

# WHAT GOOD IS BOOK LEARNING?: BUSINESS ETHICS EDUCATION AND THE PEOPLE OF THE BOOK

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## INTRODUCTION

Why teach ethics in business school? To develop skills of applied philosophy? To create trust in business despite its history of frauds and swindling?<sup>1</sup> Because the AACSB requires ethics education for business school accreditation?<sup>2</sup> Does teaching ethics create more ethical behavior?<sup>3</sup> Or is such an outcome wishful thinking at best<sup>4</sup> and at worst a confidence game itself?<sup>5</sup>

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<sup>1</sup>The New York Times *Times Topics* section devoted exclusively to *Frauds and Swindling* lists 388 articles reported in 2012, [http://topics.nytimes.com/topics/reference/timestopics/subjects/f/frauds\\_and\\_swindling/index.html](http://topics.nytimes.com/topics/reference/timestopics/subjects/f/frauds_and_swindling/index.html). The Wall Street Journal reported on “fraud” in 250 articles just in December 2012, <http://online.wsj.com/search/term.html?KEYWORDS=fraud>.

<sup>2</sup>THE ASSOCIATION TO ADVANCE COLLEGIATE SCHOOLS OF BUSINESS, <http://www.aacsb.edu/about/default.asp>. “AACSB International continues to enhance its long-standing support for ethics education for all business students. Although AACSB International has insisted on the inclusion of ethics in business curricula for many years, it has responded to recent revelations of corporate malfeasance by searching for ways to strengthen its role in preparing socially responsible graduates for business careers,” <http://www.aacsb.edu/resources/ethics-sustainability/relatedstandards.asp>.

<sup>3</sup>Gad Saad, *Would a Business Ethics Class Have Prevented Bernard Madoff from setting up his Ponzi Scheme?* (Apr. 1, 2009, 10:24 AM), <http://www.psychologytoday.com/blog/homo-consumericus/200904/would-business-ethics-class-have-prevented-bernard-madoff-setting-his->.

<sup>4</sup>Students will adapt if the rules of school and “the real world” differ. “[I]n the real world, such acts are not called ‘cheating tactics,’ but ‘business strategy.’” *Cheating in School Versus Cheating in the Real World*, 123HELPME.COM, (Aug. 18, 2012), <http://www.123helpme.com/view.asp?id=30501>.

<sup>5</sup>Robert Wiener & David LaDue, *Worse than Nothing at All: Business Ethics as Taught in Business Schools*, 18:3 SOC’Y BUS. ETHICS NEWSL. 14-15 (Winter 2008), available at <http://www.societyforbusinessethics.org/images/Documents/Newsletters/winter%202008.pdf>; Robert Wiener & David LaDue, *Worse than Nothing at All: Business Ethics as Taught in Business Schools* (2007) (unpublished paper, on file with author). In fact, corporate responsibility/business ethics education may be in decline. Diane L. Swanson & Dann G. Fisher, *The Rise and Fall of CR Education*, 3.2 CORP. RESP. MAG., Mar.-Apr. 2012, <http://www.thecro.com/content/rise-and-fall-cr-education>.

Does teaching lead to doing? John Dewey argued that to even pose the question makes the error of disconnecting the mind and the body.

The very problem of mind and body suggests division; I do not know of anything so disastrously affected by the habit of division as this particular theme. In its discussion are reflected the splitting off from each other of religion, morals and science; the divorce of philosophy from science and of both from the arts of conduct. The evils which we suffer in education, in religion, in the materialism of business and the aloofness of "intellectuals" from life, in the whole separation of knowledge and practice--all testify to the necessity of seeing mind-body as an integral whole.<sup>6</sup>

In practice, apparently great readers are not necessarily good people,<sup>7</sup> psychiatrists kill,<sup>8</sup> nurses smoke,<sup>9</sup> some of our "best" students may cheat,<sup>10</sup> and rabbis swindle.<sup>11</sup> Then what good is book learning?<sup>12</sup> This paper reviews Jewish sources on the connection between education and ethical

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<sup>6</sup>John Dewey, Address at the New York Academy of Medicine (1928), BULL. N.Y. ACAD. MED. (1928) in THE COLLECTED WORKS OF JOHN DEWEY: LATER WORKS VOLUME 3: 1927-1928 (Jo Ann Boydston, ed., Southern Illinois University Press 2008) 25-40, available at <http://www.alexandercenter.com/jd/johndeweydisconnect.html>.

<sup>7</sup>Hitler's private library numbered 16,000 volumes. Timothy Ryback, *Hitler's Bedtime Reading: From Robinson Crusoe to Henry Ford on Jews, a new book peeks inside Hitler's private library* (October 17, 2008 1:53 AM), <http://www.thedailybeast.com/articles/2008/10/17/hitlers-bedtime-reading.html>.

<sup>8</sup>Brown, Angela K., *Fort Hood Shooting Suspect's Trial On Hold Over Beard*, AP (Aug. 16, 2012 03:06 AM ET), [http://www.huffingtonpost.com/2012/08/16/fort-hood-shooting\\_n\\_1789328.html](http://www.huffingtonpost.com/2012/08/16/fort-hood-shooting_n_1789328.html).

<sup>9</sup>"Nurses in the study demonstrated behavior patterns similar to women in the general population...Being a nurse did not make these women immune to nicotine addiction." Elaine Schmidt, *UCLA study reveals smoking's effect on nurses' health, death rates*, UCLA NEWSROOM (November 12, 2008), <http://newsroom.ucla.edu/portal/ucla/new-ucla-study-reveals-smoking-71590.aspx>; see Linda Sarna et al., *Nurses, smoking, and the workplace*, 28.1 RESEARCH IN NURSING & HEALTH 79-90 (2005).

<sup>10</sup>Stuyvesant High School cheating scandal. Al Baker, *At Top School, Cheating Voids 70 Pupils' Tests*, N.Y. TIMES, July 9, 2012, available at <http://www.nytimes.com/2012/07/10/nyregion/70-students-at-stuyvesant-to-retake-exams-after-cheating-case.html?pagewanted=all>. And at Harvard too. Richard Pérez-Peña, *Harvard Students in Cheating Scandal Say Collaboration Was Accepted*, N.Y. TIMES, September 1, 2012, at A16.

<sup>11</sup>"Rabbi Leib Glanz and Menashe Glanz were accused of stealing more than \$220,000 over 15 years in housing subsidies for low-income people." Benjamin Weiser, *Brooklyn Rabbi and His Brother Plead Guilty in Section 8 Fraud*, N.Y. TIMES, September 4, 2012, <http://www.nytimes.com/2012/09/05/nyregion/brooklyn-rabbi-and-his-brother-plead-guilty-in-section-8-fraud.html>.

<sup>12</sup>This paper results in part from the following experience. On a New York City subway car someone reading a book dropped scraps of paper on the floor. A fellow passenger said to them, "Excuse me. You dropped some paper." The reader looked up, nodded, and did nothing. The fellow passenger asked, "What good is your book learning if you disrespect the rest of us by littering?" Theodore Kaczynsky entered Harvard at age sixteen, Alston Chase, *Harvard and the Making of the Unabomber*, THE ATLANTIC MONTHLY (June 2000), available at <http://www.theatlantic.com/past/docs/issues/2000/06/chase.htm>; "People who knew the suspect in the 'Dark Knight' shooting at a Colorado movie theater described him Friday as an intelligent student who showed no signs of violence," Richard Marosi, Matt Stevens & Phil Willon, *Colorado shooting suspect studied hard, 'really smart,' friend says*, LOS ANGELES TIMES, (July 20, 2012, 12:41 PM), <http://latimesblogs.latimes.com/lanow/2012/07/colorado-shooting-suspect-really-smart-friend-says.html>.

deeds.<sup>13</sup>

## I. THE PEOPLE OF THE BOOK

Society demeans education with phrases such as “It’s only academic” and referring to “the academy”<sup>14</sup> as an “ivory tower.”<sup>15</sup> These sayings suggest that book learning is not practical in “the real world.”<sup>16</sup> Yet in Judaism, education is respected. The term *rabbi* primarily means teacher<sup>17</sup> and “the People of the Book” referred to in the title of this paper are the Jewish people, a label they now largely embrace.<sup>18</sup>

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<sup>13</sup>The Brooklyn, New York district attorney charged four Satmar Hasidim with attempting to bribe and coerce a sexual abuse accuser. Sharon Otterman, *Ultra-Orthodox Men Charged With Trying to Silence Accuser*, N.Y. TIMES (June 21, 2012), available at <http://www.nytimes.com/2012/06/22/nyregion/4-ultra-orthodox-men-charged-with-trying-to-silence-accuser-in-abuse-case.html?pagewanted=all>. Eight teenagers, apparently from ultra-Orthodox families, were arrested for beating an Arab teenager unconscious in Jerusalem. One of their mothers said, “These are kids who do not have the patience to study” and the Israel education minister mandated that junior and senior high school students be taught about the event. But, as one student observed, what’s the use of talking with those who don’t want to change their minds? Jodi Rudoren & Isabel Kershner, *After Attacks, Israeli Schools Confront Hate*, N.Y. TIMES (August 27, 2012), available at [http://www.nytimes.com/2012/08/28/world/middleeast/israeli-schools-to-discuss-racism-after-palestinians-beating.html?\\_r=1&hp&pagewanted=print](http://www.nytimes.com/2012/08/28/world/middleeast/israeli-schools-to-discuss-racism-after-palestinians-beating.html?_r=1&hp&pagewanted=print).

<sup>14</sup>“1c : higher education —used with *the* <the functions of the *academy* in modern society>,” <http://www.merriam-webster.com/dictionary/academy>.

<sup>15</sup>“Ivory tower. Meaning. A state of sheltered and unworldly intellectual isolation,” <http://www.phrases.org.uk/meanings/210800.html>.

<sup>16</sup>“[I]f we improve and do things differently, it might help to do away with the common phrase ‘it’s only academic,’ indicating academic research is irrelevant and unimportant [sic] in the real world.” Maling Ebrahimpour, *From the Editor*, DECISION LINE, [http://www.decisionsciences.org/decisionline/Vol43/43\\_1/dsi-dl43\\_1\\_editor.asp](http://www.decisionsciences.org/decisionline/Vol43/43_1/dsi-dl43_1_editor.asp).

<sup>17</sup>LOUIS JACOBS, *THE JEWISH RELIGION: A COMPANION* (Oxford University Press 1995), available at [http://www.myjewishlearning.com/practices/Ritual/Prayer/Synagogue\\_and\\_Religious\\_Leaders/What\\_is\\_a\\_Rabbi.shtml](http://www.myjewishlearning.com/practices/Ritual/Prayer/Synagogue_and_Religious_Leaders/What_is_a_Rabbi.shtml).

<sup>18</sup>The Muslim phrase (*ahl al-kitab*) refers to adherents of the other two Abrahamic religions, Jews and Christians. Frank Peters, *People of the Book 3* (2010). Research on the role of the book in Christianity and Islam, and other religious texts such as the Book of Mormon would be of interest. Oren Kessler, *People of the Book: What’s behind the strange love affair between Mormons and Israel?*, FOREIGN POLICY (July 30, 2012), available at [http://www.foreignpolicy.com/articles/2012/07/30/why\\_do\\_mormons\\_love\\_israel](http://www.foreignpolicy.com/articles/2012/07/30/why_do_mormons_love_israel). Christianity may use the terms of “faith and works” rather than book/Torah and deed/mitzvah. See Chapter 11, Stefan Huber & Constantin Klein, *Faith or Morality? ‘Theological Sediments’ Depending on the Centrality, Content, and Social Context of Personal Religious Construct Systems*, LESLIE FRANCIS, MANDY ROBBINS & JEFF ASTLEY, *EMPIRICAL THEOLOGY IN TEXTS AND TABLES: QUALITATIVE, QUANTITATIVE AND COMPARATIVE PERSPECTIVES* 249 (Brill 2009), available at [http://scholar.valpo.edu/cgi/viewcontent.cgi?article=2026&context=vulr&sei-redir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fas\\_ylo%3D2011%26q%3Dfaith%2Band%2Bworks%26hl%3Den%26as\\_sdt%3D0%2C33#search=%22faith%20works%22](http://scholar.valpo.edu/cgi/viewcontent.cgi?article=2026&context=vulr&sei-redir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fas_ylo%3D2011%26q%3Dfaith%2Band%2Bworks%26hl%3Den%26as_sdt%3D0%2C33#search=%22faith%20works%22).

## II. THE BOOK

For Jews, “the Book” means not only the Torah<sup>19</sup> but the entire Tanakh<sup>20</sup> and may even include the Talmud.<sup>21</sup> The centrality of book learning in Judaism, the more the better, is expressed in the following passage from the Talmud. “ואינו דומה שונה פרקו מאה פעמים לשונה פרקו מאה ואחד”, One who repeats what they have learned one hundred times cannot be compared to one who repeats it a hundred and one times.”<sup>22</sup> The Torah is so important that all members of a community of Israelites, including strangers, were to gather together to learn it.

יְקַוְּ אֱלֹהֵיכֶם וְשָׁמְרוּ לְעֲשׂוֹת אֵת כָּל דְּבָרֵי הַתּוֹרָה הַזֹּאת:  
(יג) וּבְנֵיהֶם אֲשֶׁר לֹא יָדְעוּ וְשָׁמְעוּ וְלָמְדוּ לִירְאֵה אֵת יְקַוְּ אֱלֹהֵיכֶם כָּל הַיָּמִים אֲשֶׁר אַתֶּם חַיִּים עַל הָאָדָמָה אֲשֶׁר אַתֶּם  
עֹבְרִים אֵת הַיַּרְדֵּן שָׁמָּה לְרִשְׁתָּהּ

Gather the people - men, women, children, and the strangers in your communities - that they may hear and so learn to revere the Lord your God and to observe faithfully every word of this Teaching. Their children, too, who have not had the experience, shall hear and learn to revere the Lord your God as long as they live in the land that you are about to cross the Jordan to possess.<sup>23</sup>

According to Maimonides,<sup>24</sup> all Jews must regularly study Torah.

כל איש מישראל חייב בתלמוד תורה בין עני בין עשיר בין שלם בגופו בין בעל יסורין בין בחור בין שהיה זקן גדול שתשש כחו אפילו היה עני המתפרנס מן הצדקה ומחזור על הפתחים ואפילו בעל אשה ובנים חייב לקבוע לו זמן לתלמוד תורה ביום ובלילה שנאמר והגית בו יומם וליילה

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<sup>19</sup>“Torah (Heb. Lit. ‘teaching,’ ‘doctrine,’ or ‘instruction’), Pentateuch....” ENCYCLOPEDIA OF JUDAICA 598 (Geoffrey Wigoder ed., Keter Pub. House 1974).

<sup>20</sup>*Id.* at 87 (“Torah” may also refer to the acronym Tanakh. “Tanakh is Hebrew for the Bible. “Bible. The Hebrew Bible is composed of 3 parts: 1) *Torah* or Pentateuch...; 2) *Nevi'im* or Prophets...; 3) *Ketuvim* or Hagiographia....”

<sup>21</sup>*Id.* at 585 (“Talmud (Heb. ‘study’ or ‘learning’). (4) Most commonly, the body of teaching which comprises the commentary and discussions of the amoraim on the Mishna of R. Judah ha-Nasi)...” All of the Talmudic citations in this paper are to the Babylonian Talmud. “The Babylonian Talmud is the interpretation and elaboration of Mishnah as developed in great academies of Babylonia bet. early 3rd and late 5th c. C.E.” ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 585. “Mishnah (Heb.), legal codification of basic Jewish law; redacted and arranged by R. Judah ha-Nasi c. 200 C.E.” *Id.* at 419. Also known as the “oral Torah.” Lisa Katz, *What is the Mishnah?*, <http://judaism.about.com/od/abcsfjudaism/g/mishnah.htm>.

<sup>22</sup>Babylonian Talmud (BT) *Chagigah* 9b (CAJE), available at [http://kodesh.snunit.k12.il/b/1/12b01\\_009b.htm](http://kodesh.snunit.k12.il/b/1/12b01_009b.htm).

<sup>23</sup>Deut 31:12-13 (JPS).

<sup>24</sup>“Maimonides, Moses (Moses ben Maimon; Rambam) (1135-1204), outstanding rabbinic authority, codifier, philosopher.” ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 393.

Every Jew is under an obligation to study Torah, whether poor or rich, in sound health or ailing, in the vigor of youth or very old and feeble. Even a person who is so poor that they are maintained by charity or goes begging door to door, and even one with a family to support, is under the obligation to set aside a definite period during the day and at night for the study of the Torah, as it is said, “And you shall meditate upon it day and night.”<sup>25</sup>

And a prayer is said after Talmud study.<sup>26</sup> The Tzitz Eliezer,<sup>27</sup> a modern commentator, approved of communal purchase of books with money designated for the poor. “וזה שמתיר במהר”ם שם לקנות” מהכסף גם ספרים ללמוד בהם ולהשאילן לאחרים, יש לומר דהוא זה גם כן מפני שישאילם לנצרכים ללמוד בהם שכל מה הנצרך להם עני הוא בחסר לו זה והר”ז כמספק לו מזון רוחני שאין זה גרוע ממספק מזון גשמי לחסר לו One can say that he [Rabbi Meir of Rothenburg] permits this because the books will be lent for study to those who need them, and anyone who needs these books is considered poor, insofar as this person lacks them.”<sup>28</sup>

How hard can it be to learn the Torah? Can’t it be summed up in a pithy phrase, something like the Golden Rule?<sup>29</sup>

שבא לפני שמאי, אמר לו: גיירני על מנת שתלמדני כל התורה כולה כשאני עומד על רגל אחת. דחפו באמת הבנין שבידו. בא לפני הלל, גייריה. אמר לו: דעלך סני לחברך לא תעביד - זו היא כל התורה כולה, ואידך - התורה כולה, הוא, זיל גמור.

On another occasion it happened that a certain non-Jew came before Shammai and said to him, “I

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<sup>25</sup>RAMBAM, MISHNEH TORAH, LAWS OF TORAH STUDY 1:2-3 (CAJE), available at <http://www.on1foot.org/taxonomy/term/8?page=10>, original available at <http://kodesh.snunit.k12.il/i/1301.htm>.

<sup>26</sup>“The Rabbis’ Kaddish, The Kaddish .. had its origins ... in the house of study...Judaism is a faith whose passion is education, whose heroes are teachers, and whose citadels are schools and houses of study,” JONATHAN SACKS, THE KOREN SIDDUR 56-57 (2009).

<sup>27</sup>Eliezer Yehuda Waldenberg (1917-2006), [http://www.israelnationalnews.com/News/News.aspx/115965#.T\\_DMtI6TaUQ](http://www.israelnationalnews.com/News/News.aspx/115965#.T_DMtI6TaUQ).

<sup>28</sup>Commenting on Rabbi Meir of Rothenburg’s permission to use money designated for the poor to purchase books for study. Tzitz Eliezer, Pt 9, 1:2, available at <http://www.on1foot.org/taxonomy/term/8?page=7>. Meir ben Baruch of Rothenburg (Maharam of Rothenberg; c. 1215-1293), ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 406. Cf. ‘*Ad Graecas literas totum animum applicui; statimque ut pecuniam acceptero, Graecos primum autores, deinde vestes emam,*’ I have turned my entire attention to Greek. The first thing I shall do, as soon as the money arrives, is to buy some Greek authors; after that, I shall buy clothes.” Erasmus’ Letter to Jacob Batt dated April 12, 1500 in P.S Allen, *Opus Epistolarum Des. Erasmi Roterodami*, Tom I (1484-1514), 288 (1906), available at [http://scholar.googleusercontent.com/scholar?q=cache:PfFHL-hIYfQJ:scholar.google.com/+erasmus+books+food+money&hl=en&as\\_sdt=1,33](http://scholar.googleusercontent.com/scholar?q=cache:PfFHL-hIYfQJ:scholar.google.com/+erasmus+books+food+money&hl=en&as_sdt=1,33).

<sup>29</sup>Wikipedia has a lengthy entry on The Golden Rule, [http://en.wikipedia.org/wiki/Golden\\_Rule](http://en.wikipedia.org/wiki/Golden_Rule).

will convert to Judaism, on condition that you teach me the whole Torah while I stand on one foot.” Shammai chased him away with the builder's tool that was in his hand. He came before Hillel and said to him, "Convert me." Hillel said to him, “What is hateful to you, do not to your neighbor: that is the whole Torah; the rest is commentary; go and learn it.”<sup>30</sup>

Perhaps, but the problem is that Hillel's quote is frequently truncated, cutting off the ending, “go and learn it.”<sup>31</sup>

Even if one does go and learn it, book learning alone is seen as relatively worthless on the street or “The Street.”<sup>32</sup> Is this true too in Judaism? Or would mastery of the Torah alone make one a good Jew? As important as Torah study is, it is not enough.

דאמר רב הונא: כל העוסק בתורה בלבד - דומה כמי שאין לו אלוה, שנאמר (דברי הימים ב' טו) וימים רבים לישראל ללא אלהי אמת וגו', מאי ללא אלהי אמת? שכל העוסק בתורה בלבד - דומה כמי שאין לו אלוה.

Rav Huna said: One who occupies oneself only with studying Torah acts as if one has no God, as it says, "Israel has gone many days without a true God, etc." What is meant by "without a true God"?! That one who occupies oneself only with Torah is like a person who is Godless.<sup>33</sup>

If Torah study is not enough, what more is there? Let's say that you not only have studied, but you “pay lip service” as well, that is you pray, the rabbinic substitute for sacrifices<sup>34</sup> since the destruction of the Second Temple.<sup>35</sup> Wouldn't that be good enough? Not quite for the People of the Book.

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<sup>30</sup>BT *Shabbat* 31a<sup>1</sup> (AJWS), original available at [http://kodesh.snunit.k12.il/b/l/12102\\_031a.htm](http://kodesh.snunit.k12.il/b/l/12102_031a.htm).

<sup>31</sup>Here's just one example that ends the quote with, “... the rest is commentary,” <http://www.teachingvalues.com/goldenrule.html>.

<sup>32</sup>The term “The Street” often refers to Wall Street as in the Wall Street Journal column *Heard On The Street*, <http://online.wsj.com/public/page/news-wall-street-heard.html> (last visited June 23, 2012).

<sup>33</sup>BT *Avodah Zara* 17b (Soncino), original available at [http://kodesh.snunit.k12.il/b/l/14701\\_017b.htm](http://kodesh.snunit.k12.il/b/l/14701_017b.htm).

<sup>34</sup>Avodah (Hebrew) has been applied to both sacrificial and prayer service. “The world rests on three things: Torah, *avodah*, and *gemilut hesed*: the study of Torah, worship, and deeds of loving-kindness,” M *Avot* 1:2, original available at <http://kodesh.snunit.k12.il/b/h/h49.htm>. See Michael Strassfeld, *Avodah: The Path of Prayer*, [http://www.jewishlights.com/mm5/merchant.mvc?Screen=OP&Store\\_Code=JL&Category\\_Code=3-30-11](http://www.jewishlights.com/mm5/merchant.mvc?Screen=OP&Store_Code=JL&Category_Code=3-30-11).

<sup>35</sup>The destruction of the Second Temple occurred in 70 C.E. IRVING GREENBERG, *THE JEWISH WAY* 283 (Jason Aronson 1988), available at [http://www.myjewishlearning.com/holidays/Jewish\\_Holidays/Tisha\\_BAv/Ideas\\_and\\_Beliefs/The\\_Temple.shtml](http://www.myjewishlearning.com/holidays/Jewish_Holidays/Tisha_BAv/Ideas_and_Beliefs/The_Temple.shtml).

### III. THE DEED

In addition to the book, there is the deed. Jews must not only say what they do, but do what they say. If the deeds are mitzvot, the commandments<sup>36</sup> how hard can that be? After all, aren't there only Ten Commandments? Those ten are not so easy themselves, but isn't a good start? Yes, but just a start. Rabbinical commentary counts 613 commandments in the Torah.<sup>37</sup> Then would a Jew who performs all 271 of the modern mitzvot qualify as "a good Jew" and a good person, assuming that the mitzvot are themselves ethical and the right thing for a Jew to do?<sup>38</sup> We're getting warmer, but for the purpose of this paper "the deed" means all deeds considered appropriate according to Judaism, including not only mitzvot, the commandments in the Torah, but also ethical behavior that is not commanded in the Torah.<sup>39</sup>

According to rabbinic Judaism,<sup>40</sup> is it enough to do all of these right things regardless of one's intention or motivation?<sup>41</sup> And are good deeds good enough on their own or is Torah study

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<sup>36</sup>Mitzvah is the Hebrew term for commandment. "Mitzvah (Heb.), 'precept' or religious duty," ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 133. Mitzvot is the plural of mitzvah.

<sup>37</sup>The modern Jew cannot actually perform all 613 commandments. "The Torah delineates 613 mitzvot, or commandments, of which 248 are positive, 365 are negative, 271 can be performed today, and 26 apply only in Israel." *OU's Rabbi Jack [Abramowitz] Publishes 'Taryag Companion' Book on 613 Mitzvot* (May 18, 2012), <http://www.ou.org/index.php/news/article/96947/>.

<sup>38</sup>"Traditional" Conservative and Orthodox Jews basically agree with this statement. The morality of the mitzvot is assumed for this paper, as is the validity of Jews learning from Gentiles on such matters as morality. "The explicitly systematic discussions of Gentile thinkers often reveal to us the hidden wealth implicit in our writings. The Gentiles, furthermore, have their own wisdom, even of a moral and philosophic nature.... There is hokhmah bagoyim, and we ignore it at our loss." Aharon Lichtenstein, *A Consideration of Synthesis from a Torah Point of View*, in I LEAVES OF FAITH 94-95 (1963); "יש חכמה בגוים תאמן" *Chochma bagoyim ta'amin*, Believe in the wisdom of gentiles....," however the rabbis advised Jews to only rely upon other Jews to interpret Torah, "יש תורה בגוים אל תאמן..." *Torah bagoyim al ta'amin*, Do not believe in the Torah of gentiles." *Midrash Rabbah Lam 2:13*.

<sup>39</sup>These acts are referred to as *derekh eretz* and *maasim tovim* and *gemilut hasadim*. Here these terms will be used as synonyms to identify behavior that is considered ethical according to Judaism but is not commanded as a mitzvah.

<sup>40</sup>Judaism is rabbinic Judaism, including not only what is in the Tanakh but also the Talmud and Jewish sources beyond.

<sup>41</sup>This important question about *kavannah* is beyond the scope of this paper which is limited to learning and doing.

a pre- or co-requisite for good deed doing?<sup>42</sup> These questions are addressed in the next section.

## IV. THE BOOK AND THE DEED

What good is learning the Jewish “Good Books”? Does one study them purely *l’shem shamayim*, in the name of heaven?<sup>43</sup> Will such study result in good deeds? How do the Jewish sources perceive the relationship between learning and action? If one were to choose, which is more important, the book or the deed?

### A. THE BOOK IS GREATER THAN THE DEED

Some Talmudic rabbis already yearned for the good old days when Torah study was paramount. They felt that the backward priorities of the younger generation caused inefficient multi-tasking.

אמר רבה בר בר חנה אמר רבי יוחנן משום רבי יהודה ברבי אלעאי: בא וראה שלא כדורות הראשונים דורות האחרונים, דורות הראשונים עשו תורתן קבע ומלאכתן עראי - זו וזו נתקיימה בידן, דורות האחרונים שעשו מלאכתן קבע ותורתן עראי - זו וזו לא נתקיימה בידן.

Rabbah b. bar Hana said in the name of Rabbi Johanan, reporting Rabbi Judah b. Ila'i: See what a difference there is between the earlier and the later generations. The earlier generations made the study of the Torah their main concern and their ordinary work subsidiary to it, and both prospered in their hands. The later generations made their ordinary work their main concern and their study of the Torah subsidiary, and neither prospered in their hands.<sup>44</sup>

And they debated the relative merits of study and action.

וכבר היה רבי טרפון וזקנים מסובין בעלית בית נתזה בלוד, נשאלה שאילה זו בפניהם: תלמוד גדול או מעשה גדול? נענה רבי טרפון ואמר: מעשה גדול, נענה ר"ע ואמר: תלמוד גדול, נענו כולם ואמרו: תלמוד גדול, שהתלמוד מביא לידי מעשה.

Rabbi Tarfon and some elders were reclining in an upper chamber in the house of Nitza in Lod

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<sup>42</sup>Note that mitzvah does not mean “a good deed.”

<sup>43</sup>“L’shem shamayim literally means ‘in the name of heaven’. When you act l’shem shamayim, you have no ulterior motive, no ego involved.” Julian Sinclair, *L’Shem Shamayim* (August 13, 2009), <http://www.thejc.com/judaism/jewish-words/l’shem-shamayim>.

<sup>44</sup>BT *Brachot* 35b (CAJE), original available at [http://kodesh.snunit.k12.il/b/1/11106\\_035b.htm](http://kodesh.snunit.k12.il/b/1/11106_035b.htm).



when this question came up: Which is greater, study or action? Rabbi Tarfon spoke up and said: Action is greater. Rabbi Akiva spoke up and said: Study is greater. The others then spoke up and said: Study is greater because it leads to action.<sup>45</sup>

The rabbis are reclining, engaged in an intellectual schmooze,<sup>46</sup> as the Greeks did in their symposia and as Jews do today at their Passover Seders.<sup>47</sup> Majority rules so study wins out over action although no evidence is provided, not even a prooftext, to support the conclusion that study leads to action. Perhaps it is a projection of the rabbis; that for them study would lead to action.<sup>48</sup> If so, it is logical that book learning would take precedence over the deed. Indeed, one opinion is that study is a pre-requisite for appropriate conduct. “At first a person should study, because without knowledge he cannot perform the mitzvos<sup>49</sup> properly. However, once he has completed his studies he should engage in deeds.”<sup>50</sup>

Does study necessarily lead to acceptance of the teachings of the book? In the Haggadah, the text read during the Seder,<sup>51</sup> the tale is told of teaching four sons/children. For three of the

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<sup>45</sup>BT *Kiddushin* 40b (Soncino), original available at [http://kodesh.snunit.k12.il/b/1/13701\\_040b.htm](http://kodesh.snunit.k12.il/b/1/13701_040b.htm).

<sup>46</sup>Schmooze, “(Yiddish) To converse casually,” THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 1569 (Houghton Mifflin 5th ed. 2011).

<sup>47</sup>Seder, “A ritual feast commemorating the exodus of the Jews from Egypt, held on the first night or the first two nights of Passover,” *id.* at 1585.

<sup>48</sup>Or maybe, along with reclining, the rabbis were imbibing as the Greeks did and as Jews do today at their Seders. “There are five basic obligations (mitzvos) performed by each Jew in the course of the Seder conducted according to the traditional Haggadah:... 2) Drinking four cups of wine (Arbah Kosos),” <http://www.ou.org/chagim/pesach/pesachguide/maze/basic9.htm>.

<sup>49</sup>Ashkenazic pronunciation of Hebrew word mitzvot. “Ashkenazi...A member of the branch of European Jews, historically Yiddish-speaking, who settled in central and eastern Europe.” THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, *supra* note 46, at 104.

<sup>50</sup>*Supra* note 44. Surely the rabbis aren’t requiring study for economic reasons, that is, to ensure that they will have students to teach, just as business schools don’t act based upon financial motivations. *But see* Victoria Black, *MBA Programs: Grade-Fixing Allegations Rock Baruch* (June 19, 2012), <http://www.businessweek.com/articles/2012-06-19/grade-fixing-allegations-rock-baruch> (allegedly the administrative director of executive programs at the Zicklin School of Business, CUNY, Baruch College, raised grades of failing students in the executive master’s program).

<sup>51</sup>*Haggadah* [Heb], “the telling.” “2. The book containing the story of the Exodus and the ritual of the Seder, read at the Passover Seder,” THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE *supra* note 46, at 789.

children the recommended parental pedagogy depends on the child's level of understanding. The fourth child ask a question that exhibits knowledge similar to that of the "wise" child, but challenges the observance of the Seder. This child is referred to as "wicked" and is shunned as unteachable.<sup>52</sup> So does right knowledge lead to right action? According to Judaism, people have free will and can "break bad."<sup>53</sup> Nevertheless, Maimonides agreed with the assessment of "the others" that study automatically leads to action.<sup>54</sup> "מי שלא למדו אביו" - חייב לשכור מלמד לבנו ללמדו .<sup>54</sup> "וכן אתה מוצא בכל מקום שהתלמוד קודם למעשה מפני שהתלמוד מביא לידי מעשה - חייב ללמד את עצמו כשיכיר... וכן אתה מוצא בכל מקום שהתלמוד קודם למעשה מפני שהתלמוד מביא לידי מעשה - ואין המעשה מביא לידי תלמוד A parent is required to hire a teacher for their child.... And one whose parent did not teach them is obligated to teach themselves, once they realize it... Everywhere we find that learning precedes action, for learning brings about action, and action does not bring about learning."<sup>55</sup> Moreover, Maimonides, commenting on Hillel's "Golden Rule," stated that the study of Torah is greater than performance of all of the commandments combined.

. וכל המצות שבין אדם לחברו נכללים בכלל גמילות חסדים, התבונן בהם תמצאם. ה  
א תראה שהלל הזקן כשאמר לו הגוי למדני תורה על רגל אחת אמר לו דעלך ביש לחברך לא תעביד, וכשתחקור זאת  
תמצא תלמוד תורה שקול כנגד כולם, כי בתלמוד תורה ידע האדם את כל זה כמו שביארנו בהקדמה שהתלמוד מביא  
לידי מעשה

... All the mitzvot between people are included in the general category of acts of loving kindness. Behold you will see that Hillel the Sage when a non-Jew asked him, "teach me the Torah on one foot", he said to him, "that which is hateful to you do not do to your fellow", and when you research this you will find that the study of Torah is weighed against them all [all the commandments, both those between a person and the Eternal and those regulating human relations] because in the study of Torah a person knows all this, as they are illustrated to us, and

<sup>52</sup>NECHAMA LEIBOWITZ, STUDIES ON THE HAGGADAH FROM THE TEACHINGS OF NECHAMA LEIBOWITZ 35, 37 (Yitzhak Reiner & Shmuel Peerless eds., Urim Publications 2002).

<sup>53</sup>"[T]o go wild, get crazy, let loose, to forget all your cares and just plain not give a sh\*\*, to have a great time, to break out of your mold," <http://www.urbandictionary.com/define.php?term=Break%20bad>.

<sup>54</sup>The domino effect of thoughts is reflected in the following quote of unknown origin. "Watch your thoughts for they become words. Watch your words for they become actions. Watch your actions for they become... habits. Watch your habits, for they become your character. And watch your character, for it becomes your destiny! What we think we become." Said by Margaret Thatcher character in movie *The Iron Lady* (2011).

<sup>55</sup>RAMBAM, MISHNEH TORAH, LAWS OF TORAH STUDY 1:2-3 (CAJE), available at <http://www.on1foot.org/taxonomy/term/8?page=9>, original available at <http://kodesh.snunit.k12.il/i/1301.htm>.

study brings us to act.<sup>56</sup>

A problem with this claim is that even when leading characters in the Torah are instructed by the LORD, they often do not obey and act ethically.<sup>57</sup> Adam and Eve are told not to eat of the forbidden fruit, yet they do.<sup>58</sup> And the Israelites make a “molten calf” to which the LORD responds, “They have been quick to turn aside from the way that I enjoined upon them.”<sup>59</sup> If direct communication by the LORD is not sufficiently persuasive, why would reading texts<sup>60</sup> convince others to follow the Halakhah, the designated path?<sup>61</sup>

## B. THE DEED IS GREATER THAN THE BOOK

If study of Torah is so important, is book learning alone what makes one righteous? Deed, not study, is the primary concern for the prophet Ezekiel.

ואיש פי יהנה צדיק נעשה משפט וצדקה: אל הקרים לא אכל ועיניו לא נשא אל גלולי בית ישראל ואת אשת רעהו לא טמא ואל אשה גדה לא יקרב: ואיש לא יונה חבלתו חוב ושיב גזלה לא יגזל לקמו להעב יתו ועירם נכסה בגד: בנשך לא יתו ותרבות לא יקח מענל ושיב ידו משפט אמת נעשה בין איש לאיש: בתקותי יהלך ומשפטי שמר לעשות אמת צדיק הוא קיה יתנה נאם אדני ה':

Thus, if a man is righteous and does what is just and right: If he has not eaten on the mountains or raised his eyes to the fetishes of the House of Israel; if he has not defiled another man's wife or approached a menstruous woman; if he has not wronged anyone; if he has returned the debtor's

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<sup>56</sup>RAMBAM, COMMENTARY ON MISHNA PEAH 1:1, *available at* <http://www.on1foot.org/sourcesheet/if-there-no-heaven-or-hell-why-should-we-keep-mitzvot-0>.

<sup>57</sup>The top Google hit for the keywords “values” and “scriptures” is the apparently Christian website that says on its first page, “Read Bible verses by topic that will provide biblical guidance, understanding and encouragement in your everyday life. The Bible contains uplifting and encouraging scriptures for any situation you may face in life, and will guide you in your walk with Christ,” <http://www.biblestudytools.com/topical-verses/>. This seems to assume that the reader is already motivated to follow that guidance.

<sup>58</sup>“[A]s for the tree of knowledge of good and bad, you must not eat of it...” Gen 2:17 (JPS). “When the woman saw that the tree was good for eating and a delight to the eyes, and that the tree was desirable as a source of wisdom, she took of its fruit and ate. She also gave some to her husband, and he ate.” *Id.* at 3:6.

<sup>59</sup>Exod 32:8 (JPS).

<sup>60</sup>Author: “Do you think that if people read in a book the right thing to do they will do the right thing?” Trudie Wiener: “You hope so.” (Telephone Interview with Trudie Wiener, author’s mother (May 24, 2012).

<sup>61</sup>“Halakhah (Heb.), legal part of Talmudic and later Jewish literature....” ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 35.

pledge to him and has taken nothing by robbery; if he has given bread to the hungry and clothed the naked; if he has not lent at advance interest or exacted accrued interest; if he has abstained from wrongdoing and executed true justice between man and man; if he has followed My laws and kept My rules and acted honestly -- he is righteous.<sup>62</sup>

The importance of actions is also central in this statement from modern Reform Judaism.

Social Justice. Judaism seeks the attainment of a just society by the application of its teachings to the economic order, to industry and commerce, and to national and international affairs. It aims at the elimination of man-made misery and suffering, of poverty and degradation, of tyranny and slavery, of social inequality and prejudice, of ill-will and strife. It advocates the promotion of harmonious relations between warring classes on the basis of equity and justice, and the creation of conditions under which human personality may flourish. It pleads for the safeguarding of childhood against exploitation. It champions the cause of all who work and of their right to an adequate standard of living, as prior to the rights of property. Judaism emphasizes the duty of charity, and strives for a social order which will protect men against the material disabilities of old age, sickness and unemployment.<sup>63</sup>

And a leading American Orthodox rabbi emphasizes service as a core Jewish value.

...Personal service must be brought to the fore as a central value of Jewish tradition and culture. Every synagogue, school, and organization must teach this norm. Even unaffiliated Jews recognize education and family as synonymous with Jewish values: so should personal service become known as the indispensable expression of Jewishness. ... This is not to say that Gentiles do not practice this value. Personal service to doers is widely recognized and valued in America. However, service must be upheld as a norm expected of Jews.<sup>64</sup>

The saying *derekh erez kadma l'Torah*, literally, "The way of the land precedes the Torah,"<sup>65</sup> contradicts the conclusion that the book is greater than the deed. "דאמר רבי ישמעאל" "בר רב נחמן: עשרים וששה דורות קדמה דרך ארץ את התורה, הדא הו"א דכתיב (= זהו שכתוב) "לשמור את דרך בר רב נחמן: עשרים וששה דורות קדמה דרך ארץ את התורה, הדא הו"א דכתיב (= זהו שכתוב) "לשמור את דרך דרך ארץ ושמעאל" (עץ החיים) R. [Rabbi] Yishmael son of R. [Rabbi] Nachman said: Derech erez preceded Torah by 26 generations. This is the

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<sup>62</sup>Ezek 18:5-24 (JPS).

<sup>63</sup>THE COLUMBUS PLATFORM, THE GUIDING PRINCIPLES OF REFORM JUDAISM, B.ETHICS #7 (1937), available at [http://www.jewishvirtuallibrary.org/jsource/Judaism/Columbus\\_platform.html](http://www.jewishvirtuallibrary.org/jsource/Judaism/Columbus_platform.html).

<sup>64</sup>Irving Greenberg, *Personal Service: A Central Jewish Norm for Our Time*, 4.1 CONTACT 3-4 (2001), available at <http://www.bjpa.org/Publications/details.cfm?PublicationID=5298>.

<sup>65</sup>This phrase is often repeated, but rarely is a source provided. "From what I have found (using the Bar Ilan disc) is that the phrase appears with variation in Lev 6, Otsar HaMidrashim p. 138, and Yalkut Shimoni Bereishit 34. The full quote is: Derech erez preceded the Torah by 26 generations. Sometimes the Hebrew is in that order; sometimes it is: for 26 generations did derech erez precede the Torah." E-mail from Rabbi Ronald Androphy (June 30, 2011 11:53:55 AM EDT) (on file with author).

meaning of what is written: ‘to guard the way of the tree of life’ - ‘the way’ refers to derech eretz; afterwards, ‘the tree of life’ which is Torah.”<sup>66</sup> Because ethics pre-dated the Book, these basic guidelines for human behavior take precedence over the commandments given to Moses at Mount Sinai.<sup>67</sup>

What if you say all the right things, but don’t do them? In other words, you are a *talmid hacham*, a scholar of the Torah,<sup>68</sup> but a real scoundrel outside the yeshiva.<sup>69</sup> Indeed, what good is book learning if it does not lead to proper behavior? If Torah is primarily a means to the end of *tikkun olam*, the creation of a more perfect world,<sup>70</sup> the deed is greater than the book.<sup>71</sup>

ואמר רבי יוחנן משום רבי שמעון בן יוחי: גדולה שמושה של תורה יותר מלמודה, שנאמר: +מלכים ב' ג'+ פה אלישע בן שפט אשר יצק מים על ידי אליהו, למד לא נאמר אלא יצק - מלמד שגדולה שמושה יותר מלמודה

R. [Rabbi] Yohanan further said in the name of R. [Rabbi] Simeon b. Yohai: The service of the Torah is greater than the study thereof. For is it [sic] said: Here is Elisha the son of Shaphat, who poured water on the hands of Elijah. It is not said who learned but who poured water. This teaches

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<sup>66</sup>VAYIKRA RABBA Ch. 9, available at [download.yutorah.org/.../Shavuot\\_To-Go\\_-\\_5772\\_Rabbi\\_Adler.pdf](http://download.yutorah.org/.../Shavuot_To-Go_-_5772_Rabbi_Adler.pdf).

<sup>67</sup>Rabbi Elchanan Adler, Rosh Yeshiva, RIETS. Rabbi Elchanan Adler, *Derech Eretz Kadma LaTorah: A Multi-faceted Perspective*, available at *id*. What is the value to a non-Jew of studying these texts? If they are not commanded to perform mitzvot is there any value in them learning the books? This is not an issue encountered in the Jewish sources, although non-Jews are expected to behave ethically according to the laws of Noah. Jeffrey Spitzer, *The Noahide Laws*, [http://www.myjewishlearning.com/beliefs/Issues/Jews\\_and\\_Non-Jews/Legal\\_Issues/Noahide\\_Laws.shtml](http://www.myjewishlearning.com/beliefs/Issues/Jews_and_Non-Jews/Legal_Issues/Noahide_Laws.shtml).

<sup>68</sup>Wise student. See <http://www.jpost.com/Magazine/Features/Article.aspx?id=61715>.

<sup>69</sup>Yeshiva. “*Judaism* 1. An institute of learning where students study sacred texts, primarily the Talmud,” THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, *supra* note 46, at 2010.

<sup>70</sup>*Tikkun olam* concerns the perfection of the world. See DAVID SHATZ, CHAIM I. WAXMAN & NATHAN J. DIAMENT, EDS., *TIKKUN OLAM: SOCIAL RESPONSIBILITY IN JEWISH THOUGHT AND LAW* (Jason Aronson 1997).

<sup>71</sup>“[T]ikkun [in Lurianic kabbalah] had to do with the repair of divinity, and was part of an eschatological vision of things which anticipated the end of history and nature as we know it. The tikkun to be achieved involved the dissolution of the material world in favor of a purely spiritual existence, similar to that which existed before intradivine catastrophe and before human sin,” Dr. Lawrence Fine, *Tikkun: A Lurianic Motif in Contemporary Jewish Thought*, in JACOB NEUSNER, ED. ET AL., 4 FROM ANCIENT ISRAEL TO MODERN JUDAISM: INTELLECT IN QUEST OF UNDERSTANDING--ESSAYS IN HONOR OF MARVIN FOX (Scholars Press 1989), available at [http://www.myjewishlearning.com/practices/Ethics/Caring\\_For\\_Others/Tikkun\\_Olam\\_Repairing\\_the\\_World/Contemporary\\_Jewish\\_Thought.shtml](http://www.myjewishlearning.com/practices/Ethics/Caring_For_Others/Tikkun_Olam_Repairing_the_World/Contemporary_Jewish_Thought.shtml). See Nissan Dovid Dubov, *Torah Study*, [http://www.chabad.org/library/article\\_cdo/aid/361894/jewish/Torah-Study.htm](http://www.chabad.org/library/article_cdo/aid/361894/jewish/Torah-Study.htm). “[T]he Jewish law states that if one is engaged in Torah study and there arises the opportunity to fulfill a *Mitzvah*, if there is no one else to do the *Mitzvah* one must interrupt the study.”

that the service of the Torah is greater than the study thereof.<sup>72</sup>

In the following case study, despite all his learning, the businessperson doesn't "get it" if he thinks study gets priority over action rather than the other way around.

A man who was the most astute buyer of merchandise in town devoted all his spare time to Torah study. One day, a widow asked him to buy a certain article for her. He declined, saying, "I'm sorry, but I simply cannot give up my Torah studies." A venerable old rabbi interjected, "Do you think that you are better than Rabbi Gamliel and Rabbi Yehoshua? The Talmud tells us that they interrupted their Torah studies to go to the market to buy an animal for the wedding feast of Rabbi Gamliel's daughter, and on the way discussed Torah topics. You should do the same. When you buy the article for the widow, keep your mind on Torah issues. And when you buy merchandise at a favorable price, the money you save her is counted as your tzedakah, and God will repay you for your trouble."<sup>73</sup>

## C. THE BOOK AND THE DEED ARE COMPARABLE

Another possible conclusion is that book and deed are comparable -- that each has value independent of the other and neither has priority, that it's a dead heat. Even Maimonides emphasized the importance of not devoting one's life entirely to Torah study.

כל המשים על לבו שיעסוק בתורה ולא יעשה מלאכה ויתפרנס מן הצדקה הרי זה חלל את השם ובזה את התורה וכבה מאור הדת וגרם /וגרם/ רעה לעצמו ונטל חייו מן העולם הבא, לפי שאסור ליהנות מדברי תורה בעולם הזה, אמרו חכמים כל הנהנה מדברי תורה נטל חייו מן העולם, ועוד צוו ואמרו אל תעשם עטרה להתגדל בהן ולא קרדום לחפור בהן, ועוד צוו ואמרו אהוב את המלאכה ושנא את הרבנות וכל תורה שאין עמה מלאכה סופה בטיילה וגוררת עון, וסוף אדם זה שיהא מלסטם את הבריות

Anyone who makes up their mind to study Torah and not to work but live on charity profanes the name of God, disgraces the Torah, obscures the light of religion, causes harm to themselves, and deprives themselves of life in the future world, for it is forbidden to derive temporal advantage from the words of the Torah. The sages said: "Whoever makes selfish use of the teachings of the Torah takes their own life." They further told us: "Do not make of them a crown with which to magnify yourself, nor a spade with which to dig." They urged us strongly: "Love work, and hate arrogance."<sup>74</sup>

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<sup>72</sup>BT *Brachot* 7b (CAJE), original available at [http://kodesh.snunit.k12.il/b/1/11101\\_007b.htm](http://kodesh.snunit.k12.il/b/1/11101_007b.htm).

<sup>73</sup>YEHUDAH HECHASID, SEFER CHASIDIM, THE BOOK OF THE PIOUS (Avraham Finkel trans., Jason Aronson 1997). Yehudah HeChasid. "Judah ben Samuel he-Hasid (c. 1150-1217), leading teacher of Ḥasidei Ahkenaz movement; major medieval scholar of ethics and theology...." ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 319.

<sup>74</sup>RAMBAM, MISHNEH TORAH, THE LAWS OF TORAH STUDY 3:10, available at <http://www.on1foot.org/taxonomy/term/8?page=10>, original available at <http://kodesh.snunit.k12.il/i/1301.htm>.

## D. THE BOOK AND THE DEED ARE NECESSARY FOR EACH OTHER

A final possibility is that a good Jew must both study the Torah and perform the Halakhah, not sequentially but as co-requisites -- that book and deed need each other and are worth less alone.<sup>75</sup>

The story of King Josiah in the Tanakh suggests that mere reading of the rediscovered Torah scroll leads directly to obeying the law. However, upon a closer reading, one discovers that King Josiah behaved ethically in business even before the scroll was found.<sup>76</sup>

ויתנה (ויתנוהו) על-יד עשׂי המלאכה המקדים בבית (בית) יהוה ויתנו אתו לעשׂי המלאכה אשר בבית יהוה לחזק בְּדָק הבית. ו לחרשים ולפגנים ולגדרים ולקנות עצים ואבני מחצב לחזק את-הבית. ז אך לא-יחשב אתם הכסף הנתן על-ידם פי באמונה הם עשׂים.

[King Josiah said] “And let it be delivered to the overseers of the work who are in charge at the House of the LORD, that they in turn may pay it [the silver] out to the workmen that are in the House of the LORD, for the repair of the House: to the carpenters, the laborers, and the masons, and for the purchase of wood and quarried stones for repairing the House. However, no check is to be kept on them for the silver that is delivered to them, for they deal honestly.”<sup>77</sup>

King Josiah’s sense of morality, independent of book learning, may explain why, in conjunction with the teaching, his deeds were exceptional.

למען הקים את-דברי התורה הפתבים על-הספר אשר מצא חלקיהו הפהו בית יהוה. כה נכמהו לא-היה לפניו מלך אשר-שב אל-יהוה בכל-לבבו ובכל-נפשו ובכל-מאדו בכל תורת משה ואחרייו לא-קם כִּמְהוּ.

[H]e fulfilled the terms of the Teaching recorded in the scroll that the priest Hilkiyah had found in the House of the LORD. There was no king like him before who turned back to the LORD with all his heart and soul and might, in full accord with the Teaching of Moses; nor did any like him arise after him.<sup>78</sup>

Perhaps both Torah study and work are necessary to keep us from sin.

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<sup>75</sup>What is meant by Halakhah, how it is determined, and how it relates to ethics are important topics to be addressed at some other time. See Aharon Lichtenstein, *Does Judaism Recognize an Ethic Independent of Halakhah*, in MODERN JEWISH ETHICS 62-88 (Marvin Fox ed., Ohio State Univ Pr 1975). Also see David Golinkin, *The Basic Principles of Jewish Business Ethics*, 3.1 (Oct. 2003), available at <http://www.schechter.edu/insightIsrael.aspx?ID=59>. The principle of *Lifnim mi-shurat hadin* is that under Halakhah one is responsible to act ethically “beyond the letter of the law.”

<sup>76</sup>2 Kings 22-23:27.

<sup>77</sup>*Id.* at 22:4-7 (JPS).

<sup>78</sup>*Id.* at 23:24-25 (JPS).

רבן גמליאל בנו של רבי יהודה הנשיא אומר יפה תלמוד תורה עם דרך ארץ שיגיעת שניהם משכחת עון וכל תורה שאין מה מלאכה סופה בטלה וגוררת עון וכל העמלים עם הצבור יהיו עמלים עמהם לשם שמים שזכות אבותם מסייעתן וצדקתם עומדת לעד ואתם מעלה אני עליכם שכר הרבה כאילו עשיתם

Rabban Gamaliel the son of Rabbi Judah the Prince said: Great is study of the Torah when combined with a worldly occupation, for toil in them both puts sin out of mind. All study of the Torah which is not supplemented by work is destined to prove futile and causes sin. Let all who occupy themselves with communal affairs do so for Heaven's sake, for then the merit of their ancestors sustains them and their righteousness endures forever. And as for you, God will then say: I count you worthy of great reward as if you had done it all yourselves.<sup>79</sup>

Indeed, the rabbis of the Talmud and Maimonides did not intend to choose learning over action; they wanted to have their wine and drink it too. If, as Rabbi Akiva observed, Torah study leads to action, eventually, the student will have the benefit of both study and action.<sup>80</sup> Hasdai Crescas<sup>81</sup> wrote that the goal of the rabbis was the deed. They just thought that Torah study was the most efficient means to that end.

According to what appears in the words of our Rabbis of blessed memory, the teleological element is the practical element. Thus, it appears in their discourses that some of them said “practice is greater [than study]”; but in the end they voted and concluded that “study is greater in that study brings one to practice.” Thus, they reckoned the practical element to be the final cause of the theoretical.<sup>82</sup>

Keeping the goal of the deed in mind, learning can be a powerful tool. רבי ישמעאל בנו אומר הלומד. Rabbi על מנת ללמד מספיקין בידו ללמוד וללמד והלומד על מנת לעשות מספיקין בידו ללמוד וללמד ולעשות. Rabbi Ishmael the son of Rabbi Yossef would say: One who learns Torah in order to teach, is given the opportunity to learn and teach. One who learns in order to do, is given the opportunity to learn, teach, observe and do.<sup>83</sup>

Psalms suggests that wisdom is not achieved simply by knowing things. ראשית חכמה, יראת

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<sup>79</sup>M *Pirkei Avot* 2:2 (shechem.org), , original available at <http://kodesh.snunit.k12.il/b/h/h49.htm>.

<sup>80</sup>*Supra* note 45.

<sup>81</sup>Hasdai Crescas (1340-1410),” <http://www.jewishencyclopedia.com/articles/4753-crescas-hasdai-ben-abraham>.

<sup>82</sup>HASDAI CRESCAS, THE LIGHT OF THE LORD [OR HASHEM], \_\_ INTRODUCTION, available at <http://www.onlfoot.org/taxonomy/term/8?page=8>.

<sup>83</sup>M *Avot* 4:5 (chabad.org), original available at <http://kodesh.snunit.k12.il/b/h/h49.htm>.



שְׁכַל טוֹב, לְכָל-עֲשִׂיהֶם; יְהוָה-- The beginning<sup>84</sup> of wisdom is the fear of the LORD,<sup>85</sup> all who practice it gain sound understanding.”<sup>86</sup> Jewish wisdom does not rely on book learning alone, or even primarily. There must be religious motivation to follow the practices of the Torah. Both words and deeds are necessary for a righteous existence. In fact, “the world stands” on three things. שִׁמּוֹן הַצַּדִּיק הָיָה מְשִׁירֵי כְנֶסֶת הַגְּדוּלָה הוּא הָיָה אוֹמֵר עַל שְׁלֹשָׁה דְבָרִים הָעוֹלָם עוֹמֵד עַל הַתּוֹרָה וְעַל הָעֲבוּדָה וְעַל-“  
 By three things the world exists: On the Torah, on worship and on acts of loving kindness.”<sup>87</sup>  
 Another Jewish version of the three-legged stool is the “three-ply cord” in which Torah is divided into two, “Scriptures (Tanakh) and Mishnah,”<sup>88</sup> plus ethical deeds.

כָּל שִׁישְׁנוּ בְּמִקְרָא וּבְמִשְׁנָה וּבְדֶרֶךְ אֶרֶץ לֹא בְּמַהֲרָה הוּא חוֹטֵא שְׂנֵאֲמֵר  
 הַחֹטֵא הַמְּשׁוּלֵשׁ לֹא בְּמַהֲרָה יִנְתֵּק וְכָל שֵׁאִינוּ לֹא בְּמִקְרָא וְלֹא בְּמִשְׁנָה וְלֹא בְּדֶרֶךְ אֶרֶץ אִינוּ מִן הַיֵּיִשׁוּב:

Anyone involved in the study of Scripture and Mishnah and in the practice of ethical behavior will not readily sin, as it is stated, The three-ply cord is not easily severed. And anyone not involved either in the study of Scriptures or Mishnah or in the practice of ethical behavior (*derech eretz*) is not a member of society.<sup>89</sup>

According to the *siddur*, the Jewish prayer book,<sup>90</sup> mind and body must be an integral

<sup>84</sup>Or “chief part,” THE JEWISH BIBLE: TANAKH: THE HOLY SCRIPTURES 1244 (Jewish Publ’n Soc’y 1985).

<sup>85</sup>*Yirat shamayim*.

<sup>86</sup>Ps 111:10, available at <http://www.mechon-mamre.org/p/pt/pt26b1.htm>. Thanks to George Frankel for suggesting this source.

<sup>87</sup>*M Avot* 1:2 (Soncino), original available at <http://kodesh.snunit.k12.il/b/h/h49>.

<sup>88</sup>Mishnah “(Heb.) legal codification of basic Jewish law; redacted and arranged by R. Judah ha-Nasi c. 200 C.E.” ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 419.

<sup>89</sup>*M Kiddushin* 40b, original available at [http://kodesh.snunit.k12.il/b/1/13701\\_040b.htm](http://kodesh.snunit.k12.il/b/1/13701_040b.htm). “Practicing ethical behavior requires refinement of one’s character (Tiferes Yisrael). He contributes nothing to the civilization of the world. In fact, society would be better off without him.” (RAMBAM, COMMENTARY TO MISHNAH).” *Id.* (Schottenstein) at 80. “[T]he three-ply cord is not easily severed.” Eccl 4:12.

<sup>90</sup>“Siddur, Ashkenzai term for prayer book,” ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 553.

whole for prayer to lead to ethical behavior. The *Elohei N'tzor* prayer at the end of the *Amidah*<sup>91</sup> reads “*P'tach libi b'toratechah u'vmitzvotechah tirdof nafshi*, Open my heart to Your Torah, and may my soul earnest strive after Your commandments.”<sup>92</sup> Samson Raphael Hirsch<sup>93</sup> describes this as

...the personal petition of the individual. It comprises the prayers which it was the custom of Mar bereh deRavina... to recite after he had completed his *Tefillah*.... [W]hen it comes to *toratechah* “Your Torah”, he prays *p'tach libi*, “open my heart.” “May I have an open receptive and understanding mind and spirit in all matters pertaining to Your Law. When it comes to *mitzvotechah tirdof nafshi*, let my soul know no indifference, indolence or passivity. Let me demonstrate, zealous and vigorous endeavor in all things pertinent to Your *mitzvot*.”<sup>94</sup>

Here there seems to be a connection between the reading the book of prayer and the performance of the law, but neither acceptance of the words of the Torah nor observance of the commandments is assumed. The author believes that prayer is a possible means to two ends, Torah knowledge and mitzvot. Martin Buber<sup>95</sup> wrote “The meaning of the act of decision in Judaism is falsified if it is viewed as merely an ethical act. It is a religious act, or, rather, it is the religious act; for it is God’s realization through man.”<sup>96</sup> Thus, for a deed to be a Jewish deed, action must be combined with study, the deed must be combined with the book.

The relationship between book and deed is explicit in the following passage.

רבי אלעזר בן עזריה אומר, אם אין תורה, אין דרך ארץ; אם אין דרך ארץ, אין תורה. אם אין חכמה, אין יראה; אם אין יראה, אין חכמה. אם אין דעת, אין בינה; אם אין בינה, אין דעת. אם אין קמת, אין תורה; אם אין תורה, אין קמת.

Rabbi Elazar ben Azaria: Without Torah there is no social order; without social order there is no

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<sup>91</sup>“The Amidah, ‘The Standing Prayer’ -- sometimes called *Ha-t'fillah*, is the central prayer of each service.” REUVEN HAMMER, OR HADASH: A COMMENTARY ON SIDDUR SIM SHALOM FOR SHABBAT AND FESTIVALS xxiv (Rabbinical Assembly 2003).

<sup>92</sup>SAMSON RAPHAEL HIRSCH, THE HIRSCH SIDDUR 156-58 (Feldheim Publishers 1969).

<sup>93</sup>“Samson Raphael Hirsch (1808-88),” <http://www.jewishencyclopedia.com/articles/7741-hirsch-samson-raphael>.

<sup>94</sup>*Supra* note 92, at 159.

<sup>95</sup>“Martin Buber (1878-1965),” <http://plato.stanford.edu/entries/buber/>.

<sup>96</sup>MARTIN BUBER, *Jewish Religiosity* (1909-18), ON JUDAISM 83 (Schocken 1967).

Torah. Without wisdom, there is no conscience; without conscience, there is no wisdom. Without knowledge, there is no understanding; without understanding there is no knowledge. Without sustenance, there is no Torah; without Torah there is no sustenance.<sup>97</sup>

Therefore, “Habituation to the practices of rabbinic Judaism [mitzvot] must not become mere habit. Ideally, habit shapes a disposition toward constant awareness of the divine presence.”<sup>98</sup>

Both deed and study are necessary, neither alone is sufficient and each needs the other.

...the relationship between *derech erez* and Torah is reciprocal and mutually reinforcing. On the one hand, Torah presupposes a requisite, baseline level of *derech erez*. For an individual who lacks even such a minimal standard of *derech erez*, Torah loses its redeeming value, and may actually be dangerous, *chas ve'shalom*. Moreover, a deficiency in *menschlichkeit*, however slight, may serve as an impediment to the Torah's ability to ennoble one's personality.

On the other hand, Torah which is studied and observed properly is designed to reinforce standards of common decency. As noted by Rabbeinu Yona, the principles of *derech erez* underlie countless *mitzvos*. In addition, the Torah helps us aspire to loftier, more sublime standards of *derech erez*.<sup>99</sup>

I am persuaded that neither *limud Torah* nor *maasim tovim* alone creates ethical Jews.

And that neither book learning alone nor thoughtless action creates ethical human beings.

## V. TEACHING ETHICS

Who is to teach a child ethics? A Jewish parent<sup>100</sup> is required to teach their child Torah, a craft,

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<sup>97</sup>M. Avot 3:17 (AJWS), original available at <http://kodesh.snunit.k12.il/b/h/h49.htm>.

<sup>98</sup>ALAN L. MITTLEMAN, A SHORT HISTORY OF JEWISH ETHICS 65 (Wiley-Blackwell 2012).

<sup>99</sup>Elchanan Adler, *Derech Eretz Kadma LaTorah: A Multi-faceted Perspective* 8, available at [download.yutorah.org/.../Shavuot\\_To-Go\\_-\\_5772\\_Rabbi\\_Adler.pdf](http://download.yutorah.org/.../Shavuot_To-Go_-_5772_Rabbi_Adler.pdf). Rabbi Elchanan Adler is a professor of Rabbis at the Orthodox Yeshiva University. <http://www.rabbis.org/news/article.cfm?id=105397>

<sup>100</sup>Traditionally the father. BT *Kiddushin* 29a, original available at [http://kodesh.snunit.k12.il/b/l/l3701\\_029a.htm](http://kodesh.snunit.k12.il/b/l/l3701_029a.htm).

and swimming,<sup>101</sup> perhaps because they are seen as both important and teachable.<sup>102</sup>

And how should one teach Torah? The Torah itself recommends multiple pedagogical method, including regular repetition, kinesthetic learning, and visual mnemonics.

ד שְׁמַע, יִשְׂרָאֵל: יְהוָה אֱלֹהֵינוּ, יְהוָה אֶחָד. ה וְאֶהְבֶּתָּ, אֵת יְהוָה אֱלֹהֶיךָ, בְּכָל-לִבְּךָ וּבְכָל-נַפְשְׁךָ, וּבְכָל-מְאֹדְךָ. ו וְהָיוּ הַדְּבָרִים הָאֵלֶּה, אֲשֶׁר אֲנִי מְצַוְךָ הַיּוֹם--עַל-לִבְּךָ. ז וְשָׁנַנְתָּם לְבָנֶיךָ, וְדִבַּרְתָּ בָם, בְּשִׁבְתְּךָ בְּבֵיתְךָ וּבְלִקְחְךָ בְּדֶרֶךְ, וּבְשֹׁכְבְּךָ וּבְקוּמְךָ. ח וְקִשְׂרָתָם לְאוֹת, עַל-יָדְךָ; וְהָיוּ לְטָטְפֹת, בֵּין עֵינֶיךָ. ט וְכִתְבָתָם עַל-מְזוֹזוֹת בֵּיתְךָ, וּבְשַׁעְרֶיךָ.

Hear, O Israel! Adonai is our God, Adonai alone. You shall love Adonai your God with all your heart, and with all your soul, and with all your might. Take to heart these instructions with which I charge you this day. Impress them upon your children. Recite them when you stay at home and when you are away, when you lie down, and when you get up [reputation]. Bind them as a sign on your hand, and let them serve as a symbol on your forehead [kinesthetic]; inscribe them on the doorposts of your house, and on your gates [visual].<sup>103</sup>

The Talmud states that study alone is not sufficient.<sup>104</sup> Then how does one best teach ethical behavior? The uneasy relationship between knowledge and action, between teaching and doing, is reflected in such sayings as “Do as I say, not as I do”<sup>105</sup> and, closer to religious teaching, “Practice what you preach.”<sup>106</sup> Perhaps one may learn ethics through practice, even before the value of that ethical behavior can be fully appreciated.<sup>107</sup> Proverbs advises that proper teaching of a child will result in life-long patterns of behavior. “חֲנֹךְ לַנְּעַר עַל פִּי דְרָכָו גַּם.”

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<sup>101</sup>*Id.* אמר רב יהודה ה"ק כל מצות הבן המוטלות על האב לעשות לבנו אנשים חייבין ונשים פטורות תנינא להא דת"ר האב חייב בבנו למולו".  
<sup>102</sup>According to Rav Yehudah's explanation, it emerges that we have learned in [our] Mishnah, that which was taught by the Rabbis in a Baraisa: A father is obligated with respect to his son, to circumcise him, to redeem him if he is a firstborn, to teach him Torah, to take a wife for him, and to teach him a craft. Some say: He is obligated even to teach him to swim in water."

<sup>102</sup>Home-schooling is apparently not required and this obligation may be delegated, perhaps if the parent is not capable to adequately teach them. *Id.*

<sup>103</sup>This prayer from the Torah is known as the *Sh'ma*, named after its first word. Deut. 6:4-9 (JPS).

<sup>104</sup>BT *Makkot* 10a, available at [http://kodesh.snunit.k12.il/b/l/14502\\_010a.htm](http://kodesh.snunit.k12.il/b/l/14502_010a.htm).

<sup>105</sup>3,640,000 results from Google search on June 28, 2012, including PETER SCHWEIZER, DO AS I SAY (NOT AS I DO): PROFILES IN LIBERAL HYPOCRISY (Anchor 2006).

<sup>106</sup>About 1,910,000 results from Google search on June 28, 2012. See <http://idioms.thefreedictionary.com/Practice+what+you+preach>.

<sup>107</sup>This does raise several issues, such as, how does one know what to do if one encounters a situation one has not been trained for and how does another know if you are truly an ethical person, or just playing a role, and does it matter?

כִּי יִזְקֶינָה לֹא יִסּוּר מִמֶּנָּה, Train up a child in the way the child should go, and even when the child is old, they will not depart from it.”<sup>108</sup>

How then should one train one’s own children? According to Rabbi Menahem Mendel of Kotzk,<sup>109</sup> “If you truly wish your children to study Torah, study it yourself in their presence. They will follow your example. Otherwise, they will not themselves study Torah, but will simply instruct their children to do so.”<sup>110</sup> And how should a teacher teach the children of others? Abraham Joshua Heschel<sup>111</sup> agreed that one should teach by example, serving as a role model.

...[E]verything depends on the person who stands in front of the classroom. The teacher is not an automatic fountain from which intellectual beverages may be obtained. The teacher is either a witness or a stranger. To guide a pupil into the promised land, the teacher must have been there themselves. When asking themselves: Do I stand for what I teach? Do I believe what I say?, the teacher must be able to answer in the affirmative.

What we need more than anything else is not *textbooks*, but *textpeople*. It is the personality of the teacher which is the text that the pupils read: the text that they will never forget.<sup>112</sup>

Do these principles apply to teaching ethics? Heschel’s actions spoke even louder than his words.

I look forward to privilege of being present at meeting tomorrow. Likelihood exists that Negro problem will be like the weather. Everybody talks about it but nobody does anything about it. Please demand of religious leaders personal involvement not just solemn declaration. We forfeit the right to worship God as long as we continue to humiliate Negroes. Church synagogues have failed. They must repent. Ask of religious leaders to call for national repentance and personal sacrifice. Let religious leaders donate one month’s salary toward fund for Negro housing and

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<sup>108</sup>Prov 22:6 (JPS).

<sup>109</sup>Kotzk, Menahem Mendel of (1787-1859), Polish hasidic leader, ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 352.

<sup>110</sup>MENACHEM MENDEL OF KOTZK, A CODE OF JEWISH ETHICS: VOL. 1: YOU SHALL BE HOLY (Joseph Telushkin trans., Random House 2006), available at <http://www.onfoot.org/taxonomy/term/8?page=12>.

<sup>111</sup>”Heschel, Abraham Joshua (1907–1972), U.S. scholar and philosopher,” [http://www.jewishvirtuallibrary.org/jsource/judaica/ejud\\_0002\\_0009\\_0\\_08873.html](http://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0009_0_08873.html).

<sup>112</sup>Abraham Joshua Heschel, Address at the Pedagogic Conference of the Jewish Education Committee of New York City (Feb. 15, 1953), in 24:2 JEWISH EDUC. (Fall 1953), also in A.J. HESCHEL, THE INSECURITY OF FREEDOM 237 (Farrar, Straus & Giroux 1972), available at <http://www.onfoot.org/sourcesheet/how-does-judaism-view-education-0>.

education.<sup>113</sup>

Justice Ruth Bader Ginsburg also identifies deeds as an important expression of one's Jewish beliefs.

On walls of my chambers, I have posted in two places the command from Deuteronomy -- "Zedek, Zedek," "Justice, Justice shalt thou pursue." Those words are an ever present reminder of what judges must do "that they may thrive." There is an age old connection between social justice and Jewish tradition. Supreme Court Justice Arthur Goldberg, whose tenure on the Court, 1962-1965, was far too brief, once said: "My concern for justice, for peace, for enlightenment, . . . stems from my heritage." Justice Breyer and I are fortunate to be linked to that heritage.<sup>114</sup>

Jewish sources teach that if you want your student to behave in a certain way the lesson should not be "Do as I say, not as I do,"<sup>115</sup> but "Do as I do." Then what? Then teacher and student should do it over and over again. The pedagogical method is to learn by observation, then by doing, and "practice makes perfect." So an answer to the question "How do you become an ethical Jew?" is "Practice, practice, practice." It may not be funny, but it may be true. Perhaps it is the key to understanding this enigmatic verse from the Torah, "נעשה ונשמע" [*na'aseh v'nishma*], "We shall do and we shall hear/listen/obey."<sup>116</sup> This is consistent with Shimon bar Yochai's interpretation of this passage that the Hebrews at Mount Sinai committed themselves to observe the commandments even before they commandments were given.

And they [the Children of Israel] said, "all that God has said we will do and we will hear," since they had initially prioritized doing. Moses said to them, 'Is doing possible without understanding? Understanding brings one to doing.' They then said, 'We will do and we will understand,' [meaning] 'We will do what we understand.' This teaches that the people said 'na'aseh v'nishma' before

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<sup>113</sup>Abraham Joshua Heschel, Telegram to President John F. Kennedy, June 16, 1963, *available at* <http://www.on1foot.org/taxonomy/term/8?page=4>. The image of Heschel walking with Martin Luther King Jr. at Selma has become iconic, <http://www.pbs.org/wnet/religionandethics/episodes/january-18-2008/abraham-joshua-heschel/1789/>.

<sup>114</sup>Supreme Court Justice Ruth Bader Ginsburg, Remarks for Jewish Council for Public Affairs (Feb 18, 2002), *available at* <http://www.on1foot.org/taxonomy/term/8?page=7>.

<sup>115</sup>Galit Wiener's teacher chastised a student for putting on make-up in class, even though the teacher regularly did that herself. Interview with Galit Wiener, daughter of author (May 20, 2012).

<sup>116</sup>Exod 24:7 (JPS).

receiving the Torah.<sup>117</sup>

Therefore, to cultivate ethical behavior and not unethical behavior, act ethically at the first opportunity. As taught in the Mishnah itself “בן עזאי אומר: הוי רץ למצוה קלה, ובורח מן העברה. שמצוה” [Ben Azzai says:] Run to do a small mitzvah, and flee from sin. For mitzvah leads to mitzvah and sin leads to sin. For the reward of a mitzvah is a mitzvah, and the punishment of a sin is a sin.”<sup>118</sup> As it says, “מצווה גוררת מצווה; עברה, עברה גוררת עברה *mitzvah goreret mitzvah, averah goreret averah*, one good deed will bring another good deed, one transgression will bring another transgression.”<sup>119</sup>

There are several ways in which one good deed can cause another.<sup>120</sup> Perhaps by doing the right thing, doing the right thing will become “second nature” to us. This process is not easy and, as Proverbs states, requires one to blend wisdom with *musar*, discipline.<sup>121</sup> “לְדַעַת חֻקֶּיהָ וּמוֹסָר”<sup>122</sup> For learning wisdom and discipline; for understanding words of discernment; for acquiring the discipline for success, righteousness, justice, and equity.”<sup>122</sup>

With each good *behirah* successfully carried out, the person rises higher in spiritual level; that is, things that were previously in the line of battle are now in the area controlled by the *yetzer ha-tov* [good inclination] and actions done in that area can be undertaken without struggle and without

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<sup>117</sup>MEKHILTA D'RABBI SHIMON BAR YOCHAI 24:7; Jill Jacobs, *Do First, Understand Later*, [http://www.myjewishlearning.com/holidays/Jewish\\_Holidays/Shavuot/Themes\\_and\\_Theology/Celebrating\\_Submission/Accepting\\_the\\_Torah.shtml](http://www.myjewishlearning.com/holidays/Jewish_Holidays/Shavuot/Themes_and_Theology/Celebrating_Submission/Accepting_the_Torah.shtml).

<sup>118</sup>M *Avot* 4:2; WILLIAM BERKSON, PIRKE AVOT 140 (Jewish Publ'n Soc'y 2010), original available at <http://kodesh.snunit.k12.il/b/h/h49.htm>.

<sup>119</sup>M *Avot* 4:2(4), original available at <http://kodesh.snunit.k12.il/b/h/h49.htm>. Cf. Aristotle's ethics, <http://plato.stanford.edu/entries/aristotle-ethics/>.

<sup>120</sup>See *supra* note 118, at 140-41 (2010), original available at <http://kodesh.snunit.k12.il/b/h/h49.htm>.

<sup>121</sup>“Musar Movement, movement developed in late 19th c. for education of individual toward strict ethical behavior in spirit of halakhah....” ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 437. See ALAN MORINIS, EVERYDAY HOLINESS: THE JEWISH SPIRITUAL PATH OF MUSSAR 197-208 (Trumpeter 2007).

<sup>122</sup>Prov 1:2-3 (JPS).

*beḥira*.<sup>123</sup>

The converse is also true according to the Talmud. *Aveira goreret aveira*, the commission of an *aveira*<sup>124</sup> leads to another transgression. The rabbis were aware of the slippery slope phenomenon, how doing wrong can become habit forming. They thought that habits get harder to break as they become entrenched and that the best strategy is to nip the practice in the bud. “א”ר אסי יצה”ר בתחילה דומה לחוט של בוכיא ולבסוף דומה כעבותות העגלה  
אמר רבא בתחלה קראו הלך ולבסוף קראו אורה ולבסוף”<sup>125</sup> The evil inclination can gain strength over time. “אמר רבא בתחלה קראו הלך ולבסוף קראו אורה ולבסוף”<sup>126</sup> One becomes desensitized to wrongdoing through repetition. “דאמר רב הונא כיון שעבר אדם עבירה ושנה בה הותרה לו”<sup>127</sup> Rav Huna said: Once a person commits a sin and repeats it, it comes permitted to him.”<sup>127</sup> So it may become easier, over time, to repeat a pattern of behavior, whether good or ill.

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<sup>123</sup>ELIYAHU E. DESSLER, 2 STRIVE FOR TRUTH: THE SELECTED WRITINGS OF RABBI E.E. DESSLER 54 (Aryeh Carmell trans., Feldheim Pub 1988). “Eliyahu Eliezer Dessler (1892-1953),” [http://en.wikipedia.org/wiki/Eliyahu\\_Eliezer\\_Dessler](http://en.wikipedia.org/wiki/Eliyahu_Eliezer_Dessler).

<sup>124</sup>*Aveira*. “Averah (Heb.) transgression; opposite of *mitzvah*.” ENCYCLOPEDIA OF JUDAICA, *supra* note 19, at 52.

<sup>125</sup>BT *Succah* 52a<sup>1</sup> (Schottenstein), original available at [http://kodesh.snunit.k12.il/b/1/12605\\_052a.htm](http://kodesh.snunit.k12.il/b/1/12605_052a.htm).

<sup>126</sup>BT *Succah* 52b<sup>1</sup> (Schottenstein), original available at [http://kodesh.snunit.k12.il/b/1/12605\\_052b.htm](http://kodesh.snunit.k12.il/b/1/12605_052b.htm).

<sup>127</sup>BT *Yoma* 86b<sup>4</sup> (Schottenstein), original available at [http://kodesh.snunit.k12.il/b/1/12508\\_086b.htm](http://kodesh.snunit.k12.il/b/1/12508_086b.htm).



## VI. ETHICAL CHANGE

According to the Jewish sources, is it possible to change habits already formed?<sup>128</sup>

In the mass corruption cases in the time of Noah<sup>129</sup> and in Sodom and Gomorrah<sup>130</sup> there is no outside attempt to change behavior from bad to good. This may be evidence of the LORD's acceptance of the difficulty of behavior modification, particularly in the face of negative peer pressure.<sup>131</sup> Apparent efforts to change the behavior of Pharaoh by negative consequences have temporary positive results, but once the plagues are over he returns to his evil ways.<sup>132</sup> One might interpret this as a story of failure or free will, that even the LORD cannot change the heart of those who are not willing to change; however, divine failure is not an option as the text gives the LORD credit for Pharaoh's resistance by saying that the LORD hardened his heart.<sup>133</sup> Balaam becomes an ethical actor by learning from the others as role models. He comes to curse the Israelites but, after observing their actions, affirms that he will change his plans, "May I die the death of the upright, May my fate be like theirs!"<sup>134</sup> and blesses them instead.<sup>135</sup>

Later in the Tanakh, two Israelites repent. Jonah, after fleeing from the service of the

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<sup>128</sup>It would be interesting to consider "breaking bad" cases.

<sup>129</sup>Gen 6:11-13.

<sup>130</sup>*Id.* at 18:20-21.

<sup>131</sup>See Robert S. Wiener, *Peer Pressure: A Jewish Business Ethics Analysis of Creating an Ethical Corporate Culture* (2011) (unpublished paper, on file with author).

<sup>132</sup>Exod 7:14-10:29.

<sup>133</sup>*Id.* at 14:4.

<sup>134</sup>Num 23:10.

<sup>135</sup>*Id.* at 23:14.

LORD, sacrifices his own welfare for the greater good.<sup>136</sup> This act is apparently seen as ethical and Jonah is saved from drowning by a huge fish the LORD provides.<sup>137</sup> Perhaps there are multiple motivations for Jonah's altruism,<sup>138</sup> but upon his survival he accepts the LORD's mission to try to convince the people of Nineveh to "break good." Without punishment or reward and without description of Jonah's approach, these "no-goodniks" begin to change for the better. For whatever reason, there is a successful group "conversion." The LORD, rather than killing the people of Nineveh, accepts their repentance.<sup>139</sup> It would be helpful to learn what teaching techniques Jonah used so that we could use them ourselves. Perhaps it included his "drunkalog."<sup>140</sup> Job changes from bad to good pleading prior ignorance. Here multi-sensory book learning leads to wisdom and action. "Indeed, I spoke without understanding. Of things beyond me, which I did not know.... I had heard You with my ears, But now I see you with my eyes; Therefore, I recant and relent...."<sup>141</sup> Perhaps it is possible for individuals to achieve change on their own, but it seems to be the exception rather than the rule.

In the Talmud, Reish Lakish becomes good only as an adult.

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<sup>136</sup>He asks to be "thrown in the path of the trolley car." Philippa Foot, [was] a philosopher who argued that moral judgments have a rational basis, and who introduced the renowned ethical thought experiment known as the Trolley Problem...." William Grimes, *Philippa Foot, Renowned Philosopher, Dies at 90*, N.Y. TIMES, October 9, 2010, available at <http://www.nytimes.com/2010/10/10/us/10foot.html>.

<sup>137</sup>Jonah 1:15-2:1.

<sup>138</sup>See DAVID LINDEN, *THE COMPASS OF PLEASURE* (Viking Books 2011); *Give 'Til It Lights Up The Brain Scanner* (Aug. 31, 2011), <http://compassofpleasure.org/give-til-it-lights-up-the.html>.

<sup>139</sup>Jonah 3:1-10.

<sup>140</sup>Personal story told at beginning of an Alcoholics Anonymous meeting. Roger Ebert, *My Name is Roger, and I'm an alcoholic*, SUN TIMES BLOG (August 25, 2009 7:37 AM), [http://blogs.suntimes.com/ebert/2009/08/my\\_name\\_is\\_roger\\_and\\_im\\_an\\_alc.html](http://blogs.suntimes.com/ebert/2009/08/my_name_is_roger_and_im_an_alc.html).

<sup>141</sup>Job 42:3-6. See ADELE BERLIN & MARC ZVI BRETTLER, *THE JEWISH STUDY BIBLE 1561* (Oxford University Press 2004).

סחי ר' יוחנן בירדנא חזייה ריש לקיש ושוור לירדנא אבתריה אמר ליה חילך לאורייתא אמר ליה שופרך לנשי א"ל אי הדרת בך יהיבנא לך אחותי דשפירא מינאי קביל עליה בעי למיהדר לאתויי מאניה ולא מצוי הדר אקרייה ואתנייה ושווייה גברא רבא

Rabbi Yochanan was swimming in the Jordan river. Reish Lakish, who was then a highwayman, saw him, and jumped into the Jordan after him. [Rabbi Yochanan] beheld this display of vitality and said to him, "Your strength belongs to the Torah!" [Reish Lakish] said to him, "Your beauty belongs to women!" [Rabbi Yochanan] said to him, "If you will repent your ways, I will give you my sister in marriage, who is more beautiful than I." [Reish Lakish] accepted this upon himself. [Reish Lakish] then wanted to return to retrieve his clothes, but was unable to muster the strength to do so. [Rabbi Yochanan] afterwards taught him Scripture and Mishnah and made him into a great man.<sup>142</sup>

However the inducement for change seems to be the promise of sex. It's not clear that this case provides a practical model for teaching ethics in business schools. Especially since Reish Lakish loses his physical super powers once he commits to book learning.

The question of the teachability of ethics begins with the teaching of young children.<sup>143</sup>

Some claim a person at a particular stage cannot be taught to be act ethically, that they are either immature or incorrigible, it is either too early or too late in their ethical development.<sup>144</sup>

However, change of behavior can occur at any age.<sup>145</sup> Therefore, this is an abdication of a

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<sup>142</sup>BT *Bava Metzia* 84a (Schottenstein), original available at [http://kodesh.snunit.k12.il/b/1/14207\\_084a.htm](http://kodesh.snunit.k12.il/b/1/14207_084a.htm).

<sup>143</sup>What do parents do when their child misbehaves? Some defend their child's innocence unless proven guilty beyond a reasonable doubt. Such children may learn to deny culpability or to blame others early and often. If parents think they have fulfilled their parental responsibility by teaching their child to say "I'm sorry" after throwing sand in another's face it may become a "get out of jail free" card. Kris Hundley, Susan Taylor Martin, & Connie Humburg, *'Stand your ground,' a get out of jail free card*, TAMPA BAY TIMES, June 2, 2012, available at <http://www.miamiherald.com/2012/06/02/2830091/stand-your-ground-a-get-out-of.html#storylink=cpy>. The child then believes that saying "I'm sorry" permits them to acknowledge intentional harm with impunity. If punished for repeating that same act they are likely to say, "But I said I'm sorry!" Other parents require their child to explain in words that they understand that what they did was wrong. This prepares the child for a career as a "spin doctor". "spin doctor n. Slang A person who publicizes favorable interpretations of the words and actions of a public figure, especially a politician," <http://www.thefreedictionary.com/spin+doctor>. Still others are primarily interested in corrective parenting focused on what the child will do on the next trip to the sandbox. This may lead to a more "mature" apology such as "I'm sorry, and I won't do it again." Perhaps the true test of ethical education would be what the child does the next time they are in the sandbox with others, and think that no adult is watching. What do we want to teach our children/students as parents/teachers? Are we successful at it?

<sup>144</sup>For example, Kohlberg's model of cognitive moral development. See Linda Klebe Trevino, *Ethical Decision Making in Organizations: A Person-Situation Interactionist Model*, 11.3 ACAD. MGMT. REV. 601, 604-06 (Jul., 1986), available at <http://www.jstor.org/discover/10.2307/258313?uid=3739832&uid=2&uid=4&uid=3739256&sid=21100897580921>.

<sup>145</sup>See DAN ARIELY, *THE (HONEST) TRUTH ABOUT DISHONESTY* (Harper 2012); PHILIP ZIMBARDO, *THE LUCIFER EFFECT* (Random House 2008).

teacher's responsibility to teach. Others argue that it is a matter of nature rather than nurture, genetics rather than education. Still others say "It's none of my business." And educators may argue that ethics education is not the concern of teachers because values should be taught not at school but at home by parents or by religion.<sup>146</sup> Other teachers feel that values formation is the collective responsibility of society, appropriately taught as "citizenship."<sup>147</sup>

We hear the legal principle that anything not prohibited is permitted. Good deeds are optional and any intrusion beyond compliance is meddling. One has a valid concern in the behavior of others only if it is a crime or if it will hurt you personally. The practical issue seems to be not whether one has done the wrong thing, but whether one has been caught.<sup>148</sup>

Business school ethicists have asserted the efficacy of business ethics education.

Are young adult graduate students, typically in their twenties and early thirties, too old to learn ethics? No. Indeed there is no time in the human life cycle more strategic for shaping the norms and potential of the moral vision that will ground the ethical choices embedded in the daily decisions and actions of a professional manager.<sup>149</sup>

Even if this is true, the crucial question here is not whether students can learn the right thing to do, but whether book learning would make any difference in their behavior. Can ethics be effectively taught so as to cause a change in action? After all, graduate business students have

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<sup>146</sup>Sue Douglass Fliess, *Teaching Your Child to Be Ethical*, [http://www.education.com/magazine/article/Teaching\\_Child\\_Ethics/](http://www.education.com/magazine/article/Teaching_Child_Ethics/).

<sup>147</sup>I believe that the most effective business ethics education would be by "corporate change" of the academic "workplace" of business schools. See, Robert S. Wiener, *Academic Integrity: Fundamental Principles* (unpublished paper, on file with author); Robert S. Wiener, *Ethics in the Academy: Fundamental Principles and Business Education* (unpublished paper, on file with author). See also, Susanna Cahn & Robert S. Wiener, *Creating Ethical Work Climates: Some Institutional Factors* (Northeast Business and Economics Association Proceedings Paper, 2012) (unpublished paper, on file with author).

<sup>148</sup>And prominent people, such as Lance Armstrong, sometimes repeatedly lie even when caught. Lynn Zinser, *Lying Becomes an Official Sport*, N.Y. TIMES, January 1, 2013, <http://www.nytimes.com/2013/01/18/sports/lying-becomes-an-official-sport-leading-off.html>. See *Stuyvesant High School Caught In Cheating Scandal On New York Regents Exams*, (Posted: 06/26/2012 3:26 pm Updated: 06/27/2012 12:27 pm), [http://www.huffingtonpost.com/2012/06/26/stuy-cheating-scandal\\_n\\_1628434.html](http://www.huffingtonpost.com/2012/06/26/stuy-cheating-scandal_n_1628434.html).

<sup>149</sup>Sharon Daloz Parks, *Is it too late? Young adults and the Formation of Professional Ethics*, THOMAS PIPER, MARY C. GENTILE, & SHARON DALOZ PARKS, CAN ETHICS BE TAUGHT? 13 (Harvard Business Press 1993).

already repeated patterns of behavior so many times that their actions may no longer be decisions. Even if you knows the right thing to write on a test, will you then do the right thing?<sup>150</sup>

Does trained analysis of ethical business problems lead to ethical action in business or even in school? Simple awareness of religious ethical teachings may affect behavior. In an experiment at the University of California, Los Angeles, 450 participants were tempted to cheat on a test. Half were first asked to try to recall ten books they had read in high school. They engaged in typical widespread, moderate cheating. The other half were asked to try to recall the Ten Commandments. They did not cheat whatsoever.<sup>151</sup> Still.

## CONCLUSION

If the purpose of teaching ethics is for students to practice ethics, research is needed to determine its practical effectiveness.<sup>152</sup> Because our preferred education assessment method is testing, it is no surprise that our success in teaching business ethics has been measured by testing.<sup>153</sup> But tests

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<sup>150</sup>The recent cheating scandals in the New York City metropolitan area have been by some of its “best” high school students. Great Neck North High School *After Arrest, a Wider Inquiry on SAT Cheating* (Sep 29, 2011), [www.nytimes.com/.../after-arrest-a-wider-inquiry-on-sat-cheating.html](http://www.nytimes.com/.../after-arrest-a-wider-inquiry-on-sat-cheating.html) (on Scholastic Aptitude Exams): Stuyvesant High School (Posted: 06/26/2012 3:26 pm Updated: 06/27/2012 12:27 pm), [http://www.huffingtonpost.com/2012/06/26/stuy-cheating-scandal\\_n\\_1628434.html](http://www.huffingtonpost.com/2012/06/26/stuy-cheating-scandal_n_1628434.html) (on New York Regents Exams).

<sup>151</sup>Although not a single student remembered all Ten Commandments. ARIELY, *supra* note 145, at 39-40; Nina Mazar, On Amir, & Dan Ariely, *The Dishonesty of Honest People: A Theory of Self-concept Maintenance*, 45.6 J. MARKETING RES. (2008).

<sup>152</sup>Although others also assert a link between teaching and action. “What are the benefits of teaching these topics? Educating students about equality and human rights empowers your students with learning they can use far beyond the classroom – in fact they will take it out into the school corridors and playground, into their homes and beyond into the wider community.” Equality and Human Rights Commission (UK), <http://www.equalityhumanrights.com/advice-and-guidance/equal-rights-equal-respect/useful-information/why-teach-equality-and-human-rights/>. But why haven’t there been more studies of this sort in business or business schools to determine the veracity of this claim?

<sup>153</sup>Articles testing the effectiveness of business ethics education based upon “paper and pencil” testing. See M. J. Abdolmohammadi & M. F. Reeves *Effects of Education and Intervention on Business Students’ Ethical Cognition: A Cross Sectional and Longitudinal Study*, 4(3) TEACHING BUS. ETHICS 269 (2000); T.R. Martin, *Do Courses in Ethics Improve the Ethical Judgment of Students?*, 17 BUS. & SOC’Y 26 (Winter/Spring 1982); PIPER, *supra* note 149; R. Prentice, *Teaching Ethics, Heuristics, and Biases* 1 (1) J. BUS. ETHICS EDUC. 55 (2004); W.J. Wilhelm, *Integrating Instruction in Ethical Reasoning into Undergraduate Business Courses*, 5 J. BUS. ETHICS EDUC. 5 (2008).

just test what they test. What is the objective of business ethics education? That students write the right thing on a test, whether or not they do the right thing after, or even during, that test? To train analysis of business ethics problems, whether or not it leads to ethical action in business? We can test that. But is that what we want? Ultimately the question is do we want teaching ethics to lead to ethical behavior and, if so, is that possible to achieve?

Why should business schools teach ethics? If our mission is to train our students to be successful business people independent of ethics, we would be better off teaching accounting, finance, management, marketing, and law where non-compliance may have some consequence, rather than spend that time on teaching doing the right thing, especially if nice guys finish last and no good deed goes unpunished. Skills to deal with ethical misbehavior and its potential public relations fallout can be taught to future spin doctors in management and marketing and communication courses.

If business schools choose to teach business ethics, they need to be clear as to their goals to have any prospect of achieving them. Book learning is what business school teachers and students are accustomed to and can be assessed. Assurance of such business ethics education might satisfy both the AACSB and the public. Business schools can then have plausible deniability if alumni misbehave, claiming that they did their job. Whether their graduates actually make use of their ethics education is up to them. But if we think that teaching business ethics should be more than just academic, that it should make a practical difference in what students do in the academy, in the business world, and in society, we have our work cut out for us. Then we should determine how to best achieve those results to have a real answer to the question, “What good is book learning?”

If business schools truly want to promote ethical behavior, doing the right thing rather than merely knowing the right thing to do, innovative teaching methods such as experiential learning may be more effective than book learning alone.<sup>154</sup> As expressed by Walt Whitman in his poem, *When I heard the Learn'd Astronomer*,

When I heard the learn'd astronomer;  
When the proofs, the figures, were ranged in columns before me;  
When I was shown the charts and the diagrams, to add, divide, and measure them;  
When I, sitting, heard the astronomer, where he lectured with much applause in the lecture-room,  
How soon, unaccountable, I became tired and sick;  
Till rising and gliding out, I wander'd off by myself,  
In the mystical moist night-air, and from time to time,  
Look'd up in perfect silence at the stars.<sup>155</sup>

With motivational tools, including those learned from research in moral psychology and behavioral economics,<sup>156</sup> graduating students may be more likely to do the right thing.<sup>157</sup> I conclude that, according to the Jewish sources, the answer to the question, “What good is book learning?” is, “Not good enough.” Without added efforts, business ethics education will be similar to typical parental sandbox education and may still be worse than nothing at all.

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<sup>154</sup> “As an andragogical tool it [experiential learning] ranks superior to either lectures, assigned readings, or case studies.” R.N. Sanyal, *An Experiential Approach to Teaching Ethics in International Business*, 4 (2) TEACHING BUS. ETHICS 137, 145 (2000); Joseph Wolfe & David J. Fritzsche, *Teaching Business Ethics with Management and Marketing Games*, SIMULATION & GAMING 44 (1998). But do we know this to be true? Cf. Jerry Gosen & John Washbush, *A review of scholarship on assessing experiential learning effectiveness*, 35 SIMULATION & GAMING 270 (2004)(arguing that conclusions as to the effectiveness of experiential learning are tentative and with no mention of ethics education); Jeffrey Chin, Richard Dukes & William Gamson, *Assessment in Simulation and Gaming: A Review of the Last 40 Years*, 40 SIMULATION & GAMING 553 (2009)(“assessment should be viewed as a process and not a goal” and with no mention of ethics education); Stephen B. Castleberry, *Prison Field Trips: Can White-Collar Criminals Positively Affect the Ethical and Legal Behavior of Marketing and MBA Students?*, 29 J. MARKETING EDUC. 29 (2007)(behavior predicted based upon post-class student ratings).

<sup>155</sup> *When I heard the Learn'd Astronomer*, WALT WHITMAN, LEAVES OF GRASS 180 (1865).

<sup>156</sup>*Supra* note 146. Research into incentives and effective motivation, including positive peer pressure/support to effect individual and collective change, would facilitate creation of an ethical corporate culture.

<sup>157</sup>A negative formulation of this principle is “...I argue that while most people are good most of the time, they can be readily seduced into engaging in what would normally qualify as ego-alien deeds, as antisocial, as destructive of others....” ZIMBARDO *supra* note 145, at vii. And the pressure of the Egyptians on Pharaoh is the ultimate cause of the Israelites’ departure. Exod 14:25. See Robert S. Wiener, *Peer Pressure: A Jewish Business Ethics Analysis of Creating an Ethical Corporate Culture* (2011, unpublished paper, on file with author).