

Review Article

Before Torah: *Yosher*, *Derekh Eretz*, and the Moral Order of Creation in Maharal and the Netziv *Implications for Clinical Ethics and Medical Professionalism*

Julian Ungar-Sargon, MD, PhD

Former Clinical Director Pa Program, Borra College Dominican university
River Forest IL

Corresponding author

Julian Ungar-Sargon, MD, PhD Former Clinical
Director Pa Program, Borra College Dominican
university River Forest IL

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This essay is dedicated to Prof. Bezalel Safran who taught me the deeper connections between the Maharal and Hassidism in 1960¹

Abstract

This article develops a comparative account of *Yosher* (uprightness or straightness) in the writings of Rabbi Judah Loew of Prague (Maharal, c. 1525-1609) and Rabbi Naftali Zvi Yehuda Berlin (Netziv, 1816-1893) and then asks what this account can contribute to contemporary medical ethics. The argument is not one of demonstrated literary dependence. Rather, it identifies a structural affinity.

In Maharal, *derekh erez* names the ordered conduct of the human being precisely as human and therefore stands, in a logical and pedagogical sense, prior to Torah. His commentary on Pirkei Avot 2:12 is especially important: perfection toward another person, perfection of the self through Torah, and perfection toward God through action *leshem shamayim* are distinct dimensions and cannot simply substitute for one another.

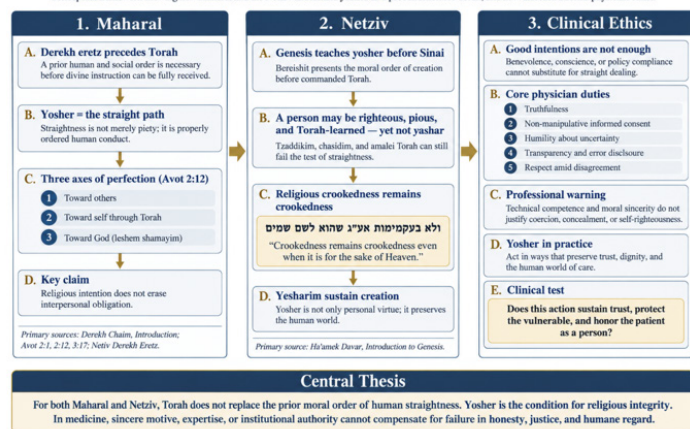
In Netziv's introduction to Genesis, the category becomes historically and ethically radical. A community may be righteous, pious, and learned in Torah and yet fail to be *yesharim*; religious intention does not transmute crookedness into straightness. The patriarchs are called *yesharim* because their conduct sustains creation, including in their relations with outsiders.

The article argues that, for both thinkers, *Yosher* belongs to a creational and anthropological moral order that Torah presupposes and perfects rather than abolishes. It is therefore misleading to describe their position either as secular autonomous morality or as mere etiquette.

A clinical addendum proposes *Yosher* as a useful virtue-language for medicine: technical competence, benevolent intention, compliance, and conscience remain ethically insufficient when detached from truthfulness, non-manipulative consent, epistemic humility, fidelity to trust, humane disagreement, and stewardship of the clinical commons. The resulting framework complements principlism and contemporary professionalism by insisting that the moral quality of the physician precedes, accompanies, and judges the application of rules.

Figure 1. Yosher Before Torah: Maharal, Netziv, and Clinical Ethics

Conceptual framework showing how Maharal and the Netziv understand *yosher* as a precondition for Torah, and how that idea informs physician ethics.



Introduction: the category before command

Jewish ethical reflection is often described through the language of command: mitzvah, prohibition, obligation, legal precedent, and halakic decision. That description is indispensable but incomplete. Within the classical and post-classical tradition there is another moral vocabulary - *Yosher* (straightness, uprightness), *derekh eretz* (civilized or fitting human conduct), *middot* (character), and the demand to be *tov ve-yashar*, good and upright - that asks not only whether an action falls within a rule, but what kind of human being and what kind of world a rule-governed life is meant to create. Modern scholarship on Jewish ethics has repeatedly wrestled with the relation between commanded law and these apparently broader moral categories [10,14-16]. The writings of Maharal and Netziv permit this question to be posed with unusual sharpness because both describe a form of human straightness that, in an important sense, precedes Torah while remaining inseparable from a Torah-shaped account of creation.

The comparison is especially illuminating when Maharal's commentary to Avot 2:12 is read together with Netziv's programmatic introduction to Ha'amek Davar on Genesis. Maharal reads Rabbi Yose's three maxims - cherish another's property as one's own, prepare oneself for Torah, and direct all deeds toward Heaven - as three distinct perfections: relation to one's fellow, perfection of the self through Torah, and relation to God. The three are coordinated rather than collapsed. Netziv, writing more than two centuries later, opens Genesis with a theological interpretation of the title *Sefer ha-Yashar*. He famously describes the late Second Temple generation as *tzaddikim*, *chassidim*, and diligent Torah scholars who nevertheless were not *yesharim* in their dealings with those who differed from them. Their religious intensity became socially destructive because it lacked straightness. God, he writes, does not tolerate a righteousness that proceeds by crookedness, even when the crookedness is claimed to be *leshem shamayim* [6].

The conjunction is philosophically important. It suggests an ethics of non-substitution: Torah learning does not substitute for interpersonal decency; pious intention does not substitute for integrity; formal correctness does not substitute for the preservation of the human world in which religious life occurs. Maharal provides the metaphysical anthropology of this claim. Netziv gives it historical, social, and polemical force. Their shared grammar does not prove direct influence, and the present essay deliberately refrains from claiming such dependence. Perl's reconstruction of Netziv's intellectual development emphasizes the nineteenth-century Lithuanian world of Midrash commentary, the Volozhin tradition, and specific textual influences; it does not establish Maharal as a demonstrable source for this

doctrine [7,8]. The responsible claim is therefore one of conceptual affinity and possible convergence within a wider rabbinic repertoire.

That affinity has contemporary significance. Medicine is also a rule-rich practice. The physician is governed by scientific evidence, licensure, institutional policy, professional codes, informed-consent doctrine, quality metrics, and increasingly complex procedural systems. Yet no set of rules guarantees an ethically straight clinical encounter. A physician can comply with documentation requirements while manipulating a decision; disclose risks while obscuring uncertainty; follow an algorithm while failing to see the patient; invoke beneficence while overriding the patient's values; or defend conscience while humiliating a colleague or family. Modern professionalism and virtue ethics have therefore insisted that the moral character of the clinician is not an ornamental addition to competence but part of what makes medical knowledge usable for healing [21-24]. Maharal and Netziv supply a distinctive vocabulary for this insight: before the sophisticated rule comes the straight path.

Method: conceptual affinity rather than a claim of literary dependence

Comparative intellectual history requires discipline about the difference between similarity and influence. Maharal's works circulated broadly in later Ashkenazic thought, and Volozhin was not hermetically sealed from earlier Prague. Nevertheless, resemblance in vocabulary cannot by itself establish transmission. The relevant concepts - *derekh eretz*, *Yashar*, *tov ve-yashar*, the priority of civilized conduct to Torah, and the patriarchs as exemplars of uprightness - are grounded in biblical and rabbinic sources available to both writers. Moreover, Netziv's exegetical style and immediate intellectual world have their own nineteenth-century genealogy. Perl has shown that the young Netziv was deeply engaged with Sifrei and other Midrashic corpora and that Ha'amek Davar developed out of a particular Lithuanian approach to close reading, philology, Midrash, and polemics [7].

The method adopted here is therefore synchronic and structural before it is genealogical. I ask four questions of each thinker. First, what is the anthropology of *Yosher* - what does straightness say about a human being as such? Second, what is its place relative to Torah and command? Third, how does it regulate relationships with persons whose beliefs, identities, or judgments differ from one's own? Fourth, what does failure of *Yosher* do to the social and creational order? Only after those questions are answered does the essay ask whether the two conceptual structures illuminate one another.

This approach also protects the analysis from a second anachronism: translating *Yosher* too quickly into modern 'autonomous morality' or natural law. Maharal certainly grants a significant role to human intellect and to a pre-commanded order of conduct, but Schatz Uffenheimer's important study cautions against simply assimilating his theory of law to Western natural-law models.[10] Maharal's nature is itself a created order; human reason is a creaturely capacity; and Torah remains the divine form that perfects the recipient beyond ordinary human order. Likewise, Netziv's Genesis is Scripture. To say that *Yosher* is logically prior to Sinai is not to say that it is religiously external to Torah. Brandes has helpfully emphasized the dialectic between universal human dignity and Israel's particular covenantal holiness rather than reducing one pole to the other [14]. The language used below - 'creational,' 'anthropological,' and 'pre-commanded' - is intended to preserve that tension.

gious and moral evaluation. It means that motive is one dimension of evaluation and cannot absorb all others. Likewise, scholarship, ritual scrupu-

Maharal: from the straight path to the recipient of Torah

Derekh erez as the conduct of the human being qua human

Maharal's ethical writings are organized by a characteristic metaphysical intuition: order is not merely a pragmatic convenience but a mark of reality's proper form. Sherwin's account of Maharal emphasizes the systematic quality of this theology, in which distinctions between nature and the divine, Israel and the nations, matter and form, individual and community, are not arbitrary binaries but elements of an ordered cosmos [9]. Sadek similarly drew attention to the social dimension of Maharal's ethics and to Netivot Olam as a sustained account of the human being within a moral society [11]. This makes *derekh* - a path - an especially apt ethical image. A path is neither shapeless possibility nor mechanical compulsion; it is directed movement that can be straight or deviant.

In the introduction to *Derekh Chaim*, Maharal distinguishes moral admonitions that the human intellect can recognize from the specifically revealed commandments of Torah. The point is not that revelation becomes dispensable, but that there is a mode of fitting human conduct intelligible from the standpoint of human existence itself [1]. He links *derekh erez* to the Midrashic claim that it preceded Torah by twenty-six generations and explains the word *derekh* through straightness: the road is called straight because it does not incline improperly to one side or the other. This yields a conceptual chain: human existence, *derekh erez*, the straight path, and the possibility of receiving Torah.

The same idea is explicit in *Netiv Derekh Eretz*. There Maharal describes *derekh erez* as *hanhagat ha-adam b'mah she-hu adam* - the conduct of the human being insofar as he or she is human. It is the order of this world, the basic grammar by which a person becomes a participant in human society. His most arresting formulation is that the existence of Torah is impossible where *derekh erez* is absent: *derekh erez* is a *yesod*, a foundation, for Torah [5]. The temporal maxim '*derekh erez* preceded Torah' thus becomes ontological. Precedence is not merely that people happened historically to practice manners before Sinai; it is that the recipient must exist in a fitting form before a higher divine form can perfect that recipient.

This structure is spelled out in Maharal's discussion of Avot 3:17, 'If there is no *derekh erez*, there is no Torah; if there is no Torah, there is no *derekh erez*.' He identifies *derekh erez* with the order of ordinary worldly life and Torah with a divine governance that perfects natural human order [4]. The relation is reciprocal but asymmetrical. The lower order prepares for the higher; the higher gives fuller form and purpose to the lower. A creature incapable of human order is not rendered ethically complete merely by the possession of sacred information.

Yosher as a humanly recognizable form of conduct

Maharal's reading of Avot 2:1 deepens the point. Rabbi asks: 'Which is the straight path that a person should choose?' and answers: one that is honorable to the person who does it and honorable in the eyes of other people. Maharal treats the term *yosher* as relational and publicly intelligible [2]. He invokes the rabbinic distinction between what is good before Heaven and what is straight in the eyes of human beings. Whatever the precise conceptual boundary between *tov* and *yosher*, the latter resists a purely inward account of righteousness. Conduct is not straight merely because the agent experiences it as sincere.

This is ethically significant because religious moral psychology can be tempted to privilege inward intention. An actor may say: my motive was pure; I acted for God; outsiders misunderstand me. Maharal's account of straightness refuses to let intention monopolize moral evaluation. Human beings inhabit a shared world of property, speech, trust, reputation, dependency, vulnerability, and social consequence. *Yosher* must be visible in

that world. This does not collapse morality into popularity: 'honorable in the eyes of people' is not a plebiscite. Rather, it recognizes that a human being is answerable within the social field of other persons and that crookedness often manifests precisely in the gap between an actor's self-description and the treatment received by others.

Neher's early discussion of Maharal as a humanist and later scholarship on Maharal's ethical anthropology are relevant here, though 'humanism' must be used carefully [13]. Maharal does not make the autonomous individual the measure of all value. Yet his theology takes creaturely humanity seriously. Breier's analysis of Maharal's treatment of animals similarly shows an ethics grounded in created order, differentiation, and the moral consequences of violating the fitting relation among creatures [12]. The same metaphysical seriousness underlies his treatment of human sociality.

Three perfections that cannot substitute for one another

Avot 2:12 supplies the pivotal text for the present comparison. Rabbi Yose instructs let your fellow's property be as dear to you as your own; prepare yourself to study Torah, for it is not an inheritance; and let all your deeds be for the sake of Heaven. Maharal does not read these sayings as an accidental anthology. They map three dimensions of human completion [3]. The first concerns the person's relation to another human being. The second concerns the person's own perfection through Torah. The third concerns the person's relation to God, expressed through *leshem shamayim*. The architecture matters more than any single maxim. If the three sayings describe distinct relations, then success on one axis cannot erase failure on another. Torah mastery cannot retroactively justify theft, humiliation, or disregard for another's property. Nor can sincere heavenly intention make the interpersonal dimension disappear. The result is an ethics of irreducibility. A person may be learned yet unjust, pious yet socially crooked, devout yet careless with another's vulnerability. The religious life is complete only when all three relations are ordered.

This provides a conceptual safeguard against what may be called moral substitution. Moral substitution occurs when excellence in one domain is used as currency to purchase exemption in another: learning substitutes for kindness, mission substitutes for consent, zeal substitutes for truthfulness, or inward sincerity substitutes for the effects of one's conduct. Maharal's tripartite reading makes such exchange illegitimate. The perfection of relation to God is not a higher coin that can buy out the debt owed to another person. Rather, precisely because all three dimensions participate in human perfection, the integrity of each must be preserved.

The point becomes especially sharp when this reading is juxtaposed with Netziv. Maharal does not formulate the phrase 'crookedness for the sake of Heaven' in this passage. Yet he has already supplied the conceptual grammar by which the phrase becomes intelligible: *leshem shamayim* belongs to one axis of perfection and therefore cannot, by itself, certify the straightness of another.

Is Maharal proposing natural law?

One might be tempted to call Maharal's *derekh erez* a Jewish theory of natural law. There are genuine points of contact: a moral order intelligible before specific positive commands; an account of fitting action grounded in what a human being is; and a conviction that law perfects rather than arbitrarily manufacture the moral subject. Yet the label can mislead. Schatz Uffenheimer argued that Maharal's conception of law resists the classical natural-law synthesis precisely because revelation and the distinctiveness of divine command remain irreducible [10]. The pre-Torah order is not a sovereign moral tribunal standing over God. It is a created order whose intelligibility and stability ultimately depend on God.

The safer claim is therefore that Maharal develops a creational anthropol-

ogy of moral preparedness. Human beings have a fitting worldly order; reason can recognize significant features of that order; *derekh erez* makes a person a viable recipient of Torah; and Torah then elevates, disciplines, and completes the natural-social order. This is neither ethical positivism, in which only explicit command creates normativity, nor Enlightenment autonomy, in which moral reason requires no theological horizon. It is a layered account of moral formation.

Netziv: Sefer HaYashar and the possibility of religious crookedness Righteous, pious, learned - and not upright

Netziv's introduction to Genesis begins with a naming problem: why did rabbinic tradition call Genesis Sefer HaYashar, the Book of the Upright? His answer is not merely that the patriarchs were righteous. Indeed, righteousness is precisely the category he destabilizes. The late Second Temple generation, Netziv writes, contained people who were righteous, pious, and laborers in Torah, yet they were not *yesharim* in the conduct of the world.[6] They suspected those whose religious opinions differed from their own of being heretics and treated them accordingly. The resulting hatred and bloodshed helped destroy the polity.

The passage is frequently cited in contemporary Jewish discussions of pluralism, tolerance, and zealotry. Perl has shown that Netziv's writings contain a distinctive concern with legitimate intellectual difference and with the plurality of minds and religious forms [8]. The introduction to Genesis is stronger still because it does not merely recommend tolerance as a prudential strategy. It relocates uprightness to a level at which piety itself is judged. A community can meet conventional markers of religious seriousness while becoming ethically deformed.

Netziv's decisive phrase is that God does not tolerate such righteous persons unless they conduct themselves by the straight path, and not by crookedness even when the crookedness is *leshem shamayim* [6]. This is an extraordinary constraint on religious intentionalism. The phrase does not deny the value of intention. It denies intention's power to change the moral geometry of an act. Crookedness remains crookedness. A sacred end, sincerely held, does not transform every means into a straight one.

The patriarchs and moral regard for outsiders

Netziv then defines patriarchal straightness by their relation not only to family and covenantal insiders but also to non-Jews, including people whose practices they opposed. Abraham can pray for Sodom; Isaac can sustain relations with Abimelech; Jacob can speak and negotiate across difference. Netziv emphasizes their concern for the welfare of others because such concern belongs to the maintenance of creation [6]. The patriarchs are not merely founders of a particular people; they are human agents whose conduct permits a shared world to continue.

This is why Genesis is the appropriate canonical location for *Yosher*. Sinai has not yet occurred. The detailed covenantal legislation of Israel lies ahead. Yet creation, family, hospitality, conflict, property, violence, migration, promise, famine, and relations among peoples already generate a moral field. The patriarchs model a pre-Sinaitic human straightness that does not compete with later Torah but makes intelligible what the covenant is for. Genesis is at once Sefer ha-Beri'ah and *Sefer ha-Yashar*: a book about the created world and the kind of human conduct that sustains it [6].

Brandes' account of the tension between the human being as tzelem Elohim and Israel as *goy kadosh* helps locate this move within a broader Jewish dialectic between universal and obligation [14]. Netziv does not dissolve Jewish particularity into generic ethics; elsewhere his work is deeply committed to distinctive covenantal forms. But his Genesis introduction refuses to let holiness negate the prior reality of a shared human world. Indeed, when religious particularity mutates into contempt for those outside one's interpretive camp, it becomes a force of destruction.

Yosher as an ethic of sustaining the world

The most important expression in Netziv's introduction may be *kiyum ha-beri'ah*, the sustaining of creation. Upright persons are, in his formulation, those who maintain the created order. Conversely, religious crookedness produces not only private sin but the destruction of creation and the ruin of settled society [6]. The scale of the claim is striking. *Yosher* is neither charm nor etiquette. It is civilizational.

This cosmological-social dimension closely parallels Maharal's description of *derekh erez* as the ordering of worldly life. In both writers, ethical straightness belongs to the conditions under which a human world can exist. The human being is not first an isolated will confronted by rules; the human being is already a participant in an ordered world of relations. Torah addresses that participant. It can sanctify and perfect those relations, but a Torah that is imagined authorizing their destruction has been conceptually severed from its own recipient.

The point also explains why *Yosher* cannot be reduced to procedural tolerance. Netziv is not saying that every view is equally valid. He is himself a strong polemicist, and Perl devotes substantial attention to the polemical dimension of Ha'amek Davar [7]. The claim is narrower and more demanding: the conviction that another person's theology is mistaken does not remove that person's humanity, and a self-certifying claim of heavenly motive does not excuse conduct that corrodes the social conditions of life. One may disagree deeply and still be bound by straightness.

Maharal and Netziv in comparison A shared grammar: straightness before command

Read together, Maharal and Netziv disclose a shared moral grammar. Maharal says that *derekh erez* precedes Torah because the human recipient must first possess the ordered form of human existence. Netziv makes Genesis, the book before Sinai, the canonical theater of uprightness because the patriarchs model the conduct by which creation is sustained. In each case the sequence is morally meaningful: world before covenantal elaboration, recipient before higher form, straightness before specialized religious achievement.

The word 'before' must be handled carefully. It is chronological in the rabbinic trope that twenty-six generations of *derekh erez* precede Sinai, canonical in the placement of Genesis before Exodus, logical in the requirement of a formed recipient before Torah can perfect that person, and pedagogical in the formation of character before technical mastery. It is not theological independence. For both thinkers the world that precedes explicit command is God's world. Thus, *Yosher* can be pre-commanded without being secular.

This helps explain why attempts to map the comparison onto a simple binary of halakha versus ethics are inadequate. The moral field in these sources is not external to Torah in the modern institutional sense. Yet neither is it exhausted by the question, 'Which explicit rule applies?' *Yosher* asks about shape, direction, relation, proportion, and world-sustaining consequence. It is a meta-level criterion internal to a religious vision of creation.

The ethics of non-substitution

Maharal's Avot 2:12 offers the clearest architecture of non-substitution. The relation to another, the perfection of the self through Torah, and the relation to God through *leshem shamayim* are coordinate dimensions. Netziv then supplies the negative case: what happens when the third dimension is allowed to consume the first. One becomes capable of crookedness in the name of Heaven.

The combined model therefore generates an important ethical maxim: **a sacred motive cannot serve as moral laundering for a crooked relation.** This does not mean motives are irrelevant. Motive matters greatly in reli

losity, communal loyalty, or fidelity to doctrine cannot exempt conduct from the test of whether it remains straight toward other persons and sustaining of the human world.

The model is particularly valuable because the most dangerous moral failures often occur not when actors know themselves to be wicked, but when they identify their purposes with the good. Netziv's Second Temple example is a study of moral certainty. The actors are not described as cynical hypocrites. Their pathology is precisely that their righteousness becomes incapable of receiving correction from the human consequences of their righteousness. *Yosher* restores that corrective.

Differences: metaphysical preparation and historical critique

The similarities should not erase important differences. Maharal's dominant idiom is metaphysical and anthropological. *Derekh erez* belongs to the proper order of the created human being and prepares matter and social existence for a higher divine form. His concern is with the architecture of perfection. Netziv's idiom in the Genesis introduction is more historical, social, and political. His concern is with the way religious factionalism destroys a community and with the patriarchal model of relation across deep difference.

Maharal also places greater conceptual weight on hierarchy: natural order is genuine, but Torah is a higher divine order. Netziv, by contrast, gives *Yosher* a startlingly adjudicative role within religious life. He does not merely say that worldly manners are prerequisites for learning. He says that a learned and pious community can be religiously condemned because its mode of righteousness is crooked. The prior category becomes a criterion of critique.

Finally, the intellectual histories differ. The available evidence does not justify saying that Netziv derived his doctrine from Maharal. The more defensible formulation is that Maharal and Netziv represent two powerful articulations of a rabbinic moral intuition: revelation presupposes a created human world, and fidelity to revelation cannot be authenticated by the destruction of that world. A future historical study could test transmission more directly by tracing citations of Maharal in the Volozhin corpus, editions available to Netziv, and thematic clusters in R. Chaim Volozhiner and related Lithuanian writings. Until then, affinity should not be inflated into influence.

Beyond the halakha/ethics binary

The comparison contributes to a longstanding problem in Jewish ethics: whether morality has a source outside halakha. Modern formulations often force the issue into a binary. Either morality is autonomous and can judge revelation from outside, or halakha is comprehensive and leaves no normative residue. Maharal and Netziv suggest a third grammar. There is a normatively significant human order prior to detailed command, but that order is itself theological because creation is theological. It can therefore critique distorted religious practice without claiming independence from God.

Pažėraitė's discussion of *lifnim mishurat hadin* and *derekh erez* illustrates the difficulty of locating Jewish ethics entirely within or outside formal law [16]. The tradition contains norms that operate as character ideals, social expectations, supra-legal demands, and interpretive constraints. Contemporary Jewish virtue ethics has likewise emphasized that Jewish moral life cannot be adequately described as a catalogue of discrete acts; dispositions, practices, narratives, and forms of community matter [15]. *Yosher* belongs naturally within this thicker moral vocabulary.

At the same time, calling *Yosher* 'ethics beyond halakha' can be misleading if 'beyond' implies an unregulated subjective conscience. Maharal's

straight path is not whatever feels compassionate, and Netziv's tolerance is not relativism. The category is disciplined by creation, reason, Scripture, rabbinic moral language, social consequence, and the demand to sustain rather than destroy the world. Its force lies precisely in its ability to expose the insufficiency of self-certification.

The category can therefore function hermeneutically. When two plausible interpretations of a religious duty are available, the interpretation that requires cruelty, humiliation, mendacity, or social destruction bears a special burden of justification. This is not because discomfort automatically defeats law, but because a tradition that identifies straightness with the maintenance of creation has already declared human-world consequences morally relevant. *Yosher* becomes a presumption in favor of interpretations that preserve the conditions of trustworthy human relation unless a compelling source clearly requires otherwise.

Such a formulation must remain modest. Neither Maharal nor Netziv gives a modern decision procedure for resolving every collision between legal command and moral intuition. The value of their contribution is prior to algorithm. They define the kind of moral agent who may responsibly interpret and apply law: a person who is straight before being clever, capable of relation before polemic, and aware that piety does not immunize action from moral scrutiny.

Clinical Implications: *Yosher* as a framework for medical ethics

Why an early-modern Jewish concept belongs in a modern clinical conversation

The transition from rabbinic moral theology to clinical ethics must be made cautiously. Maharal and Netziv were not writing medical codes, and their texts should not be mined for ready-made rulings on contemporary technologies. Jewish medical ethics has its own extensive halakhic literature, and foundational surveys by Jakobovits, Newman, Steinberg, Rosner, Jotkowitz, and others show the complexity of translating Jewish sources into biomedical judgment [17-20]. The present proposal is narrower. *Yosher* can function as a virtue-language for professional formation: a conceptual lens through which physicians examine whether technically correct, legally compliant, or sincerely benevolent action remains humanly straight.

This proposal fits a major strand of modern medical ethics. Principlism organizes deliberation around respect for autonomy, beneficence, non-maleficence, and justice [25]. Professional charters emphasize patient welfare, autonomy, social justice, competence, honesty, confidentiality, appropriate relationships, and stewardship [24]. Virtue theorists such as Pellegrino and Thomasma argue that medicine requires traits of character - fidelity to trust, compassion, practical wisdom, justice, fortitude, temperance, integrity, and self-effacement - because principles cannot apply themselves [21,22]. Gardiner similarly argues that virtue ethics adds attention to character, relationship, emotion, and context that rule- and principle-based approaches may underdescribe [23]. *Yosher* does not displace these frameworks. It names the moral shape that allows them to be practiced without distortion.

Newman's observation that a Jewish theology of creation can supply norms relevant to bioethics is especially resonant with Netziv's language of *kiyum ha-beri'ah* [17]. The clinician's task occurs within a shared created or human world: bodies are vulnerable, knowledge is asymmetrical, illness narrows options, dependency increases, and institutions distribute scarce goods. A straight clinical practice therefore concerns not only discrete decisions but preservation of the relational conditions under which medicine can remain a healing profession.

Competence is necessary and insufficient

Medicine rightly treats competence as an ethical duty. Ignorance can harm. Yet Maharal's tripartite model warns against equating mastery of a specialized body of knowledge with completeness of the professional person. A physician may be scientifically brilliant and interpersonally unsafe. Technical virtuosity can coexist with arrogance, manipulation, contempt, failure to listen, or indifference to another's property, time, body, or values. In Maharal's terms, the perfection of the self through Torah does not replace the perfection of relation to another; by analogy, mastery of medicine does not replace straightness toward the patient.

Pellegrino's account of medicine as a moral community makes a similar point in secular professional terms. The clinical encounter creates a moral relationship because illness produces vulnerability and because the physician possesses socially granted knowledge and power [21,22]. Fidelity to trust is not an optional bedside manner added after the 'real' work of diagnosis. It is part of the internal morality of the profession. *Yosher* sharpens that insight by asking whether the physician's use of expertise creates a straight path for the patient or exploits the asymmetry expertise creates.

Informed consent: from formal disclosure to straight dealing

Informed consent is an ideal setting for the distinction between compliance and *Yosher*. A consent process may satisfy formal requirements and still be ethically crooked. The clinician can bury a disfavored option in jargon, present benefits vividly and harms abstractly, use time pressure strategically, frame refusal as irrational, or document a conversation that the patient did not meaningfully understand. Such conduct may be defended as benevolent: the clinician believes the preferred treatment is best. Netziv's warning applies with unusual force. Good intention does not change the geometry of manipulation.

A *Yosher*-based consent process therefore asks more than whether the required elements were recited. Was the patient's decision space honestly represented? Were material uncertainties acknowledged? Were alternatives described with comparable intelligibility? Did the physician exploit fear, dependency, or informational asymmetry? Was the patient's refusal treated as a problem to defeat or a judgment to understand? These questions are already present in contemporary autonomy doctrine, but *Yosher* supplies a character-based reason to ask them. Straightness is the refusal to use a morally privileged role to create a crooked path to a predetermined answer.

This is not an absolutist autonomy model. Jewish medical ethics has often placed substantial weight on beneficence and preservation of life, and Steinberg explicitly describes the challenge of reconciling those commitments with contemporary autonomy [19]. *Yosher* does not settle every conflict. Rather, it constrains the manner of disagreement. A physician may strongly recommend, persuade with reasons, and name grave risks. The physician should not deceive, coerce, conceal, or humiliate.

Diagnostic uncertainty, error disclosure, and epistemic humility

A second domain is epistemic ethics. Clinical medicine is saturated with uncertainty: incomplete histories, imperfect tests, probabilistic evidence, changing disease trajectories, and limits of individual expertise. Yet the professional role can reward performances of certainty. Patients often prefer confidence, institutions value decisiveness, and physicians may experience uncertainty as a threat to authority. The result can be a subtle crookedness of representation: saying 'we know' when what is meant is 'this is our leading hypothesis.'

Yosher demands alignment between the state of knowledge and the language used to represent it. That alignment is a form of integrity. It includes

distinguishing facts from inferences, naming uncertainty without abandoning the patient, seeking consultation when limits are reached, and correcting the record when new evidence changes a prior conclusion. The same principle governs error disclosure. A physician's wish to preserve reputation, avoid conflict, or prevent distress cannot convert omission into straightness merely because the motive is understandable.

Pellegrino and Thomasma's virtue of self-effacement is relevant here [21]. The healer's ego must recede enough for the good of the patient to govern the encounter. Maharal's precondition of *derekh eretz* can be translated clinically as the capacity to inhabit a truthful human relation before deploying specialized knowledge. The morally formed physician is not the physician who never errs; it is the physician whose relation to truth remains straight when error threatens identity.

Conflicts of interest, overtreatment, and benevolent self-deception

The phrase 'crookedness for the sake of Heaven' is especially useful for conflicts of interest because modern clinicians often face mixed motives rather than conscious corruption. Procedure volume, ownership, productivity, prestige, defensive medicine, research recruitment, institutional targets, and genuine desire to help may point in the same direction. The moral danger is not only venality. It is benevolent self-deception: because I sincerely believe the intervention may help, I no longer notice the financial or professional forces shaping how I present it.

Yosher requires that good intent remain open to external audit. Are indications being applied consistently? Would the recommendation change if the clinician had no financial interest? Is evidence presented symmetrically? Are lower-intensity or palliative alternatives given genuine space? Does the patient understand when a recommendation is preference-sensitive rather than obligatory? Contemporary professionalism explicitly includes management of conflicts of interest and commitment to scientific integrity [24]. The Maharal-Netziv framework adds a moral psychology: a worthy end does not purify an opaque means.

This perspective is also relevant to overtreatment near the end of life. Therapeutic momentum can be sustained by compassion, fear of abandonment, family hope, institutional habit, and physicians' discomfort with death. The clinician may be acting with sincere beneficence while creating a path the patient would not have chosen had prognosis, burdens, and alternatives been stated plainly. *Yosher* asks whether the treatment plan remains aligned with the patient's actual goals and with a truthful representation of what medicine can and cannot accomplish.

Conscience, moral disagreement, and the Netziv test

Clinical practice increasingly brings physicians into contact with patients and colleagues who hold sharply different moral, religious, and political convictions. Reproductive medicine, gender-related care, vaccination, end-of-life decisions, transfusion, fertility, disability, and allocation can generate conscience conflicts. The Netziv is relevant not because he offers a substantive answer to these controversies but because he describes the ethical danger of turning disagreement into a judgment that the dissenter is outside the circle of legitimate human regard.

A 'Netziv test' for clinical disagreement might ask: Can I maintain my substantive conviction without redescribing the other person as morally contemptible? Can I communicate limits without humiliating the patient? Can I arrange continuity of care where professional standards require it? Can I disagree with a colleague's interpretation without imputing bad faith merely because the conclusion differs from mine? Can I recognize that my own claim of conscience is not self-validating but must still be exercised through a straight relationship? These questions do not erase boundaries. They regulate the way boundaries are held.

The analogy to the Second Temple critique is intentionally limited. Contemporary clinical disagreements are not equivalent to the historical conflict described by Netziv. The relevant transferable insight is formal: intense conviction can narrow moral perception, and piety or conscience can become a vocabulary for exempting oneself from ordinary duties of fairness, truthfulness, and human regard. *Yosher* keeps conscience relational.

Team ethics and the clinical commons

Netziv's language of sustaining creation also expands ethics beyond the physician-patient dyad. Clinical care depends on a common: nurses, physicians, pharmacists, therapists, technicians, interpreters, aides, administrators, families, and public resources. A physician can be kind to patients and still corrode the institution by humiliating staff, monopolizing resources, gaming metrics, refusing handoffs, or creating fear that suppresses error reporting. Such behavior may even be justified by devotion to patients. But a clinician who destroys the team through which patients are cared for undermines *kiyum* - the maintenance of the clinical world.

Modern professionalism already recognizes responsibilities to improve quality, access, and the just distribution of finite resources [24]. *Yosher* gives those system obligations a virtue-ethical center. Stewardship is not merely cost containment. It is the habit of asking what conduct preserves a trustworthy world in which many persons can receive care. This includes protecting speaking-up cultures, respecting nonphysician expertise, handing off responsibly, resisting discriminatory allocation, and recognizing the moral cost of burnout-producing institutional structures.

The point also guards against heroic individualism. A physician may imagine professional virtue as personal sacrifice without limits. But if chronic overextension makes one unreliable, irritable, cognitively impaired, or unsafe, the sacrificial narrative can become another form of moral substitution: noble intention obscures a crooked system. Straightness toward the patient requires straightness toward the conditions of care.

Teaching Yosher: formation before and alongside regulation

Medical education often teaches ethics through cases, policies, and examinable principles. Those are necessary. But Maharal's insistence that the recipient must be prepared before receiving the higher form suggests a pedagogical challenge: what kind of person is being formed before and during the acquisition of technical expertise? If trainees learn that the hidden curriculum rewards domination, certainty, speed at any cost, contempt for weakness, and silence about error, no lecture on professionalism can fully repair the moral formation that follows.

Virtue ethics in medicine has long emphasized habituation, exemplars, reflection, and institutional culture [21-23]. *Yosher* adds a memorable formative question: is the path straight? The question can be operationalized without pretending to become an algorithm. Before a difficult decision, the clinician can ask whether the account given to the patient is the same account one would give to a respected colleague; whether motives and incentives are being disclosed to oneself; whether disagreement is being converted into contempt; whether the weakest person in the encounter can safely speak; and whether the action, repeated as a norm, would sustain or corrode the clinical world.

Such reflection should not be romanticized. Character language can itself become moralizing if institutions use 'virtue' to shift systemic failures onto individuals. A physician cannot compensate through personal goodness for unsafe staffing, inequitable access, distorted reimbursement, or inadequate interpreter services. Netziv's social scale is therefore essential. *Yosher* applies to organizations as well as persons. A hospital can be technically compliant yet structurally crooked if its incentives predictably exploit vul-

nerability or impede truthful care.

A practical Yosher matrix for clinicians

Clinical domain	Risk of moral substitution	Yosher question	Professional correlate
Informed consent	Beneficence substitutes for voluntariness	Am I explaining, or steering by concealment and pressure?	Autonomy; fidelity to trust
Diagnostic uncertainty	Authority substitutes for truthfulness	Does my language match what I actually know?	Integrity; competence; humility
Error disclosure	Fear of harm or reputation substitutes for candor	Would omission preserve trust or merely protect me?	Honesty; accountability
Conflicts of interest	Good intentions substitute for transparency	Would I recommend the same course without this incentive?	Integrity; conflict management
Conscience conflict	Conviction substitutes for humane regard	Can I hold the boundary without humiliating or abandoning?	Respect; continuity; professionalism
Team conduct	Patient advocacy substitutes for collegiality	Does my behavior sustain or corrode the care community?	Teamwork; safety culture
Resource use	Individual rescue substitutes for stewardship	Is this choice fair if repeated across the system?	Justice; stewardship

The matrix is intentionally heuristic. It does not replace specialty standards, consultation, or legal obligations. Its function is to expose recurrent forms of substitution in which one genuine value is allowed to excuse distortion elsewhere. In that sense it is faithful to the shared Maharal-Netziv insight: moral wholeness requires keeping distinct goods in their proper relation.

Discussion: what Yosher adds to principlism and professionalism

The clinical usefulness of *Yosher* can be stated in four propositions. First, it is **pre-procedural**. It asks about the moral condition of the agent and relationship before a rule is applied. Second, it is **relational**. Straightness is not private sincerity but fitting conduct toward another person within an asymmetrical relationship. Third, it is **anti-substitutionary**. No single good - expertise, beneficence, conscience, loyalty, efficiency, or even pious motive - can automatically excuse failure in another domain. Fourth, it is **world-sustaining**. Ethics concerns not only isolated choices but the maintenance of institutions and relationships that allow human life to flourish.

These propositions complement rather than compete with principlism. Beauchamp and Childress offer a disciplined vocabulary for identifying morally relevant features of clinical cases [25]. *Yosher* does not provide a fifth principle to be balanced against autonomy or justice. It asks what kind of moral agent balances principles and whether the balancing process itself is straight. The same distinction applies to professionalism charters. Codes name obligations; virtue-language addresses the habits that make sincere compliance possible. A physician can know every rule about conflict of interest and still rationalize a conflict. The problem at that point is not lack of information but curvature of judgment.

Yosher also complicates a purely intention-centered account of professionalism. Medicine appropriately values vocation, altruism, and commitment. Yet the history of paternalism demonstrates that benevolent intention can coexist with practices later recognized as coercive or exclusionary. The Netziv formulation is therefore clinically bracing: sincerity does not immunize. One must be willing to see one's own 'for the patient's good' as potentially crooked when it bypasses truth, consent, proportionality, or the patient's personhood.

Conversely, *Yosher* prevents ethics from becoming merely defensive compliance. Straightness is positive, not only prohibitive. It includes generosity in communication, care with another's time and property, willingness to remain in relationship across disagreement, and responsibility for the shared world of care. Maharal's *derekh eretz* is the conduct of a person as a person; Netziv's patriarchs are not praised for minimal non-injury but for active concern for the welfare of others. A clinically straight physician therefore does more than avoid violations. The physician helps create conditions in which patients can understand, choose, trust, and be accompanied.

Limitations

Several limitations should be explicit. First, the study is comparative and constructive rather than a demonstration of direct intellectual influence. The absence of a documented chain of citation between Maharal and Netziv on this theme should prevent genealogical overstatement. Second, the English terms 'uprightness,' 'straightness,' 'integrity,' and 'decency' each capture only part of *Yosher*. The spatial metaphor of straightness is important because both thinkers contrast ordered conduct with deviation or crookedness, but no single translation is exhaustive.

Third, the medical application is analogical. It does not establish a halakhic ruling, and it should not be used to override existing law, evidence-based standards, or patient rights. Jewish medical ethics includes debates about autonomy, beneficence, sanctity of life, risk, end-of-life care, and communal obligation that cannot be settled by a single virtue term [17-20]. The contribution of *Yosher* is formative and interpretive: it clarifies the moral quality with which clinicians should enter those debates.

Fourth, virtue concepts can be culturally appropriated or used coercively if presented as though one religious tradition supplies universal answers. The clinical proposal should therefore be offered transparently as a Jewish contribution to a pluralistic conversation. Steinberg and Jotkowitz with Glick have both modeled ways in which Jewish ethical perspectives can enter contemporary bioethics without requiring all participants to share their theological premises [19,20]. *Yosher* can similarly be translated into publicly intelligible professional terms - integrity, straight dealing, humility, trustworthiness, humane disagreement, and stewardship - while its theological genealogy remains visible.

Conclusion

Maharal and Netziv illuminate one another because each refuse to let sacred knowledge abolish the moral conditions of human life. Maharal's *derekh eretz* is the ordered conduct of the human being as human, logically prior to Torah because there must be a formed recipient for divine teaching. His interpretation of Avot 2:12 preserves three irreducible axes of perfection: toward another person, through Torah, and toward God. Netziv turns the same architecture into a critique of religious pathology. One may be righteous, pious, and learned and still be crooked; action *leshem shamayim* is not self-authenticating. The patriarchal *yashar* sustains creation by remaining humanly straight even across profound difference.

The deepest shared claim is therefore not that etiquette comes before ritual. It is that revelation addresses a created human world whose integrity matters. *Yosher* is the moral geometry of that world. Torah may heighten, sanctify, and transform the human being, but a religiosity that systematically destroys straight human relation contradicts the very order it claims to perfect.

For medicine, this becomes a demanding professional proposition. Scientific knowledge, good intentions, rules, and conscience are necessary; none is sufficient. The physician must also be straight. That means telling the truth in proportion to what is known, refusing manipulation even for benevolent ends, treating disagreement without contempt, disclosing and managing interests, acknowledging limits, preserving the agency of vulnerable persons, and sustaining the teams and institutions through which care is possible. In the language of modern professionalism, this is integrity and fidelity to trust. In the older Jewish vocabulary developed here, it is *Yosher*: the path that must be present before expertise can become healing.

Author note

Classical Hebrew texts are cited by work, chapter, and mishnah rather than by a single modern pagination because editions vary. Short Hebrew expressions are translated contextually in the text. The comparative claim advanced here is one of conceptual affinity; no direct line of literary dependence from

Maharal to Netziv is asserted. The clinical section is a medical-humanities and professional-ethics application, not a halakhic ruling or a substitute for specialty standards, institutional ethics consultation, or applicable law.

The English translations below are the author's translations prepared for this article. They are intentionally close to the Hebrew and preserve key terms such as *Yosher*, and *leshem shamayim* where an English equivalent would narrow the argument. Hebrew wording was checked against standard digital transcriptions of the cited works; paragraphing and punctuation vary among printed editions.

Appendix A. Primary Texts: Hebrew and English A1. Avot 2:1 and Maharal: the "straight path" as conduct answerable to human judgment

Source: Mishnah Avot 2:1; Maharal, *Derekh Chaim*, ad loc.

English translation	תירבע
Rabbi [Judah ha-Nasi] says: What is the straight path that a person should choose? One that is an honor to the one who does it and brings that person honor from other people.	ול רוביש הרשי ךרד יהוויא ,רמוא יבר תראפתו הישועל תראפת איהש לכ ,סדאה .סדאה נמ ול
...There are things that are good in themselves and are an honor to the person who does them, yet are not honorable in the eyes of other people... One should not choose such a path, because one must be blameless both before Heaven and before other human beings...	סיבוס שהש סירבד המכ ל"ר יכ הארנו... תראפת סהו סתוא השוע סדאהש סמצעב ...סדאה נמ תראפת סניא ךא ,השועה לא סימש ידי תאצל ךירעש יפל הו ךרד ררבי לא ...תורבה ידי
The essential teaching of Rabbi is that a person should not say: "Since this act is truly beautiful and good, what concern are other people to me?" Rather, the deed must be fitting in truth and also fitting in the eyes of the observer.	סדאה רמאי אלש דמלל יבר אבש רקיעהו המ תמאב בוטו האנ אוה הו רבדש וויכ יפל ווגה השעמה היהיש קר ...תורבלו ול .האורה לא סגו תמאה
...The language of "straight" belongs particularly to what human beings can see, because straightness describes what proceeds without distortion, whereas crookedness proceeds by deviation... Therefore "straight" pertains to the human sphere of judgment...	יניע לצא ךייש רשי ושלש סעטהו... רבד לע רמאנ רשיה יכ ינפמ ,תורבה ךלוהש רבדה אוה סקועמהו רשויב ךלוהש ...תורבה לצא ךייש רשיה ךכיפלו ...תוועב
...He begins with character traits, because <i>derekh eretz</i> precedes Torah, and only afterward turns to general principles of Torah and its commandments.	המדק ךרא ךרד יכ ...תודמב ליחתהו... הרותב סיללוב סירבד כ"חאו ...הרותל .היתוצמבו

Interpretive note. Maharal does not reduce moral judgment to private sincerity. *Yosher* includes conduct that can withstand the gaze of another morally competent human being. His explicit statement that this discussion of *middot* comes first because *derekh eretz* precedes Torah supplies a direct textual bridge to the Netziv's use of *Sefer HaYashar*.

priest, physician, or halakhic agent, one is a human being whose conduct must sustain the shared world.

A6. Netziv's introduction to Genesis: righteous and pious, yet not yashar

Source: Naftali Zvi Yehuda Berlin (Netziv), Ha'amek Davar, introduction to Genesis, pars. 1–3.

English	translation	תירבע
This book, commonly called the Book of Genesis, is called by the prophets "the Book of the Upright"... Rabbi Yohanan explains: this is the book of Abraham, Isaac, and Jacob, who were called upright...	יבב ארקנ תישארב רפס ארקנה רפסה הז: ונחיו י' שרפמו... רשיה רפס מיאיבנה... סירשי וארקנש בקעיו קחצי סהרבא רפס...	
We must understand why Balaam called our forefathers specifically "upright," rather than "righteous" or "pious"...	תא סעלב ארק המל סעטה ויבהל שיו וא סיקידצ אלו דוחיב סירשי ששב וניחובא... סידיסח...	
The matter is... that [in the Second Temple period] they were righteous, pious, and laborers in Torah, yet they were not upright in the conduct of the world. Because of the baseless hatred in their hearts for one another, they suspected anyone whom they saw conducting himself differently from their own view of the fear of God of being a Sadducee or heretic...	הרות ילמעו סידיסחו סיקידצ ויהש... וינעוהו ינפמ כ"ע. סימלוע תוכילהב סירשי ויה אל דא ימ תא ודשח הז תא הז סבלבש סנח תאנש אוהש י' תאריב סתעדכ אלס גהונש וארש... סרוקיפאו יקודצ...	
The Holy One, blessed be He, is upright and does not tolerate righteous people of this kind unless they also walk in the straight path in their worldly conduct, and not in crookedness—even when it is for the sake of Heaven—for this causes the destruction of creation and the ruin of civilized society.	סיקידצ לבוס וניאו אוה רשי ה"בקהש סג רשיה י'רדב סיכלוהש ופואב אלא ולא אוהש ג"עא תומימקעב אלו סלוע תוכילהב תוסירוהו האירבה וברח סרוג הוד, ש"של יקראה בושי.	

Interpretive note. Netziv makes the paper's central claim explicit: religious intensity, Torah learning, and sincere heavenly intention do not immunize conduct from moral criticism. "Crookedness for the sake of Heaven" remains crookedness because it destroys the conditions of shared human existence.

A7. Netziv: the patriarchs as "sustainers of creation"

Source: Netziv, Ha'amek Davar, introduction to Genesis, pars. 4–6.

English	translation	תירבע
This was the praise of the patriarchs: beyond being righteous, pious, and lovers of God to the highest possible degree... we learn much from the patriarchs' conduct in <i>derekh erez</i> concerning what belongs to the preservation of the world, which is especially the concern of this book, the Book of Creation. Therefore it is also called the Book of the Upright because of the patriarchs' conduct in this respect.	סיקידצ ויהש דבלמש תובאה חבש היה הזו... רשפא רתויה ופואב י' יבהואו סידיסחו יקרא י'רדב תובאה תוכילהב ונדמל הברה וכו רפסה הזל דחוימה, סלועה סויקל יישיש המ וכו ומכ ארקנ ה"שמו. האירבה רפס אוהש סרפה הזב תובא השעמ לע רשיה רפס.	

...Even so, it was not fitting for [Balaam] to seek the uprooting of an entire nation; this is not a straight path in sustaining the world. Concerning this he cried, "Let me die the death of the upright"—that is, of those who sustain creation.	[סעלב] וינפל יואר היה אל מ"מ לבא... הרשי י'רד וניאו, המילש המוא רקעל שקבל תומ ישפנ תומת קעצ הז לעו. סלועה סויקב האירבה ימייקמ ונייה, סירשי.
Thus it is well explained why this book is called the Book of the Upright: it is the Book of Creation.	רפסה הז ארקנ המ לע הפי בשייתג ונירבדבו האירבה רפס אוהש, רשיה רפס.

Interpretive note. Here *Yosher* is openly cosmological and civic. The *yashar* is a *mekayyem ha-ber'ah*—a sustainer of creation. This is the strongest Netziv source for interpreting clinical *Yosher* as a practice of maintaining the human world of trust, vulnerability, and cooperation on which medicine itself depends.

A8. Clinical translation: a source-based "Yosher test"

The primary texts above support the following clinical questions, offered as an interpretive application rather than as a claim that Maharal or Netziv addressed modern biomedical practice directly:

- **Human before professional:** Does the proposed action respect the patient as a person before treating the encounter as a technical, legal, billing, or institutional problem? (A3, A5)
- **No substitution:** Am I using competence, rule-compliance, religious conviction, or benevolent intention to excuse a failure of candor, fairness, or respect? (A2, A6)
- **Public straightness:** Could the action be explained without euphemism to the patient, family, colleague, or an ethically serious outside observer? (A1)
- **Sustaining the clinical world:** Does this choice preserve or corrode the trust, cooperation, truthful communication, and institutional ecology that make healing possible? (A4, A7)
- **Leshem shamayim is not a safe harbor:** If I believe my motive is morally elevated, have I become less rather than more willing to hear disagreement or acknowledge harm? (A2, A6)

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