

the **DILEMMA** { Modern Conundrums Talmudic Debates Your Solutions

ב"ה

A new six-session course
from the Rohr Jewish Learning Institute

LESSON ONE

No Good Deed Unpunished

On a hot day in July 2016, a group of young men on Chicago's West Side broke into a pickup truck and stole a laptop. Unbeknownst to the thieves, there was a dog in the car that might have died in the heat had they not broken the window. The car was parked for about an hour before the owner's return, long enough to cause heatstroke in pets according to the American Veterinary Medical Association.

All would agree that the laptop must be returned, but should the thieves be prosecuted for breaking the window? Should they compensate the owner for the broken window? Should they be rewarded for saving the dog? Should criminals be rewarded or at least not punished for malicious actions that produce unintended positive results for the victim?

LESSON TWO

Taking the Law into Your Own Hands

A shopkeeper in Rechovot, Israel, noticed a burglar breaking into his shop. He recognized the burglar as the man who had burglarized his shop twice in the recent past. An altercation ensued in which the owner struck the burglar with a plank of wood, and stabbed him five times in the legs with a sharp object.

Should we be permitted to take the law into our own hands? Is the use of force ever justified if law enforcement is not on the scene? If you find a thief with your stolen bicycle, should you be allowed to seize the object by force, or must you turn to the courts despite the delays and expenses it will entail?



LESSON THREE

The Found Object

A woman from Issaquah, Washington, was dining at an Italian restaurant, when she bit down on a pearl. Although most claims of finding valuable pearls turn out to be false, gemologist Ted Irwin determined that this was a beautiful Quahog pearl, valued at \$600. He added that the chances of finding a natural, gem-quality pearl like this one was probably “one in a couple million.”

Suppose this occurred to a guest in your home. The pearl was found in your fish, in your home, but on your guest’s plate. Can you make a claim to the pearl or would you agree that it belongs to your guest? Did you give away the pearl with the fish? Can you give away what you don’t even know exists? Was the pearl ever yours in the first place?

LESSON FOUR

Liability for Proximate Cause

Pokémon Go is an app that allows users to interact with virtual Pokémon characters positioned all over the world. It is a global phenomenon with more than five hundred million downloads, but it is not without some ethical problems. The app has a “Lure Module” that players can use to attract Pokémon users to their location. Four teenage suspects were arrested in O’Fallon, Montana for armed robbery against Pokémon Go players that they lured to their location with this app. And Pokémon Go users have on occasion caused damage in neighborhoods rich with Pokémon characters that had been placed on private properties by the game’s owners.

Should Pokémon Go be required to remove their virtual figures from private property? Does responsibility lie with the users who play the game or should the owners of Pokémon Go be held responsible for the crimes and damages caused by their platform? Is there a difference in legal responsibility between crimes enabled by this platform, and injury or property damage similarly facilitated?



LESSON FIVE

More Equal than Others?

Tesla Motors, a US-based electric car company, introduced autopilot driving to its electric cars. These cars are driving millions of miles every day on highways across the world, collecting information, and sending it back to a huge central database. This, in turn, will make autonomous driving for all a thing of the not-too-distant future.

When designing such technology, engineers face moral questions that rarely arise in real life. Suppose the car is fast approaching a tunnel entrance when its braking mechanism fails. Suppose a child has tripped and is lying across the entrance, blocking the tunnel. Should the car be designed to move forward and kill the innocent child or swerve into the tunnel wall and kill the innocent driver? Should the engineers program the car to choose based on age or number of victims? Suppose the car could plow forward into multiple victims or swerve to the side to kill one previously unendangered victim: Should one person die to save many?

LESSON SIX

Accomplice to the Inevitable

A 14-year-old boy and his friends often played on a public bridge in Berlin, New Hampshire, where nearby, there were electrical wires that were owned and maintained by Twin State Gas & Electric Co. One afternoon, while sitting on a horizontal girder, the boy lost his balance and took hold of one of the wires to save himself from falling. He was electrocuted and died instantly. Henry Dillon, the boy's father, brought suit against Twin State for wrongful death on the boy's behalf. Had the wires been insulated properly, his son's life would have been spared. Twin State argued that without the wire present the boy would have fallen into the river, and he would have without doubt been killed.

What should the law be in cases where there are two sufficient causes of harm with one preceding the other ("preemptive causes")? And what if both causes arrive simultaneously ("merged causes")? Should there be differences in this regard between monetary cases and cases of life-and-death?



Course Rationale

It happens every so often that you read a news story, observe a case, or hear of a dilemma, and it grips you, forcing you to consider right versus wrong, and justice versus injustice. As people with an internal moral compass and an inner sense of fairness, we are well equipped to delve into these matters intelligently. And the opportunity to discuss and debate these issues with those who have differing viewpoints is often stimulating and deeply meaningful.

This is why we, at the Rohr Jewish Learning Institute, are launching *The Dilemma*, a brand-new course that provides a platform to explore, discuss, and debate six modern and gripping legal-ethical dilemmas with intersecting moral imperatives. To deepen the conversation, we explore not only contemporary viewpoints, but also examine perspectives from the foundation of Jewish wisdom, the Talmud. Using the time-tested method of guided study, students will partner with each other to sift through texts, evaluate relevance, and determine applicability, with the goal of issuing a robust and elegant legal verdict to modern real-world case studies.

The Talmud is a compilation of Jewish legal and moral scholarship, transmitted, debated, and preserved through the ages. It serves as a fount of insight, guidance, and inspiration in the development of Judaism's inner life, and it is the foundation of Judaism's principled jurisprudence in constructing a just and loving world.

The Talmud positions itself to help us solve the dilemmas that arise from conflicting legal and moral claims. This is because the Talmud seeks not only the right answers, but also the right questions; because it asks not only what, but also why; because it rejects the incoherent and embraces the coherent while still standing humbly in the presence of mystery; and because it is willing to suppose, imagine, and test the boundaries of the intellect.



Course Rationale Cont.

Many legal systems throughout history were rigorous and firmly rooted, yet they were too brittle or shallow to survive the many changes that history eventually required. The Talmud, though founded upon unchanging principles, is flexible and highly adaptive. Its students are uniquely trained to sift through the logic of contrasting claims, examine their underpinning theories, arrive at reasoned conclusions, and only so establish legal precedent.

To take this course, participants require no prior Talmudic knowledge or legal training. We provide the source texts from the Talmud along with the analyses of brilliant Jewish legalists through the ages. We then put participants in the driver's seat, inviting them to argue, scrutinize, question, engage in dialogue, compromise, and solve the problems. By contrasting the differing methodologies and resulting conclusions of Talmudic and secular law, students will be able to tease out the premises, assumptions, and operating theories that underpin each system and therefore enhance our appreciation of both.

Great figures of modern law and political theory were deeply influenced by the Talmud. Pico della Mirandola in Renaissance Italy studied with rabbis. Hugo Grotius, the Dutchman who is one of the founders of modern international law, sat in the circle of Rabbi Menasseh ben Israel in Holland. John Selden, whose name appears often in the annals of English law, studied the Talmud even when imprisoned in the Tower of London and derived many principles from it. And this wisdom continues to inform, intrigue, and inspire humanity today. It sharpens our awareness of the legal issues that affect society in the modern age, and it empowers those who study it to rise to the occasion to introduce fresh applications of ancient principles to improve and brighten our tomorrow.

