

### IT ALL DEPENDS

This afternoon we begin reading the tractate *Avot*. The very first Mishnah introduces us to the *שנשלת הקבלה*, the chain of Tradition: *משה קבל תורה* *ומסרה ליהושע*, "Moses received the Torah at Sinai, and gave it over to Joshua."

Now, this is somewhat puzzling. Why did the Sages choose this particular tractate as the one to introduce with the chain of Tradition?

The answer offered by Rabbi Ovadiah Bartenora, and others, is that the other tractates are all halakhic, legal. This tractate is fundamentally that of *musar*, morals and ethics. Now, it is obvious -- if one does not delude himself, and despite the futile efforts to do so by certain movements in Jewish life -- that Halakhah is meaningful only if it is rooted in Tradition, in divine authority. For the Halakhah to survive 2000 years of Jewish exile, when we had no police force and very few means of coercion, it had to be subscribed to on the basis of its authority, the authority of Sinai. Otherwise, it would be like playing a game where you make up your own rules as you go on.

However, *Avot* is all *musar*. It is constituted largely of private dicta, such as *הוא היה אומר*, "he used to say," and one might therefore assume that it is highly individualistic, it is all subjective and a product of personal imagination, sentiments, and ideas; that Halakhah is "hard," and *musar* is "soft."

Thus, one might conclude -- as did many 19th century philosophers -- that ethics is separate from religion, that the two are divorced from each other.

Hence, we begin this particular tractate with the account of the origin of Tradition, *משה קבל תורה במיני*. Ethics, like Law, derives from a divine sanction; morality, no less than Halakhah, is firm, fixed, not subject to human whim. Both *Musar* and *Halakhah* have their roots in *Masorah*.

The word *musar* is not grammatically related to *masorah*, but the fact that they sound alike points to a conceptual continuity between them: *Musar* too has a sacred *Masorah*, tradition; it derives from *משה קבל תורה במיני ויהושע*.

Our Sidra this morning mentions the death of the two sons of Aaron: *אתרי* *מות שני בני אהרן*. Why did they die? The Torah tells us, clearly though enigmatically, that they offered up an *אש זרה* before God, i.e., they brought a fire to the altar, but they did it in a manner not prescribed by the ritual of the Temple. The Rabbis ask the same question -- why they were punished? -- and offered a series of answers, amongst them the most popular that *הירו הלכה בפני רבם*, they presumed to decide questions of law in the presence of their own teacher (Moses)-- a serious breach of respect and reverence for teachers.

One wonders: How did the Rabbis dare to offer a reason other than that mentioned in the Torah? The answer is obvious, that in reality the answers are identical or at least similar. Both offer the same type of motive. The Torah tells us that they brought a "strange fire," by which is meant that their religious emotion was present, but it was divorced from Halakhah. They brought *אש* but it was *זרה*. The Rabbis teach us that their Halakhah was divorced from ethical conduct; it is true that *הירו הלכה*, they taught the law, but it was *בפני רבם*, in the presence of their teacher, and therefore irreverent.

Hence, whether you are unethical in your Halakhah, or non-halakhic in your ethics, the result is a breakdown of one or of both.

Essentially what I am saying is that just as Halakhah is fundamentally absolute -- given fluctuations in decision-making and differences of opinion and occasions when halakhic norms seem to contradict each other -- so morality is absolute, despite any fluctuations and marginal problems in applications. Hence, Judaism forcefully takes exception to the whole modern tenor of our culture, with its teachings about the relativity of ethics and "situational morality."

The real problem in our age is not crime and injustice. Amoral behaviour is a human constant. The real issue is the rationalization of this conduct, and hence its acceptability in polite circles.

A wise commentator on the modern scene, Mr. Vermont Royster, made the following penchant observations:

Somewhere along the line there has been an erosion of our sense of right and wrong; that is, we have lost our belief that certain actions are wrong simply because they are wrong, whether or not they violate civil statutes... It is not that we do not live up to professed moral values; the latter-day concept is that there are no fixed, permanent moral values for anyone to profess.

Were I a theologian, I would say that we have lost our sense of sin, that we no longer believe in the existence of evil (Vermont Royster, "The Public Morality: Afterthoughts on Watergate," in *The American Scholar*, Spring 1974).

The slogan of our ethical relativism or situational morality is, "it all depends." Is mugging wrong? -- it all depends! Is it wrong to steal? -- it all depends! Is there anything wrong in knocking a victim senseless? -- it all depends! Is adultery acceptable? -- it all depends!...

May I put private property to the torch? Well, it all depends: if my purpose is simply arson, it is bad; if I am a hotheaded student who wants to prove some point, no matter what it is, but mostly that I am idealistic -- then that is quite all right. Is it all right to steal documents? Here, one must avail himself of *pilpul*: It all depends on who you are. If you are a reporter, then it all depends: from the point of view of the government, it is bad; but The New York Times says that it is good. If you are a CIA agent, then it all depends again: the government holds that it is good, The New York Times thinks that it is a dastardly crime. Is it permissible to oppress millions because of race, color, or national origin, and to expel these people? It all depends: if you are a Western country, it is imperialism, and if you are a Third World country such as India or Uganda, it is quite a virtuous piece of anti-colonialism.

I do not mean to deny that Judaism ever considers circumstances. Of course it does! But that does not change the nature of the act, which remains a sin -- or in halakhic terminology: a *מעשה עברה* -- under all circumstances. For instance, we would hardly be harsh towards a man who stole in order to feed his starving children. We would feel sympathetic to him. Yet the act remains wrong, stealing remains a crime! With all our leniency, the act itself does not lose its negative quality. Or to take a more serious example: we recently read about slum-dwellers, young hooligans who tormented elderly people and preyed on them. We then learned that the background of these young people was dreadful -- they were all abandoned children, with no one to guide them through life. Now, their act was vicious, and punishment must be swift -- any soft-heartedness here is simply a manifestation of soft-headedness because of the consequences for society. And yet, we most certainly will take a pastoral attitude towards them, exercising compassion and understanding and undertaking a major effort to rehabilitate them and try to make up for what society denied them. But that does

not change the fact that their act was cruel and vicious.

In all these and in similar cases, right and wrong are absolute, but our treatment of the perpetrators depends upon conditions.

That is why in *Avot*, which deals with ethics and morals and *musar*, we begin with the *שנשנת הקב"ה*, the chain of Tradition.

Thus too, the beginning of our Sidra teaches that after the death of the two children of Aaron, God said to Moses *דבר אל אהרן אחיך ואז יבא בכך את כל הקודש*, "Speak to your brother Aaron, and let him not at every time into the Sanctuary." Man must not break into the precincts of the Sanctuary at his whim; only according to law may he enter the Holy of Holies.

Or better, *אז יבא בכך את כל הקודש*, a man should not bring with him *כל עת*, every "time," every passing mood and concept and sentiment and fact, into the sacred areas of his life. Only that which originates in *קבל תורה* can be accepted as valid Jewish doctrine.

It all depends -- on that.