To Be a Holy People: Jewish Tradition and Ethical Values.
By Eugene Korn.
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This collection of some of Rabbi Dr Eugene Korn's most significant essays, edited and updated, is a fitting milestone for a scholar and thinker who has wrestled with Modern Orthodox dilemmas over several decades. The particular dilemma that is the focus of this volume is how to reconcile halachic norms with contemporary and secular moral standards. For some people it is sufficient to say, 'the Torah says it or commands it and therefore it is, and must be, ethically correct; I will adjust my way of thinking to align with it'. However, for others it is less easy. This second group includes Korn and he has come to assist his fellow members.

They include some firmly in the Orthodox camp. This is revealed, for example, by the classic case of saving a non-Jewish life by desecrating Shabbat. According to the strict letter of the law this should not be allowed, however the Rabbis did require it, and the reason they gave was *mishum eiva*, so as not to lead to hatred of, and therefore danger to, Jews. To the modern ethical mind this gets to the 'right answer' but not by the best route. Where is the endorsement of the value of a gentile's life in its own right? Several leading Orthodox figures responded to this difficulty. Rabbi David Hoffman (1843-1921), Rector of the Orthodox Rabbinical Seminary in Berlin, and Rabbi Isser Yehuda Unterman (1886-1976), Chief Rabbi of Israel, both conflated *mishum eiva*, avoiding enmity, with *darche shalom*, promoting peace, which they argued was not simply a pragmatic and utilitarian, even instrumental, principle to ensure Jewish wellbeing, but was in fact embedded in a broader and deeper Jewish ethic. Rabbi Joseph Soloveitchik (1903-93) rejected this approach on scholarly grounds, but remained morally troubled by the reliance on the practical rather than ideal principle of *mishum eiva* that remained.

It is this sort of question that Korn addresses, and in doing so he balances different aspects of the Jewish system as he understands it. In the opening essay, 'Jewish Ethics: Foundations, Development and Future', he sets these out. No traditional Jewish system can avoid or ignore the commandments, *mitsvot*, of the Torah. They have to be honoured, even if they have to be processed first. Thus, 'an eye for an eye', as the operating principle of dealing with damages, has to be upheld, albeit understood as appropriate compensation rather than retributive amputation.

The second element is overarching values of the system, for example *Tselem Elokim*, the principle that all people are created in the image of God, and which commands a Jew to treat another person with dignity and respect,

for no other reason than they are a person. I can relate from personal experience that this principle is easier to espouse in the abstract than in the particular. In one of my more controversial sermons after the death of Ivan Milat, the convicted serial killer, I argued that since his family was refusing to pay for his burial the State should do so, because however heinous his crimes, as someone created *beTselem Elokim*, in the image of God, he did not lose all his dignity, including the right to a burial. Not every member of the congregation agreed with me!

Another foundational value is *Tsedek*, justice or righteousness. This is the principle that Abraham used to call God Himself to account regarding the decision to destroy the cities of Sedom and Gemorah. 'Will the Judge of the whole world not do justice?' asked Abraham. This is because, at least in the way Korn approaches the matter (following predecessors such as Eliezer Berkovits), a *mitsvah*, and certainly not a Divine act, can never involve an immoral action. In this view authentic Jewish law will always operate within the realm of the ethical, and if we are not simply to define an act as ethical because it seems to be required by Jewish law, we will have to determine the correct expression of the law by reference to the ethical as we understand it. That, of course, is where it gets difficult, as the Jewish jurist tries to determine how far the law can bend to align with external ethical notions, when it snaps, and when in turn those ethical notions have to be reconsidered.

A third underpinning value is *Imitatio Dei*, acting in imitation of God's ways. This is only His 'positive ways', such as kindness, love, charity and compassion. According to Maimonides and others, any other traits that God seems to exhibit and which would be regarded as negative in a person are not really Divine attributes at all. For example, in the Bible God sometimes seems to be angry, but he never really is angry, he only seems to display signs that in a person would indicate anger. That being the case, it is never an imitation of God to be angry, but we should exemplify all God's positive traits, including when we apply Jewish law.

The third element in Korn's schema is the overriding vision, the aim to bring the world to a messianic state of peace, justice and contentment. Korn identifies this with *Tikkun Olam*, repairing the world. This is perhaps a bold move for an Orthodox thinker. *Tikkun Olam* is an established Rabbinic concept to be sure, but precisely limited in scope. It is Progressive Judaism that has very nearly built a whole new Judaism around the concept, and in the process largely ignored — and it sometimes seems almost obliterated — other Jewish concepts that used to be used for the same imperatives: *hesed* (kindness), *tsedaka* (charity), *rachamim* (compassion) and *teshuva* (repentance). Nevertheless, the idea that we have to judge the individual decisions we make in the context of our overall direction of travel towards an improved world is surely a sound one.

Having set out his three elements: law, values and vision, Korn then encourages us to seek the correct balance between them, in order to be honest

to each. Insisting on the rights of each of the elements, and law no less than the others, is what ultimately marks Korn out as an Orthodox thinker. The decision to say, 'the law cannot be moved any further in the direction I consider ethical, without tendentiousness and intellectual dishonesty on the one hand, or without openly jettisoning it, on the other,' is a hallmark of an Orthodox approach. Arguably the moment that Rabbi David Hartman ceased to be Orthodox was when he knowingly married a Cohen (priest) to a convert, against Jewish law, because he could not accept that to refuse to do so would reflect God's will. For the Orthodox Jew, understanding God's will has to include an accommodation with God's revealed law, including as it has been transmitted and augmented by the Rabbinic tradition. By insisting on taking into account values and vision as well as law understood in a vacuum Korn is an unmistakably Modern Orthodox voice, making a particular and important contribution to Orthodox discourse.

In the subsequent essays in the book, Korn goes on to examine some of these elements in greater detail, or to apply them to different case studies. He covers both theoretical issues, and also matters of pressing contemporary concern. In the first category comes the way the Jewish tradition has dealt with the commandment to destroy the seven Canaanite nations and Amalek. This obligation to commit genocide is very troubling, and Korn traces how the moral challenges it poses have been dealt with. Similarly, in a separate essay Korn deals with the processing of other violent texts that remain central to the tradition, for example the Binding of Isaac.

In an intervention in broiling Orthodox disputes in North America, Korn attempts to investigate how Maimonides' writings could be seen as related to the Open Orthodoxy propounded by Rabbi Avi Weiss and some of his followers. While the points about Maimonides are interesting and insightful in their own right, linking him to a contemporary expression of Orthodox Judaism which has not yet worked out what it exactly stands for, is probably less useful.

As a Jew with a Western, and moreover an Anglophone background, Korn is interested in the traditions of liberty explored in Europe and the United States, and by such theorists as Isaiah Berlin. How the idea of Western personal freedom can be reconciled with religious authority, especially when it is buttressed by state power, as in the State of Israel, is an important one that Korn is right to explore.

In an even more practical vein, Korn looks at the ethics of organ donation. According to some Orthodox Rabbinic opinions it would be permissible to accept a donated organ, but not for an organ to be taken from a Jewish body for donation to someone else. This imbalance strikes Korn as immoral, and a way must be found within Jewish law for organs to be donated if they are also going to be received.

Finally, Korn addresses how Judaism can relate to non-Jews and non-Jewish religions, in a way that does not indulge in chauvinism but still

respects the integrity of Judaism. As Rabbi Jonathan Sacks could have told him, this topic is a minefield, but that does not mean it should not be continually revisited.

This volume is thorough, scholarly and thoughtful. Korn has his lodestars to which he continually returns, but he is honest in laying out his stall, and if he has found a formula, why not apply it to different problems? This collection will be read with benefit by all those, of all denominations and religions, and by those of no personal religious identification, who are interested in these important issues, both theoretical and practical.