RELATIONSHIPS BETWEEN JEWISH TRADITION AND CONTEMPORARY SOCIAL ISSUES
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JEWISH TRADITION AND CONTEMPORARY PROBLEMS
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The topic "Jewish Tradition and Contemporary Problems" covers a multitude of sins. I trust that the purpose of the Atran lectures is not to say that Judaism is in favor of solving them. It is not even to say that Judaism is for democracy, liberalism, social work, motherhood, brotherhood of men under the fatherhood of God, and all the other issues which it undoubtedly does favor. I will define the topic as covering two areas: (1) what values would Judaism stress in an approach to our numerous contemporary problems and (2) what approaches, if any, can it uniquely contribute toward a solution. (It is my thesis that it can particularly offer a value stance and a method.) Finally, what can Jewish tradition contribute to developing an ethical community which would seek to bring about solutions?

Let me start with the value stance. What is the fundamental value in Jewish tradition? There is a classic disagreement in the Talmud between Rabbi Akiva and Ben Azzai as to what is the fundamental value principle of Jewish tradition. Akiva says: "Love your neighbor as yourself" (Leviticus 19, 18)—this is the great principle of the Torah." However, Ben Azzai says the basic principle is: "These are the generations of man. In the day that God created man; in the image of God He made him"—(Genesis 5, 1)—this is even a greater principle." Ben Azzai's view has won wide recognition as the classic view. 1

In the judicial oath which witnesses took before they were allowed to testify in capital punishment cases, the Talmud draws some of the implications of the concept that man is in the image of God. The witnesses were warned that in their testimony a human life was at stake. Images of man reproduce identically. (If one creates a die or plate, every copy is the same. If one copy isn't, one has a very valuable postage stamp or coin.) But each reproduction of the image of God is unique—this is the mark of an image of God. Therefore, if you destroy this man unjustly, it is an irreparable harm. 2) Another implication drawn for the witness is: since man is in the image of God, he has infinite value. In this sense, one cannot distinguish a minor harm from a major harm. 3
One significant dimension must be added: the image of God is to be understood not simply as a given category but as a statement of something to become. The image is open ended. God’s image, by definition, is many faceted and inexhaustible. Jewish tradition also suggests that it is not fixed but subject to modification. Thus there are actions which “extend” or “expand” the image of God and there are actions which “shrink” it. And to expand the image of God or to recognize it is to increase the divine presence in the world. Thus, a murder of humans reduces the presence of the image of God. Any act that humiliates, denigrates, or hurting is seen as a form of desecration of the divine image and a reduction of God’s presence. Insofar as a human being’s self-image is a factor of the society and the treatment of others of the individual, then mistreatment of humans, physical or psychological, is a reduction of the image of God. The obligations of society for the individual under this principle apply to all men. They range from elementary respect which is a form of increasing the self-image and, therefore, the presence of God in the world to all sorts of subtle applications. In the case of a man who is executed for murder one must not allow the body to be publicly exhibited, lest people say that “God is being executed.” Even the murderer is seen as containing within himself the aspect of divinity and, therefore, in some sense, in his death God is being reduced in this world. Thus, we can and should judge society by the extent to which the conditions of life and the human and political relationships in that society will tend to increase the human capacity to become the image of God. This is the fundamental principle of Judaism. This is the value stance Judaism can offer as the fundamental value criterion in evaluating a society.

The image of God in the individual is not a product of psychological or spiritual factors alone. The body is indissolubly linked to the soul. The two cannot be distinguished in Biblical theology. The treatment of the body is directly related to the image of the individual. There can be no such thing as a person spiritually free and physically a slave. A person can be partially free under those circumstances but the physical enslavement is a form of self-destructive reduction of the image of God in man. Therefore Maimonides suggests that the true purpose of society is to develop the soul and the body simultaneously. But, as he puts it, while religious values place primacy on the soul, the body should come first in society’s concern in nature and in time. This is to say that a society must first provide the elementary, and the more than elementary conditions of physical well-being for men if it wants to make the soul or human fulfillment possible. Maimonides points out that this area of life is treated in the Torah most carefully and minutely because the well-being of the soul can only be obtained after that of the body has been secured. The well-being of the body as he defines it, consists in the most healthy conditions of man’s material relations—that is to say, states like poverty and oppression are not good for man. The ‘most healthy condition’ is “only possible when man has all his wants supplied as they arise; if he has his food, and... shelter, bath and the like.” Adds Maimonides: as it is impossible for one man alone to obtain this comfort, it must be done by society. This is why the well-being of the body involves “government of the state and the establishment of the best relations among men.” The first step, then, in a good society is to create a setting which provides the fundamental physical, political, and material relationships which encourage human self-development. These, then, provide the framework within which genuine personal fulfillment can be found. Religious men must work for the establishment of such a society. As Rabbi Israel Salenter put it in the 19th century, “My fellow man’s material welfare is my spiritual responsibility.” (Another version has him saying, “I am responsible for my own spiritual welfare and my neighbor’s material welfare.” Many people prefer to practice the reverse of this dictum.) The ultimate judgment principle in society, then, is its ability to create a physical and spiritual setting which enhances the image of God in all men. By this criterion, all other factors and arrangements must be judged.

The moment we accept this principle we realize how deep the conflicts with it run in our society. It is all very well to be in favor of human values but, in fact, human values frequently conflict with the maximum needs of society for productivity and for economic and social efficiency. In America, production and economic values tend to win out. Already in the 1830’s, Alexis de Tocqueville pointed out that the love of physical prosperity had become a “tenacious, exclusive and universal passion” in this country. “The love of well-being has now become the predominant taste of the nation, the great current of human passion runs in that channel and sweeps everything along in its course.” De Tocqueville suggested that this dominance is the ineluctable outcome of certain outstanding features of American society. The very egalitarianism of American society undercuts the possibility of an alternate aristocratic value system being available to serve as a standard for independent criticisms. In the absence of a countervailing (aristocratic) value system, the common judgment—in this case the love for material prosperity—tends to dominate all values and behavior patterns. Widespread economic opportunities made this materialistic ethos possible. Enough people were not deprived and so this philosophy was a believable one—one which could engage the emotions and the psychological identification with the bulk of American people. Ironically, therefore, the destruction of rank and privilege made possible a system whereby the universal desire for prosperity has overridden the awareness of those and the needs of those who do not have it. We have just come through the 1960’s when this relative indifference to the presence of those who were not “making it” in America simply reflected the affluence of the society around us. One may question whether the current situation does any better by this criterion. As David Riesman put it, we have a “market mentality” in America whereby “control of the economy” carries with it “to an unusual degree, control of the ethical regime.”

All this is not meant to be a lugubrious attack on American materialism but
to point out that built into the American ethos is an assigned high value to material productivity which inevitably makes Congress and the public much less sensitive to certain human needs than it is to the importance of maximizing production and efficiency. The cost in human values involved may show up in the reckless squandering of national lands. It shows up in the encroaching type of growth of urban clusters—growth not regulated because real estate profits might be hindered. It shows up in the inability to bring about serious regulation or restriction of the tobacco industry long after cigarettes are identified as harmful to health. In 1967, when new auto safety regulations were proposed, Henry Ford II opposed them on the ground that these requirements would destroy or seriously weaken American prosperity—because the automobile industry would be set back. Ford instinctively appealed to the basic American value system which, he correctly assessed, still functions strongly. True, there has been a modification of capitalism in 20th Century America toward social regulations but the basic primacy of production and profit is still there. The fact is that American tax laws recognize an annual depletion allowance of 27½% for oil wells but give none for human depletion. Or consider the special allowances to encourage industry to install new machinery as compared to the limited funds for job retraining or human manpower development projects. Nor can we dismiss these indicators by saying we mean well, or we intend to overcome this, or this is a residue of the past. (These are the standard justifications Americans offer.) We have to recognize that what we see here is built into American society. Material values and money do come first in our value system. The unchecked "gospel of wealth" no longer operates but the fundamental value placed on maximizing productivity and profit is still quite powerful. In short, American society falls far short of the supremacy of human over property values which Judaism would offer as the prime criterion of a just society.

This argument was not offered to prove the need for a socialist society (although one could argue for that conclusion). But we must stress that only when a fundamental critique of the ultimate significance of property, wealth, and material fulfillment is offered will it be possible to shift the structure of American society. Up to now, most of the criticisms of materialism in national life have grown out of so-called spiritual value systems, frequently tinged with ascetic tendencies. Understandably, these critics tended to be indifferent to poverty or the physical suffering of people. Thus American religion was concerned to save the soul with less concern for the body. If you will, this is the other extreme of the cultural dialectic of the dominance of the body narrowly defined over human and other concerns.

The great need, then, is an approach which can properly balance the need for productivity (wealth does make culture and material concern for man possible) and the primacy of human values. I believe that we can find models for such a dialectical treatment in the Haskalah (Jewish tradition and law). In this tradition, we find the union of respect for productivity and supremacy of human values. It combines this with a healthy awareness of the many ways in which humanness grows out of material conditions—and all the ways beyond money—in which the other human’s attitudes are decisive to self-respect and self-image. Human primacy runs through many laws of property relations in Jewish tradition. From Biblical times on, Jewish tradition compelled support for the poor through property taxes, not just through personal, voluntary giving. This is to say: it assumed the right of the poor to help—a right based on political and legally universal principles. If the recipient gets help as a matter of right, this implies a dignity in the giving and the receiving and an equality of self-respect on both sides. It is precisely the absence of this attitude which leads to welfare being treated as a semi-privilege. In turn, this leads directly to the kind of humiliating and grudging treatment and popular hostility shown to the poor as they are given the welfare. It is interesting that in Deuteronomy 15, v. 7-11, the Torah couples an exceptional demand for helping the poor with a moral warning "and let not your heart be angered [at him] as you give it to him."

The same subordination of material values is shown in Jewish law in the enforcement of fair competition and the regulation of profit margins by society. This regulation reflects the judgment that unrestricted profit margins may be antisocial. Monopoly was forbidden and monopoly practices—particularly those in the field of medicine—were forbidden and punished. Weights and measures were strictly regulated by society to protect consumers against fraud and deceptive practices—what the Federal Trade Commission would dream of in its palmer moments were the automatic rights of the Beth Din (the local Jewish court). Residential neighborhoods were protected against business invasion or practices which could hurt the living values of the area. Ironically enough, the case the Talmud gives for this principle is that of a tannery which pollutes the air of the neighborhood by releasing impurities and foul smells. In this case the business involved could be fined and could be forced to leave the neighborhood upon suit in court. These examples are chosen to parallel current American problems obviously. However, I cite them not to prove that Talmudic law was ahead of American—but to point out that these are possibilities which can be taken for granted once the fundamental values of society are set in a certain pattern and priority.

One way this supremacy was achieved was through certain so-called ritual laws. Thus, in Jewish society once a week (on the Sabbath) all businesses were closed and the day was spent in being, not doing. A society which can restrict business to this extent obviously has asserted its supremacy over business values. By this criterion, one must confess that the religious elements in contemporary society have not done a particularly outstanding job. Religious groups have tended to fall between the stools of acceptance of American values on the one hand and a kind of pious spirituality, abstractly critical of American materialism on the other. To avoid this error, it is crucial to reestablish the recognition (so strong in the Jewish tradition) of the link
between “spiritual” values in human self-fulfillment and the material society within which we live. The specific religious commitment of Judaism to the primacy of human values, then, should free us and lead us to certain approaches and certain policy considerations in the areas of politics and society. It will be noted that, up to now, I have not stressed the great Biblical insistence on social justice as the Jewish response to current problems. A commitment to social justice is a sine qua non today. Yet, in my judgment, it is not the most significant thing Judaism has to offer at the present time. Lord knows social justice is far from accepted or taken for granted in society. But Jewish tradition has insisted along that social justice is not enough. Some of the crucial problems of our time, I believe, will not yield merely to social justice. Social justice is not adequate in two ways. There are times when justice is not justice: that is to say, when equality of treatment is not enough. And there are times when even differential treatment is not enough because there are issues other than law and justice at stake.

Let me explore these cases starting with the first principle. The Torah recognized the possibility of a man being a bondsman for a longer or shorter period. (Jewish law did not abolish slavery overnight. It restricted slavery legally until it was abolished, i.e. slavery was progressively watered down until it no longer existed.) In the interim phase, however, there were periods when a man could not be permanently enslaved but could be kept as a bondsman for up to six years. When the man left the state of bondsmanship, the Torah felt that he had suffered severe human damage. It was not just that he had been enslaved (or quasi-enslaved) for a period of time. The critical hurt was that his own occupational skills and his capacity to function as a free man in society had been damaged. During this period, he had become dependent on his master for support and food. Furthermore, his family life had been significantly affected, if not shattered, by this experience. Therefore, when he left, a special payment had to be made to him. The master was required to give him special funds and to support him to make it possible for him to reestablish himself as a fully functioning individual in society. From the point of Jewish law, then, it is not enough to free somebody. It becomes the moral obligation of the master to invest what is necessary until that person is fully able to meet and to compete as a free man. Until the family structure and the occupational skill has been reestablished, he is a charge of the master and of society and he is given more than justice. He is given a differential payment. One of the fundamental American social commitments has been equality of treatment. It has led to some of the finest social advances in American life. But the principle has become dysfunctional in relation to the solution of the poverty problem and the plight of Negroes in American Society. So deeply rooted is the commitment, however, that many liberals have been restricted by it. Therefore, promising approaches to overcoming poverty have been obstructed by liberals—not just John Birchers or backlashers. It is not even a matter of dropping this principle altogether but of seeing it as a means, not an end. For the next part of the road, and until basic human rehabilitation has been accomplished, this is necessary, if we are to break the vicious poverty cycle.

The same dilemma of ends and means and the need for new emphases may be illustrated in the Biblical laws of Jubilee and Shmita (Sabbatical year). These two laws grow out of the Torah’s concern to avoid the creation of a permanent poverty-stricken class. In ancient times, agriculture was the primary source of income. Therefore, every family was given a portion of land as its patrimony when the Land of Israel was first settled. It was obvious, however, that as time went on, some people would do better than others. As debts grew between the more and the less successful, the land would be transferred or sold to the more successful. In time this meant that a landless class would be created. To prevent this from happening, all existing debts were regularly cancelled in the seventh year. (All owners of 25-year mortgages will appreciate the humanitarian value of this conception!) This procedure worked in agricultural society because the religious sanctions of society were heavily invoked to confirm in the creditor the acceptance of the need for this kind of redistribution of wealth. As society became more commercial, however, it was discovered in Talmudic times that lenders stopped making loans that would run into the seventh year, for obvious reasons. Under the pressure of the cessation of loans, a legal fiction was worked out whereby these debts were turned over to the courts in the seventh year. They were not cancelled but were collected the following year by the individual involved. The rabbis recognized that the goals of Shmita were protection against poverty. They felt, however, that the damage done to the interests of the poor by the refusal to give loans now outweighed the advantages of cancelling existing debts. The same goal as that of Shmita was implicit in the institution of the Jubilee year. If the cancellation of debts of the Sabbatical year, nevertheless, failed to prevent the concentration of land ownership, then at the fiftieth or Jubilee year, the land was returned to its original owners. Thus, no family or community could be permanently deprived of its income. Even when these laws were no longer operative (as when the Jews went into exile or when they lived in an urban, commercial society) the rabbis extrapolated to the new society the basic principle that every man is entitled to an income. Society was asked not merely to give support or charity to the poor but to provide job opportunities and fundamental income sources to each individual. These laws point to the concept of a guaranteed annual income. Guaranteed income involves more than a differential payment to overcome poverty. It is a recognition of the role which self-respect and freedom from fear plays in the development of humanness. Winning acceptance of this concept would make a fundamental shift in current conceptions of property rights, government role in life, and attitudes toward the poor. This very need for a shift is eloquent testimony to the relationship of human and property rights in America today.

The laws involving special payment and treatment of the poor raise serious
ethical, societal question—questions which underlie the liberal conflict over equality versus differential payment. Neither the Torah nor Talmud were unaware of the conflict. In fact, we have two contradictory laws in the Torah itself. The tradition noted the conflict and took up the analysis involved. The Torah commands us not to give special recognition to the poor (“You shall not give special recognition to the poor in his cause”). Yet there are a number of laws (some cited above) which give special treatment to the poor. This special recognition is found in countless places, even in certain areas of kashrut! [There are certain borderline cases, where a questionable case will be ruled kosher if a poor man is involved (because he cannot afford the loss). The same case would be ruled not kosher if a rich man asks, because he can afford the loss involved.] 21 How can we reconcile the two policies? The conclusion is: it depends on the kind of recognition involved. On such issues as provision of income, thereby making possible self-respect and self-support, there is a religious obligation to make the special payments involved. But in the uses of power or identification with the values of the poor, the Torah demands that we not fool ourselves. We must recognize the moral limits of the poor as well. 22 One should not substitute the tyranny of the poor for the tyranny of the rich. Marx’s substitution of the proletariat as ruling class for the capitalists failed to confront the question whether the proletariat or their representatives in power would be any less oppressive than the people they had replaced. So the rabbis concluded that in power relationships—or when men seek to take advantage of their poverty status to commit illegal or violent injustices to others—we have the right to say: there will be no special recognition to the poor. This points to the current dilemma of the liberal community in its attitude toward rioting. This as yet unresolved value dilemma is, I believe, a major dynamic factor behind the growing conservative trend in American society. There is a condemnation and fear of violence by liberals, but there is also a tacit element of acceptance of the self-expression involved. Sometimes this takes the form of an uncritical admiration for the most extravagant anti-bourgeois, anti-white outbursts of the Negro fringe militants. This acceptance factor is partly justified and partly a grave misjudgment of what society can live by and what the American temper will take. The positive element in the riots is the element of protest against unbearable conditions and the element of growing self-assertion. But the inability to combine strong identification and commitment to the needs of the poor with a clear moral judgment on the illegal and violent dimensions it sometimes takes on, gives great strength to backlash and, unintentionally, may play the role of incitement as well. Even deprived people can sense what society will tolerate and what it will not. To the extent that society communicates a kind of tacit acceptance, this may induce behavior which otherwise would not be forthcoming. (It is noteworthy that the radical fringe of Negro militants speak more contemptuously to white liberals than to white backslavers—in part, because they feel the former will take it from them?) Admittedly, this is a very thin line to walk. And while attacks on riots and violence have been used to justify not doing anything for the poor, I think it is precisely the thin line that the Halachah tries to walk. The Halachah rejects the notion of automatic approval of the tactics of the poor at the same time that it refuses to yield any of its demands for the reestablishment of equality and differential payments. Perhaps in our situation it would ask for both to be intensified simultaneously: for stopping violence simultaneously with an intensified program of investment in overcoming poverty. If people detect less than a perfect balance of the two, they will likely vote in increasing numbers for order first. Another aspect of Jewish emphasis and policy that must come to the fore now is the stress on those areas where justice alone is not enough because the issue is the human being himself. Charity (and welfare) does not adequately help the poor enough simply because it does not sufficiently take into account the question of self respect and self capacity. The issue of the family is closely linked to this question. During its long period of exile, the Jewish community avoided many of the debilitating effects of persecution (although by no means all of them) precisely because the family structure and self-respect was kept intact. The Jewish tradition interpreted persecution of the Jew as a sign of the Jewish chosenness. Therefore, the suffering involved could be interpreted and integrated into the ego without destruction of the self image. Despite these very great integrative forces—the religious interpretation of suffering and the structure of the family—Jews internalized a good many of the negative images of Jewishness held by the Gentile community. The persecution of the American Negro was more destructive and has left so much more lasting an impediment to black advancement because it was a far more ruthless and total one. Moreover, it succeeded in shattering the family unit, and in many cases the self image as well. (In part this resulted because there was no viable religious or cultural integrative force that could preserve the slave from his slavery.) To this extent, blacks are more devastated victims of persecution. To this same extent we must confront again the Biblical and Talmudic insistence that the poor man cannot be rehabilitated by economic or social means alone. 

This raises a painful issue. It is linked to the famous or infamous Moynihan report controversy—a controversy which is a perfect reflection of this issue. 23 The Moynihan report focused on the destruction of the Negro family as a crucial element in the persistence of poverty and of the blacks’ inability to break the cycle of illiteracy and the deprivation of education which leads to poor educational achievement, economic underachievement, social breakdown, etc. It called for affirmative action through jobs and income policies to restore the conditions for family life. There is little question that the report and any possibility of acting upon it was torpedoed by the liberal and civil rights leadership of American society. True, the conservatives may have welcomed the report for the wrong reasons. Conservatives may have wanted to seize upon it as proof that Negroes deserve what they have, that poverty is the fruit of the behavior of the poor, etc. But liberals cannot dodge responsibility by citing these tendencies. The fundamental question was and is: can we recognize this human factor as essential to any solution—that self
worth is crucial, although not sufficient, to the overcoming of poverty. The liberals were not prepared to identify the problem, either out of fear of conservative reactions or out of a feeling that the egalitarian cliches were being violated. (In some sense the report was admitting that the Negro was different—albeit at this time and in this way and because of certain historical factors.) It seemed safer and less painful to fall back on traditional government intervention and welfare solutions. This led to repudiation not only of the report but of the strategy which the report suggested. More is the pity because I believe the report grasped this essential emphasis of the Halachah that the solution lies not so much in social welfare and social services as in an income and family strategy. The report stressed the need to provide a guaranteed income (in the form of family allowances) or jobs (in the form of public works and of government service opportunities) to Negro heads of family.

I would, in all frankness, say that part of the problem lies in the vested interest of the social welfare community in social services. As Moynihan rather bitterly put it, unfairly but with some justice, if we are rather to put more money into Negro education, it means that more white teachers and principals will have better salaries and less students per class and more white caseworkers will have less clients per day. This does not directly turn the money into Negro pockets or into the self respect involved. Yet it is the image of God and the self-perception of the image that is crucial. It is this recognition which Biblical and Talmudic tradition insisted is the first step of rehabilitation. It is Maimonides' famous principle that the highest form of charity is to give a man a job. It is implicit in the demand that the poor be given help—as a right. Given money or income they will then learn to spend and use it best for themselves by trial and error. Given assistance in the form of social services and outside help and you have an almost automatic paternalistic effect. The dependencies involved, even if the spirit of the giver is generous and sympathetic (a big if) will still weaken the capacity for functioning as free men in a free and competitive society. The individual must be given not only enough money to live by but a sense of respect and a sense of mastery of his destiny. In Jewish tradition the theology and the tradition itself supply this sense. Obviously this has to be done in a unique and respectful way in the Negro case.

The issue of black power is connected to this question. The Jewish community has been successful in modern times because of "Jewish power," e.g., it was able to take responsibility for itself. If we define power in this sense, then black power is one of the more constructive developments of recent times. To interpret black power as the right to violence is to miss the point and/or to abandon the field to the fringe. It is our duty to interpret it soundly and aid it thereby to the assumption of responsibility and into the growing role of the Negro in solving his own problems. There are tensions in taking this tack. Obviously some Negroes will use this policy as cover for expressions of hostility to outside groups, including Jews. But this calls for walking the narrow ridge of the halachic approach—in this case it is to balance the ideal and the reality. It is to encourage the positive phenomenon while simultaneously fighting the negative tendencies involved. Failure to identify the ego structure and self-image of the poor as the central concern can only lead to license and chaotic outbursts on one hand and failure to allow the positive element of responsibility to develop on the other.

These last cases suggest another dimension of Judaism's possible contribution to the efforts of confronting contemporary problems. The stress throughout this paper has been on attitudes and value emphases. But Judaism can particularly offer a method—the Halachic method. Jewish tradition has good generalities to offer—as do many traditions—generalties such as, love thy neighbor as thyself, do not kill, etc. We are all in favor of them. But the crucial question always is: how does one go about achieving it in concrete steps? The basic thesis of the Halachah is very simple: norms, whatever their intrinsic worth, cannot be realized in real life in one step, if they can be realized at all. Then the crucial question of the moral state of society becomes: how to move, step by step, toward the overcoming of an evil without thereby collaborating with system, that is, in the process selling out to the system. This classic tension of being either in the underground or the establishment—with nothing in between—has been the besetting problem of reformers and of revolutionaries throughout history. Judaism felt that the only resolution of this tension is to try a two level approach: the prophetic holding up of the generality and the constant renewal of exposure to that total demand—whether it be "freedom now" or "social justice immediately"—must be combined with the Halachah the proximate and partial realization of the good possible at this moment. There is a crucial, ongoing role for the rabbi or the individual in deciding what is the next step to be taken. By taking only this step, one does become a de facto collaborator with the existing system. But without this "collaboration" nothing would be achieved. What keeps the process honest is to collaborate no more than is necessary to achieve the one step and then immediately to disengage, to renew oneself by the prophetic demand and move on to the next step. It is an extremely difficult task and calls for a dynamic and continuing balance of the conflicting values and forces in each situation. It involves a permanent moral tension between what is and what ought to be and a high degree of moral drive, frustration tolerance and pragmatic capability in the person and the movement.

Another example of this halachic method may be found in Judaism's attitude toward war. Jewish tradition never took an absolute pacifist position. It sees war as a terrible evil—perhaps the greatest evil because it involves spilling blood and human suffering. Prayers for peace saturate the Jewish liturgy and ritual celebrations. There is an interesting minor law which illustrates the point. Priests blessed the people regularly in the Jewish liturgy. But the priest
blessed in the name of God, not in his own right. The priest is viewed as the vehicle of divine blessing. The one act that disqualifies him is that of spilling blood, even in a legitimate war. This was seen as an unmitigated curse. Putting anyone to death, even in justified circumstances, was seen as a grave sin against society. In capital punishment cases, local courts could not make the final decision. It had to go to the Sanhedrin, the Supreme Court for decision. And if a Sanhedrin, once in a 70 year period decided that somebody was to be put to death it became known as the “bloody” court.

Despite these attitudes, war was never ruled out as a possible policy. The Halachah felt that absolute pacifism is another way of saying that the fellow who will use the gun will win. In our time, this insight has been dramatized by the Hitler experience. And the moral obtuseness and false righteousness of the absolute pacifist position will forever be symbolized by Mahatma Gandhi’s letter to Martin Buber urging the Jews of Europe not to resist but to go willingly and unresisting to their death. Jewish tradition recognized that for actual realization of peace there must be some minimal balance of power between the two sides. A proper balance creates the conditions where the parties are tempted to be idealistic and solve problems through peaceful means. An imbalance creates a great temptation for the side with greater power to use it one-sidedly to achieve its goals.

In June 1967, if Israel had asked for justice on the basis of morality rather than on the basis of its capability of defending itself against aggression, one can well conceive what would have been the outcome. Many readers of this essay and others would undoubtedly attend numerous memorial meetings expressing America’s regret at this tragic repetition of the Holocaust. The Halachah was morally willing to countenance the admittedly tragic policy of war. There are all kinds of military situations: there are wars that are justified; wars that are necessary but not justified; and there are wars that are criminal. A war of self-defense would be justified; a war in which the enemy denies the fundamental dignity of man or his right to relate to powers transcendent would be justified. A war in which my country is the aggressor is criminal and I would refuse to serve on moral grounds. Therefore, by this Jewish conception, the typical case of moral objection to war would be selective conscientious objection. One would not be absolutely against war in general; more likely, the moral action would be to oppose a specific war on the grounds that that particular war is criminal or unjustified. In another case the war might be fully justified.

Implied in this approach is the fact that moral judgments cannot be made in abstract, even in the matter of war. There must be findings of fact in matters political, military, economic and social which anteced condit moral judgments and set the parameters for such a judgment. Such judgments are likely to be proximate and fallible. It is also possible that conscientious and moral men will come to opposite conclusions. This suggests that moral decisions will be made in fear and trembling humility and with full awareness of their limited certainty. One would be bound to commit one's self just as totally to such a judgment but the accompanying attitude would be less self-righteous and judgmental. This also implies a constant review of the facts and judgments and an effort to scale tactics to the justification and issues involved. The more escalation of war and death the more the underlying causes must be sufficient and significant. It also implies constant attempts to set limits on the tactics and extent of war. This is contrary to the traditional tendency to “let the generals win the war.” In this sense, one might say that the American tactics of bombing only certain areas or targets in Vietnam incorporates a sound concept—if the war itself would be justified. It represents, in a sad way, ethical progress in restricting war even when it is being fought. The tragedy in Vietnam, in my judgment, is the failure of the Administration to recognize that the fallible judgments on which it based its original decision to intervene—fear of Chinese Communist expansion, belief that the South Vietnamese government was viable and had some popular support—have proven to be mistaken by the further course of history. Were the American people and the government tuned in to the notion of “walking the narrow ridge” and the need to review policy facts and make new moral judgments constantly, perhaps it would be easier to de-escalate and ultimately eliminate this tragic involvement.

This, then, is the methodology which Halachah offers as a model for current societal policy approaches. It combines a realistic psychology of man; an appreciation of power and institutions with idealism and prophetic judgment. It demands a subtle, morally disciplined capacity to hear all the conflicting claims in society today, weigh them morally and respond appropriately in a balanced manner to them. If we cannot develop such a methodology, if we cannot do justice to the need for firmness in some areas and for indulgence in others, then America will be in serious trouble. Not the least cost will be the very severe backlash which is already upon us. The backlash itself feeds on the justified point that unless society’s fundamental assumptions of law and order are working then society cannot function. Needless to say: if society achieves law and order by ignoring grave sins of omission and commission against a group of its citizens then that society is unjust and deserves a good prophetic denunciation if not total rejection. If it comes to that, this would be the Halachic obligation. But before we get to that stage, we need to explore the method of dynamic balancing and reconciliation of the competing claims which the Halachah stresses and performs so exquisitely. I daresay it would be appropriate in such other areas as the conflict of generations, the tension of tradition and change and the clash of individual and society’s needs.

One more aspect of the possible role of Jewish tradition in relation to contemporary problems should be discussed. What can be the role of the ritual and cultural structure of Judaism? This structure is frequently overlooked and almost universally underrated in relation to the issues of today. The Jewish tradition, I think, offers a ground of culture and of society
out of which certain kinds of ethical personalities and commitments can grow. Ethical commitments in society grow out of a combination of factors. Some of these factors continue to operate very strongly in American society. Other norms and motivating forces are clearly in process of dissolution. One of the options which an ongoing Jewish tradition offers Jews in the contemporary situation is a cultural alternative way—a cultural ground and societal group out of which ethical behavior can grow and in which certain ethical commitments can be nourished. Certain aspects of Jewish religious tradition are particularly relevant. Take the traditional Shabbat, for example. The fundamental assertion and ritual reenactment of the Shabbat is that being (i.e. existence) is justified by itself. One need not be producing to be worth something. Indeed, there is a time not to be producing, but to be developing one's self. Out of such an assertion and institutionalized way of life, a certain kind of humanistic personality can grow. Such a type is crucial to the issue of overcoming the economic ethos of American society described above. A similar role could be seen for kashruth, the laws of food preparation, as they express and set an example of reverence for life. One of the basic values in kashruth is reverence, not only for human but for animal life. Again, out of this kind of context can grow a certain behavior pattern and a certain kind of attitude toward the world. As the process of dissolution of the organic cultures out of which we have grown proceeds, American society will be faced in time with the question of what, if anything, motivates ethical behavior. Insofar as the Jewish tradition maintains itself as a cohesive cultural matrix, it will be able to offer a body of people—or a potential training ground for a body of people—who would be prepared to act ethically.

This will be particularly important as the current sources of Jewish social activism and liberalism dry up. At the present time, Jews are markedly involved in movements and as individuals in liberal and radical attempts to overcome society's ills. In all frankness, this is less due to Jewish tradition. It is more likely that the bulk of the Jewish liberal commitment grows out of the fact of Jewish marginality and because the Jews have been more sundered from their traditional identity than most groups. They have tended therefore to find their fulfillment in working for society and for universal solutions. Generally speaking, more secularized Jews are more sensitive to societal issues than the more religious Jews. This is indeed the fundamental failure and problem of religious Jews in our time, in my judgment. In any event the Jews are liberal and that is why they are involved in civil rights, etc. This has been a very constructive force up to now. However, as liberalism proves increasingly unable to overcome some of the problems we are facing because it is trapped by its own cliches and commitments, perhaps Jewish tradition can offer certain alternative policies and motivations. (Some of them I have described above.) In looking for new impulses and sources of strength, Jewish social movements and social workers would be well advised to look to resources of the Jewish tradition. And as Jews who become pure universal men dissolve into the general culture, we may hypothesize that the sense of Jewish marginality and the additional impulse to liberal action may be lost. It is crucial then to preserve Jewish identity if this group and culture is to continue to make special contributions to society. But if Jewish social work and social involvement are to serve as a vehicle of Jewish survival, they must discover how to be Jewish in their liberalism rather than simply liberal Jews. The difference is a crucial one. In some cases the difference will mean policy differences, as above. In some cases, the difference will be as to whether these activities confirm or deny Jewish loyalty and identity. The same act can have contradictory effects depending upon motivation.

Perhaps I can illustrate the difference with an actual experience. As is known Jews participated in very high percentages in the white civil rights demonstrations in the South. It seems likely that many of the Jews who participated in this movement saw their act of identification with Negro needs and rights as their exit from the Jewish community. They saw themselves being truly universal men identifying with the concerns of all and therefore rejecting the parochial identity of the group from which they came. The same activity, however, growing out of the ground of Jewish experience can be profoundly deepening to the Jewish identity and loyalty. Saul Berman, an Orthodox rabbi in Berkeley, California, participated in the Selma, Alabama demonstrations. He had a congregation in Berkeley which, as might be guessed, has not succeeded in attracting the majority of Jewish students on the Berkeley campus. Rabbi Berman is very deeply committed to civil rights because as a traditional Jew he feels the respect for the image of God in all men demands of him total commitment to helping people realize this capacity. Out of this commitment came his decision to participate in the Alabama demonstrations. (Berman is still working for civil rights now, despite the fact that it has become more problematic for many liberals and clergy. He is involved in a fight for open housing in Berkeley which is a much rougher issue because it is local and concrete.) In any event, he arrived in Selma on a day which happened to be the Fast day of Esther; this is the day preceding Purim. It is a day of fasting which is probably observed only by an infinitesimal number of Orthodox Jews, let alone the rest of the community. Rabbi Berman observed it strictly. He was arrested and thrown in jail by none other than Sheriff Jim Clark. Of course he refused to eat when food was brought. This was reported by the newspapermen as the Rabbi's hunger strike against segregation, which, of course, he suddenly realized it was. That night was the night of Purim. He wanted to read the Megilla (the traditional scroll which retells the story of Purim) but the sheriff refused to release him to go to synagogue. The Rabbi asked if they would bring the Megilla to him and they did. In the cell with him were two students from Berkeley. As Berman told someone later: never would these students have come within ten miles of a synagogue back in Berkeley. But for the first time in his life he truly had a captive audience—so he read the Megilla. The Megilla has in its text many times the name of Haman, the evil leader of the persecution against the Jews.
Traditionally, every time his name is read, the congregation hisses and boos in true old silent movie style. Never in his life had the Rabbi so vivid a feeling of what it meant to fight Haman as he did hearing Jim Clark walking up and down the corridor as he read the Megilla and mentioned Haman's name. The experience at Selma, for this man and for the students, at least for this one time, became a genuine reenactment of a classical Jewish experience: the overthrow of evil by human struggle and divine aid in history. Thus the act which was a dissolution of Jewish identity for one group of Jews became in this case an intensification of identity and a genuine Jewish experience.

The basis for such an effect can only be study and direct exposure to the basic sources and historical experiences of the Jewish tradition and ritual. There is yet another role which the structure of Jewish ritual and structure may play in American society in the future. It is as a source and method of directed human action and as a model of purposive discipline in a cultural situation when fulfillment threatens to become destructive of the humanness of its practitioners. This is not said out of cultural nostalgia or fear of changing moral patterns. The current development of permissiveness and the stress on human expression is a very constructive one. It is a thrust toward the liberation of man's capacity to become human—in that sense, fully to become the image of God. But because older ethical patterns were deeply tied to ascetic trends or deprivation concepts, they frequently crumble as these no longer serve significant purposes. The resultant vacuum all too often is filled by the manipulation and stimulation of consumption by advertising and the mass media. This raises the danger that this drive for freedom and individuality may be turned—by manipulation, and by the tragic inability of religious and ethical systems to dissociate from systems based on non-purposive denial—into mere maximization of economic consumption. This raises the danger that we will create a situation where people will be trained by advertising and by the general atmosphere of the country essentially to be maximum consumers rather than maximum human beings. The underlying issue here is whether in the absence of a clear cut value systems and goals, we are going to end up in a situation where most people are shaped and formed by the economic institutions of society. These have the wealth, the power and the need to make of people cosmeticized selves, people who express themselves only in consumption. It is also the issue of retaining and developing the capacity of people to accept deprivation or discipline to resolve problems or achieve long term goals which legitimately demand sacrifices and self-denials. The crucial question now in American society is whether affluent Americans are disciplined enough to invest the money and resources to make possible the solution of the urban problem. The evidence of lack of will suggests that there is a point where the pursuit of happiness becomes self-centered and incapable of empathy or disciplined denial for the sake of the other. This is an outgrowth of the breakdown of the traditional ethical systems and the substitution of what was meant to be a liberalizing, but becomes an economically and psychologically manipulative system of freedom. Here Jewish tradition would offer an alternative conception of the purpose and thrust of human freedom. It is possible to have self fulfillment and self discovery without insisting that there are no norms. Jewish tradition stands for and trains for rational discipline and control (as in many ritual laws) not for the sake of denial of the body but for the sake of being capable of purposive, disciplined action. The whole ritual structure of Judaism trains for this. It is an approach we will have to train for if we are to develop the self discipline to face and resolve some of society's tensions.32

If I have given the impression that Jewish tradition has all the answers and solutions to contemporary problems, let me close by modifying this effect. No tradition and no approach, even if divinely inspired, can have ready made answers to all our difficulties. Jewish tradition itself must grow and follow its own inner capacities and thereby make its contribution to the upbuilding of society. Confronting struggle and challenge, working side by side with all men of good will, it may unfold its own insights and best possibilities. A Jewish community which lives by them may become again witness and guide to the world.

NOTES


3. Literally "to save a human life is equivalent to saving an entire world." For the record, the final implication drawn by the Talmud is that all men are equal. Ibid.


5. Cf. Rabbi Akiva in Genesis Rabba, Ch. 34 and Tosefta, Talmud B. Yevamos, Ch. 9. para. 4.

6. R. Tanhuma in Genesis Rabba, Ch. 24. Cf. Abarbanel on Ethics of the Fathers, Ch. 3, para. 11. See also Midrash Mishlei, 6, 12. In a striking comment, the Talmud suggests that one should be prepared to die rather than humiliate someone—just as one is instructed to die rather than to murder someone else. See Tosefta, Sotah 6b. See also T.B. Sanhedrin, 74a, and T.B. Pesachim 25a.


8. Maimonides, Guide to the Perplexed, Part III, Ch. 27.

9. Ibid. loc. cit.
however, that the Halachic process is more adequate ideally and pragmatically. Marcuse's thought consistently underrates the energy and force levels needed to achieve high goals—levels usually available only through institutional channels. Nor has he adequately sketched the process of functioning when the revolutionary framework is achieved. The assumption that the revolutionaries will function properly once the right framework is established is precisely the kind of romanticizing of the "poor" or the "outsiders" that the tradition rejects. See above. Perhaps it is this blind spot that explains why so many erstwhile revolutionaries become, in success, new—and often, not less despotic—establishments. Cp. also Nathan Glazer "The New Left and Its Limits," Commentary, July 1968.

26. Similarly, in First Chronicles, ch. 28, verses 2-3, David the King is told that he is not to be the one to build the Temple—the central sanctuary of Judaism—because he has participated in too many wars and spilled too much blood. He is told this although his wars were justified and, indeed, made possible the building of the Temple.

27. See Talmud B. Makkos 7a.

28. See George Orwell's biting remarks on Gandhi in his Essays.

29. For a more extensive treatment of an Halachic approach to Vietnam and war, see Irving Greenberg, "Judaism and the Dilemmas of War," in H. Siegel, ed., Judaism and World Peace, (New York: Synagogue Council of America, 1966.) This was an early statement on Vietnam, however, and I have since concluded that the U.S. should disengage.


31. There is no comprehensive treatment of Kashruth comparable to the treatments cited in footnote 30. Perhaps the best, albeit limited, statement is found in Samuel Dresser (and Seymour Siegel), The Dietary Laws, (N.Y.: Binning Book Press).

32. I have developed this problem and the Jewish Tradition as a source of alternate conceptions of freedom and discipline at greater length in the course of an article "Jewish Values and the Changing American Ethic" in Tradition, Summer 1968, Vol. 10, No. 1. See also treatment by Jules Henry in Culture Against Man.