The relationship between natural and revealed religion forms one of the perennial problems of theological thought. In this essay Rabbi Shubert Spero, spritual leader of the Young Israel of Cleveland and lecturer in philosophy at Western Reserve University, offers a fresh look at a perpetually provocative question, which has far-reaching implications for the formulation of a Jewish philosophy of life. A frequent contributor to various departments of TRADITION, his article "Is Judaism an Optimistic Religion?" appeared in the Fall 1961 issue of this journal.

THE RATIONALITY OF JEWISH ETHICS

Can we speak at all of a separate Jewish ethics within the context of Jewish theology? Broadly conceived, ethics is "the science or study of what ought to be, so far as this depends upon the voluntary action of individuals."[1] But, according to Judaism, "what ought to be" which involves the basis for the distinctions between right and wrong, good and evil, is precisely the burden of the entire Torah. "Behold, it has been told to you, oh man, what is good." And the good is no more and no less than, "what the Lord requires of you" (Micah 6:8). In short, the good and right and ethical is determined by the will of God. That which God commands is right, that which He prohibits is wrong, and what God commands has been revealed in the Torah. The facts would appear to concur with the following assertion of a non-Jewish scholar: "Biblical thought contains nothing comparable to what philosophical thought calls ethics — understanding is not separate from good nor is good separate from God. There is no moral system aside from the theological metaphysics oriented in God."[2]

In some popular expositions of Judaism, the term ethical or moral is conceived as opposed to the ritual, and is usually

applied to those *Mitzvot* which govern relations between man and his fellow man. Thus conceived, the ethical becomes a distinction of content only. In terms of form or source of obligation they are identical to all other *Mitzvot* of the Torah. But even such a distinction, while perhaps serving a practical use for purposes of classification, is not absolute and is only a matter of degree. For as Maimonides points out, "The other class contains precepts which are called laws concerning man's relationship to God, although in reality they lead to results which concern also his fellow man, because these results become apparent only after a long series of intermediate links."[3] Conversely, if the ethical laws are likewise the will of God, then their obedience or disobedience involves one's relationship to God as well.

There is, however, a reference in the *Midrash* which would appear to offer a basis for seeing the ethical as grounded in some special faculty of moral cognition. On the words, "and ye shall perform my judgments,"[4] the *Sifra* comments: "These are the injunctions to be legislated in all justice. These are: idolatry, adultery, bloodshed, robbery, and blasphemy."[5] The *Midrash* seems to be indicating the existence of a criterion of ethical behavior outside of the Sinaitic revelation. There thus arises the distinction made by most of the medieval Jewish philosophers between the rational commandments, whose approval or disapproval is decreed by reason, and those commandments which reason neither approves or disapproves but are commanded by God.

The assertion, however, that certain of the precepts have the approval of reason is still rather vague and ambiguous. The way in which it is sometimes discussed by Saadiah, for example, seems to indicate that reason approves of these precepts because of their social utility.[6] Reason approves because experience has shown that performing certain actions and abstaining from doing others has consequences which are beneficial for society as a whole and contribute to the general welfare. This contributes to the happiness of most people and therefore most people approve of these actions. So interpreted, the role of reason

emerges as a motive for moral action rather than a faculty used in moral cognition.

So long as we adopt this approach, we have not, in reality, departed from our original position that criteria for the distinctions between right and wrong, good and evil, what we ought to do and what we ought not to do, emanate solely from the will of God. All that we have added is an empirical observation that in point of fact some of our precepts so received have the approval of mankind as a whole for reasons explainable on utilitarian grounds. Reason, therefore, is being used here to organize, to interpret, to perceive the implications of the revealed material.

A similar analysis can help us to clarify a misconception frequently held concerning biblical ethics. In contemporary philosophical writings it has become popular to categorize ethical theories as either *teleological* or *deontological*.[7] The former type is an ethic which is value-centered, which emphasizes the "good" and makes the "right" derivative of it. It is an ethic of desire, of self realization, and asks the question — how can I be happy? Examples of this type of ethical theory are the moral systems of the Greeks, the Stoics, and the Utilitarians. In the Bible, however, we encounter an ethic of demand which emphasizes obligation and the "ought," and makes the "good" derivative of the "right." This is a morality which emphasizes self-limitation and renunciation and asks the question — what is demanded of me? This latter type is characterized as deontological or an ethics of duty.

Up to a point this is a valid characterization. The Bible does view man as subject to obligation and as standing under the command of God. However, does recognition of this fact preclude the possibility of distilling from the specific commands certain general values which themselves then become determinants of the right or wrong of other actions? Can we not infer from the specific commands of God some formulation as to a concept of human happiness and what constitutes self-realization? What we are suggesting is that it should be possible

to develop a teleological ethic within the context of the biblical imperative.

In fact, this is precisely what Maimonides attempted to do in his introduction to *Avot* — to present Jewish ethics in terms of Aristotle's Doctrine of the Mean. Salo Baron says about the attempt, "Maimonides tried to synthesize the religious ethics of his creed with the Aristotelean system. Even more than in the realm of pure metaphysics, however, this was an almost hopeless endeavor."[8] Criticism such as this, however, is based upon a faulty understanding of Aristotle's Doctrine of the Mean. By the "mean" of a particular virtue Aristotle never meant that which is the arithmetic midpoint or an exact center between two known and identifiable extremes and therefore a completely objective mean. That amount of courage, for example, which is the mean between foolhardiness on the one hand and cowardice on the other is not the same fixed amount for everyone but rather it is a personal mean. It is one amount which, in the individual circumstances, alone is right. As Aristotle put it, "To have these feelings (fear, anger, pity) at the right times on the right occasions towards the right people for the right motive and in the right way is to have them in the right measure, that is somewhere between the extremes."[9] Thus, it is not the "extremes" which determine the mean, but the mean which determines the extremes.

Biblical ethics can certainly agree to this. The difference lies in the following: Whereas for Aristotle the task of recognizing the mean in a particular situation belongs to man's intuitive reason, which Aristotle called "practical reason," for Maimonides it is the Torah and the *Halakhah* which fixes the mean.

This difference between the two thinkers is most graphically seen in their respective discussions of the characteristic of humility. In keeping with the biblical and rabbinic emphasis upon meekness and humility, Mamonides writes: "There are character traits regarding which a person is prohibited to walk in the middle but should remove himself to the complete extreme. One of these is arrogance and pride. It is not sufficient simply to be humble in a moderate way (*beynonit*) but one must be

exceedingly meek and humble."[10] And yet, in the previous chapter, Maimonides states explicitly that the humble man is following the mean (*emtza*).[11]

As is correctly sensed by the *Lechem Mishneh*, however, this is no contradiction. The word *emtza* is the Hebrew equivalent of the technical term "mean" which refers to the correct measure which in the case of humility calls for extreme humility. Aristotle, on the other hand, is quite pleased with the virtue of pride and considers its vice of excess, vanity, (a man who thinks himself worthy of honor for things other than virtue) much less harmful than excessive humility, which he feels is more prevalent and more injurious. Now, both Maimonides and Aristotle are operating legitimately within the context of the doctrine of the mean. Maimonides, however, using Torah as his guide, locates the mean quite differently from Aristotle. Maimonides was not superimposing a Greek ideal on Judaism but, as correctly seen by Roth, "took the formula under which Aristotle brought practice of the Greek ideal and with its help brought into order the material afforded him by Jewish tradition."[12]

A similar phenomenon, although in a narrower scope and in a more obvious context, can be seen in the commentary of the Malbim who, in order to explicate more fully the meaning of the commandment "love thy neighbor as thyself" and Hillel's interpretation of "that which thou despisest do not do to thy fellowman," invokes the Kantian principle of the Categorical Imperative — "act always so that thy maxim can become a universal law."[13]

Such rational ordering of our biblical ethics can be traced back even further than Maimonides. How are we to understand that particular section of the Mishnah known as *Pirkei Avot*. Here we find statements such as, "Rabbi Judah the Prince said: Which is the right course that a man should choose for himself? That which is a distinction to him who does it and brings him distinction from mankind." We also find, "Rabbi Jochanan ben Zakkai said to his disciples: Go forth and see which is the good way to which a man should cleave. Rabbi Simon said, one who

foresees the consequences of an action; Rabbi Elazar said, a good heart."[14]

In what sense were these questions being posed? Surely for the Rabbis the "right course" and "the right way" are to be found in the Bible and in the *Mitzvot*. In short, what status do these ethics, these *milei d'avot* have? If they are purely the product of speculative reason and human experience, then why introduce them with an account of the chain of tradition tracing them back to Sinai? But if these ethical principles are indeed from Sinai why are they not included among the *Mitzvot* or at least regarded as *Takanot* or *Gezeirot?* This question is answered by Abarbanel, who points out that the material in *Pirkei Avot* is neither the product of rational speculation alone nor *Mitzvot* found explicitly in the Torah, but rather teachings and general ethical principles inferred by the Rabbis from the texts and narratives of the Bible.[15] The Maharal, Rabbi Loewy of Prague, also assigns the ethics of Avot to an area which is not *Mitzvot* but rather principles of conduct which are approved by reason and confirmed by experience.[16]

It is not without significance, therefore, that Maimonides' major work on ethics occurs as a preface to his commentary on *Avot*. For this body of ethical teachings by the Rabbis of the Talmud may have suggested to Maimonides that reason may be utilized in analyzing and generalizing upon the specific ethical commands as well as the values implied in the narratives of the Bible.

Here again, therefore, once the biblical imperative is accepted and certain values are inferred therefrom, the area of human experience can be consulted to determine those lines of conduct which lead to the good and those which "remove a man from the world."

Up to this point we have shown that it may be correctly maintained that while biblical ethics is primarily the will of God, reason may play the following roles in the formation of ethical judgments: (1) supplying an additional motive for moral behavior by demonstrating its desirable consequences; (2) explicating existing material by drawing inferences from premises or necessary connections between activities.

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Perhaps the most interesting question of all is whether in biblical ethics reason may be said to function as a faculty of moral cognition in the sense of forming *a priori* concepts. In short, can reason determine the rightness or wrongness of an action as a self-evident apprehension? From a *prima facie* examination it would appear that to hold this would obviate the need for revelation altogether.

Actually this is what many believe the *Sifra* (referred to previously) to be maintaining and the philosophers to mean, when they speak of rational commandments. According to them, reason unaided by revelation would know that these actions ought to be done. In this connection, I would like to consider two questions: (1) Does biblical metaphysics require such a belief? (2) Is such a view considered philosophically tenable today?

One of the more cogent considerations in replying to the first question is the observation that while in the biblical account, the first man is warned not to eat from the Tree of Knowledge and his sin is clearly disobedience to the will of God, Cain is held accountable for the murder of Abel although nowhere do we find that he is told that killing another human being is wrong. Similarly, the people in Noah's day are punished for what is called "violence" which according to the Rabbis included theft. Yet, there is no evidence in the Bible itself that this was forbidden to them. The conclusion seems to be that the Torah assumes that there is something in man *qua* man which should tell him that murder and violence are wrong. There is an assumption of some rational faculty, some common moral sense, some intuitive perception which at least in some areas should enable man to distinguish between right and wrong.[17]

According to tradition, however, Adam himself was the recipient of a revelation in which six commands, including the prohibition aganst murder, were given. This would invalidate the inference made above. However, there stlll remains the incident of the offerings brought by Cain and Abel and the rejection of Cain's which was certainly not in response to any revealed commands. This, as observed by Rabbi Joseph Albo, does imply an intuitive source for certain ethical impulses.

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The reason God did not have the respect unto Cain and his offering was because his service was not done with the proper intention, as the nature of the service demands. Reason dictates that we should be thankful to a benefactor in accordance with the benefits we receive from him and that one should not bring to the master a cheap present of an inferior quality if one can bring one of good quality, for this signifies an offense to the honor of the master. Therefore Cain should not have brought of the fruits of the earth, like flax seed, beans, vegetables, and so on, but he should have brought of the fruit of the tree, like figs and grapes and pomegranates, which belong to a better species. Not doing so, he sinned, and deserved punishment, though he had not received any command concerning the matter.[18]

However, the most compelling consideration of all seems to be the fact that the Torah's claim for the allegiance of the Jew is based upon an intuitive ethical obligation — gratitude to a benefactor. This is the only possible explanation of such references as "I am the Lord your God Who has taken you out of the land of Egypt."[19] "Is He not thy father that hath bought thee? Hath He not made thee and established thee?"[20] "Of the Rock that begot thee thou art unmindful and hast forgotten the God that formed thee."[21] "I have nourished and brought up children and they have rebelled against me. The ox knows his owner and the donkey his master's crib; but Israel doth not know, my people doth not consider."[22]

Indeed, on what else can we ground an "ought" or an obligation? Granting that there is a God and that God commands that I perform these precepts, surely one can still ask, "why ought I do that which God commands." Appeals to reward or punishment are ultimately self-interest considerations which achieve nothing if the person is not interested in his own welfare. Mr. Nowell-Smith in his recent work on moral philosophy quotes and refutes an argument which attempts to go from the fact that God created us to the proposition that we ought to obey Him. "God made us and all the world. Because of that He has an absolute claim on our obedience. We do not exist in our own right but only as His creatures who ought, therefore, to do and be what He desires." This argument requires the premise that a creature ought to obey his Creator, which is itself a moral judg-

ment. Thus religious ethics is not founded solely on the doctrine that God created us.[23]

This is an application of Hume's original insight that one cannot logically go from an "is" statement to an "ought" statement.[24] No empirical fact, be it even that God is the Creator, can of itself serve as the ground for moral judgments.

That this awareness is implicit in the aforementioned biblical references is made quite explicit by the *Mekhilta* which states: "Why were the ten commandments not given at the beginning of the Torah? This may be compared to a person who came to a land and said to the inhabitants, 'I will rule over you.' The inhabitants replied, 'What have you done for us that you should rule over us?' Upon which the stranger built for them a wall, brought in water, led them in battle and then said again, 'I will rule over you.' They replied, 'Yes, yes.' So too, the Almighty liberated Israel from Egypt, split for them the sea, caused mannah to fall and brought forth water. Then he said to them, 'I will rule over you.' They answered, 'Yes, yes.' "[25]

Now, this in a sense is an amazing statement. If the almighty Creator of the world appears in all His majesty and declares, "I will rule over you," is that not in itself sufficient reason to accept his sovereignty? The *Mekhilta* evidently feels it is not. In the empirical fact of the Almighty's appearance or even in the disclosure of His will there is still no "ought." But if He took us out of bondage and saved our lives, then we are duty bound to thank our benefactor. But where does this "duty" in itself come from? The only possible answer is that the Torah considers such an obligation to be a self-evident, intuitive apprehension open to every rational human being. This principle is clearly enunciated by Bachya ibn Pakudah: "After having explained the unity of God and the manner of studying the good that the Almighty has bestowed upon man, we shall now mention that which man must perform which is the service of God, insofar as reason obligates man to benefit the one who has benefited him."[26]

According to Bachya, what should in part motivate a person to accept the "yoke of the kingdom of heaven" or to make the leap of faith, is a self-evident moral principle — to accord

thanks, appreciation, and service to one's benefactor. In the epistemological structure of Jewish faith, therefore, *"derech eretz kadmah la-Torah,"* ethics is prior to Torah — but only in the narrow sense just described: that Torah assumes the existence of a few self-evident moral principles. This should not be confused with the general approach to religious philosophy associated with Kant and the neo-Kantians in which morality became primary and autonomous, and religion became secondary and derivative.

Is such a position philosophically tenable today? I believe it is. What is perhaps the most adequate formulation of the deontological approach to ethics is to be found in the writings of Sir W. David Ross. Ross abandons the rigorous view of Kant according to which a moral law is a categorical imperative brooking no exception. He introduces instead the idea of *"prima facie* duties," that is, an intuitive sense of obligation arising out of a specific situation which holds only in the absence of a stronger obligation. In explaining the nature of these moral intuitions, Ross states: "That an act, qua fulfilling a promise . . . or qua returning services rendered . . . is *prima facie* right, is self-evident: not in the sense that it is evident from the beginning of our lives, or as soon as we attend to the proposition for the first time, but in the sense that when we have reached sufficient mental maturity and have given sufficient attention to the proposition it is evident without any need of proof or of evidence beyond itself. It is self-evident just as a mathematical axiom or the validity of a form of interference is evident. The moral order expressed in these propositions is just as much part of the fundamental nature of the universe . . . as is the spatial or numerical structure expressed in the axioms of geometry or logic . . . in both cases we are dealing with propositions that cannot be proved, but that just as certainly need no proof."[27]

The strong points of such a theory are that it includes the insight that rightness of action and obligation of action are identical, so that if convinced of the former one can no longer question the latter. This theory of the self-evidence of the "ought" eliminates Hume's objection. It also accounts for the observation of G. E. Moore that the concept of "good" is a primitive

term, simple, indefinable, and incapable of being reduced to anything else.

As for the fact of cultural relativity another intuitionist, R. Price, has this to say, "It cannot be shown that there ever have been any human beings who have no ideas of gratitude, benevolence, prudence and religious worship. All the differences have been about particular usages and practices."[28]

It is interesting to note that no less a naturalist than Bertrand Russell seems to concur with the notion that judgments of ethical value involve a priori knowledge. Says Russell: "Knowledge as to what is intrinsically of value is a priori in the same sense in which logic is a priori, namely in the sense that the truth of such knowledge can be neither proved nor disproved by experience . . . We judge, for example, that happiness is more desirable than misery, knowledge than ignorance, good will than hatred. Such judgments must, at least in part, be immediate and a priori."[29]

The principle weakness of such a theory is the difficulty of basing a complete system of ethics upon such intuitive apprehensions of *prima facie* obligations. What is one to do when one finds oneself in a situation that involves conflicting obligations or finer nuances of these sentiments which require particular guidance? It would be difficult to maintain that these intuitions are experienced with such clarity that one could gauge the relative weight of each.

It is precisely this limitation of intuitionism which can explain the need for revelation. Our rational faculty alone could not give us a complete ethic to live by. Not only can revelation guide us where intuition is mute, but once the "ought" of prophecy commands, it takes precedence over the promptings of our common moral sense. God's command to Abraham to sacrifice Isaac and His command to send away Hagar and Ishmael are instances of the prophetic suspension of the intuitively ethical.

Our a priori intuitions provide us only with a few basic "oughts" among which is the "ought" to show gratitude to one's benefactor. Once Israel perceives that the source of the divine imperative is the Father Who begat us and the God Who established us and the Redeemer Who liberated us from Egypt,

the self-evident sense of obligation should impel us to respond, "this is my God and I will adore Him, the God of my Fathers and I will exalt Him."[30]

NOTES

1. Henry Sidgewick, *The Methods of Ethics* (London: Macmillan & Co.), p. 4.

2. Tresmontant, *A Study of Hebrew Thought* (Desclee Co., 1960), p. 129.

3. Maimonides, *A Guide for the Perplexed*, Friedlander translation, (New York: E. P. Dutton, 1942), p. 331.

4. *Sifra* on Lev. 18:5.

5. Compare Commentary of Rabbi Solomon Edels (Maharsha) on *Yoma* 67b.

6. Saadiah Gaon, *The Book of Beliefs and Opinions* (New Haven: Yale University Press, 1948), p. 139.

7. See M. K. Munitz, *A Modern Introduction to Ethics* (Illinois: Free Press, 1958), p. 218.

8. Salo W. Baron, *A Social and Religious History of the Jews*, Vol. VIII (Philadelphia: Jewish Publication Society, 1958), p. 117.

9. Quoted in A. K. Griffin, *Aristotle's Psychology of Conduct* (London: 1931).

10. *Hilkhot Deot* 2:3.

11. *Ibid.*, 1:5.

12. Leon Roth, *Guide for the Perplexed: Moses Maimonides* (London, 1948), p. 105.

13. See Commentary of Rabbi Meir Leïbush Malbim on Lev. 19:18.

14. *Avot* 2:1 and 2:9.

15. Introduction to *Nachlat Avot* by Don Isaac Abarbanel.

16. Introduction to *Derekh Chayyim* by Rabbi Loewy of Prague (Tel Aviv, 1955).

17. I. Heinemann, *Ta'ame ha-Mitzvot be'Safrut Yisrael*, Vol. I (Jerusalem, 1942), p. 14.

18. Joseph Albo, *Ikkarim* (Philadelphia: Jewish Publication Society, 1929), 3:7, p. 63.

19. Ex. 20:1.

20. Deut. 32:6.

21. Deut. 32:18.

22. Isaiah 1:2, 3.

23. P. H. Nowell-Smith, *Ethics* (Penguin ed.), pp. 37-38.

24. David Hume, *Treatise on Human Nature*, Book III, Part 1, Sect. i.

25. *Mechilta*, Exodus, *Sidrah* 5.

26. Bachya ibn Pakuda, *Torat Chovot Halevavot*, Introduction to *Sha'ar* III.

27. W. O. Ross, *The Right and the Good* (Clarendon Press, 1930), Ch. 2.

28. R. Prince, *A Review of the Principle Questions in Morals* (Oxford, 1948), p. 170.

29. Bertrand Russell, *The Problems of Philosophy* (London: Oxford University Press, 1959), p. 76.

30. Ex. 15:2.