



SHALOM HARTMAN מכון
INSTITUTE שלום הרטמן

Obligations of Jewish Peoplehood

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The Jewish Education Project: Teaching the Torah of Jewish Peoplehood
March 11, 2024

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I. The Idea of Obligation

1. Robert Cover, "Obligation: A Jewish Jurisprudence of the Social Order," *Journal of Law and Religion* 5, No. 1 (1987) 65–74

Judaism is, itself, a legal culture of great antiquity... **When I am asked to reflect upon Judaism and human rights, therefore, the first thought that comes to mind is that the categories are wrong. I do not mean, of course, that basic ideas of human dignity and worth are not powerfully expressed in the Jewish legal and literary traditions. Rather, I mean that because it is a legal tradition, Judaism has its own categories for expressing through law the worth and dignity of each human being. And the categories are not closely analogous to "human rights." The principal word in Jewish law, which occupies a place equivalent in evocative force to the American legal system's "rights," is the word mitzvah, which literally means "commandment" but has a general meaning closer to "incumbent obligation."**

Yet, as I scan my own—our own—privileged position in the world social order and the national social order, as I attend the spiritual and material blessings of my life and the rather obvious connection that some of these have with the suffering of others, it seems to me that the rhetoric of obligation speaks more sharply to me than that of rights. Of course, I believe that every child has a right to decent education and shelter, food and medical care; of course, I believe that refugees from political oppression have a right to a haven in a free land; of course, I believe that every person has a right to work in dignity and for a decent wage. I do believe and affirm the social contract that grounds these rights. But more to the point, I also believe that I am commanded—that we are obligated—to realize those rights.

II. Differentiated Obligations: What Do We Owe One Another?

2. Obligations to Fellow Believers: Maimonides, Mishneh Torah, Laws of Mourning 14:1

מִצְוַת עֲשֵׂה שֶׁל דְּבָרֵיהֶם לְבַקֵּר חוֹלִים. וְלַנְחִים אֲבָלִים. וְלְהוֹצִיא הַמֵּת. וְלְהַכְנִיס הַפֶּלֶא. וְלָלוּוֹת הָאוֹרְחִים. וְלְהַתְעַסֵּק בְּכָל צָרָכֵי הַקְּבוּרָה. לְשֵׂאת עַל הַכֶּתֶף. וְלִילֵךְ לְפָנָיו וְלִסְפֹּד וְלַחֲפֹר וְלִקְבֹּר. וְכֵן לְשִׂמַח הַפֶּלֶא וְהַחֲתָן. וְלִסְעֻדָּם בְּכָל צָרְכֵיהֶם. וְאֵלוּ הֵן גְּמִילוּת חֲסָדִים שֶׁבְּגוּפוֹ שְׂאִין לָהֶם שְׁעוֹר. אִף עַל פִּי שֶׁפֶל מִצְוֹת אֵלוּ מִדְּבָרֵיהֶם הָרִי הֵן בְּכָלֵל (וַיִּקְרָא יִט: יח) "וְאַהֲבַת לְרֵעֶךָ כְּמוֹךָ". כָּל הַדְּבָרִים שֶׁאַתָּה רוֹצֵה שְׂיַעֲשׂוּ אוֹתָם לְךָ אַחֲרַיִם. עֲשֵׂה אֶתָּה אוֹתָן לְאַחֲיֶךָ בְּתוֹרָה וּבְמִצְוֹת:

It is a positive commandment in rabbinic law to visit the sick, comfort the mourners, escort the dead, dower the bride, accompany the [departing] guests, and to involve oneself in all burial needs: to carry the dead, to walk before the dead and to eulogize, dig and bury. And likewise, to bring cheer to the bride and the groom, and to assist them in whatever they need. And these are the acts of kindness that one does with one's body, and these have no quantified limit. Even though all these precepts are of rabbinic origin, they are implied by the biblical verse: "You shall love your neighbor as yourself" (Leviticus 19:18): whatever you would want others to do for you, you should do for your sibling in Torah and precepts.

Here, Maimonides lays out the obligations that are incumbent upon Jews when it comes to supporting their "siblings in Torah and mitzvot." What do you notice about the nature and scope of these obligations? Why do you think Maimonides situates them in the Laws of Mourning? Consider the line, **"And these are the acts of kindness that one does with one's body, and these have no quantified limit."** Why do you think Maimonides emphasizes the bodily element of these acts of kindness? What are the strengths of this response to life cycle events, particularly those involving death and tragedy, and what are its limitations? **Does Maimonides' description of obligation towards "siblings in Torah and mitzvot" resonate when it comes to your goals of teaching notions of obligation to and solidarity with fellow Jews (and/ or Israel)? Where do you diverge from Maimonides in your teaching?**

3. Obligations to the Gentile Other: Maimonides Mishneh Torah Laws of Kings and Wars 10:12

אפילו הגויים--ציוו חכמים לבקר חוליהם, ולקבור מתייהם עם מתי ישראל, ולפרנס ענייהם בכלל עניי ישראל, מפני דרכי שלום: הרי נאמר "טוב ה', לכול; ורחמיו, על כל מעשיו" (תהילים קמה, ט) ונאמר "דרכיה, דרכי נועם; וכל נתיבותיה, שלום" (משלי ג, יז)

Even for those who are not Jewish: the rabbis commanded to visit their sick, to bury their dead with the dead of Israel, and to sustain their poor along with the poor of Israel for the sake of the ways of peace. Behold it is said: "God is good to all, and God's mercy is upon all of God's handiwork (Psalms 145:9)," and it is said, "Its paths are paths of pleasantness, and all its ways are peace (Proverbs 3:17).

- *How are the obligations Maimonides posits for Gentiles different than the ones he posits for Jews? Why does he provide a different reasoning or motive for obligations to Gentiles versus obligations to Jews?*
- *How do you read the notion of "paths of peace": is it utilitarian (i.e. keep the peace) or ideal (doing good to Others reflects the peaceful nature of Torah)?*
- *Finally, does this distinction resonate when it comes to teaching your students about different levels and types of obligation?*

4. Obligations from a Distance: Numbers (Bamidbar) 32 and Joshua 6

Section 1: 1-15 (Request of the 2 ½ tribes and Moses' response)

וּמִקֵּנָה | רַב הָיָה לְבְנֵי רְאוּבֵן וְלְבְנֵי גָד עֲצוּם מְאֹד וַיִּרְאוּ אֶת־אֶרֶץ יַעֲזֵר וְאֶת־אֶרֶץ גִּלְעָד וְהֵנָּה הַמְּקוֹם מְקוֹם מִקְנֵה: וַיָּבֹאוּ בְנֵי־גָד וּבְנֵי רְאוּבֵן וַיֹּאמְרוּ אֶל־מֹשֶׁה וְאֶל־אֶלְעָזָר הַכֹּהֵן וְאֶל־נְשֵׂי־הָעֵדָה לֵאמֹר: עֲטָרוֹת וְדִיבֹן וַיַּעֲזֵר וְנִמְרָה וְחִשְׁבּוֹן וְאֶלְעָלָה וּשְׁבִים וּנְבוֹ וּבְעֹן: הָאֶרֶץ אֲשֶׁר הִכָּה יְהוָה לְפָנַי עַדְתִּי יִשְׂרָאֵל אֶרֶץ מִקְנֵה הִוא וְלַעֲבָדֶיךָ מִקְנֵה: (ס) וַיֹּאמְרוּ אִם־מִצְאָנוּ חֵן בְּעֵינֶיךָ יִתֵּן אֶת־הָאֶרֶץ הַזֹּאת לַעֲבָדֶיךָ לְאֶחְזָה אֶל־תַּעֲבֹרְנוּ אֶת־הַיַּרְדֵּן:

1 The Reubenites and the Gadites owned cattle in very great numbers. Noting that the lands of Jazer and Gilead were a region suitable for cattle, **2** the Gadites and the Reubenites came to Moses, Eleazar the priest, and the chieftains of the community, and said, **3** "Ataroth, Dibon, Jazer, Nimrah, Heshbon, Elealeh, Sebam, Nebo, and Beon— **4** the land that the Lord has conquered for the community of Israel is cattle country, and your servants have cattle. **5** It would be a favor to us," they continued, "if this land were given to your servants as a holding; do not move us across the Jordan."

וַיֹּאמֶר מֹשֶׁה לְבְנֵי־גָד וְלְבְנֵי רְאוּבֵן הֲאֵחֵיכֶם יָבִיאוּ לְמִלְחָמָה וְאַתֶּם תָּשֻׁבוּ פֹּה: וְלָמָּה תִּנְוֹאוּן [תְּנִיאוּן] אֶת־לֵב בְּנֵי יִשְׂרָאֵל מֵעַבְרֹת אֱלֹהֵי־אֲרָץ אֲשֶׁר־נָתַן לָהֶם ה': כֹּה עָשׂוּ אֲבֹתֵיכֶם בְּשַׁלְחֵי אֶתְכֶם מִקַּדְשׁ בְּרַנְעַת לְרֵאוּת אֶת־הָאָרֶץ: וַיַּעֲלוּ עַד־נַחַל אֲשַׁכּוֹל וַיִּרְאוּ אֶת־הָאָרֶץ וַיִּלְיֵאוּ אֶת־לֵב בְּנֵי יִשְׂרָאֵל לְבִלְתִּיבֹא אֶל־הָאָרֶץ אֲשֶׁר־נָתַן לָהֶם ה': וַיַּחֲרֹאֲפוּ ה' בַּיּוֹם הַהוּא וַיִּשָּׁבַע לֵאמֹר: אִם־יִרְאוּ הָאֲנָשִׁים הָעֹלִים מִמִּצְרַיִם מִפֶּן עֲשָׂרִים שָׁנָה וּמַעַלְהָ אֶת־הָאֲדָמָה אֲשֶׁר נִשְׁבַּעְתִּי לְאַבְרָהָם לְיִצְחָק וְלַיַּעֲקֹב כִּי לֹא־מִלְאוּ אַחֲרָי: בְּלִתִּי כָּלֵב בְּרִי־פִנְחָה הַקִּנְיָזִי וַיְהוֹשֻׁעַ בְּרִנּוֹן כִּי מִלְאוּ אַחֲרָי ה': וַיַּחֲרֹאֲפוּ ה' בְּיִשְׂרָאֵל וַיִּנָּעַם בַּמִּדְבָּר אַרְבָּעִים שָׁנָה עַד־תֵּם כָּל־הַדּוֹר הַעֹשֶׂה הָרַע בְּעֵינַי ה': וְהִנֵּה קִמַּתֶּם תַּחַת אֲבֹתֵיכֶם תִּרְבּוּת אֲנָשִׁים חֲטָאִים לְסָפוֹת עוֹד עַל חֲרוֹן אַף־ה' אֱלֹהֵי־יִשְׂרָאֵל: כִּי תִשׁוּבוּ מֵאַחֲרָיו וַיִּסַּף עוֹד לְהַנִּיחוֹ בַּמִּדְבָּר וְשַׁחַתְתֶּם לְכָל־הָעָם הַזֶּה: (ס)

6 Moses replied to the Gadites and the Reubenites, “Are your brothers to go to war while you stay here? 7 Why will you turn the minds of the Israelites from crossing into the land that the Lord has given them? 8 That is what your fathers did when I sent them from Kadesh-barnea to survey the land. 9 After going up to the wadi Eshcol and surveying the land, they turned the minds of the Israelites from invading the land that the Lord had given them. 10 Thereupon the Lord was incensed and He swore, 11 ‘None of the men from twenty years up who came out of Egypt shall see the land that I promised on oath to Abraham, Isaac, and Jacob, for they did not remain loyal to Me— 12 none except Caleb son of Jephunneh the Kenizzite and Joshua son of Nun, for they remained loyal to the Lord.’ 13 The Lord was incensed at Israel, and for forty years He made them wander in the wilderness, until the whole generation that had provoked the Lord’s displeasure was gone. 14 And now you, a breed of sinful men, have replaced your fathers, to add still further to the Lord’s wrath against Israel. 15 If you turn away from Him and He abandons them once more in the wilderness, you will bring calamity upon all this people.”

Section 2: 16-19 (Proposal)

וַיִּגְשׁוּ אֵלָיו וַיֹּאמְרוּ גְדֵרֹת צֹאן נִבְנֶה לְמִקְנֵנוּ פָּה וְעָרִים לְטֹפְנוּ: וְאַנְחֵנוּ נַחֲלָץ חֲשִׁים לְפָנֶי בְּנֵי יִשְׂרָאֵל עַד אֲשֶׁר אִם־הִבִּיאֲנָם אֱלֹהֵי־מִקְוָמָם וַיִּשָּׁב טֹפְנוֹ בְּעָרֵי הַמְּבֻצָּר מִפָּנֵי יֹשְׁבֵי הָאָרֶץ: לֹא נָשׁוּב אֶל־בְּתֵינֵנוּ עַד הַתְּנַחֵל בְּנֵי יִשְׂרָאֵל אִישׁ נַחֲלָתוֹ: כִּי לֹא נִחַל אֶתְּם מֵעַבְרֹת לַיַּרְדֵּן וְהַלָּאָה כִּי בָּאָה נַחֲלָתֵנוּ אֵלֵינוּ מֵעַבְרֹת הַיַּרְדֵּן מִזְרָחָה: (פ)

16 Then they stepped up to him and said, “We will build here sheepfolds for our flocks and towns for our children. 17 And we will hasten as shock-troops in the van of the Israelites until we have established them in their home, while our children stay in the fortified towns because of the inhabitants of the land. 18 We will not return to our homes until every one of the Israelites is in possession of his portion. 19 But we will not have a share with them in the territory beyond the Jordan, for we have received our share on the east side of the Jordan.”

וַיֹּאמֶר אֲלֵיהֶם מֹשֶׁה אִם־תַּעֲשׂוּן אֶת־הַדָּבָר הַזֶּה אִם־תַּחֲלֹצוּ לִפְנֵי ה' לַמִּלְחָמָה: וְעִבְר לְכֶם כָּל־חַלּוּץ אֶת־הַיַּרְדֵּן לִפְנֵי ה' עַד הַוְרִישׁוּ אֶת־אִיבֵי מִפְּנֵי: וְנִכְבְּשָׁה הָאָרֶץ לִפְנֵי ה' וְאַחַר תֵּשְׁבוּ וְהֵייתֶם נִקְיִים מֵה' וּמִיִּשְׂרָאֵל וְהֵייתָה הָאָרֶץ הַזֹּאת לְכֶם לְאַחֲזָה לִפְנֵי ה': וְאִם־לֹא תַעֲשׂוּן כֹּן הִנֵּה חֲטֹאתֶם לַה' וְדַעוּ חֲטֹאתְכֶם אֲשֶׁר תַּמְצֵא אֶתְכֶם: בְּנוֹ־לְכֶם עָרִים לְטַפְּכֶם וּגְדֵרֹת לְצִנְאֲכֶם וְהִיצֵא מִפִּיכֶם תַּעֲשׂוּ: וַיֹּאמֶר בְּנִיגַד וּבְנֵי רְאוּבֵן אֶל־מֹשֶׁה לֵאמֹר עֲבַדְיָךְ יַעֲשׂוּ כַּאֲשֶׁר אָדָנִי מִצִּוָּה: טַפְּנוּ נַשִּׁינוּ מִקִּנְנוּ וְכָל־בְּהֵמַתָּנוּ יִהְיוּ־שָׁם בְּעָרֵי הַגִּלְעָד: וְעֲבַדְיָךְ יַעֲבְרוּ כָל־חַלּוּץ צָבָא לִפְנֵי ה' לַמִּלְחָמָה כַּאֲשֶׁר אָדָנִי דִּבֶּר: וַיָּצוּ לָהֶם מֹשֶׁה אֶת אֶלְעָזָר הַכֹּהֵן וְאֶת יְהוֹשֻׁעַ בֶּן־נֹון וְאֶת־רָאשֵׁי אַבּוֹת הַמַּטּוֹת לִבְנֵי יִשְׂרָאֵל: וַיֹּאמֶר מֹשֶׁה אֲלֵיהֶם אִם־יַעֲבְרוּ בְנִיגַד וּבְנֵי־רְאוּבֵן | אֶתְכֶם אֶת־הַיַּרְדֵּן כָּל־חַלּוּץ לַמִּלְחָמָה לִפְנֵי ה' וְנִכְבְּשָׁה הָאָרֶץ לִפְנֵיכֶם וְיִתְּתֶם לָהֶם אֶת־אָרֶץ הַגִּלְעָד לְאַחֲזָה: וְאִם־לֹא יַעֲבְרוּ חַלּוּצִים אֶתְכֶם וְנִאֲחֲזוּ בְתַכְכֶם בְּאָרֶץ כְּנָעַן: וַיַּעֲנוּ בְנֵיגַד וּבְנֵי רְאוּבֵן לֵאמֹר אֵת אֲשֶׁר דִּבֶּר יְהוָה אֶל־עֲבַדְיָךְ כֹּן נַעֲשֶׂה: נַחֲנוּ נַעֲבֹר חַלּוּצִים לִפְנֵי ה' אָרֶץ כְּנָעַן וְאַתָּנּוּ אַחֲזֵת נַחֲלָתֵנוּ מֵעַבְר לַיַּרְדֵּן: וְיִתֵּן לָהֶם | מֹשֶׁה לִבְנֵיגַד וְלִבְנֵי רְאוּבֵן וְלַחֲצִי | שִׁבְט | מְנַשֶׁה בְּרִי־יִסָּף אֶת־מַמְלַכְתְּ סִיחֹן מֶלֶךְ הָאֱמֹרִי וְאֶת־מַמְלַכְתְּ עֹוג מֶלֶךְ הַבְּשָׁן הָאָרֶץ לְעָרֵיהָ בַּגְּבֻלֹת עָרֵי הָאָרֶץ סָבִיב: וַיִּבְנוּ בְנֵיגַד אֶת־דִּיבֹן וְאֶת־עַטְרֹת וְאֶת־עָרֵיר: וְאֶת־עַטְרֹת שׁוּפָן וְאֶת־יַעֲזָר וְגִבְעָה: וְאֶת־בֵּית נֶמְרָה וְאֶת־בֵּית הַרְן עָרֵי מִבְּצָר וּגְדֵרֹת צָאן: וּבְנֵי רְאוּבֵן בְּנוּ אֶת־חֶשְׁבּוֹן וְאֶת־אֶלְעָא וְאֶת־קַרְיָתִים: וְאֶת־נָבֹו וְאֶת־בַּעַל מְעוֹן מְוִסַּבֶּת שָׁם וְאֶת־שִׁבְמָה וַיִּקְרְאוּ בְשֵׁמֹת אֶת־שְׁמוֹת הָעָרִים אֲשֶׁר בָּנוּ: וַיִּלְכּוּ בְנֵי מְכִיר בְּרִמְנִשָּׁה גִלְעָדָה וַיִּלְכְּדָהּ וַיִּוְרֹשׁ אֶת־הָאֱמֹרִי אֲשֶׁר־בָּהּ: וְיִתֵּן מֹשֶׁה אֶת־הַגִּלְעָד לְמְכִיר בְּרִמְנִשָּׁה וַיֵּשֶׁב בָּהּ: וַיֹּאִיר בְּרִמְנִשָּׁה הַלָּד וַיִּלְכְּד אֶת־חֵיתֵיהֶם וַיִּקְרָא אֶתְהֶן חֵית גַּאִיר: וַיִּנְבַח הַלָּד וַיִּלְכְּד אֶת־קִנְיָת וְאֶת־בְּנֵיהָ וַיִּקְרָא לָהּ גִּבַח בְּשֵׁמוֹ:

20 Moses said to them, “If you do this, if you go to battle as shock-troops, at the instance of the Lord, **21** and every shock-fighter among you crosses the Jordan, at the instance of the Lord, until He has dispossessed His enemies before Him, **22** and the land has been subdued, at the instance of the Lord, and then you return—you shall be clear before the Lord and before Israel; and this land shall be your holding under the Lord. **23** But if you do not do so, you will have sinned against the Lord; and know that your sin will overtake you. **24** Build towns for your children and sheepfolds for your flocks, but do what you have promised.”

25 The Gadites and the Reubenites answered Moses, “Your servants will do as my lord commands. **26** Our children, our wives, our flocks, and all our other livestock will stay behind in the towns of Gilead; **27** while your servants, all those recruited for war, cross over, at the instance of the Lord, to engage in battle—as my lord orders.”

28 Then Moses gave instructions concerning them to Eleazar the priest, Joshua son of Nun, and the family heads of the Israelite tribes. **29** Moses said to them, “If every shock-fighter among the Gadites and the Reubenites crosses the Jordan with you to do battle, at the instance of the Lord, and the land is subdued before you, you shall give them the land of Gilead as a holding. **30** But if they do not cross over with you as shock-troops, they shall receive holdings among you in the land of Canaan.”

31 The Gadites and the Reubenites said in reply, “Whatever the Lord has spoken concerning your servants, that we will do. **32** We ourselves will cross over as shock-troops, at the instance of the Lord, into the land of Canaan; and we shall keep our hereditary holding across the Jordan.”

33 So Moses assigned to them—to the Gadites, the Reubenites, and the half-tribe of Manasseh son of Joseph—the kingdom of Sihon king of the Amorites and the kingdom of King Og of Bashan, the land with its various cities and the territories of their surrounding towns. **34** The Gadites rebuilt Dibon, Ataroth, Aroer, **35** Atroth-shophan, Jazer, Jogbehah, **36** Beth-nimrah, and Beth-haran as fortified towns or as enclosures for flocks. **37** The Reubenites rebuilt Heshbon, Elealeh, Kiriathaim, **38** Nebo, Baal-meon—some names being changed—and Sibmah; they gave [their own] names to towns that they rebuilt. **39** The descendants of Machir son of Manasseh went to Gilead and captured it, dispossessing the Amorites who were there; **40** so Moses gave Gilead to Machir son of Manasseh, and he settled there. **41** Jair son of Manasseh went and captured their villages, which he renamed Havvoth-jair. **42** And Nobah went and captured Kenath and its dependencies, renaming it Nobah after himself.

Conclusion of the Narrative: Joshua (Yehoshua) 22

אז יקרא יהושע לראובני ולגדי ולחצי מטה מנשה: ויאמר אליהם אתם שמרתם את כל אשר צוה אתכם משה עבד ה' ותשמעו בקולי לכל אשר צויתי אתכם: לא עזבתם את אחיכם זה ימים רבים עד היום הזה ושמרתם את משמרת מצות ה' אלקיכם: ועתה הניח ה' אלקיכם לאחיכם כאשר דבר להם ועתה פנו ולכו לכם לאהליכם אלארץ אחוזתכם אשר נתנו לכם משה עבד ה' בעבר הירדן: רק | שמרו מאד לעשות את המצוה ואת התורה אשר צוה אתכם משה עבד ה' לאהבה אתה' אלקיכם וללכת בכל דרכיו ולשמר מצותיו ולדבקהו ולעבדו בכל לבבכם ובכל נפשכם: ויברכם יהושע וישלחם וילכו אל אהליהם:

1 Then Joshua summoned the Reubenites, the Gadites, and the half-tribe of Manasseh, **2** and said to them, “You have observed all that Moses the servant of the LORD commanded you, and have obeyed me in everything that I commanded you. **3** You have not forsaken your kinsmen through the long years down to this day, but have faithfully observed the Instruction of the LORD your God. **4** Now the LORD your God has given your kinsmen rest, as God promised them. Therefore turn and go to your homes, to the land of your holdings beyond the Jordan that Moses the servant of the LORD assigned to you. **5** But be very careful to fulfill the Instruction and the Teaching that Moses the servant of the LORD enjoined upon you, to love the LORD your God and to walk in all God’s ways, and to keep God’s commandments and hold fast to God, and to serve God with all your heart and soul.” **6** Then Joshua blessed them and dismissed them, and they went to their homes.

וַיָּבֵאוּ אֶל־גְּלִילֹת הַיַּרְדֵּן אֲשֶׁר בְּאֶרֶץ כְּנָעַן וַיִּבְנוּ בְּנֵי־רְאוּבֵן וּבְנֵי־גָד וַחֲצֵי שֵׁבֶט הַמְּנַשֶּׁה שָׁם מִזְבֵּחַ עַל־הַיַּרְדֵּן מִזְבֵּחַ גָּדוֹל לְמִרְאָה: וַיִּשְׁמְעוּ בְּנֵי־יִשְׂרָאֵל לְאֹמֶר הִנֵּה בָנוּ בְּנֵי־רְאוּבֵן וּבְנֵי־גָד וַחֲצֵי שֵׁבֶט הַמְּנַשֶּׁה אֶת־הַמִּזְבֵּחַ אֶל־מִוֵּל אֶרֶץ כְּנָעַן אֶל־גְּלִילֹת הַיַּרְדֵּן אֲלֵעֲבֹר בְּנֵי יִשְׂרָאֵל: וַיִּשְׁמְעוּ בְּנֵי יִשְׂרָאֵל וַיִּקְהָלוּ כָּל־עַדַת בְּנֵי־יִשְׂרָאֵל שְׁלֹחַ לַעֲלוֹת עֲלֵיהֶם לְצָבָא: (פ)

10 When they came to the region of the Jordan in the land of Canaan, the Reubenites and the Gadites and the half-tribe of Manasseh built an altar there by the Jordan, a great conspicuous altar. **11** A report reached the Israelites: “The Reubenites, the Gadites, and the half-tribe of Manasseh have built an altar opposite the land of Canaan, in the region of the Jordan, across from the Israelites.” **12** When the Israelites heard this, the whole community of the Israelites assembled at Shiloh to make war on them.

וְאִם־לֹא מִדְּאִגָּה מִדְּבָר עָשִׂינוּ אֶת־זֹאת לְאֹמֶר מָחָר יֹאמְרוּ בְּנֵיכֶם לְבָנֵינוּ לְאֹמֶר מַה־לָּכֶם וְלֹהֵי אֱלֹהֵי יִשְׂרָאֵל: וּגְבוּל נִתְּרָה־י בֵּינֵנוּ וּבֵינֵיכֶם בְּנֵי־רְאוּבֵן וּבְנֵי־גָד אֶת־הַיַּרְדֵּן אֵין־לָכֶם חֶלֶק בָּהֵי וְהַשְׁבִּיתֵנוּ בְּנֵיכֶם אֶת־בָּנֵינוּ לְבַלְתֵּי יָרֵא אֶת־הֵי: וְנֹאמֶר נַעֲשֶׂה־נָּא לָנוּ לְבָנוֹת אֶת־הַמִּזְבֵּחַ לֹא לַעֲוֹלָה וְלֹא לְצָבָח: כִּי עַד הוּא בֵּינֵנוּ וּבֵינֵיכֶם וּבֵין דְּרוֹתֵינוּ אַחֲרֵינוּ לַעֲבֹד אֶת־עַבְדַת הֵי לְפָנֵינוּ בְּעֹלוֹתֵינוּ וּבְזָבְחֵינוּ וּבְשָׁלְמֵינוּ וְלֹא־יֹאמְרוּ בְּנֵיכֶם מָחָר לְבָנֵינוּ אֵין־לָכֶם חֶלֶק בָּהֵי:

24 We did this thing only out of our concern that, in time to come, your children might say to our children, ‘What have you to do with the LORD, the God of Israel? **25** The LORD has made the Jordan a boundary between you and us, O Reubenites and Gadites; you have no share in the LORD!’ Thus your children might prevent our children from worshipping the LORD. **26** So we decided to provide [a witness] for ourselves by building an altar—not for burnt offerings or [other] sacrifices, but as a witness between you and us, and between the generations to come—that we may perform the service of the LORD before God with our burnt offerings, our sacrifices, and our offerings of well-being; and that your children should not say to our children in time to come, ‘You have no share in the LORD.’

III. Obligation and Society

5. Radical Individualism: Leviticus Rabbah 4:6

תְּנִי חֲזִקָה (ירמיה נ, יז): (שֶׁהַ פְּזוּרָה יִשְׂרָאֵל, נִמְשָׁלוּ יִשְׂרָאֵל לְשָׂה, מֵהַ שֶׁהַ הִזָּה לֹוֹקָה עַל רֹאשׁוֹ אִוּ בְּאֶחָד מֵאַבְרָיו וְכָל אַבְרָיו מִרְגִּישִׁין, כְּדָה הוּא יִשְׂרָאֵל, אֶחָד מֵהוּ חוֹטֵא וְכָל מִרְגִּישִׁין, בַּמַּדְבָּר טו, כב): (הָאִישׁ אֶחָד יַחֲטֵא, תְּנִי רַבִּי שְׂמֵעוֹן בֶּר יוֹחָאי, מְשָׁל לְבָנֵי אָדָם שֶׁהֵיוּ יוֹשְׁבֵין בְּסַפִּינָה נָטַל אֶחָד מֵהוּ מִקֹּדֶחַ וְהִתְחִיל קוֹדֶחַ תַּחְתָּיו, אָמְרוּ לוֹ חֲבֵרָיו מֵהַ אֶתְּהָ יוֹשֵׁב וְעוֹשֶׂה, אָמַר לָהֶם מָה אַכְפֵּת לָכֶם לֹא תַחְתִּי אֲנִי קוֹדֶחַ, אָמְרוּ לוֹ שְׂהַמִּים עוֹלִין וּמְצִיפִין עָלֵינוּ אֶת הַסַּפִּינָה. כְּדָה אָמַר אִיּוֹב) איוב יט, ד: (וְאָף אָמְנָם שְׂגִיתִי אֶתִּי תָלִין מְשׁוּגָתִי, אָמְרוּ לוֹ חֲבֵרָיו (כִּי יִסִּיף עַל חֲטָאתוֹ פָּשַׁע בְּיַגִּינוּ יִשְׁפּוֹק, אֶתְּהָ מִסַּפִּיק בְּיַגִּינוּ אֶת עוֹנוֹתֶיךָ).

Hezekiah taught: It is said, *Israel is a scattered sheep* (Jer. 50, 17). Why are Israel likened to a sheep? Just as with a lamb, when it is hurt on the head or on any other limb, all its limbs feel it, even so is it with Israel: if [only one] of them sins, all of them feel it. It is said, *Shall one man sin, and wilt Thou be wroth with all the congregation?* (Num. 16, 22). R. Simeon b. Yohai taught: This may be compared to the case of men on a ship, one of whom took a borer and began boring beneath his own place. His fellow travellers said to him: 'What are you doing?' Said he to them: 'What does that matter to you, am I not boring under my own place?' Said they: 'Because the water will come up and flood the ship for us all.' Even so did Job say, *And be it indeed that I have erred, mine error remaineth with myself* (Job 19, 4), and his friends said, *He adds transgression unto his sin, he extends it among us.* [They said to him:] 'You extend your sins among us.'

6. "Connected Critic" – Michael Walzer, *Interpretation and Social Criticism* (1985), 35-66, Excerpts

Think for a moment of critical distance in the caricatured and slightly comic categories of age. The old are critics rather as Cato was, who believe that things have gone steadily downhill since their youth. The young are critics rather as Marx was, who believe that the best is yet to be. Age and youth both make for critical distance; the uncritical years presumably come in between. But the principles of the old and the young are not distant, and they are certainly not objective. The old remember a time that is not so long ago. The young are newly socialized: if they are also (sometimes) radical and idealistic, this says something about the intellectual content of socialization. What makes criticism possible, or relatively easy, for both of these groups is a certain quality of not being involved, or not fully involved, in the local forms of getting and spending, not being responsible for what happens, not being politically in control. The old may have relinquished control

reluctantly; the young may be eager to win it. But willingly or not, both groups stand a little to the side. They are, or they can be, kibitzers.

A little to the side, but not outside: critical distance is measured in inches. Though old and young are not in control of the major economic or political enterprises of their society, they are also not without some commitment to the success of those enterprises, at least to their eventual success. They want things to go well. This is also the common stance of the social critic. He is not a detached observer, even when he looks at the society he inhabits with a fresh and skeptical eye. He is not an enemy, even when he is fiercely opposed to this or that prevailing practice or institutional arrangement. His criticism does not require either detachment or enmity, because he finds a warrant for critical engagement in the idealism, even if it is a hypocritical idealism, of the actually existing moral world.

The problem with disconnected criticism, and thus with criticism that derives from newly discovered or invented moral standards, is that it presses its practitioners toward manipulation and compulsion. Many, of course, resist the pressure; detachment and dispassion are built-in defenses against it. But insofar as the critic wants to be effective, wants to drive his criticism home (though the home is, in a sense, no longer his own), he finds himself driven to one or another version of an unattractive politics. It is for this reason that I have tried to distinguish his enterprise from collective reflection, criticism from within, or as it is sometimes called, "immanent critique." His is a kind of social criticism, an external intervention, a coercive act, intellectual in form but pointing toward its physical counterpart. Perhaps there are some societies so closed in upon themselves, so rigidly confined even in their ideological justifications, that they require a social criticism; no other kind is possible. Perhaps—but it is my own belief that such societies are more likely to be found in social science fiction than in the real world.

IV. The Rituals, Emotions, and Aesthetics of Obligation

7. **Émile Durkheim, “The Principal Ritual Attitudes,” Book III of *The Elementary Forms of the Religious Life* (1912), 403**

For his part, when the individual feels firmly attached to the society to which he belongs, he feels morally bound to share in its grief and its joy. To abandon it would be to break the ties that bind him to the collectivity, to give up wanting collectivity, and to contradict himself. If the Christian fasts and mortifies himself during the commemorative feasts of the Passion and the Jew on the anniversary of Jerusalem’s fall, it is not to give way to sadness spontaneously felt. In those circumstances, the believer’s inward state is in disproportion to the harsh abstinences to which he submits. If he is sad, it is first and foremost because he forces himself to be and disciplines himself to be; and he disciplines himself to be order to affirm his faith. The attitude of the Australian in mourning is to be understood the same way. If he cries and moans, it is not only to express individual sadness but also to fulfill a duty to the feeling—an obligatory feeling of which the society around him does not fail to remind him on occasion.

8. Babylonian Talmud Ta'anit 11a

תנו רבנן: בזמן שישראל שרויין בצער ופירש אחד מהן באין שני מלאכי השרת שמלוין לו לאדם ומניחין לו ידיהן על ראשו ואומרים: פלוני זה שפירש מן הצבור אל יראה בנחמת צבור. תניא אידך בזמן שהצבור שרוי בצער אל יאמר אדם: אלך לביתי ואוכל ואשתה ושלוש עליך נפשי ואם עושה כן עליו הכתוב אומר "והינה ששון ושמחה הרג בקר ושחט צאן אכל בשר ושתות יין אכול ושתו כי מחר נמות" מה כתיב בתריה "ונגלה באזני ה' צבאות אם יכפר העון הזה לכם עד תמותו". עד כאן מידת בינונים אבל במדת רשעים מה כתיב "אתיו אקחה יין ונסבאה שכר והיה כזה יום מחר" מה כתיב בתריה "הצדיק אבד ואין איש שם על לב כי מפני הרעה נאסף הצדיק". אלא יצער אדם עם הצבור שכן מצינו במשה רבינו שציער עצמו עם הצבור שנאמר "וידי משה כבדים ויקחו אבן וישומו תחתיו וישב עליה" וכי לא היה לו למשה פר אחד או כסת אחת לישב עליה אלא כך אמר משה הואיל וישראל שרויין בצער אף אני אהיה עמהם בצער וכל המצער עצמו עם הצבור זוכה ורואה בנחמת צבור.

The Sages taught: When the Jewish people is immersed in distress, and one of them separates himself from the community, the two ministering angels who accompany a person come and place their hands on his head, and say: This man, so-and-so, who has separated himself from the community, let him not see the consolation of the community. It is taught in another baraita: When the community is immersed in suffering, a person may not say: I will go to my home and I will eat and drink, and peace be upon you, my soul. And if he does so, the verse says about him: "And behold joy and gladness, slaying oxen and killing sheep, eating flesh and drinking wine; let us eat and drink, for tomorrow we shall die" (Isaiah 22:13). And the prophecy continues with what is written afterward, in the following verse: "And the Lord of hosts revealed Himself in my ears: Surely this iniquity shall not be expiated by you until you die" (Isaiah 22:14). Up to this point is the attribute of middling people. However, with regard to the attribute of wicked people, what is? "Come, I will fetch wine, and we will fill ourselves with strong drink; and tomorrow shall be as this day," (Isaiah 56:12). And what is written afterward? "The righteous perishes, and no man lays it to heart, that the righteous is taken away from the evil to come" (Isaiah 57:1). **Rather, a person should be distressed together with the community. As we found with Moses our teacher that he was distressed together with the community, as it is stated: "But Moses' hands were heavy; and they took a stone, and put it under him, and he sat upon it" (Exodus 17:12). But didn't Moses have one pillow or one cushion to sit upon? Rather, Moses said as follows: Since the Jewish people are immersed in suffering, I too will be with them in suffering. And anyone who is distressed together with the community will merit seeing the consolation of the community.**