

Dr. Shatz, a member of the Orthodox Forum Steering Committee, is Professor of Philosophy at Yeshiva University.

Review Essay
**BEYOND OBEDIENCE:
WALTER WURZBURGER'S
ETHICS OF RESPONSIBILITY**

For several decades, Rabbi Walter Wurzburger has been a vital force in modern Orthodox thought. As editor of *Tradition* for a quarter of a century, he helped shape the agenda of the modern Orthodox community and significantly elevated its ideological discourse. A *musmakh* and close *talmid* of Rav Joseph Soloveitchik *zt"l* on the one hand and a Harvard-trained professor of philosophy on the other, he has shown himself to be outstandingly equipped to fuse classic Jewish texts and teachings with the tools, resources and concerns of cutting-edge contemporary philosophy. The result has been a body of thought distinguished by its creativity, breadth of learning, interpretive ingenuity and analytical insight.

Dr. Wurzburger's most vigorous contribution to a single area is his approximately two dozen essays on the philosophical underpinnings of Jewish ethics.* These lucid, incisive, and wide-ranging investigations, though occupied with theory, carry profound implications for practice. How the Orthodox community responds to ethical dilemmas and to moral doctrines in the surrounding culture is deeply affected by its understanding of halakhic decision-making and of the relationship between halakha and general morality. By tying together, reworking and amplifying many of its author's long-standing themes and objectives in this area, this brief but very important book not only enriches the field but provides a fitting capstone to a distinguished career. And like all good books, it opens up interesting room for question, debate and further exploration.

**Ethics of Responsibility: Pluralistic Approaches to Covenantal Ethics*. Philadelphia: Jewish Publication Society, 1994.

I

The central thesis of the book is perhaps best expressed in a comment that Wurzburger attributes to Rav Soloveitchik: “Halakhah is not a ceiling, but a floor” (p. 32). As Wurzburger glosses this comment, it means that a halakhic orientation does not amount to legal formalism; the Jewish code of behavior does not reduce to a set of fully articulated rules.

Jewish piety involves more than meticulous adherence to the various rules and norms of religious law; it also demands the cultivation of an ethical personality. . . . We are commanded to engage in a never-ending quest for moral perfection, which transcends the requirements of an ‘ethics of obedience’. . . . [The] halakhic system serves merely as the foundation of Jewish piety. . . (p. 3).

Wurzburger argues that “because mere obedience to a set of formal rules as specified by the Torah is only a necessary but not a sufficient condition of ethical propriety, another source of moral authority must be found” (p. 28). As to what this authority might be, a hint appears in the commentary of Ramban. Ramban points out that the mitsvot of “You shall be holy” and “Do the straight and the good” beckon us to behave in consonance with ethical ideals even in situations for which the Torah offers no explicit and precise edicts. By taking this stance, Ramban “validated the intuitions of a moral conscience formed within the matrix of Torah teachings” (p. 28).¹

It follows that in “Covenantal Ethics”—as Wurzburger labels his own account—“intuitive ethical judgments play a major role” (p. 4). Specifically, cases inevitably arise that are not (yet) covered by a formal, explicit rule; these must be adjudicated by reference to “intuited, subjective religious responses to a particular concrete situation” (p. 32). In addition, ethical intuitions must be utilized to propel the Jew beyond what the formal rules require and to act in accord with the demands of *lifnim mi-shurat ha-din*, *midat hasidut*, and cognate ideals.² Intuitions are the locus of freedom, and individuals bear personal responsibility for decisions based upon them. It is this fusion of objective divine commands with subjective intuitions, obedience with personal judgment, heteronomy with freedom, that creates the distinctive character of Jewish ethics.

Wurzburger is not the only Orthodox thinker to have advocated such ideas. Thus, the notion that every case a *posek* confronts is resolvable by reference to preexisting rules—*i.e.*, “that everything can be

looked up, every moral dilemma resolved by reference to code or canon”—has been declared by R. Aharon Lichtenstein “both palpably naive and patently false.”³ Since the rules inevitably “run out” and some cases do not fit any precedent exactly, it will clearly be up to the individual to determine whether a particular case can be decided by a straight application of precedent, and if not, then to deliver a decision on some auxiliary basis.⁴ Furthermore, it is asserted quite often that moral dilemmas not covered by an explicit rule may be adjudicated, in particular, by “moral conscience.”⁵ Yet, though his position is not completely novel, Wurzburger’s articulation of it stands out as virtually unique. For despite his seemingly clear endorsement of ethical intuitions, Wurzburger’s approach is less trusting of intuition, ergo more qualified and nuanced, than other views that assign a significant role to ethical judgments in halakhic decisionmaking.

Several classical authorities—among them R. Saadya Gaon, R. Nissim Gaon, Ramban, Rav Yosef Albo, and Netsiv (pp. 17-18, 26-7)—believe in an ethical standard that (i) is valid independently of halakha and also (ii) can be known independently of halakha, a kind of “natural law” or rational ethic. The specific “moral” laws of halakha, such as the prohibitions against murder and theft, give expression to this ethical standard, according to these authorities. Wurzburger embraces their position while openly resisting the contrary thesis implied by Rav Ovadya miBartenura and Hazon Ish (p. 115, note 4).⁶ Indeed, Wurzburger echoes the celebrated contention associated with Plato: an action is not right because God commands it, but rather God commands it because it is right (p. 17).⁷ And yet, a genuinely distinctive feature of Wurzburger’s analysis is its frank and acute awareness of the challenges that today’s philosophical climate poses to ethical objectivity. Contemporary philosophers often argue that ethical values cannot be established objectively and/or that values are relative to cultures and historical periods. While such views boast an ancient pedigree, they are now philosophical orthodoxy. Alert to contemporary forms of moral skepticism, subjectivism, relativism, and historicism, Wurzburger views ethical intuitions with a questioning eye.⁸

Even though intuitions are divinely implanted, they are, he concedes, “notorious for their dependence upon individual idiosyncrasies, which are due to a host of genetic and environmental factors” (p. 34). The Spartans condoned exposing unfit babies to death by starvation; the United States allowed slavery up until a little over a century ago; and (I would add) it is only within this century that women have gained the right to vote! Intuitions that Westerners maintain about democracy

and equality in 1995 are not universally held truths hallowed by time but products of a specific culture. It is because intuitions reflect “social, cultural, historical and psychological factors” (p. 23) that contemporary philosophers frequently deny to ethics any objective foundation in reason or nature.

Wurzbürger partially joins in this attack on ethical objectivity, though he also partially resists it. He gestures toward disavowal by saying that subjectivism and cultural relativism fail “to do justice to the moral experience, since moral perceptions are seen as universally applicable, without regard to the cultural or social background of the agent whose conduct is being evaluated” (p. 23; see also pp. 7-8). But this, I think, amounts to only small resistance. The fact that someone who issues an ethical judgment perceives it as being objective and as having universal relevance and applicability does not allay the subjectivist’s worry that every value judgment is actually not objective, cannot be known to be true, and should not apply universally. Elsewhere (*e.g.*, pp. 32, 33, 39) Wurzbürger openly uses the word “subjective” to describe the epistemological credentials of intuitions.⁹

Wurzbürger’s trust in ethical intuition is tempered in yet another way. Notwithstanding his rejection of formalism and his emphasis on natural law, conscience, and intuitive ethical judgments, he naturally takes pains to preserve halakha’s special authority and status. Over against Conservative, Reform, and Reconstructionist views, which would sanction deviations from stated halakhic norms when those norms run contrary to the human conscience (p. 6),¹⁰ Wurzbürger’s language is emphatic:

It would be the height of arrogance to challenge the validity of an explicit divine imperative on the ground that it runs counter to our own ethical intuitions. Indeed, to permit humanistic considerations to override divinely revealed commandments amounts to a desecration of the Divine Name. In the event of conflict with explicit halakhic requirements, all ethical, aesthetic, intellectual or prudential considerations must be set aside (p. 29; see also pp. 5-6, 87).

Wurzbürger does not furnish examples of such conflicts, but among instances that come to mind are the command to destroy Amalek and laws that partially ostracize a *mamzer*. In general, “an ethics formed within the matrix of a halakhic system will differ from the kinds of ethical judgments that reflect the societal norms of a secular culture” (p. 7; also pp. 23, 37).

In the light of certain theological premises that Wurzburger endorses, it makes sense that human intuitions cannot override divine norms. Like Rav Samson Raphael Hirsch, Wurzburger regards the promptings of conscience as a form of revelation: "...our ethical intuitions reveal to us divine imperatives stemming from our Covenantal relationship with God" (p. 4). I am not sure how best to square this idea that intuitions are implanted by God with either the doctrine of natural law (that ethics is accessed through reason) or the idea that norms result from social conditioning. Be that as it may, if intuitions gain their credibility only from being divinely implanted, and yet, as is clearly the case, these divinely implanted intuitions are also prone to distortion by human beings, then an express divine command should surely override them. God and Sinai thus never forfeit their centrality.

Wurzburger's position, as I understand it, is thus unusually complex and nuanced. He combines (i) the allegiance to intuition exemplified by Orthodox adherents of the "Independent Ethic" view with (ii) the awareness of skeptical challenges that galvanizes many of its critics, who celebrate human fallibility and question the very possibility of an objective ethic without divine commands.¹¹ This is bound to be a difficult balancing act. We must turn now to the question of whether the required equilibrium is attainable.

II

It is in truth hard to agree that "the fact that explicit, unambiguous halakhic rules take precedence over the dictates of the human conscience by no means diminishes the role of ethical intuitions in Jewish Covenantal Ethics" (p. 31). On the contrary, Wurzburger's strenuous (and entirely justified) attempt to limit the nature and role of intuition in halakhic decision-making arguably tends to undermine the reliability of intuition and thereby to discredit appeals to "natural law," "general ethics" and "conscience" altogether.

The existence of conflicts between halakhot and ethical intuitions cannot but reduce the Orthodox Jew's confidence in his or her ability to make sound ethical judgments without explicit divine guidance. For example, the ethical intuitions that often create feelings of discomfort over the command about Amalek or the laws of *mamzerut* are more vivid and firm to people than any that might be invoked in the kind of cases in which Wurzburger wants intuition to play a role. The obvious question is: how can anyone have confidence in personal intuitions in

the kinds of cases where Wurzbürger thinks intuitions are to be followed, cases where intuitions of different people will surely conflict, if even powerful and widespread human ethical intuitions have already been exposed as faulty because they conflict with the divine command? Would you persist in using a calculator to solve complex multiplication if, by consulting a superior source, you previously have found the calculator to give whoppingly wrong answers even to much simpler-looking questions?

Thus, once it is acknowledged that halakhot bind even if contrary to ethics, the epistemological force of human intuition, its trustworthiness, is thrust into doubt. Add now to this the contemporary attack on objectivity and the notion that ethics is culture-bound, and the problem, “Why trust intuition?” surely intensifies. Certainly, when we move to socially conditioned judgments pertaining to sexual morality or medical ethics, Orthodox Jews must admit that social norms are a subversive force. Hence, the role of independent ethical intuitions in Jewish ethics should be diminished—significantly—by the concessions that Wurzbürger, however aptly, makes to their fallibility.¹²

Faced with this difficulty, Wurzbürger might reply as follows. Flawed though our intuitions may be, we must do the best we can; and so we must continue to consult general ethical intuition. But this reply papers over a difficulty. For what is “the best we can do,” the best procedure to follow? Someone could argue that because halakha conflicts often with general ethical intuitions, we do “the best we can” not if we consult general ethical intuitions, but if we ignore them. Let me elaborate on this suggestion.

Consider the following theory, which I believe captures the thinking of many Orthodox Jews.¹³ Halakhic Jews, goes this theory, ought to consult intuitions; existing precedents cannot cover all cases, and precedents may often conflict. But the kinds of “intuitions” they ought to consult are not general moral intuitions, such as those of a modern Westernized Jew encumbered by humanistic and liberal sensibilities. Those intuitions are the ones have been exposed as unreliable because they clash with specific halakhot; those are the ones that historicism and skepticism undercut. Rather, the only intuitions that count are intuitions that arise from specifically Jewish sources. This approach, I believe, accurately captures Ramban’s language in his famous comments about “You shall be holy” and “Do the straight and the good”; as Wurzbürger puts it in his paraphrase of Ramban, the latter appeals to “the intuitions of a moral conscience *formed within the matrix of Torah teachings*” (p. 28, emphasis mine). Ramban’s model is extrapolation

from explicit rules, not appeal to something outside.¹⁴ Ironically, when Wurzburger lists the factors that influence the formation of an individual's ethical perceptions "insofar as Jewish Covenantal Ethics is concerned" (p. 37), he cites (a) the study of specific laws, (b) moral conduct in conformity with Torah norms, (c) aggada and biblical narratives, and (d) personal contact with scholars (pp. 37-39). Absent from this list is general ethical intuitions, and hence the reader not familiar with other passages might conclude that Wurzburger himself excludes "the ethos of a given society" from the list of legitimate influences (p. 37; see also pp. 7, 23)!¹⁵

Restricting admissible intuitions to those formed from Jewish sources will of course not eradicate the problem of human fallibility. Conflicts may well remain between halakhot about Amalek, *mamzerut* or slavery and even "Jewishly-formed" intuitions, *i.e.*, between halakhic and aggadic pronouncements. Such clashes would undermine trust even in our ability to extract correct intuitions from our understanding of Jewish sources. Nevertheless, (a) conflicts between halakha and Jewishly-formed intuitions are less prevalent than conflicts between halakha and secular morality, and (b) "Jewishly-formed" intuitions, one might submit, represent eternal objective truths, while "secular" intuitions are socially conditioned and relativistic, as Wurzburger so forcefully states. We often have to reject socially-conditioned norms. Hence, social norms have no presumptive favorable status, and even Hirsch's theory of intuition-as-revelation cannot deny that intuition gets ethics terribly wrong. Torah, it will be said, is a bastion against society's values, not a repository of them. In sum, it is not true that we do "the best we can" when we consult general ethical intuitions. We do better, though of course not perfectly, when we consult our Jewishly-formed intuitions. Or so one can argue—and many have.¹⁶

This is sharply different from Wurzburger's view. "Covenantal Ethics," he writes, "operates with intuitions that represent value judgments arising from specific historic-cultural situations" (p. 7). "Covenantal ethics" does embrace socially conditioned norms as legitimate sources of intuition.

What if Wurzburger were simply to shift positions and permit only Jewishly formed intuitions? What if he were to exclude general moral intuitions as sources of halakhic decision-making and insist that we filter out socially conditioned norms before forming an intuition? The answer is that one of his long-standing objectives would be undercut. In his seminal essay, "Covenantal Imperatives," which forms the basis of his present account of intuition, Wurzburger opens with the statement that

to be relevant, religion must comment on the agonizing ethical dilemmas of the day—for example, racial strife.¹⁷ When we exclude socially conditioned norms from the range of admissible intuitions, however, all sorts of causes might lose their Jewish ethical underpinnings—ranging from the abolition of slavery (cf. p. 34) to women's suffrage¹⁸ to civil rights legislation. Jews would have no ethical reason to support any of these causes in their host societies, and no reason to, say, ban slavery or enfranchise women in a Jewish polity. One might try to gain the allegiance of Jews to such causes by reference to Jewish values such as relief of suffering, equality before the law, and freedom. Yet surely someone can counter, one, that Judaism contains specific rulings that conflict with these values, and, two, that the technical halakha must have already factored in all those considerations and yet overridden them; at the bottom line, the halakha allowed slavery and licensed certain forms of discrimination.

Thus far we have focused on the following question: why should we rely on a source—ethical intuition—that leads us astray so often and so drastically? To make matters now still more difficult, Wurzburger needs to reconcile his trust in intuition with the “subjectivity” and relativity-to-historical-situation that he posits.

An especially stark form of this difficulty emerges via the following scenario. Suppose that a generation from now, the moral and political climate in America changes significantly. Most Americans, imagine, call for a repeal of civil rights legislation, a return to slavery, and the disenfranchisement of women. Their views are of course strenuously opposed by the previous generation (*i.e.*, ours), but to no avail. An Orthodox Jew of that future generation is challenged about his moral positions. Having read *Ethics of Responsibility*, he responds as follows: “Socially conditioned norms are a perfectly legitimate basis for ethical conduct. The norms I accept are those of my society. My society wants slavery and discrimination. The previous one didn't. My norms are just as legitimate as theirs. So I am in no way violating Jewish ethical sensitivities.” Would Rabbi Wurzburger be able to convince him that the previous generation's norms are superior to the present generation's? Is there anything wrong with the younger Jew's argument?¹⁹

To be sure, Wurzburger labors briefly to dispel the worry that intuitions cannot achieve objectivity; but his rejoinder, in my opinion, does not provide the necessary comfort. Wurzburger notes that “it is only in cases when we cannot have recourse to explicit formal rules for moral guidance that we must rely on intuition” (34-35). But this does not fully engage the issue. The question was not how the parts of Jew-

ish law that involve formal rules and divine commands achieve objectivity (pp. 34-35). The question was how *intuitions* achieve objectivity. Furthermore, since many or most of the "explicit formal rules for moral guidance" were formulated by *posekim* who did not have exact precedents to draw on but had to exercise intuition, the objectivity problem Wurzburger poses has wide application. Wurzburger does state, to be sure, that ethical intuitions are made "objective" by eventually being codified in halakha (p. 35). However, this does not explain why they deserve to be made objective and binding on Wurzburger's premises. If a person's intuitions go against those of an earlier authority, why are the later intuitions less valid than the earlier ones? Wurzburger is clearly right that "[Covenantal Ethics] cannot avoid the difficulties besetting all forms of intuitionist ethics" (p. 34). But unlike a secular ethicist, a Jewish ethicist has the option of not relying on general ethical intuitions. Subjectivity might infuse one's intuitions about Jewish sources, but there will be in total less subjectivity than if we allowed general ethical intuitions as well.

I have argued that Wurzburger needs to supply an epistemology that will lend credibility to ethical intuition, or else Jewish law's extensive appeal to intuition will seem unwarranted and baffling in terms of his theory. His account can only be enriched by an open confrontation with this weighty problem.

III

Since there are manifold instances in which halakhic authorities have appealed to *sekhel* or *sevara* (in the sense of a compelling general ethical argument), one might think it easy to establish that halakhists admit general ethical intuitions into their decision-making. And indeed, for the practical purpose of validating the use of general ethical intuitions in *pesak*, perhaps such an appeal to precedents, if accurate, is all that is needed. But to understand philosophically why intuitions are trusted, more is required. The assertion that *sevara* and *sekhel* have a voice in halakha became most conspicuous in the medieval and early modern philosophical context, where it fits nicely. That context was largely untroubled by the problems of historicism and skepticism; it placed great faith in human reason, natural law and ethical sense.²⁰ The problem is how to transplant this trust in *sekhel* and *sevara* to a climate like today's, which harbors deep skepticism about their powers. To put it another way, Jewish sources do not typically call for legislation based on

norms that are known to be transient, subjective, and culture-relative.²¹ And in this respect, any appeal to moral intuition as a historically valid basis of halakhic decision-making sits uneasily with an awareness of subjectivist, historicist and skeptical challenges.

The difficulties I have canvassed point the way to two constructive suggestions that must be implemented if we are to philosophically justify using general ethical intuitions as a basis for decision-making.

First, for the admittance of general moral intuition into halakhic decision-making to constitute “the best we can do,” ethical judgments must not be purely subjective. General ethical intuitions require a stronger grounding than Wurzburger provides. Easier said than done, of course. But typically, the subjectivity and relativity of ethics has been wielded against the kind of position Wurzburger favors; his theory will be best served by a firmer rejection of these views and a vigorous defense of particular ethical judgments.

Second, the distrust of intuition that is occasioned by conflicts between halakha and morality must be mitigated significantly. One way to achieve this goal is to find some moral dimension of the Amalek or *mamzer* situation that has not been appreciated by those who find the Jewish law contrary to moral intuition; once we appreciate the full situation, our general moral intuitions about the cases would change.²² Another way to mitigate the conflicts appears in a passing comment by Wurzburger (p. 29). He refers to the role of conscience (or ethical intuition) as a “hermeneutical principle.” That is, when a halakha clashes with intuition, this should prompt an exploration of the halakha, with an eye toward seeing whether there are admissible interpretations concerning the scope or applicability of the laws that have been overlooked. Where sufficient ambiguity exists in the law, ethical intuition is not flatly rejected, but on the contrary, is used to interpret the scope of the law. To be sure, the Midrash reminds us that not all difficult laws can be reinterpreted or suitably restricted: only God can comfort the *mamzer*, we are told, while the Sanhedrin remain the *mamzer*’s “oppressor.” (*Lev. Rabba* 32:10; see also *Eccl. Rabba* 4:1). Still, we can at least diminish the clashes by a process of interpretation. Emphasizing the technique of interpretation, I think, would yield a more subtle picture of how *ba’alei halakha* have related to ethics than does Wurzburger’s emphasis on the point that when a divine command or legal precedent clashes with ethics, we bow to the divine command or legal precedent. And it would also mitigate the charge that intuitions cannot be trusted; no longer do we routinely reject intuitions in the face of divine commands.

Such an appeal to ethical intuitions as a source of interpretation

requires an account of how the conversation between social norms and halakha has proceeded in the past and may legitimately proceed now. To write that account one must draw upon a much larger fund of historical examples than the book supplies.²³ Examples of interpretations are given only brief treatment; there is no explicit discussion of what examples exist and of whether authorities in these instances were relying on general ethical intuitions or instead Jewishly formed ones. Marvin Fox has suggested that when a moral norm appears to have affected the law, “it is generally the case that the so-called moral norm is itself based on either unimpeachable sources or, at least, sources that serve as authoritative support.”²⁴ Until Fox’s position is addressed frontally, the question of how general ethical intuitions function in halakhic decision-making remains in a state of *tsarikh iyyun*.

IV

Another topic that needs to be addressed more fully is authority. This lacuna is especially noticeable when Wurzburger attempts to differentiate his view from that of *Da’at Torah*. *Da’at Torah*, like Covenantal Ethics, appeals to intuitions; *Da’at Torah*, like Covenantal Ethics, posits that there are some “religiously significant issues that cannot be decided on the basis of purely formal halakhic reasoning” (p. 31). Thus, both views hold that “the residual influence of exposure to halakhic categories of thought makes itself felt in areas where the law itself cannot be applied” (p. 33). Where, if anywhere, is the difference?

Wurzburger responds as follows:

Whereas [*Da’at Torah*] purports to represent authoritative, objective religious truth, my notion of Covenantal Imperatives disclaims any pretensions to objectivity. In my view, so long as we are dealing with matters that are not subject to halakhic legislation [he writes elsewhere on the same page: “where no formal halakhic ruling is feasible”], there is no authoritative body to provide guidance and it is incumbent upon individuals to assume *personal* responsibility on the basis of their own purely subjective, intuitive decisions (p. 33).

This point calls out for explanation, for what does Wurzburger mean by “matters that are not subject to halakhic legislation” and “where no formal halakhic ruling is feasible”? To be sure, many cases cannot be decided by straightforward application of an exact precedent.

But that does not *ipso facto* exclude them from halakhic legislation, especially given Wurzburger's preceding account. All along, Wurzburger's point has been that Jewish decision-making often arises precisely in such instances. The words, "It is incumbent upon individuals to assume personal responsibility on the basis of their own purely subjective, intuitive decisions," appear to imply that, once one knows the rules and aggadot that are relevant to a given situation, there would be no point in consulting and relying upon a *posek*. Any "*ballabos*" will be permitted to follow his own intuition over that of a learned *posek*, or not consult a *posek* at all in those situations. And surely that is not Wurzburger's position. Wurzburger has indicated that exposure to halakhic categories of thought, to aggadot, and to other scholars creates sound intuitions (pp. 37-38)—and plainly, some individuals will have greater exposure to these elements than others (cf. pp. 6-7, 39).²⁵

What is meant, then, by the phrases, "Matters that are not subject to halakhic legislation," and, "Where no formal halakhic ruling is feasible"? Wurzburger refers to "various sensitive political, social or economic issues" (p. 31), but precisely how is that area delineated, given that many political, social and economic decisions in *teshuvot* are not based on precise precedents? These questions cannot be passed over. To some extent Wurzburger is right that advocates of *Da'at Torah* themselves suggest a distinction between *pesak* and *Da'at Torah* simply by designating only some decisions as *Da'at Torah* (p. 31). But it is still fair to ask how Wurzburger, on his premises, demarcates those areas that are not subject to *piskei din*.

There are ways to distinguish advocates and critics of *Da'at Torah* without the critics declaring all putatively *Da'at Torah* decisions to be purely subjective and insusceptible to authority. For example, advocates and critics of *Da'at Torah* might differ over who counts as an appropriate rabbinic authority, how much weight should be assigned to an authority's possessing formal secular expertise, and how much freedom individuals have in choosing a *posek*.²⁶

V

A larger question I would like to raise is where one should look for an understanding of Jewish ethics. Wurzburger sets out a distinction between ritual laws and ethical laws, and, with certain qualifications (pp. 12-13), makes clear that his subject is ethics (pp. 10, 112; cf. p. 44). In line with this emphasis, he focuses on materials, both Jewish and non-

Jewish, that pertain to interpersonal morality. However, insofar as his main thesis is concerned, the distinction between the ethical and the ritual is diverting. It tends to marginalize certain sources and topics that in actuality should be highlighted.

The underlying reasons that one needs to appeal to intuition in ethics, according to Wurzburger, are that (1) situations arise that are not governed by formal rules, (2) intuition is needed to ascertain that a given instance falls under a given rule, and (3) there can be conflicts between different principles (p. 34). But these reasons apply no less to questions in *kodashim*, Shabbat, and *nidda* than to questions about *pikuah nefesh* and *geneiva*. Of course, ethical laws, as we have seen, utilize secular intuitions, which, presumably, ritual decision-making does not. But certainly much of the section on intuition (especially pp. 37-39, cited earlier, where Wurzburger lists "Jewish" sources of intuition) could have been written about Shabbat no less than ethics.

Wurzburger would not deny these points. But the result of noticing them should be to shift emphasis or at least expand the range of sources from which to draw support. For example, at one point Wurzburger writes that "it is only in the area of ethics and not within the domain of ritual law that Judaism mandates going beyond legal requirements" (112). Yet there are certainly examples of special individuals assuming ritual stringencies. Again, Ramban, in the very explanation of "*kedoshim tihyu*" and "*ve-asita ha-yashar ve-ha-tov*" that is so often cited to support nonformalistic approaches to Jewish ethics, explicitly notes that decision-making about *hilkhot* Shabbat resembles decision-making about appetites and about interpersonal behavior. "*U-ba-yom ha-shevi'i tishbot*," he explains, is analogous to "*kedoshim tihyu*" and "*ve-asita ha-yashar ve-ha-tov*" in that it offers general guidance for cases not covered by explicit rules. In principle, therefore, certain cases of decision-making concerning Shabbat are no different from cases that require an invocation of *kedoshim tihyu* or *ve-asita ha-yashar ve-ha-tov*.²⁷

To define the role of intuitions in halakhic ethics, we need to highlight the nature of halakhic reasoning generally, rather than to explore Jewish ethics in isolation. In other words, a theory of intuition in Jewish ethics will profit from a more general account of how Jewish law, *i.e.*, *pesak*, operates. In his introduction to *Milhamot Hashem*, Ramban declares that "every student of our Talmud knows that in the disputes of its commentators there are no decisive proofs nor, in the majority of cases, absolute refutations. In this science there are no demonstrative proofs. . . ." He is speaking, surely, of all halakhic reasoning.²⁸ *Mutatis mutandis*, any legal system confronts the problem,

"What happens when the rules run out?", and whatever uniqueness Jewish law might possess in other respects, however many *le-havdil*'s are called for, Ramban's point that arguments typically fall short of demonstrative proof holds for legal reasoning in any system. Wurzburger finds "legal models" of limited value for understanding Covenantal Ethics (p. 15). Yet, writings of philosophers of law about the nature of legal reasoning are relevant to his concerns and would nicely supplement the works on secular ethics that Wurzburger frequently cites.²⁹

VI

Thus far I have examined how Wurzburger's opposition to legal formalism manifests itself in his conception of halakhic decision-making. However, his insistence that Jewish ethics is concerned with more than legal rules leads him also to a second major theme. Wurzburger distinguishes between act-morality and agent-morality. Act morality emphasizes what actions a person should perform; agent morality (or "virtue ethics") focuses on what character traits a person should cultivate. Contemporary philosophers frequently call for a diminished emphasis on an "ethics of obligation" and a return to an "ethics of virtue" like that pursued in ancient philosophy.³⁰ Wurzburger issues a similar call with respect to Jewish ethics.

Wurzburger credits Rambam with "originality," indeed with "a pioneering breakthrough in Jewish ethics," when the latter attaches great importance to the cultivation of character traits (pp. 71-75) and regards the acquisition of desirable traits as a fulfillment of the mitsvah to "walk in His ways" (*imitatio Dei*). In analyzing Rambam's position, Wurzburger puts the distinction between act- and agent-morality to work in interesting and ingenious ways. For example, *Hilkhhot De'ot* (6:3) mandates that we love every Jew, while *Hilkhhot Avel* (14:1) obliges us to love only "your brother in Torah and mitsvot." Wurzburger resolves the discrepancy by stating that in *Hilkhhot De'ot*, Rambam is concerned with keeping people away from callousness and self-centeredness (agent morality), while in *Hilkhhot Avel*, he is concerned with the commandment of *re-ahavta le-re'akha kamokha* (act morality) (pp. 73-74). Again, Wurzburger suggests an interesting reason why Rambam emphasized that people ought not act for the sake of reward: it is because God, whom we are to imitate, acts without ulterior motives (pp. 80-81). To resolve an ostensible contradiction in *Hilkhhot De'ot*, he explains that traits of character may be cultivated either because they

contribute to *yishuv olam* or because they form the ethics of the pious; in Rambam's thought, he claims, there is a perpetual dialectic between these two perspectives, paralleling the dialectic between majesty and humility articulated by the Rav (pp. 82-86).

This chapter shows great subtlety and originality, although its stress on Rambam's distinctiveness is somewhat at cross purposes with Wurzbürger's hope of showing that Judaism (and not only a particular thinker) demands the cultivation of an ethical personality.³¹ However, the notion implicit in Wurzbürger's resolution of the discrepancy between *Hilkot De'ot* and *Hilkhot Avel*—that outside of *Hilkhot De'ot* one finds act morality but not agent morality—is belied by a passage that Wurzbürger himself cites. In *Hilkhot Melakhim* 10:12, Rambam grounds the obligation to give charity to non-Jews in the verse, "His mercy extends to all His creatures" (Ps. 145:9; see pp. 50-51).

It further seems to me that Wurzbürger's reading of Rambam's concept of *imitatio Dei*, while highly attractive for the *Mishne Torah*, applies less cogently to the *More Nevukhim*.³² Rambam's concept of *imitatio Dei* in the *Guide* (I:54) is shaped by a crucial assertion, namely, that the thirteen attributes of God refer only to God's actions and not His state of mind or emotions. God does not have states of mind or emotions. True imitation of God's attributes, therefore, requires both imitating God's actions and imitating the emotionless way in which God acts. Rambam strongly implies this conclusion.³³ Consequently, the *Guide* would not support a theory of *imitatio Dei* which requires "the cultivation of desirable states of mind, be they intellectual beliefs or emotional dispositions" (p. 69). The point of the *Guide* chapter is the opposite, that one cultivates the absence of an emotional state of mind in exemplifying a divine attribute. For this reason the *Guide* also supports an emphasis on *acts of imitatio Dei*, rather than states of mind.³⁴

There is, finally, an unaddressed difficulty with using *imitatio Dei* as a ground for specific duties. As noted in *Midrash ha-Gadol* to Genesis 37:1, there are attributes of God (*ge'ut, kina, nekama, alila*) that should not be imitated. Hence, one might say, we are to imitate only those attributes that we ought to imitate; and this implies, in turn, that we need some other principle or text, different from *imitatio Dei*, that will enlighten us as to which attributes should be imitated. Consequently, I am not sure that *imitatio Dei* can do all the work being demanded of it here. The principle adds a dimension to certain interpersonal duties, but does not fully determine what our interpersonal duties are.³⁵

VII

A third major theme of the book, alluded to in its subtitle, is pluralism. "Judaism operates with a pluralistic ethics that incorporates a variety of incommensurable values" (p. 87). Potential conflicts between values are resolved either by means of "casuistry," *i.e.*, formal rules, or else, when formal rules are not decisive, critical reflection and intuition (p. 94).

Now, whereas Wurzbürger implies that secular ethical systems are not pluralistic, I would note that some secular ethical and legal systems do operate with a variety of norms and values. Nonetheless, Wurzbürger may be right to ascribe "uniqueness" to Judaism because of the range of values that Judaism must and does balance: "Love with justice, universalism with particularism, self-love with altruism, quietism with activism, self-assertion with humility, submissiveness with activity" (p. 100).³⁶ In this ode to dialectic and multiple values and its accompanying vision of halakha as the repository of dialectic, the influence of Rav Soloveitchik shines through.

To illustrate the pluralism of Jewish ethics, Wurzbürger presents a spectrum of specific "moral dilemmas" that halakha addresses. His analyses of halakhic positions in this chapter are often compelling—as when he argues that rules which govern the body politic differ from those that a person would follow in a purely individual context (p. 94; also see pp. 36-37).³⁷ In other instances, questions arise about his account. For example, addressing the dilemmas of triage, Wurzbürger writes that a rational system of priorities is preferable to random selection: "It still is preferable to make informed judgments than to rely on purely arbitrary methods" (p. 91). Yet *posekim* today severely restrict the application of the priorities fixed by the *Mishnayot* in *Horayot* 3:7-8. In most cases they favor a "first come, first served" procedure—exactly the same procedure favored by secular ethicists who advocate randomness—albeit they do not value randomness *per se*.³⁸

I also do not agree that "Ahad Ha-Am misreads R. Akiva's ruling [in the famous case of the two travelers]" that "your life takes precedence over that of your *haver*" (*Bava Metsia* 62a; *Sifra* to *Lev.* 25:36). Ahad Ha-Am sees this ruling as reflecting formal justice and equal treatment of people, rather than a priority of self over other (p. 99). This general analysis is also found in *ba'alei* halakha: the owner keeps the flask not because *per se* a person can give priority to his own interests, but because (a) it makes no sense to split the water if both will die; and (b) by keeping the flask, the owner is disturbing the status quo less than

he would by transferring it. On these interpretations, we adjudicate the conflict by using an impartial legal principle—a kind of “least change” principle—and not by positing some sort of prerogative for the self.³⁹

Another type of pluralism that Wurzbürger invokes is “a variety of visions of the good” (p. 114). “Individuals are free to select whatever ideals are most suitable to their respective personalities” (*ibid.*) Wurzbürger concedes, though, that Maimonides did not believe in pluralism of this sort, for he ranked intellectual perfection as the highest good (p. 114).⁴⁰

VIII

For a brief work, *Ethics of Responsibility* ranges remarkably wide, and I warmly recommend Wurzbürger’s insightful treatments of numerous other topics: *darkei shalom* (pp. 40-52), humility (pp. 102-4), messianic ethics (pp. 84-86, 113) and the tension between activism and quietism (pp. 104-7).

I finished this book with a sadness that there are too few like it. To be sure, there is enormous, wonderful productivity in “Jewish ethics” in the sense of practical halakha; but extended philosophical treatments of Jewish ethics in an Orthodox framework are far harder to come by.⁴¹ Positions of *rishonim* and *aharonim* about the existence of an independent standard of ethics and about the distinction between action and character, are widely parroted—but rarely wrestled with. On a sociological plane, many Orthodox Jews are occupied only with what acts to perform or refrain from, ignoring the varied questions about ideals and personality formation that so powerfully engaged thinkers like Rambam and Ramban. These questions manifest an aspiration to a higher spirituality, beyond legal obedience and yet embracing it. “Halakhah represents not merely the way of God. . . it also functions as a way to God” (p. 3).

Forcefully and eloquently, *Ethics of Responsibility* reminds us of this neglected truth.

NOTES

1. See Ramban’s commentaries to *Lev.* 19:2 and *Deut.* 6:18. See also Netsiv, *Ha’amek Davar* to *Ex.* 19:6, quoted by Wurzbürger, p. 26.
2. For Nahmanides, the two functions of intuition are to some extent one, since conduct *lifnim mi-shurat ha-din* is called for in cases where existing formal rules do not cover one’s situation.

3. R. Aharon Lichtenstein: "Does Jewish Tradition Recognize An Ethic Independent of Halakha?," originally published in *Modern Jewish Ethics*, ed. Marvin Fox (Ohio State University Press, 1975), pp. 60-88, repr. *Contemporary Jewish Ethics*, ed. Menachem Marc Kellner (New York, 1978). The quoted phrases are from Kellner, p. 107. See also R. Lichtenstein's "*Halakha vaHalakhim keOshyot Musar: Hirhurim Mahshavtiyyim veHinukhiyyim*," *Arakhim beMivhan Milhama* (Jerusalem, 1985), pp. 13-24.
4. The main dissenter from this view is Hazon Ish in *Sefer Hazon Ish, Hoshen Mishpat, Likkutim*, 16:1, p. 465: "There is no *din* that is not explicit, for everything is explicit in the Torah." For an illuminating discussion of how comprehensive halakhic rules are, see Dov N. Linzer, "*BeHesber Shitat haGeonim ve-haRambam beDina deMalkhuta Dina*," *Bet Yitshak*, ed. Gedalyah Berger and Daniel Tzvi Feldman, vol. 26(5754): pp. 655-74, esp. 661ff.
5. Those who hold this view often add, however, that we are to follow moral conscience because God and the halakha instruct us to follow moral conscience.
6. It has been argued, however, that Rav Ovadya miBartenura and Hazon Ish did not deny a valid independent standard; they only denied a valid *knowable* independent standard. See Avi Sagi and Daniel Statman, "*Teluto Shel haMusar baDat biMesoret haYahadut*," in *Ben Dat leMusar*, ed. Statman and Sagi (Bar-Ilan University, 1993), pp. 115-44. The authors argue, in fact, that there are almost no examples of Jewish thinkers who denied the existence of a valid independent standard of ethics and embraced "divine command morality." By contrast, there are many thinkers who combined belief in the existence of such a standard with a denial that human beings can know it well enough to issue sound judgments on their own.
Among contemporary thinkers cited by Wurzbarger, R. Aharon Lichtenstein and R. Shubert Spero believe in an independent and knowable ethic, while R. J. David Bleich, Marvin Fox and Yeshayahu Leibowitz all deny the validity of any extra-halakhic standard of ethics or at least the knowability of such a standard (p. 115, n. 4).
7. See Plato, *Euthyphro* 9d-11b. In truth, Plato seems concerned with piety and impiety, which are religiously charged notions, rather than the ostensibly secular notions of right and wrong. Nevertheless, philosophers have generally treated Plato as seeking a definition of the latter terms.
8. For purposes of this review, I will not try to sort out the many ambiguities in the terms subjectivism, relativism, historicism and skepticism, nor will I try to define the otherwise important distinctions between them. Instead, I will rely on the reader's rough sense of what these views assert and will treat the views as a bloc.
9. See also his "Meta-Halakhic Propositions," *Leo Jung Jubilee Volume*, ed. Menahem Kasher, Norman Lamm, and Leonard Rosenfeld (New York, 1962), pp. 211-21. The book's conclusion (pp. 110-11) insists that ethical judgments are objective, but the only defenses I find of this claim are on pp. 7-8, 23-24, and 34-35, all of which I take up in this review.
10. Reductions to ethical monotheism fail also because they ignore ritual prescriptions (pp. 21-22).
11. For Rav Ovadya miBartenura in his commentary to *Avot* 1:1, even the

commonsensical and immensely persuasive teachings of *Pirkei Avot* command credibility only because they were revealed at Sinai. They would not impress us as valid were they arrived at independently. On whether Rav Ovadya is denying the existence of an independent ethic or merely its knowability, see Sagi and Statman, pp. 121-22.

12. Wurzbürger speaks of direct divine commands; the difficulty grows when we move beyond these and look at the larger canvas of halakha. For instance, R. J. David Bleich maintains that halakha would allow the use of data from Nazi experimentations (*Tradition* 26:1 [Fall 1991]: pp. 65-73). Responding to the fact that many people (Jews and non-Jews) find the use of Nazi data morally objectionable, Bleich writes that "such reactions are intuitive and emotional"; but although such reactions "are entirely salutary,"

the postulates of halakhah are by no means always identical with intuitive reactions. . . . The ability to suspend one's own subjective judgment is a necessary condition and prerequisite for service as a judge and as a rabbinic decisor (ibid, p. 72).

As I read Wurzbürger, he would not disagree with this statement (whatever his view on Nazi experimentation). But if formally "*paskened*" halakhot go contrary to intuition often enough, then the very idea that intuitions are to be trusted totters on the brink.

13. I do not refer only to Jews who do not value secular culture. For example, the eminent Jewish philosopher Marvin Fox has also put forward such a thesis. See, *inter alia*, his *The Philosophical Foundations of Jewish Ethics: Some Initial Reflections* (U. of Cincinnati, 1979), pp. 12-20.
14. Although Ramban's language accords with this formulation, his ultimate intent may not. If Rambam believes that Torah law reflects an independent ethic, then indirectly, extrapolation from the Torah's laws is extrapolation from an independent ethic.
15. In conversation, Rabbi Wurzbürger explained to me that in the cited passage he did not intend to exclude general ethical intuitions, but was trying to catalogue only Jewish sources of intuition.
16. This is not to deny that conflicts may exist within the "Jewish" sources. These will have to be adjudicated; preference will have to be given to one strand over another, and intuitions surely will have to play a role in this process. But there is no decisive reason to think that resolving these tensions requires an external standard of conduct. Education, role models, and intuitions formed from other halakhic sources might serve as the *katurv ha-shelishi*, without reference to secular ethics. Appealing to general ethical intuitions will exacerbate whatever problems an appeal to intuition faces when we confine ourselves to Jewish sources.
17. See his "Covenantal Imperatives," *Samuel K. Mirsky Memorial Volume*, ed. G. Appel (New York, 1970), pp. 3-12.
18. Rav Kook and other *rabbanim* held that women's suffrage is contrary to halakha. See *Ma'amarei haRe'aya* (Jerusalem, 1984), pp. 189-91. But cf. R. Ben-Zion Uziel, *Piskei Uziel biShe'elot haZeman* (Jerusalem, 1978), no. 44, pp. 228-34 (= *Mishpetei Uziel*, *Hoshen Mishpat*, no. 6).
19. On p. 111, Wurzbürger states that
what is right or wrong at a given time may also be influenced by contin-

gent historical factors. . . . Thus, for example, the standards of sexual morality acceptable in a polygamous civilization would hardly be suitable in a monogamous society. Similarly, a patriarchal society would naturally view filial obligation or the status of women in a different light from what would be considered proper under contemporary circumstances.

This passage suggests that perhaps the young Jew's argument is right in Wurzbürger's opinion after all. But the quoted passage clearly does not mean to validate any and every set of cultural mores. Also, the passage on p. 111 is ostensibly at odds with one on p. 24. There, in his effort to protect moral objectivity, Wurzbürger writes in a quite different spirit: "Moral perceptions are seen as universally applicable, without regard to the cultural or social background of the agent whose conduct is evaluated."

20. I do not deny that some medieval Jewish thinkers believed that ethics is conventional, but it would have to be explored whether they allowed general ethics into halakhic reasoning.
21. There are *prima facie* exceptions; for instance, *Maggid Mishne to Hilkhos Shekhenim* 14:15 (cited by Wurzbürger, p. 27). But the general rule holds, and I am not sure that the *prima facie* exceptions prove to be genuine ones. The writings of Rav Kook on morality are especially provocative as regards the topic of moral relativism.
22. For an analysis of this and other responses to the Amalek problem, see Avi Sagi, "The Punishment of Amalek in Jewish Tradition: Coping with the Moral Problem," *Harvard Theological Review* 87(1995): pp. 323-46. Cf. R. Aharon Lichtenstein, "*Halakha vaHalakhim keOshyot Musar*," pp. 23-24.
23. There is a vast literature that explores such precedents. Recent contributions include the two volumes of Aaron Kirschenbaum's *Equity in Jewish Law* (Ktav and Yeshiva University Press, 1991) and several of the essays on "Religious Law and Legal Pluralism" in *Cardozo Law Review* 12, nos. 3-4 (February/March 1991). (Wurzbürger touches on the historical question on pp. 111-13; see also pp. 34-35). In a review essay of Kirschenbaum's volumes, Samuel Morell—assembling points made by Kirschenbaum himself—makes the interesting observation that "in almost all of the major categories of equity discussed in volume 1, post-talmudic developments curtailed the flexibility which [Kirschenbaum] has so painstakingly documented." See Morell, "The Religious Dimension of Jewish Civil Law," *AJS Review* 18, 2 (1993): pp. 265-71, at p. 267.
24. Fox, p. 17.
25. Also, it is difficult to apply the concept of "taking responsibility" to a situation in which no matter what one chooses, one makes the right decision.
26. In some recent defenses of *Da'at Torah*, one finds a frank recognition that each of several conflicting views might lay claim to constituting *Da'at Torah*, along with an assertion that rabbinic infallibility is not an essential component of the concept. See R. Berel Wein, "Daas Torah: An Ancient Definition of Authority and Responsibility," *The Jewish Observer* 27:7 (Cheshvan 5755/October 1994): pp. 4-9, esp. p. 8. Acknowledgment of conflict and fallibility narrows the gap between *Da'at Torah* and its critics, suggesting that the differences will lie in the areas I noted.

27. Admittedly, though, certain terms denoting supererogatory conduct might appear only or predominantly in the context of "ethical" behavior.
28. I may have taken some liberty in extending Ramban from the topic of talmudic commentary to that of practical *pesak*. But his remarks seem to apply to both.
29. There is a large literature by legal theorists on this topic; for a discussion from a Jewish standpoint, see Martin Golding, "Reasoning and the Authoritative Expansion of the Law," *Studies in Jewish Philosophy*, ed. N. Samuelson (University Press of America, 1987), pp. 421-62.
30. See, for example, Alasdair MacIntyre, *After Virtue* (2nd ed., Notre Dame University Press, 1984).
31. The Maimonidean stress on agent morality is of course not unique; Bahya ibn Pakuda, Ramban, Sefer haHinukh, and the figures of the Musar movement, to name a few, all prize the cultivation of virtuous traits as the goal of some or all mitsvot. However, Wurzbürger maintains that for Rambam, the cultivation of various traits is intrinsically valuable, an end in itself, whereas other thinkers who stressed agent morality arguably viewed character traits as instrumentally valuable, *i.e.*, valuable only insofar as they lead to right acts. Even so, on pp. 77-78 Wurzbürger himself seems to retreat from his earlier attribution of uniqueness to Ramban.
32. In a footnote, Wurzbürger refers to one potential difficulty—that *imitatio Dei* in the *Guide* may be confined to the philosopher-statesman and that the thirteen attributes are not to be imitated by him in the ordinary moral sense (p. 128 note 55; see *Guide* I:54 and III:54). Wurzbürger's response to that problem is contained in another work.
33. The point that imitation of God requires emotionlessness was made by Eliezer Goldman in his "*HaAvoda haMeyuhedet beMasigei haAmitot*," *Bar-Ilan Annual* VI (1968): pp. 287-313. The crucial supporting passage in the *Guide* appears near the end of I:54, when Rambam urges the ruler (who practices *imitatio Dei*) not to experience emotion when carrying out the functions of a leader that exemplify the thirteen attributes. Wurzbürger would have to argue (1) that I:54 applies not only to leaders (see the previous note) and also (2) that Jews who are not leaders should not strive for the emotionless state aimed for by the ruler. Even if point (1) is granted, point (2) has no corroboration in the texts of the *Guide*.
34. Though in *Guide* I:54 the imitator has certain *beliefs* about what certain people deserve.
35. See Leon Roth, *HaDat veErkhei haAdam* (Jerusalem and Tel Aviv, 1973), pp. 20-30. In fairness, I would note that in the *Guide* passage cited earlier, Rambam in effect meets this difficulty by suggesting that the leader imitates *all* of God's attributes. The problem I raise is directed to other conceptions of *imitatio Dei*.
36. Wurzbürger notes also that whereas a divine system of ethics *cannot* be inconsistent, a secular system has no such automatic guarantee (p. 88).
37. On this point, see also R. Moshe Tendler, "*Be'ayot Kedima beHatsala: haTaktziv haTsibburi veDihui Nefesh miPenei Nefesh*," *Sefer Kevod haRav*, ed. R. M. Sherman and R. J. Woolf (New York, 5744): pp. 167-69, esp. p. 168.
38. See *Iggerot Moshe, Hoshen Mishpat* 3, #73-74; also R. Moshe Hershtler, in

- Halakha uRefu'a* IV, ed. Hirshler (Jerusalem, 1985), pp. 79-84. The topic is discussed at length in Moshe Sokol, "The Allocation of Scarce Medical Resources: A Philosophical Analysis of the Halakhic Sources," *AJS Review* 15, 1 (Spring 1990): pp. 63-93, esp. pp. 86-89. Two possible grounds for justifying "first come, first served" halakhically are (a) that the order is determined by providence and (b) that the first-to-come acquires a right to treatment. (One can rationally choose to follow a random procedure, a fact that the Rambam highlights in discussing *ta'amei ha-mitsvot* (*Guide* III:26).)
39. The analysis I sketched may be found in *Iggerot Moshe, Yore De'a* II, #174:4, and is discussed in my "As Thyself: The Limits of Altruism in Jewish Ethics," in *Reverence, Righteousness and Rahamanut*, ed. Jacob J. Schacter (Northvale, N. J.: Jason Aronson, 1992), pp. 251-75.
 40. For more on plural models of character, see Moshe Sokol, "Personal Autonomy and Religious Authority," in *Rabbinic Authority and Personal Autonomy*, ed. M. Sokol (Northvale, New Jersey: Jason Aronson, 1992), pp. 169-216, esp. pp. 207-16.
 41. An exception is Shubert Spero's *Halakhah, Morality and the Jewish Tradition* (New York and Hoboken: Ktav and Yeshiva University Press, 1983), along with several of the articles cited in this essay.