



Beyond Right

The Values that Shape Judaism's Civil Code

These are the things you are to do: Speak truth to each other and render true and peaceful judgment in your courts.

— Zechariah 8:16

Every legal system reflects the values of its formulators. Eminent western legalists speak of Grundnormen, fundamental principles that underlie all law and to which all law and practice must conform. This is profoundly true of Jewish law, which views its mandate—beyond protecting individual rights and maintaining social order—as shaping a righteous society. The characteristic emphasis of Talmudic Jewish law on “Tzedek” – righteousness - offers a unique model of how a legal system can inspire core values in those under its governance. Jewish civil law is more than a historic legal system developed by Jews; it is an inherently *Jewish* institution that reflects and promotes Jewish values that guide daily life and experiences.

In *Beyond Right*, a new adult education course from the Rohr Jewish Learning Institute (CLE approved in most states) will compare and contrast Talmudic and American civil law. It will examine the two legal systems as they apply to real-life cases to understand the underlying principles that form their infrastructure and how they are applied practically. The course will study the relevant sources from conception in Hebrew Scripture through their development in the Mishnaic, Talmudic and Halachic literature that inform six Jewish values. It will trace these concepts as they come alive in Jewish civil legislation, translating abstract principles into detailed guidance on common real-life scenarios and compare them to current common legal decisions.

We are confident that this study will clarify the unique qualities of Judaism’s value system and generate an appreciation for Jewish law as a source of guidance and clarity when faced with professional or personal dilemmas.

Lesson Topics

■ LESSON ONE

Beyond Good Neighbors

What is the purpose of the law? Is the goal of law merely to protect individual rights and maintain social order, or should a legal system aspire to shape a virtuous society and guide its people to what is right?

This lesson explores the Jewish value of going beyond what is in one's rights to do the right thing by others. We learn that Jewish law aims to mold a righteous community, and to this end, forbids spiteful conduct. Additionally, Jewish law expects its constituents to accommodate each other when it comes at no personal expense. This lesson will examine how this ethical principle applies in neighborly disputes about fences, parking in someone else's driveway, and unauthorized Wi-Fi use.

■ LESSON TWO

Beyond Restitution

Does repentance have a role in the legal system, or is it strictly a personal matter? What does true repentance entail? This lesson explores the literature that addresses Judaism's concept of repentance, "*teshuvah*," to discover that rectifying one's mistakes is a central function in life and provides the offender a new opportunity for growth beyond any previous potential.

Jewish values establish that *teshuvah* is available to everyone, regardless of the severity of their offense, and that as a community, we should make allowances to help our fellow in this endeavor. Hence, the enactment of several surprising laws to enable a repentant thief to make restitution, realistically. For example, in Jewish law, thieves can substitute monetary compensation for an unretrievable stolen item. Similarly, Jewish law counsels victims of career criminals to decline compensation offered by repeat offenders who cannot afford to pay back for all they had stolen.

■ LESSON THREE

Beyond Taking Offense

We all feel a degree of responsibility to helping others, but how far does this duty extend in the law? Are other people's affairs any of our business? This lesson explores Judaism's broad definition of mutual responsibility founded on the belief of society's shared purpose in this world. In Jewish law, it is a crime to remain silent about a mortal danger to others. Jewish law also mandates that we extend every effort to protect others from monetary loss and care for our fellow's spiritual well-being by guiding them away from wrongdoing and toward upright behavior.

■ LESSON FOUR

Beyond Personal Freedom

What is freedom? Is a life of religious observance compatible with personal liberty? Lesson four explores Judaism's definition of freedom: living the life we were born to live, a life devoted to the service of our Creator. Jewish law was thousands of years ahead of the rest of society in prohibiting slavery or imprisonment of those unable to pay their debts. Jewish law is also wary of compromising the freedom of employees and, to this end, goes further than other modern legal systems in protecting the right of employees to quit mid-contract without penalty.

■ LESSON FIVE

Beyond Lawful Ownership

Is ownership a legal status or an ontological reality? The question is not just an abstract philosophical matter; the answer impacts practical legal questions. Can one ever take someone else's possessions under the assumption they won't mind? How far does the Jewish legal requirement to return lost items extend?

In Jewish literature, ownership is a fact reflecting a spiritual connection between a person and their possessions. As such, Jewish law forbids one from taking other people's property without explicit permission and obligates returning lost items, regardless of how much time has passed since the loss. This lesson also

explores the Jewish view that ownership is a responsibility, not just a privilege.

■ LESSON SIX

Beyond Presumption of Innocence

Are humans by nature essentially good or bad? This lesson explores the core Jewish value of giving our fellow the benefit of the doubt and judging them favorably. This value is based on the belief that doing the right thing is a natural human inclination. Judgment of another should be predicated on their merit, not on statistical probability or our disillusionment of the broader public.

In addition to the presumption of innocence in American law, Jewish law presumes people are *righteous*. The legal applications of this assumption are numerous and affect the Jewish legal system broadly, from the laws of kosher food to criminal theft and unethical business practices.