

Parshat Toldot  
Do the Ends Every Justify the Means?  
Melton at Shearith Israel, November 21, 2011  
JSI at Akiba Academy, November 22, 2011

- A) Summary of the story of deception and theft
  - 1) The stakes and the assumptions
    - a) Blessings are meaningful
    - b) The future of the Jewish People hang in the balance
  - 2) Chapter 25, verses 21a – 28
  - 3) Chapter 26, verses 34 – 35
  - 4) Chapter 27, verses 1 – 19
  - 5) Did Rivka and Ya'acov act properly?
- B) The classic question of the ends justifying the means
  - 1) Examples
    - a) Lying concerning your wife's new dress; lying to someone who gave you a gift
    - b) Lying to save human life
    - c) Stealing medicine to alleviate suffering
    - d) Murdering one to save many; organ transplant
  - 2) Ethical systems
    - a) Consequentialist ethics
    - b) Deontological ethics
      - (I) Kantian ethics, famous condemnation of lying to save life
- C) The aftermath for the family
  - 1) Chapter 27, verses 32 – 33
  - 2) Chapter 27, verses 34, 35, 38
- D) The aftermath for Ya'acov
  - 1) Chapter 27, verses 41 – 43
  - 2) Chapter 29, verses 21 – 26; measure for measure deception
  - 3) Chapter 31, verse 6
  - 4) Chapter 31, verse 22
  - 5) Chapter 31, verses 31 - 32
  - 6) Chapter 32, verses 7 – 9
  - 7) Chapter 32, verses 25 – 26
  - 8) Chapter 34, verses 1 – 2
  - 9) Chapter 35, verses 16 – 19
  - 10) Chapter 37, verses 18 – 24
  - 11) Chapter 37, verses 31 – 34; deception measure for measure
  - 12) Chapter 47, verse 9; compare to 25:8 and 35: 29
- E) The pronouncement of the Tanach
  - 1) Yermiahu chapter 9, verse 3
  - 2) Hosha'a chapter 12, verse 3
- F) Moral conclusion
  - 1) What Ya'acov did was unacceptable
    - a) Midrash Raba on Breishit 67, 4 could be interpreted in this fashion
    - b) Professor Nachum Sarna – JPS Torah Commentary on Genesis, Excursus 21 - forcefully argued this position
      - (I) How might we apply that today?

- 2) What Ya'acov did was proper, but still the price must be paid
    - a) He went the course of the lesser of two evils, but still did evil which has serious consequences
    - b) We are perhaps being taught that sometimes the ends justify the means, but even if they do, and it is not easy to know when they do, one must be aware of the dangers and must be willing to pay the price.
      - (I) The above mentioned midrash could be interpreted in this fashion, and such is undoubtedly the mainstream position in Jewish exegesis, thought and law
      - (II) Jewish law is full of such allowances
        - Nothing stands in the way of saving life (except for three things)
        - Lying is permitted in a number of cases
      - (III) Example of suffering the consequences
        - King David's inability to build the Temple because "You spilled much blood" (I Divrei Ha-yamim 22:8) in fighting "God's wars" (I Shemu'el 18:17, 25:28)
- G) Babylonian Talmud, Tractate Nazir page 23b  
 H) Harchev Devar by the N'tziv, Rav Naftalie Tzvi Yehudah Berlin, Breishit chapter 27, verse 9  
 Responsa Meshiv Devar by the N'tziv, part II, number 44 and number 9  
 1) Plato, The Republic

Book II, page 382c

The true lie is hated not only by the gods, but also by men? Yes. Whereas the lie in words is in certain cases useful and not hateful; in dealing with enemies –that would be an instance; or again, when those whom we call our friends in a fit of madness or illusion are going to do some harm, then it is useful and is a sort of medicine or preventive ...

Book III, page 389b

Again, truth should be highly valued; if, as we were saying, a lie is useless to the gods, and useful only as a medicine to men, then the use of such medicines should be restricted to physicians; private individuals have no business with them.

Clearly not, he said.

Then if anyone at all is to have the privilege of lying, the rulers of the State should be the persons; and they, in their dealings either with enemies or with their own citizens, may be allowed to lie for the public good. But nobody else should meddle with anything of the kind; and although the rulers have this privilege, for a private man to lie to them in return is to be deemed a more heinous fault than for the patient or the pupil of a gymnasium not to speak the truth about his own bodily illnesses to the physician or to the trainer, or for a sailor not to tell the captain what is happening about the ship and the rest of the crew, and how things are going with himself or his fellow sailors.

Most true, he said.

If, then, the ruler catches anybody beside himself lying in the State, any of the craftsmen,

whether he priest or physician or carpenter, he will punish him for introducing a practice which is equally subversive and destructive of ship or State.

- I) Tzidkat haTzadik by Rebbi Tzadok haCohen of Lublin, number 128
- J) Toldot Ya'acov Yosef by Rebbi Ya'acov Yosef of Polonne, Parshat Kee Tatzay number 5