings as far and thin as it can. Even if the things that are being said are entirely true, it is nonetheless a very painful thing to have every mistake one has ever made circulating forever among people whose opinions matter to us. It alienates the individual and makes people less willing to strive, to sacrifice, and to dedicate themselves to the well-being of those around them.

We all know this to be true. And yet, the version of this moral principle that most of us normally hear, something along the lines of "It's not nice to gossip," does hardly anything at all to change people's behavior. When we stop and look around us, we quickly see that the telling of pointless and hurtful stories—things that no one could possibly have a decent reason for knowing about—are everywhere. The matter of who did what with whom has become hard to distinguish from public debate and legitimate criticism. And even if we feel bad about it once in a while, the truth is that in

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a society in which being an entertaining person means taking part in the spread of nasty stories about others, it is virtually impossible to avoid doing it yourself.

In Judaism, the prohibition against gossip is a law, beginning in the Bible and continuing with a developed literature on what one may or may not say about others. Gossip is called *lashon hara*, “the evil tongue,” and the rabbis believed it to be one of the worst of societal ills. According to the Talmud, “Anyone who speaks the evil tongue, God says of him: He and I cannot live in the same world.” According to one midrash, *lashon hara* is the source of all plagues; according to another, anyone who speaks it has no place in the world to come. According to a third, the evil tongue is described as being equal to the shedding of blood, sexual immorality, and idolatry—the three sins which Judaism holds that one ought to die for rather than commit.<sup>18</sup> These may be extreme formulations, and one should take them in the spirit of classical rabbinic hyperbole. The point is that this is a deeply held value, one that expresses itself not just in aphorisms, but also as law, with entire books having been written delineating the borders between legitimate criticism and the evil tongue.

And indeed, in today’s world, there exist living communities of people who dedicate themselves to the observance of this law, and who have as a result developed entirely different habits of speech from the ordinary conversation we encounter. These people take the laws of *lashon hara* seriously, and have worked hard to inculcate the habits of good speech, and with no small measure of success. In most cases, they have gone to a great deal of trouble to better themselves not because of some general principle of being nice or being good, but because doing so is the law, and they strive to be law-abiding people.

A further example of the power of habit-forming moral training is the law of charity, or *tzedaka*. Here again, we see a striking difference between the classical Jewish and Christian views. In the classical Christian tradition, charity is in essence an act of grace. Just as the Almighty forgives us even

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though we are all sinners, and even though we do not deserve it, so, too, do we give to the poor as an act of God's grace, allowing ourselves to be a vessel of his goodness above and beyond anything that is deserved.

In Judaism, however, philanthropy is a law. One who is not himself poor is obligated to give one-tenth of his or her income to the needy. It is not considered an act of grace, but of mandatory righteousness. Thus is the word *tzedaka* related to the word *tzedek*, meaning righteousness or justice. Giving, according to Judaism, is an act of duty and right action. One is obligated to be a giver, and to help those in need.

The result of this has been a deeply effective tradition of philanthropy throughout the Jewish world, one that continues in communities that have long abandoned the traditional approach to Jewish law in general. Jews in the United States give well beyond their numbers, to both Jewish and non-Jewish causes. This is not because Jews are magically or genetically programmed to be nice to the needy. It is instead largely a result of the fact that for many centuries, Jews were brought up to believe that philanthropy was a *mitzva*, or a law. In more traditional Jewish communities, children are taught from a very early age to put a coin in a charity box every day. It is a habit that is reinforced throughout their childhood by virtue of its status as law, an observance no less obligatory than keeping kosher. The result is that these children grow up in communities in which charitable giving—which, in other cultures, is just another good deed—is accepted as a universal communal norm: Something that everybody simply does, out of habit.

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Up until now, we have spoken mainly of the habit-forming exercise that law provides. When we shift our focus to the communal level, however, this kind of discipline offers a number of additional, powerful advantages that I believe can be accrued only when our moral beliefs and societal vision are grounded in a system of law.

One such advantage is the social sanction that accompanies law in general. Law raises the stakes of violating the moral code by making any violation into an assault on the system as a whole, and by turning people who are not fully committed to moral behavior into lawbreakers. To illustrate this point, it is worth taking a look at an example from American history: The problem of racial discrimination. This is truly one of the most remarkable transformations a people has ever undertaken: How a nation that preserved the institution of slavery well beyond most other civilized countries, and that, in the middle of the twentieth century, still allowed racial theories to figure prominently in politics and public culture, in the course of a single generation turned “racism” into a word as dirty as “tyranny,” and within half a century all but eliminated it from polite discourse.

How did this happen? Of course, it began with a Declaration of Independence that declared all men to have been “created equal” and “endowed by their creator with certain inalienable rights.” It continued with a rise of public support for equality in the twentieth century. But the turning point, the moment that made Martin Luther King’s dream a reality, was undoubtedly the passage of the Civil Rights Act in 1964, which made illegal all racial discrimination in businesses, federally funded agencies, and the public square. By making racism not just wrong, but *illegal* in key spheres of life, society had rendered a decision, and had sent a vivid message to racists throughout America: This is what this nation stands for. Believe what you

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want in your heart, but know that this country holds you to be wrong and counts you among the lawbreakers.

Law, it seems clear, provides a degree of social sanction, and of collective clarity in moral understanding that good values alone never can. Yet it offers a further advantage, as well: The power of what we might call “social coordination.” It is simply much easier to keep a moral precept if everyone around us is doing so as well. This is why artists band together in artists’ colonies, and why we form societies and clubs. We gain confidence in our ways and learn to follow them more effectively when surrounded by like-minded people. As anyone knows who has ever attempted to keep the Sabbath, kashrut, or any other system of practice, it is incomparably easier to do this in the company of others. From the feeling of confidence that is gained by seeing others around us behave similarly, to the removal of the burden of “making a statement” when all we really wanted to do was to live a certain way, it is amazing how much easier it is to be what we want to be when the community we live in is that way as well.

This is no less the case with moral behavior. We are better when we are around good people. Good, like evil, is infectious. One obvious example in Judaism is the unique set of practices associated with death and bereavement. Particularly for those of us who have never lost someone dear to us, there are few things as awkward as visiting a house of mourning. We love and enjoy life, and death is for us an unwanted mystery; we do not understand it, and most of us have little desire to bring ourselves close to it. Comforting the bereaved is therefore very difficult, and many of us simply do not do it. Or perhaps we do it in a perfunctory way, hanging back at the funeral and then running off, convincing ourselves that the bereaved do not really need us, or that the other visitors are more capable of providing comfort than we are.

At the same time, however, we all know this is a terrible thing: That there is something selfish, and spiritually weak, about letting that awkwardness carry the day. For the truth is, the family of the deceased may need us

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right now, sometimes desperately. In our uniquely individualistic modern world, the mourner is often left uniquely alone. By allowing our weakness to get in the way, or by doing what we feel like doing at that moment, as opposed to doing what we should, we betray those who need us the most.

Judaism, however, turns the good act of comforting the bereaved into a law.<sup>19</sup> For seven days from the time of the burial, everyone in the community is dutybound to visit the mourner and to comfort him or her by his presence. We must listen to the mourner when he or she wishes to speak, or else simply show ourselves in silence for the mourner who does not. Through the societal coordination which comes with law, Jewish communities throughout history and to this day have succeeded in supporting their own people when it has mattered most. At a time when bereavement is overwhelming, when one faces a unique and powerful sense of not just loss but also loneliness, Jewish morality makes itself felt, brings itself into the life of the mourner, and assures him that despite the unfathomable nature of the loss, the mourner is not, cannot ever be, truly alone. And in communities where this is practiced, comforting the bereaved becomes incomparably easier. You do it because everybody does it, you do it because you have to, and you do it together with others. This is what it means for something to be a law.

**W**e now arrive at the final, and perhaps most important, advantage offered by thinking about moral behavior in terms of law. This advantage has to do with the impact law has on our inner selves. Throughout the discussion, I have pointed to the ways in which Jewish tradition directs our focus away from thoughts and beliefs, and toward actions, habits, and the effect we have on the world. This inattention to the inner self does not, however, stem from disregard. There is an inner truth to who we are. There are good people, not just good actions.

It is the Jewish view, however, that a sincere change in our inner selves is not accomplished by focusing on beliefs or faith or theory or knowledge.

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Inner self-improvement, paradoxical as it may sound, begins with our actions. It requires not a “leap of faith,” but rather what Abraham Joshua Heschel called a “leap of action.”<sup>20</sup>

Instead of hoping that our actions will follow our beliefs—which, as we have seen, does not work—Judaism believes that only if our actions and our moral habits are right and good can we become better people inside. The practice of giving charity makes people more charitable; the practice of careful speech makes us more sensitive to the impact of our words on others; the practice of taking in guests makes us more hospitable; the practice of visiting the sick or bereaved makes us more sensitive to the tragedy of others. These practices begin as law, but once we have acted in accordance with the law, we improve as a result.

Why is this so? The first reason is quite obvious: Life is a very distracting thing, and we really do need to be reminded of the moral considerations that make us good people. Law reminds us to do that which we really know to be right when the pressures of life lead us to seek a way out of our duties.

Yet I think there is a more profound reason, one which gets to the heart of how law gives us the opportunity to be better people than we may have otherwise been. A friend of mine who served in the Israeli army once told me that the most important thing he discovered in his basic training was the wealth of his own hidden abilities, the things he never thought he could do. By being forced to march for three days straight on three hours’ sleep each night, he discovered wellsprings of strength he never knew were there—a lesson which he carries with him in times of great stress in civilian life.

This is not surprising. It is, after all, a remarkable feature of human beings that *we believe the things we see*. And very often, we disbelieve the things we do not see. We come to believe that we are strong because we have seen ourselves be strong; whereas if we never have the chance to see ourselves be that strong, we just think we are not.

The same holds for moral behavior. When we act morally—even if our intentions are not as pure as snow—we nevertheless experience the good act as a precedent for our own behavior. This can have a tremendous effect.

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When we do not see ourselves giving *tzedaka*, or charity, it is easy to fall into the habit of thinking that it is not something we are capable of doing. We find excuses for why we cannot really afford it. But when we give charitably even under compulsion of law, we come to believe this is a standard we can live up to. It refutes the secret denials, the silent suspicion that maybe we just are not such good people.<sup>21</sup> It is a proof to ourselves, in other words, that we really can be, and really *are*, charitable. It puts the act of giving into our “comfort zone,” making it a part of who we are.

Judaism has always believed that it is our actions that fashion our inner sentiments, that give us concrete, reliable data as to who we really are, and that create the true momentum for improvement. Only from this kind of knowledge of ourselves may we derive the strength to do good things even in the face of intense pressure from our peers, our colleagues, our superiors, or our own laziness. As R. Elazar ben Azaria says in the Mishna:

One whose wisdom is great but his deeds are few, to what may he be compared? To a tree that has many branches but few roots; the wind blows, and turns the tree on its head. But one whose deeds are greater than his wisdom, to what may he be compared? To a tree with few branches and many roots: Even if all the winds of the world were to blow on it, it would not move from its place.<sup>22</sup>

## VI

We have seen, then, that morality according to Judaism is about acting as a consistent, effective force of good in our world. This begins by viewing our obligation to outcomes, not just good intentions. Perhaps the Talmud put it most strikingly in the following declaration in tractate Shabbat:

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Whoever can stop the members of his household from committing a sin, but does not, is held responsible for the sins of his household. If he can stop the people of his city from sinning, but does not, he is held responsible for the sins of the people of his city. If he can stop the whole world from sinning, and does not, he is held responsible for the sins of the whole world.<sup>23</sup>

In Judaism, in other words, being good is about taking responsibility. It is about making sure that things really do change for the better. It is not about what we think or feel about things. It is about actually transforming our world.

And if we really want to transform our world, then what we need is a discipline that trains us to excel as moral actors. In Judaism, this discipline is what is gained by trying to live one's life according to law. This does not mean, of course, that every person who tries to live according to Jewish law turns out to be moral. But for those Jews who want to be moral, and who want to develop the habits of good behavior, the idea of bringing morality under law offers a method of training—a kind of ongoing moral boot camp—that makes one strong enough to be good. In Judaism this is crucial, because being a good person means not only having “meant well,” but also having saved the day.

It is important to add, moreover, that these points about the relationship between law and morality are not limited in their importance to the role played by the individual. On the contrary, it is precisely because of Judaism's concern for human history—that is, the belief that communities and peoples and nations may yet see their moral standing improve over time—that this kind of morality is the Jewish path for both individuals and collectives. It is this aim that Jewish law and morals seek to advance in history: Of teaching human beings, body and spirit, individuals and nations, to make a better world.

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## Notes

1. Leviticus 19:9-16.
2. "A Statement of Principles for Reform Judaism," approved by the Central Conference of American Rabbis, May 26, 1999, in Pittsburgh.
3. Jewish law, of course, has its origins in the Bible, in which major sections of the books of Moses, especially Exodus, Leviticus, and Numbers, are dedicated to spelling out the basic legal principles upon which the new Israelite society was to be founded. Jewish law also plays an important role throughout the books of prophets and kings, in which the success or failure of rulers, whether they "did right in the eyes of the Eternal," is determined to no small extent by how well they upheld and enforced the law of God.  
But the emphasis on law in Judaism did not really reach its height until the talmudic period. No longer possessing the worldly power of the biblical monarchy, the Jews still possessed significant communal autonomy, and their literature developed a broad, profound affinity for legal discussion, one which covers all areas of life, and which stood as one of the central pillars—perhaps *the* central pillar—of rabbinic thinking. As the rabbis themselves put it, "Since the destruction of the Temple, the Holy One has nothing in his world other than the four cubits of law." Brachot 8a.
4. A number of the ideas in the first half of this lecture were delineated in an earlier, more detailed way in my analysis of the moral philosophy of Eliezer Berkovits which appeared in these pages in 2001. See David Hazony, "Eliezer Berkovits and the Revival of Jewish Moral Thought," AZURE 11 (Summer 2001), pp. 23-65.
5. Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Cambridge: Cambridge, 1997), p. 8.
6. C.S. Lewis, *Mere Christianity* (New York: HarperCollins, 2001), pp. 91, 93. Emphasis added.
7. Jeremiah 5:28-29.
8. Isaiah 1:11-17.
9. Arachin 15b; Bava Metzia 58b; Bava Batra 9a; Mishna Gitin 5:8, and the discussion in Gitin 59b. The Tosefta relates that "because of the ways of peace," Jews are obligated to support the poor of the non-Jewish communities, to visit their sick and to bury their dead "as one buries the dead among Jews." Tosefta Gitin 3:18. Eliezer Berkovits, *Not in Heaven: The Nature and Function of Halakha* (New York: Ktav, 1983), pp. 25-26.
10. Joseph Telushkin, *Jewish Wisdom: Ethical, Spiritual, and Historical Lessons from the Great Works and Thinkers* (New York: Morrow, 1994), pp. 331-332.

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11. Obviously this does not exhaust the shades of Western ethical thought, and Berkovits himself cites three thinkers (Spinoza, Marx, and Bergson) who understood on some level the problem with ignoring the body. Eliezer Berkovits, *God, Man, and History*, ed. David Hazony (Jerusalem: Shalem, 2004), pp. 98-100, 109-110.

12. The coordination of man's spirit and body is crucial to the Jewish thinker: One example appears in Genesis Rabba 8:11: "R. Tafdai said in the name of R. Aha: The higher things (*baelyonim*) were created in the likeness and image of God, but cannot be fruitful and multiply; the lower things (*batahtonim*) can be fruitful and multiply, but were not created in the likeness and image of God. Said the Holy One, 'I will make him [i.e., man] in the likeness and image with the higher things, and able to be fruitful and multiply, with the lower things.' R. Tafdai further said in the name of R. Aha: Said the Holy One, 'If I make him out of the higher things, he will live and not die; if I make him of the lower things, he will die and not live. Therefore, I will make him from both the higher and the lower things. If he sins, he will die; if he does not sin, he will live.'" See also Genesis Rabba 14:4. For additional sources, see Ephraim E. Urbach, *The Sages: The World and Wisdom of the Rabbis of the Talmud* (Cambridge, Mass.: Harvard, 1979), p. 221.

13. Midrash Tanhuma, Vayyera 15.

14. Kidushin 31a.

15. As Eliezer Berkovits explained it: Just as war is both too risky and too infrequent to allow a soldier to learn to fight solely through trial-by-fire, so too is the moral dilemma both too risky and too infrequent to allow us to make do with laws that address only actual moral situations. Berkovits, *God, Man, and History*, pp. 113-114.

16. Berkovits, *God, Man, and History*, p. 116.

17. Exodus 20:13; Leviticus 19:16.

18. Arachin 15b; Deuteronomy Rabba 6:8; Pirkei de Rabbi Eliezer, 53; and again, Arachin 15b. One rabbi, R. Dimi the brother of R. Safra, goes as far as to suggest that one should not even speak *well* of people, because the habit of judging others in public will lead you to speak poorly of people. Bava Batra 164b.

19. Joseph Karo, *Shulhan Aruch, Yoreh De'a* 376; Sota 14a.

20. Abraham Joshua Heschel, *God in Search of Man: A Philosophy of Judaism* (New York: Farrar, Straus and Giroux, 1976), ch. 28.

21. "The poor man does more for the rich man [by accepting charity] than the rich man does for the poor by giving it." Leviticus Rabba 34:8.

22. Mishna Avot 3:21.

23. Shabbat 54b.