

The Jewish Ethics Workbook: Chapter Three

Ethical Artistry

“What is mine is mine and what is yours is yours” – this is the average type; but some say this is a characteristic of Sodom.

(Avot: Chapter 5, Mishnah 10)

Sarah knows that ethics is not just about following a set of rules or a pre-written recipe. In many ways, ethics is more like art than science. This chapter extends this idea of “ethical artistry” in a number of concrete ways.

So far in this book I have been putting some of my students under the microscope, and I will continue to do so in this and other chapters because of the important lessons that they can teach us about how to live an ethical life. In this chapter, though I put myself under the microscope, as well. After all, what’s good for the goose is good for the gander. If we fail to examine our own behavior, habits, thought patterns, and motives and continue to treat ethics as an “objective science” like physics or biology, then we will undoubtedly miss some of the most important opportunities for growth and learning.

The Student as Teacher

Yosef, an accounting student of mine, is a short, well-mannered, almost boyish-looking young man, who stands out because of his bright eyes, long *payos* (earlocks), and large, black-felt *yarmulke*, identifying him as a hasidic Jew.

On a Monday evening, not so long ago, I reminded my class that on Wednesday of that week I would be giving them the midterm exam. Immediately, a number of students complained loudly that it wasn’t fair to give them an exam on Wednesday because they would be observing a communal fast day, memorializing Israeli victims of the Palestinian suicide bombers.

The students explained that the full-day fast (no food or drinks) would be over at about 6:30, around the same time the test was scheduled to begin. The students complained that they would be tired and hungry and would not be able to perform as they normally would when they are not fasting. I was surprised by the students’ request. While I had heard about the fast day, I didn’t think it was necessary to reschedule the exam. Of course, I wasn’t taking it, I was only proctoring.

While I was sympathetic to the students’ request, I thought we should stay on schedule. I wanted to protect the academic integrity of the course. I also imagined that some of the students were using the fast day as an excuse to get more time to study. As the students’ demand became more

shrill and less respectful, I exercised my authority, cut off the debate, and began our review session. After class, I did feel a twinge of guilt when some of my colleagues told me that they had postponed their exams to respect their students' desire to fast. This feeling was just a small nuisance and disappeared as soon as I got in my car to drive home.

On Wednesday, as students arrived early to take the midterm, Yosef came in with his usual smile. He was carrying a case of juice and several boxes of cookies to share with the class. He put the food and drinks on my desk and asked me if it would be okay to announce to the class that they could take whatever food and drinks they wanted.

His creativity and generosity immediately broke the tense silence that usually accompanies exam day. Yosef was the only one of us who was able to look at this situation from everyone's point of view. He didn't participate in Monday's whining, but he heard his classmates' concerns. At the same time, Yosef demonstrated a respect for the educational process. If ethical artistry is about deepening our ability to communicate, Yosef's actions certainly qualify. He taught me that a little imagination, concern, and active listening can serve in very practical ways.

I had been wrong. This was not a case of the students versus the professor. This was an opportunity to build bridges, only I hadn't been able to see it that way initially. As it turned out, those students who wanted to fast were able to do so. We were able to stick to the lesson plan, and through Yosef's simple example, the classroom became a loving and caring community, if just for an hour or so. All the while, Yosef, with his quiet leadership, hardly needed to speak more than a few casually chosen words. Yosef's example is special but not unique.

In thinking back about this incident I draw four important lessons. Let's look at these from the simplest to the more profound.

1-Derek Eretz is a two-way street.

I wanted my students to respect me, but I made it much more difficult for them to show me respect by not trusting them in the first place. I still think that a few of the louder students did want to take advantage of the situation (or am I still rationalizing?), but I now realize that the silent majority *was* truly concerned about balancing their regard for the wider Jewish community with genuine concern for their school work.

Trust is a fragile asset. It has been compared to crystal. It's expensive to make, it's very valuable, and it is easily broken (see Badaracco's **Leading Quietly**).

Did I have good reasons to trust my class? I had already spent seven weeks together with them; lecturing, collecting homework, and reviewing numerous accounting problems. In retrospect, I must admit, though, that I had never really gotten to know my students in this class very well. And so, to be perfectly honest, when a few loud students began to demand that I postpone the exam, I automatically overgeneralized and assumed that the whole class was *in* on something. If I didn't trust them this was because I never really gave the class an opportunity to earn my trust. Trust is not the product of a magical spell, but results from expertise, open communication, and

honesty in the context of a caring environment.

This does not mean that a teacher should blur the professional relationship between teacher and student that must always exist in and out of the classroom. The teacher's role is not to naively befriend students or to joke around with them. Rather, a teacher is a leader responsible for designing an appropriate environment conducive for the educational growth of his or her students. Part of the teacher's job then is to encourage mutual trust.

2-Ethics is about knowing when to act and when to refrain from acting.

In both Aaron's and Sarah's examples, the dilemmas were essentially about not doing something that they both really knew they shouldn't be doing in the first place. In Aaron's case, he knew he shouldn't have driven to town so close to Shabbat when there would be no realistic way for him to return before it was too late. In Sarah's case, her intuition told her almost from the get go that she shouldn't cheat on a *gemorah* test.

Yosef's situation is different. He could have purposely ignored the entire classroom conversation about postponing the test (as many of his colleagues did), and no one would have thought worse of him. After all, "What is mine is mine and what is yours is yours" – this is the average type..."

Yosef has learned, though, that ethics is active. To Yosef, the attitude of "What is mine is mine and what is yours is yours" (at least in some circumstances) is "a characteristic of Sodom." You can't always sit back and protect your own turf. In the real world, the responsibility of living a fully ethical life demands that we act in a positive and proactive way—we need to make things happen, and that's exactly what Yosef did. By bringing in food and drinks that he bought with his own money Yosef showed a mature sensitivity to everyone's needs.

3-You can't just ask who am I? You've got to ask who are we.

In the previous chapter, Sarah avoided the temptation to cheat by realizing that if she did cheat, she would be changing her character--the kind of person she was--if just in a small way.

Yosef is also concerned about his character--the kind of person he is. But, Yosef is also operating on another level entirely. He is not only concerned with his own well-being, he is worried about the well-being of the entire class. Yosef doesn't ignore the situation as most of us did, and he doesn't try to find a solution that will work for him only. Yosef works on a bigger stage. In a very real sense, Yosef is emerging as an ethical leader.

Yosef knows that "He who says, 'What is mine is yours, and what is yours is yours is a *hasid* (a pious person).'" So, in the end, it's not what you wear or a hair style that makes you a *hasid*, but who you are on the inside and how you live your life that really matters.

4-Ethics requires moral imagination.

I was not completely wrong in thinking that this situation was a kind of confrontation between me and some of my students, but I was wrong in thinking that this was the *best* way to think about what was happening. Yosef saw this episode as an opportunity to build bridges. Why didn't I see it that way? Simply put, in this instance, I suffered from a lack of moral imagination.

What is moral imagination? Formally, it has been defined as the ability “to step back from one’s situation and view it from another point of view. In taking such a perspective a person tries to disengage herself from the exigencies of the situation to look at the world or herself from a more dispassionate point of view or from the point of view of another dispassionate reasonable person” (Patricia Werhane).

I prefer a much simpler definition, though. Moral imagination is what allows us to continue being ourselves only better! Isn't this exactly what Yosef's gift allowed me and my students to do. By bringing in the juice and cookies, Yosef showed us that we *can* balance a love for the Jewish community with real respect for school work.

To some, it may seem funny to link ethics and imagination. In talking about imagination in this context it might sound like what I'm really saying is that when it comes to ethics, you can make it up as you go along. Nothing could be further from the truth.

Think about some of the great moral heroes of the past century like Gandhi, Rosa Parks, Martin Luther King Jr., Rabbi Abraham Isaac Kook, Rabbi Joseph Soloveitchick, and Theodore Herzl. These individuals were not moral relativists who did what ever felt good at the moment. Rather these were people deeply attuned to the legitimate needs of their respective communities, at the same time they embodied the ethical teachings of their history and traditions. They had the energy and creativity to bring about lasting and positive change not only for themselves and for their own communities, but they now all serve as role models for the whole world to emulate.

To summarize so far, if the discussion in this chapter has left you with the feeling that when it comes to ethics there's no set formula, that's the whole point! Ethics is more art than science.

Shimon ben Shetach as a Moral Artist

Good stories are like ocean-going vessels carrying us away to the far corners of the earth and returning us home from distant continents, filled-with hard-earned and precious cargo.

The stories that pass from brother to sister, and from father to child, contain the ethical values of a people and culture, living values polished by time and experience.

Arguably one of the most often cited and important ethical sources from a Jewish perspective is the following story about Shimon ben Shetach, a rabbinic sage and leader who lived, worked, and taught in the land of Israel in the first century b.c.e.

Shimon ben Shetach was occupied with preparing flax. His students said to him, “Rabbi, stop. We will buy you a donkey, and you won't have to work so hard anymore.”

They went and bought a donkey from an Arab, and a pearl was found on it. The students returned to their teacher and said, “From now on you don’t have to work at all any more.”

“Why?” he asked. The students said, “We bought you a donkey from an Arab, and a pearl was found on it.” Shimon ben Shetach said to them, “Does the owner know about the pearl?” They answered, “No.” He said to them, “Go and give the pearl back to him.”

“But,” they argued, “did not Rabbi Huna, in the name of Rab, say all the world agrees that if you find something which belongs to a heathen, you may keep it?”

Their teacher said, “Do you think that Shimon ben Shetach is a barbarian? He would prefer to hear the Arab say, ‘Blessed be the God of the Jews,’ than possess all the riches of the world. It is written, ‘You shall not oppress your neighbor.’ Now your neighbor is as your brother, and your brother is as your neighbor. Hence you learn that to rob a Gentile is robbery.” (Bava Mezia, ii, 5, 8c, Jerusalem Talmud)

While this story really speaks for itself, I think it is interesting to point out that all of the lessons I learned from Yosef’s actions are already contained in this story. In fact, this was a story that Yosef himself told me he was quite familiar with.

Notice how Shimon ben Shetach’s decision to return the pearl to the original owner demonstrates a kind of *derek erez* or trust toward the Arab merchant. Shimon ben Shetach understands that if he returns the pearl to its rightful owner, the Arab will recognize how unusual Shimon ben Shetach’s behavior is and will come to praise God. Well, maybe and maybe not. The point is that Shimon ben Shetach in trusting the heathen is opening himself up and taking a kind of risk here. The payoff from Shimon ben Shetach’s point of view is high, but there’s no guarantee here, either.

Shimon ben Shetach’s students are correct that from a strictly legal perspective, “all the world agrees” he can keep the pearl. But Shimon ben Shetach knows that when it comes to ethics, there are times when one has to take an active stance. In Jewish thought this is known as *lifnim mishurat hadin* or going beyond the letter of the law.

In addition, the story shows that Shimon ben Shetach is well aware of the fact that you can’t just ask who am I? You’ve got to ask who are we? By returning the pearl to the heathen Shimon ben Shetach is really saying that even a heathen—if he comes to recognize God—might someday become part of the “we”! And, on the downside, if he doesn’t return the pearl to the Arab, it just might be the case that Shimon ben Shetach would become the real heathen in this story.

Finally, if you still don’t quite understand what I mean by the phrase moral imagination, I think this story provides one of the best examples. It’s a kind of model of what moral imagination, at its best, is. Think how tempting it must have been for Shimon ben Shetach to accept the pearl from his students. With his newly obtained riches, he could have retired from the flax business and devoted himself full time to the study of Torah. So, why didn’t he?

Good question. Shimon ben Shetach could easily have defined this situation as a zero-sum game “Either I get the pearl or the Arab gets the pearl.” His creativity lies in the fact that he saw beyond this simple formulation and recognized that this was a positive opportunity for him to demonstrate his unselfish love for his fellow beings. In doing so, he helped to make the world a better place to live for all of us.

Conclusion

What I take away from all of this can be stated quite simply. At one level ethics is about who gets what. Given the rules of the game, ethics tells us how to distribute rewards fairly. At a deeper level though, for those imaginative enough to see it, ethics is about changing the very rules of how the game is played in a positive and more inclusive way. Yosef and Shimon ben Shetach are just two examples of what it means to be an ethical artist.