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THE PROBLEMATIC METAPHORS OF RIGHTEOUSNESS

Your righteousness is righteous forever, and Your Torah is Truth (Psalms 119:142). Your righteousness O God reaches the highest heavens. You have done great things O God, who is like You? (Psalms 71:19). Your righteousness is like the mighty mountains, Your judgements are like the great deep, man and beasts do You preserve O Lord (Psalms 36:7).

The above sequence of verses is part of the Shabbat afternoon prayer service. In style and content, they are typical of the Biblical Psalms. However, a more focused examination may shed light on the multi-dimensional nature of the morality of Judaism. The primary subjects in these verses are the moral principles of “righteousness” and “justice” while the secondary subjects are “Torah” and “God.” In describing the latter, the text uses direct-object adjectives: “Torah is Truth” and God is incomparable (“who is like You?”). Their meaning is quite clear. Yet in praising righteousness and justice, the text employs poetic language: Righteousness is as “high as the mountains” and justice is as “the great deep,” language that cannot be taken literally. This is because these parameters of height and depth are dimensions of space and have no meaning when applied to abstract values such as righteousness and justice. (In the first verse, as well, the term “forever” which is a dimension of time, is not clear.) What is the psalmist saying?

In what follows I offer an explanation as to what might have prompted the psalmist to use the language of metaphor as well as a possible interpretation of “height,” “depth,” “breadth,” and even “duration” when applied to the morality of Judaism.

First, a few words about morality in general. Although philosophers have not been able to agree upon a theory of morality (ethics), the word

[*Editor’s note:* This is Shubert Spero’s 26th article in *TRADITION*. His first appearance in our pages was 60 years ago with “Is Judaism an Optimistic Religion?” 4:1 (Fall 1961). Visit www.TraditionOnline.org/archives to sample his other articles. *TRADITION* wishes Rabbi Spero, who recently turned 98, continued good health and creative intellectual output.]

morality and its cognates are today in constant use in all civilized societies with evident understanding.¹ Its lexical meaning is “concern for standards of *human* character and behavior.” Thus, while laws of the state obligate its citizens only, and customs and mores relate to residents of that place only, morality is seen as rules of *human* behavior and is deemed to obligate every person *qua* person. This, in general, is what people have in mind when they use the language of morality and so, it would appear, was it for the Torah. There is a universal ring to the call of the prophet: “O *man* what is it that God wants of you if not to do justice, righteousness and kindness and to walk humbly with your God” (Micah 6:8).² Our discussion here will focus on the actual rules and principles of the morality of the Torah independent of any theory thereof.³

In the Torah, there is actually no word for “morality” as we have defined it.⁴ Yet, throughout the biblical narratives, traits such as kindness, obedience, loyalty, and gratitude emerge as values while all of the legal codes contain many what we would consider moral “thou shalt” and “thou shalt not.” These are not listed separately but are intermixed with the other ritual and civil commandments. In the absence of a term for morality, the psalmist’s frequent use of “righteousness” and “justice” in a poetic setting may be seen as referring to Torah morality as a whole.

According to the definition of morality given above (rules of human behavior), morality, by definition, is universalistic. However, different cultures can and do embrace different moralities. The moral values of Nazi Germany, for example, were quite different from our own. What, then, if a Jew wishes to say that his morality is superior to that of Nazi Germany. How does he phrase it? To say, “My morality is more moral than yours,” is to obviously beg the question. On the other hand, to use adjectives such as “my morality is true, beautiful, more popular, or more humane” is to commit a category mistake. Thus limited, the psalmist

¹ Marcus Singer, *Generalization in Ethics* (Knopf, 1961). For more on the application of insights in the language of morality to Biblical and Rabbinic texts, see my article “The Good, the Right, and the Morality of Judaism,” *The Torah u-Madda Journal* 17 (2016-2017), 202–217.

² In the early biblical narratives there are several references to a trait called “fear of God,” as present or absent in certain individuals in contexts that imply moral sensitivity. See Gen. 20:11, Exod. 1:17, Deut. 25:18. This would indicate that according to the Torah, even before Sinai all people were cognizant of and responsible for the basic moral values (the seven Noahide commandments).

³ Abraham Edel, *Science and the Structure of Ethics* (University of Chicago Press, 1961).

⁴ The word for “morality” in modern Hebrew is *musar*, but in biblical usage that word means “admonishment”; see Prov. 1:2, 11; Deut. 11:2.

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perhaps instinctively and with poetic license resorts to the parameters of space. The merit of the parameters of depth, height, and breadth is that they permit gradations of more/less, making possible comparative judgments as well as the use of superlatives.

I suggest that the psalmist in his inspired enthusiasm wished to proclaim not only that God's righteousness is truly right, and His justice truly just, but that they are *uniquely* so. In what way? The moral concepts of the Torah in their core meanings are similar to our intuitive moral sentiments and are mirrored in the so called Judeo-Christian tradition. Perhaps the uniqueness lies in its *completeness*, in the wholeness of its vision, in its ability to see the wide scope of the moral sphere as well as the complexity and sensitivity of the human personality. These characteristics are reflected in four special features of the morality of Judaism that may be said to exemplify the spatial dimensions of the depth, height, and breadth of the psalmist.

What might these special features be?

I. Depth

I take "depth" in morality to refer to the far reach of the Torah in extending moral judgment to forms of human expression less overt than actions. Most prominent in this regard is the area of speech and the evils of slander and tale bearing. *Hafetz Hayyim*, the classic halakhic work on speech morality, lists fourteen positive and seventeen negative commandments that relate to this subject. Also included in this category are less overt human expressions such as mental constructs constituting intentions and desires. Although they may never be acted upon, they are to be held to a moral standard, as they are symptomatic of a person's character.

Speech Morality

Speech occupies a middle ground between thought and action. Verbal expression is often downgraded as "mere words," *milim be-alma* in Talmudic parlance. Speech does not appear to have the same direct impact upon the environment as does action. Words seem to evaporate in the air, leaving no trace. In ordinary circumstances, people are not prone to deliberate over their speech as they do over their actions. Yet, words are not merely sounds but vehicles of meaning and as such they can have dramatic impact on discerning minds. Speech expresses most directly our thoughts, intentions, and generally the content of our reflective consciousness. It is therefore most representative and revelatory of the self. In this respect, our words even more than our actions are "ours." They belong to us and we are responsible for their consequences.

One of the most remarkable features of the morality of Judaism is its insistence that man is morally responsible for the words he utters and their consequences. As speech-acts they are, no less than other acts, candidates for moral judgment. Any complete moral code should include rules regulating speech. Throughout the Bible we find a profound awareness of the power of speech both for the good and for evil. "Death and life are in the power of the tongue" (Prov. 8:25). Elsewhere I have described their potential harm as "strings of evocables called sentences are projectiles carrying multiple warheads which can destroy at a distance."⁵

Speech morality is already found in the Ten Commandments: "You shall not bear false witness against your neighbor" (Exod. 20:13) and "You shall not take the name of the Lord in vain" (Exod. 20:7). In the lists of the commandments dealing with civil law and in the priestly code one finds rules against cursing (Lev. 19:14), slander (Deut. 22:14), tale bearing (Lev. 19:16), lying (Lev. 19:11), issuing a false report (Exod. 23:1), and the duty to keep promises (Num. 30:3). The Rabbis were aware of the insidious nature of *leshon ha-ra* (evil or malicious speech) and reported that everyone was guilty of it in some form and at some time.⁶ The Rabbis call the tongue "three-faceted because it destroys three: the one who speaks *leshon ha-ra*, the one who listens, and the one spoken about (*Arakhin* 15b). Speech morality is involved in the fateful story of the Spies (*meraglim*) whose sin was that they issued an evil report about the land (Num. 13) and is implicit in the sin of Miriam and Aaron who "spoke" critically of Moses (Num. 12:1). The Rabbis were also aware of the healing power of words and urged that all passersby be cheerfully greeted.⁷ It is also evident that the effectiveness of the *mitzvot* to visit the sick and console the mourners depend upon the visitor saying the appropriate words in the correct tone.

Personal Morality

In the Bible, moral adjectives are applied to individuals as well as to actions: "The Lord is righteous in all of His ways and kind in all of His actions" (Psalms 145:17), "the Lord God, merciful and gracious" (Ex. 34:6)—and so it is with human beings. Morality is applied to actions "to do righteousness and justice" (Gen.18:19) and also "and then all the wicked men and base fellows..." (I Samuel 30:22). This reveals an even deeper level of moral judgment called "personal morality." Therefore,

⁵ Shubert Spero, *Morality, Halakha and the Jewish Tradition* (Ktav, 1983), 145.

⁶ *Bava Batra* 165a: "Everyone is guilty of a hint (*avak*) of malicious speech."

⁷ *Avot* 4:20

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to say that a particular act is moral is to say that it had good and equitable effect but also that the motive of the agent was altruistic.

However, what is the meaning of “Moses was the most humble of men” (Num. 12:37) or “Noah was a man, righteous and whole hearted” (Gen. 6:9)? It is that the attributes of humility and fairness have become resident aspects of these individuals’ personalities or dispositions so that one can expect from them in the future suitable moral behavior. In the language of morality, the term “character” has been adopted to designate the world of subjective attitudinal and emotional components of consciousness, which determine one’s behavior patterns.⁸ Clearly, the Bible wishes to mold human character: “Do not covet your neighbor’s house, wife” (Deut. 5:18); “Do not hate your brother in your heart” (Lev. 19:17); “Do not bear a grudge...” (Lev. 19:18).

This very brave effort on the part of the Bible to extend morality to cover personality assumes that people are introspective to the point where they are aware of their mental state, can identify their various emotions such as hate, envy, lust, and ambition and understand the threat they represent. In addition, it is rooted in the conviction that people can summon the will to control themselves. These ideas presuppose a consciousness of self that possesses free will and accepts personal responsibility and accountability for one’s character and actions.

II. Height

The primeval belief that heaven is literally the abode of God has endowed the word with residual spiritual overtones. Thus to compare righteousness to the “mighty mountains” and as “reaching the heavens” is to metaphorically suggest that it is in some way associated with divinity. In the morality of Judaism, righteousness, in terms of its origin, does indeed come from God and ultimately is the path that leads to Him. Throughout the Biblical codes, moral rules are presented together with ritual instructions as commandments from God. This is emphasized by the Psalmist: “You have established equity, You have brought justice and righteousness in Jacob” (Psalms 99:4). “Righteousness and justice are the foundations of His throne” (Psalms 92:2). This in itself (the divine origin of morality) was at that time revolutionary. Until then, conventional wisdom held that all matters of social control (civil law) were in the hands of the King, the political leader, even as the priests were in control of religious matters. The Biblical idea that the Creator God was interested in the affairs of

⁸ James Davison Hunter, *The Death of Character: Moral Education in an Age Without Good or Evil* (Basic Books, 2001).

men and concerned for the plight of widows and orphans was entirely new.⁹ However, ethicists have argued that such a theonomous feature in a moral system compromises its moral autonomy: That is, people should be moral because that is the right thing to do and not because God commanded it. However, the relationship between God, man, and morality in Judaism defeats that criticism. In Judaism it is not the case that the moral good is good and the moral bad is bad *because* God says it is so, but rather, God decrees the moral good is intrinsically good and the moral bad is intrinsically bad. Yet, does this not then place moral value prior to or above God? The answer is in the negative; moral value itself receives its intrinsic worth because, in a sense not fully comprehended, it is an aspect of God's personality.

The Quality of Urgency

In this intimate relationship between God and morality we come to understand the Prophets' sense of urgency or even "hysteria" when lamenting the rampant immorality of their time. To the reader of the prophetic texts there seems to be a lack of proportion between the evil seen by the prophet and the consequences thereof. True, it is most unjust that orphans, widows, and strangers are being exploited and abused. But, after all, this is not a perfect world. There have always been pockets of poverty, outbursts of violence, and victims of abuse. However, the prophet sees it differently:

Hear this, you that would swallow the needy and destroy the poor of the land, saying when will the new moon be gone that we may sell grain, and the Sabbath, that we may set forth corn, making the *ephah* small and the *shekel* great and falsifying the balances... that we may buy the poor for silver and the needy for a pair of shoes and sell the refuse of the corn? (Amos 8:4–6).

Surely, commercial manipulations of this kind were not rare in the world's market places. Yet the prophet announces the following in the name of the Lord: "Shall not the land tremble, everyone mourn that dwells therein?" (v. 8).

This is not, in the eyes of the prophet, some petty crime with local impact but rather a moral outrage of nationwide concern with possible cosmic consequences: "And I will cause the sun to go down at noon and

⁹ Yehezkel Kaufmann, *The Religion of Israel* (University of Chicago Press, 1960), 212–230.

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darken the earth in clear day” (v. 9)—disproportionate indeed! Listen to the high-pitched tone of another prophet:

Woe to him that increases that which is not his and himself with many pledges. Woe to him that gains evil gains for his house. The stone shall cry out from the wall and the beam out of the timber shall answer it. Woe to him that builds a town with blood and establishes a city with iniquity. (Habakkuk 2:11–12).

According to Abraham Joshua Heschel, the prophet not only perceives things (he is a “seer”), as does the just and righteous God, but in addition he is experiencing emotionally a reflection of the “passional” aspect of God.¹⁰ While this may sound grossly anthropomorphic, God Himself acknowledges: “For I know their pain” (Exod. 3:7), and “I will be with him in trouble” (Psalms 91:15), and “for I am compassionate” (Exod. 22:26). Therefore, with the aim of emulating God, Judaism does not allow for passivity in the face of injustice. Even God, as it were, must be aroused to take action against the evil: “Arise O Lord judge the earth” (Psalms 82:8); “Do justice for the afflicted and destitute, rescue the poor and needy and deliver them” (Psalms 82:3–4).

Dignity of Man

Just as God’s relationship to moral values has a discernable effect on the morality of Judaism, so God’s relationship to man imposes a certain “dignity” that has practical consequences. The lexical entry for “dignity” is “a state of being worthy of honor or respect.” The concept of “honor” is prominent in the Bible: “Honor your father and your mother” (Exod. 20:12), and is the basis for commands such as “You shall rise before a hoary head and honor the presence of the elderly” (Lev. 20:12). These commands are based upon the understanding of the moral value of parenthood and old age to which one must respond with special honor, *kavod*. The root K.B.D. means “heavy,” indicating that certain individuals by virtue of their station, accomplishments, or special relationship possess a certain “weight” and merit *kavod* and special treatment. To provide that is a moral obligation. In the view of the morality of Judaism every human being, as such, possesses a unique dignity both because of what he or she is, namely a rational self-conscious being possessed of free will,

¹⁰ Abraham Joshua Heschel, *The Prophets* (Harper Perennial, 2001), 395: “The words of the prophet are often like thunder; they sound as if he were in a state of hysteria. But what appears to us as wild emotionalism must seem like restraint to him who has to convey the emotion of the Almighty in the feeble language of man.”

and on account of possessing the “image and likeness of God.” Yet precisely because man is capable of developing a self-image, he is susceptible to the painful experiences of embarrassment, shame, and humiliation. There is no general command in the Bible to refrain from embarrassing one’s fellow man. This is because the parameters of honoring or shaming another are dependent in any concrete situation upon the particular cultural mores and the individuals involved. However, the Rabbis have found concern for human dignity in many specific civil laws in the Bible. Some examples follow.

Two men are having a violent struggle when the wife of one of them takes hold of the private parts of her husband’s antagonist to the latter’s great humiliation. In condemning the action, the language of the Bible is most severe (even if the literal meaning is not executed as a matter of law).¹¹ The victim is awarded monetary compensation (Deut. 25:12).

When a lender comes to collect his pledge, he must not enter the home of the borrower but must stand outside while the borrower brings the pledge out to him (Deut. 24:11). A man’s home is his castle. The invasive entrance of a stranger into one’s private domain frightens the family and humiliates the owner.

If one sees the lost ox or sheep of his neighbor, he must return it to the neighbor (Deut. 22:1). However, because of the confusing positive wording of a sub-clause, (“And you shall hide yourself from them”) the Rabbis ruled that one is obligated to lead the ox back to its owner, whereas one may ignore the sheep since to have the finder carry it back is beneath his dignity.

Among the items for which an injured person must be compensated, medical costs, pain, loss of employment, irremediable damage, is the category of *boshet* (shame), that is, for example, the indignity of having to wear a cast or use a crutch or a patch over an eye. The Rabbis understood the amorphous character of the experience of shame or embarrassment and, in assessing the monetary value of shame, adopted the principle: “Everything is according to who was shamed and who did the shaming” (Mishna, *Bava Kamma* 8:1).

This concept of the innate human dignity extends even after death. Thus, the burial society has special rules how to handle a deceased body. This concern is also reflected in the command that states that the body of a person executed by the court by hanging be buried that very evening (Deut. 21:23, and see Rashi there).

¹¹ “You shall cut off her hand” (Deut. 25:12).

III. Breadth

Of all the spatial dimensions metaphorically applicable to morality, width or breadth would appear to be the most appropriate. This is because the terms “wide” and “broad” suggest “expansiveness” and “all encompassing,” which is precisely what a moral code should be. If, indeed, the defining characteristic of morality is that it speaks of rules and principles that obligate the human being as such, then it follows that whatever is judged as morally good or bad for one person is so for every other person in similar circumstances. Although “width” is used as a metaphor to describe the commandments (Job 11:9), it is not used as such in our set of verses above. Perhaps this is because it is obvious. If a moral code limits its applicability to one group or another, then it is *ipso facto* discriminatory, unjust, and therefore patently immoral. However, the psalmist does manage to include this necessary feature in his praise of the morality of Judaism in the last part of Psalm 36:7: “man and beast do You preserve O Lord.” This teaching suggests that the morality of Judaism is exceedingly broad in that it extends beyond relations between man and man to include our treatment of the animal kingdom. Man is morally obligated to prevent infliction of pain or frustration upon other creatures. Furthermore, he is obligated to provide for the needs of those animals in his care or that turn to him for assistance.¹²

From the repeated commandments to help relieve a beast of its burden (Exod. 23:5, Deut. 22:4), the rabbis inferred, “the distress of animals is a concern of the Torah” (*Bava Metzia* 32b). There is also the general observation that “the righteous man knows the temperament of his beast” (Prov. 12:10 and see Rashi there), which implies that a proper moral treatment of animals requires actual knowledge of their nature and needs. Among the many commandments in the Bible involving the treatment of animals we find: “You shall not muzzle an ox when it treads upon the corn” (Deut. 25:4); “You shall not plow with an ox and an ass together” (Deut. 22:10), since one exerts a greater force than the other does, the effort is both painful and frustrating for the animals. There are some other biblical injunctions that have been interpreted as concern for the “feelings” of the animals, such as leaving a newly born animal to remain seven days with its mother before being taken for an offering (Lev. 22:27), not to take any of the eggs or chicks in the presence of the

¹² The curious story in which R. Yehuda HaNasi has mercy on a calf being led to slaughter (*Bava Metzia* 85a) may anticipate the sentiments of today’s vegetarian movement and indicates that, in light of today’s changed conditions, the slaughter of living creatures for human consumption should be reconsidered.

mother bird (Lev. 22:28); not to slaughter an animal and its offspring on the same day (*ibid.*).¹³

The mention of animals in the commandments on the Shabbat, “in order that they may rest... your servants, your ox, and your ass” (Deut. 5:14) is presumed to be also for the sake of the animals themselves. The morality of Judaism goes so far as to accord a certain priority of the animals over man. From the verse, “and I will give grass in your fields for your cattle and you shall eat and be satisfied” (Deut. 11:15), the rabbis learned that a man must first feed his animals and then himself. However, from the words of Rebecca to the servant of Abraham, after she finished drawing water for him, “drink and also for your camels will I draw” (Gen. 24:19), it is clear that when it comes to life-giving water, the human takes priority to the animal.

The morality of Judaism is opposed to the use of animals for entertainment such as bullfighting, hunting for sport, or circus exhibits. Concern for animals goes beyond the basic moral admonition not to cause pain or injury and instead introduces the duty to relieve distress. From a historical perspective, animals have been the “junior partners” in the highly successful venture of developing civilization. It was animal power that first enabled man to travel and transport, to plow and to build, to provide milk, honey, and clothing. In a certain sense, they have earned our gratitude. In the context of the Bible, animals are not mere random results of genetic mutation but creatures with whom the Creator chose to stock his planet. They provide color, grace, and features than can inspire (Prov. 6:6, *Avot* 5:24). Heightened sensitivity to the welfare of animals, while unusual in secular morality, is consistent with *imitatio Dei* as the theological basis for the morality of Judaism: “As He is merciful, so shall you be merciful.”¹⁴ Since we are instructed that “the Lord is good to all and His mercies are over all His works” (Psalms 29:9), so too must our moral sentiments be as wide as our horizons.

IV. Duration

Let us now revisit the opening verse of our set of Psalms: “Your righteousness is righteous *forever* and Your Torah is truth.” Moral value as such is not subject to time. However, in the context of ethical theory, questions of the origin of morality and the source of its authority,

¹³ The dispute between Maimonides (*Guide* III:48) and Nahmanides (Lev. 22:6) on the rationale for these final two prohibitions is instructive.

¹⁴ *Sota* 14a on Deut. 13:5. See also my “Towards an Ethical Theory of Judaism,” *BDD* 4 (1997), 55–75.

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time becomes relevant. Whether our moral sense is simply a product of evolution, accrued values that contributed to human survival, or if moral rules are simply hallowed practices attributed to revered ancestors, then indeed, they are timebound. Radical cultural changes may bring about their replacement (consider Nietzsche's transvaluation of values).¹⁵ However, if righteousness and justice are truly rooted in Divinity and God is their source both substantively and as the imperative, then they transcend time and are eternal.

This brings us to our final observation. If the enduring authority of the morality of Judaism rests upon certain theological propositions, then the connection between the prefix and suffix of our verse may be seen as a causal one: "Your righteousness is righteous forever" *because* "Your Torah is Truth." And from the Torah we learn that the creator God Himself is righteous and just and He has made these values known to man so that he may bring them to life in his relations with others.

¹⁵ The fact that the prescriptive language of morality continues in widespread use despite a lack of consensus as to its philosophic underpinnings is indicative of society's need for universal principles of human behavior. It is also indicative of the enduring attraction of such values as justice and righteousness. In times of political crisis, when the authority of basic institutions is being questioned, the situation grows quite perilous.