

Chapter 11 – Learning Guide

I-In-Class Discussion Questions

1-1-The statement from the Pirkei Avot with which the chapter begins reads as follows. In a place where there are no ‘persons,’ strive to be a ‘person. (Avot Chapter 2, Mishnah 5) How does the author of the chapter interpret this *mishnah*? How is it connected to Aryeh’s story? How else can this statement be interpreted?

2-What are the five most important stakeholders in Aryeh’s story?

3-What are the five most important facts in Aryeh’s story? State them in chronological order.

4-In describing army life, Aryeh’s states:

Rules and orders become life, *the individual person is asked to leave for three years.*
Nobody cares about my opinion and if I really want to test the rules the jail will make it very costly (my emphasis).

Why do you think Aryeh believes that the army asks you to leave for three years?

5-Why do you think that Aryeh is so much more sympathetic to Yitzchak’s plight than his commanding officer?

6-In the chapter the author provides both the case for and against Yitchak. In your opinion which of these two cases is stronger? Explain.

7-Aryeh knows well that the rule is that everyone should serve in the West Bank; this is basic equity. But, he also knows that the *point* of this rule is that everyone should be treated in the same way so that soldiers will not be jealous and angry with one another thus destroying the morale and effectiveness of the unit. Do you agree or disagree with this statement?

8-How does Aryeh resolve his dilemma?

9-How would you describe a right versus right dilemma?

10-In the broadest terms, what do you think it means to say that there is a cost to being ethical?

II-Essay Questions

1-Compare and contrast Moshe's dilemma from Chapter 10 to Aryeh's dilemma.

2-"You need to look not just at the letter but at the spirit of the rules." What are the strengths of this view and what are the weaknesses?

3-To be a good soldier means...

4-The following is a famous midrash about Hillel the elder:

It was reported about Hillel the Elder that every day he used to work and earn one tropaik, half of which he would give to the guard at the House of Learning, the other half being spent for his food and for that of his family. One day he found nothing to earn and the guard at the House of Learning would not permit him to enter. He climbed up and sat upon the window, to hear the words of the living God from the mouth of Shemayah and Abtalion; They say, that day was the eve of Sabbath in the winter solstice and snow fell down upon him from heaven. When the dawn rose, Shemayah said to Abtalion: Brother Abtalion, on every day this house is light and today it is dark, is it perhaps a cloudy day. They looked up and saw the figure of a man in the window. They went up and found him covered by three cubits of snow. They removed him, bathed and anointed him and placed him opposite the fire and they said: This man deserves that the Sabbath be profaned on his behalf.

Was Hillel breaking the rules of the Beit Midrash by climbing on the roof and listening in on the conversation? How is this case different than sneaking into a movie and watching for free?

III-Connection

Read the following excerpt from Martin Luther King's Letter From a Birmingham Jail:

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all"

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades

human personality is unjust. All segregation statutes are unjust because segregation distort the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I-it" relationship for an "I-thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and awful. Paul Tillich said that sin is separation. Is not segregation an existential expression 'of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal.

In this letter Martin Luther King Jr. mixes politics and religion. In your view, does this violate the US constitution's notion of separation of church and state? If so, why? If not, why not?

IV-Personal Journal

1-Give an example where you faced an ethical dilemma, but didn't realize it until it was too late.

2-Describe a case where you were able to follow the following dictum: "In a place where there are no 'persons', strive to be a 'person.'"

3-The most difficult "right versus right" problem that I ever faced was...

V-Group Project

Suppose that Aryeh decided to confront his superior officer by talking to him directly instead of circumventing him.

Prepare a 5 minute skit depicting this hypothetical conversation between Aryeh and his superior officer. What do you imagine these two people might have said to each other? Would this conversation have helped resolved this dilemma in a more satisfactory way?

