

# Judaism: Ends and Means<sup>i</sup>

BY: Shlomo Zuckier

## I.

The famous axiom “the ends justify the means” connotes that one is ethically justified in committing whatever actions of questionable morality that he desires, as long as the end goal is acceptable. This moral stance, known as consequentialism, is associated with Machiavelli’s work “The Prince.” Examples of such conduct in the political realm could include a leader withholding information from the public in order to limit a detrimental panic-driven reaction. Alternatively, on an individual level, it includes someone lying to a murderer who asks where his intended victim is hiding. The opposite approach to consequentialism is deontology, the belief system that certain acts are morally disallowed, regardless of the circumstance or the good that could be yielded as a result of the act.

A similar dilemma appears in the Mishnah *Terumat* 8:11-12. The Mishnayot discuss the following policy question: Suppose an army threatens to rape all the women in a city unless the city delivers one sacrifice girl to be raped. Here, if we look at the consequences of the two possible responses, it is clearly better let the one girl be raped than to let the army rape all the women of the town. However, the Mishnah says that our unwillingness to commit an act of giving away a Jewish soul overrides that factor, and the proper procedure is to sit passively – no matter the consequences. However, the parallel Tosefta (7:20) adds an important caveat: If the army specifies someone ‘like Sheva ben Bikhri,’ the city is obligated to deliver him in order to save the rest of the inhabitants.<sup>1</sup>

Another situation where this question may appear is in the famous agadita about the destruction of the *Mikdash* on *Gittin* 56a. The Roman government sent an offering to be sacrificed in the *Mikdash*. On the way, the messenger who brought the animal, Bar Kamtsa, put a minor blemish into the animal. Due to the barely perceptible blemish, R. Yohanan ben Avkulus refused to offer the government-provided *korban* in the *Mikdash*. Realizing the amount of anger this would cause in the Roman government, the Jews proposed killing Bar Kamtsa so that he would not report the event to the Roman government. Once again, R. Yohanan ben Avkulus objected, because he didn’t want people to think incorrectly that one who creates a *mum* deserves death. When the Roman government found out what had happened, they destroyed the *Mikdash*. The Gemara concludes that “the *amvatamt* (passivity?) of R. Yohanan ben Avkulus destroyed the *Mikdash*.” Here, the Gemara seems to be promoting consequentialism – a problematic action is appropriate for the greater good. However, it is not clear in which cases this type of reasoning should be applied. In fact, the Gemara’s acceptance of consequentialism might be limited to cases of destruction of the Jewish people.

## II.

Besides particular instances where there is tension between the ends of Judaism and the means utilized to achieve them, there are more abstract arguments about the nature of Judaism’s approach to ends and means in general, a related but separate issue. There are several distinct Jewish views on the matter. A first opinion is that of R. Aharon Soloveichik, who has stated that: ‘in Judaism, there are no ends, only means.’<sup>2</sup> In other words, one should not decide how to act based on some sort of end goal, but rather should do the technically correct halakhic thing in every situation. This is representative of the Brisker position that places halakhah in a central position in Judaism, to the exclusion of all else.<sup>3</sup>

At the extreme other end of the spectrum are the Jewish Humanists, who reject halakhic principles and see the main point of Judaism as some sort of grand process of improving the world. They see only ends, and no means in their vision of Judaism.<sup>4</sup> G.E.M. Ansoombe, in her seminal article “Modern Moral Philosophy” in 1958<sup>5</sup> where she coined the phrase ‘consequentialism,’ claims that Judeo-Christian divine law is compatible with deontology. Still, it is possible that even for those who believe in the halakhic process a consequentialist explanation is sustainable, as will be explained below.

One place where this broad question may emerge is by the topic of *ta’amei hamitsvot*. The Torah forbids the Jewish people to take the egg of a bird along with the bird; we must first send away the mother bird. This injunction is presumably intended to prevent the mother bird from undue distress at seeing her children taken. However, the Mishnayot in *Berakhot* 33b and *Megillah* 25a say that it is problematic to say “*al kan tsippor yaggi’u rahamekha*” (You have mercy [even] on the nest of a bird), and the Gemara in each place gives two possible reasons: either because it causes jealousy between God’s creatures or because it attributes a reason to God’s laws when they are really ‘*gezeivot*,’ fiat, without explanation. Presumably, the second answer sees a problem in attributing reasons to God’s laws, while the first one does not. Rambam (*Moreh* III:48) says that he follows the opinion that believes in giving reasons for mitzvot, and he applies this to many such mitzvot in *helek gimel* of *Moreh Nevukhim*.<sup>6</sup> For those who believe that there are no reasons for mitzvot, it is clear that doing mitzvot is considered the right thing to do in itself, a deontological view. Within the camp of those who believe that there are reasons for mitzvot,<sup>7</sup> this is a more complicated issue. It could be that there are reasons to do a mitzvah, but the value of the mitzvah act is in the fact that it is commanded, or it is possible that the real value of the mitzvah is in the reason given for it, which is usually an outcome such as improving mankind. If this is so, then the belief would be that Judaism constitutes a form of ‘rule consequentialism,’ that following halakhah leads to the best society, and this is why

those laws are legislated, though the rules, once mandated, are inherently important as well. In this way we can reconcile halakhic Judaism and consequentialism.

Both ends and means play an important role in the observance of Torah and mitzvot. Someone who seems to have the correct goals but isn’t going about implementing them in the right way will often find his goals lacking, and someone who follows all the details of Judaism correctly but has no broader vision has but an empty observance of the law. In other words, a Judaism with no halakhah is no Judaism, and a Judaism without a goal of improving God’s world is a severely impoverished Judaism. Both the “what” and the “why” of Judaism are significant.

*Shlomo Zuckier is a junior at YC majoring in Jewish Studies and Philosophy and is the Copy Editor for Kol Hamevaser.*

This article is the product of some thoughts I have had about the topic and owes much of its content to several *rabbeim* I have had. I would not say I fully researched the issue, and therefore the article should be viewed as musings *be-alma*.

<sup>1</sup> There is a discussion among Rishonim regarding the exact nature of this case, but analysis of that issue is beyond the scope of this essay.

<sup>2</sup> *Shiur* from R. Aharon Lichtenstein, 2007, and corroborated by R. Carmy.

<sup>3</sup> There is an alternate way of explaining the Brisker approach: It is possible that the following of halakhah itself is an end and is not considered a means. Additionally, R. Aharon Soloveichik’s position may not be that consequences are irrelevant, only that their importance is relatively minor compared to the issue of doing the halakhically correct thing in the particular situation.

<sup>4</sup> While they may believe in the unacceptability of certain methods (such as immoral ones) to accomplishing their goals, this is not a distinctly Jewish objection, but a general one.

<sup>5</sup> Published in *Philosophy* 33, No. 124, January 1958.

<sup>6</sup> What is interesting about Rambam, though, is that many of the reasons that he gives for mitzvot are historically bounded (including, famously, the law of *korbanot*), such that it is not clear how seriously he takes the reasons and how much it affects his overall philosophy.

<sup>7</sup> This will include the opinion of those who believe that there are reasons but we cannot find them out (though they usually fall out closer to those who believe there is no reason). Within the reading of the Gemara itself, fundamentally based on the case it could be that there are hidden reasons, but the Gemara’s language of ‘*midotav shel ha-Kadosh Barukh Hu...einam ela gezeivot*’ implies that there are no reasons.

Yeshiva College. The same article also acknowledged Feuerstein, who was voted the most popular student, the most likely to succeed, and as having done the most for Yeshiva, as well as being the school’s “biggest politician”. In the end, it was the young politician, very mindful of the boundaries of his political sphere, who had his way.

In the aftermath of the episode, Dr. Safir remained an instructor of Biology in the College and Principal of the Talmudical Academy until his retirement in 1963, but resigned from his post as dean in June 1936. As one of the principle players in Safir’s undoing, Moses L. Feuerstein’s edition of *The Commentator* came out of its first contentious bout of politics victorious. In the ensuing years, Mordecai Gabriel and A. Leo Levin, editors who viewed Feuerstein as their mentor, guided their respective Governing Boards through more Yeshiva politics. Accordingly, the newspaper continued tiptoeing the thin line between serving the College and behaving like proper yeshiva students. As such, Feuerstein’s victory did not merely raise the bar for future editors – it effectively set a precedent.

*Zev Eleff is a senior at YC majoring in Jewish Studies, and is also a former editor-in-chief of The Commentator as well as a Founding Member of Kol Hamevaser.*

<sup>1</sup> Letter from Bernard Revel to Mr. Samuel Feuerstein, *Revel Papers – Correspondence*. Dr. Revel’s prediction proved correct. After graduating from Yeshiva College in 1936, “Moe” Feuerstein attended Harvard Business School, but never really utilized the degree. Instead, Feuerstein helped establish Torah Umesorah, served as president of the Orthodox Union for several years, and functioned in other key roles in aiding the quest to build up American Orthodoxy during the last fifty years.

<sup>2</sup> Aaron Rothkoff, *Bernard Revel: Builder of American Jewish Orthodoxy* (Philadelphia: Jewish Publication Society, 1972), p. 82. For a valuable discussion of Safir’s tenure and accomplishments at MTA, see Seth D. Taylor, *Between Tradition and Modernity: A History of the Marsha Stern Talmudical Academy* (New York: Yeshiva University, 1991), pp. 40-45.

<sup>3</sup> Rothkoff, p. 196.

<sup>4</sup> “List of Charges,” *Shelley R. Safir Papers* 30:1-17.

<sup>5</sup> Letter from Moses L. Isaacs to Dr. S.R. Safir, *Shelley R. Safir Papers* 30:1-17, May 11, 1936.