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PLURALISM AND THE CATEGORY OF THE ETHICAL

The ethical implications of any philosophical theory, as to its beneficence or detriment to the moral advancement of man, should many a time decide the worth of the doctrine.¹

It is obvious that dialectical man cannot be committed to a uniform, homogeneous morality. If man is dialectical, so is his moral gesture. Judaism has indeed formulated such a dialectical morality.²

Once the very formulation of the question eluded us, and now that we know how to pose it, the teacher to whom we had always looked for illumination is no longer with us, and though we seek him in the mountains and the valleys, he will never return to us. Our Rebbe, *maran haRav* Yosef Dov Soloveitchik *zt"l*, the master eulogist of our times, never tired of reminding his audience that the act of eulogy is inherently an absurd performance: "it is the absurd will to turn the third person into the second person, having failed to recognize the real live presence when it faced us. Mourners and eulogists occupy themselves with the building of bridges across that gap that will never be bridged."³

A large portion of any philosophical endeavor is clarifying the nature of the problem to be addressed. Much of the Rav's interest in the liberal arts, sustained throughout an intellectual career that extended from Warsaw and Berlin through Boston and New York, served the purpose of cultural and personal self-elucidation. Contrary to what is often insinuated, the Rav's utilization of "Gentile wisdom" was neither a casual idiosyncratic extravagance nor a parvenu indulgence aiming to make Torah a housebroken appurtenance of cultural graciousness. In the unending effort to educate *bnei Torah* able and willing to think creatively and to formulate their thoughts faithfully, he welcomed our independent struggle with the legitimate problems confronting the generation. As *talmidim* of the Rav seeking to think purposefully about the reality of the ethical, which is the subject of this paper, we shall first try to understand exactly what it is that troubles us about our initial,

unreflective conceptions. At that point, we will be ready to consult the relevant remarks in the Rav's literary corpus. Insofar as the Rav does not explicitly address the problem in the manner that I formulate it, merely to enumerate his sayings on the ethical will not be sufficient. To the contrary, because the Rav discusses the ethical in a variety of contexts, an anthology of sources will confuse rather than enlighten. Thus it will be our task to create a coherent account from the Rav's statements as they pertain to our subject.

A prefatory comment on my use of the Rav's texts: I have limited myself to text written and prepared for publication by the Rav himself. Any unauthorized version runs the risk of inaccuracy, but the danger of misrepresentation is even greater when discussing issues that did not occupy a conspicuously central place in the Rav's oral discourse, and the nuances of which would therefore be more likely to escape the ingenuous reporter. I have likewise abstained from referring to unpublished manuscripts that the Rav made available to me. Examination of this material, in my opinion, does not alter, but rather confirms and enriches, my analysis and conclusions; proper evaluation should await publication of these documents in their entirety.⁴ In any event, the published record is ample for our purpose.

HALAKHA AND THE ETHICAL: THE NATURE OF THE PROBLEMS

Nowadays, whenever it is claimed that some action is right or wrong on both halakhic and moral (ethical) grounds, someone is sure to point out an apparent redundancy: halakhic *means* ethical, and vice versa. Upon further reflection, however, the equivalence becomes less straightforward. Actions may accord with the letter of Halakha, which are nevertheless reprehensible because our moral judgment condemns them: the recent resurrection of *kiddushei ketanna* is a spectacular and, one hopes, indisputable example. There are circumstances where to act in accordance with Halakha entails violating firmly held, and justified, moral intuitions: e.g. the tragedy of an intractable case of *mamzerut*.

Less dramatic than these conflicts, but perhaps more revealing at a philosophical level, are the incontrovertible facts of linguistic usage. When we contrast *mishpatim* (usually interpreted as those laws which human beings would have adopted even in the absence of divine instruction) and *hukkim* (the laws that do not readily appeal to our rea-

son), however the difference is defined, we all have a good idea what is meant⁵. Whatever our theories, we commonly recognize that people who are devoid of religious commitment may nonetheless execute their moral obligations conscientiously, and meet a standard that many of the religiously observant neither aspire to nor fulfill.

So clear is the evidence of our practice that one is tempted to blame the facile equation of the halakhic-religious and the ethical on some manifestation of ideological blindness. The rationalist, convinced that all divine imperatives must be reducible to the ethical, strains mightily to demonstrate that all *mitzvot*, without exception, when properly understood, fulfill his or her ethical values. The fideist, by contrast, denigrates human moral insight, except as guided directly by revealed illumination. Because human moral judgment is fallible, lends itself to self-deception, and offers little guidance when faced with difficult dilemmas, he or she concludes that human morality is an illusion. The rationalist is like a person familiar with fish, who insists that a whale is a fish, and must be classified as fish, despite its mammalian features. The fideist is like a physicist who observes his less sophisticated fellows succumbing on occasion to optical illusions, and decides that they must be blind, and see nothing.

Despite our habit of distinguishing between the ethical and the religious, there is one serious philosophical consideration that encourages their identification. When we compare the ethical to other ascriptions of value (as when we nominate an action aesthetic or rational), two features indicate its unique status:

a) The claim of the ethical is absolute. Ethical imperatives take precedence over other types of value pursuit; to use a phrase popular among analytic philosophers, ethics “trumps” other values. A policy may be prudent or efficient, an endeavor may promise pleasant, interesting, or enchanting fruits, but we must not undertake a course of action if it is morally wrong. If, as Yeats declared, “the intellect of man is forced to choose / Perfection of the life or of the work,” then ethics has no trouble determining in favor of the former.

b) The characteristic inner feeling we experience in the face of the ethical imperative is unmistakably different from our feelings with regard to the realization of other values. Ethical obligation has something sacred, inviolable, unutterably exalted about it. Kant called it *achtung*, that unique feeling of awe and reverence that accompanies the apprehension of moral principle.

Now Halakha exhibits the features we have just adumbrated, both with respect to the absoluteness of the norm and to the sense of awe ap-

propriate to its fulfillment. Both Halakha and the ethical thus lay claim to absoluteness over all other spheres of value. But if Halakha reigns supreme then the ethical must, in principle, submit and be dethroned: "two monarchs cannot wear the same crown" of absoluteness. In order to retain the unique authority of the ethical we must either identify it with the religious, so that the two kings are really one and the same, or we must redefine our conception of absoluteness so that the authority of the ethical is no longer a challenge to the sovereignty of the religious.

If Halakha and ethics are identical, it follows that they have the same essential characteristics. A religious duty is one commanded by God; likewise, to judge an act or attitude to be ethically good or obligatory, means to assert that it is required by God. The content of Halakha encompasses many norms not usually assigned to ethics, but this does not establish a distinction between them; it merely testifies to the limited intellectual horizons of ethical outlooks not rooted in revelation. Many duties enter Halakha through the side door of ethical intuition, rather than deduction from revealed halakhic premises (via *ve-asita hatov ve-ha-yashar* and similar principles). By the same token morally repulsive actions are contrary to the will of God even when the formal Halakha doesn't rule them out. These obligations and prohibitions, like the formally codified *mishpatim*, belong to the ethical insofar as they are generally laws that human reason would have adopted on its own; to that extent ethics differs from those revealed religious norms usually called "ritual." Once introduced into Halakha, however, these norms are part and parcel of the halakhic system, assuring them a standing no different, in principle, than that of Shabbat and Kashrut.

In reality, of course, the identity theorist would have to concede that norms associated with "ethics," deriving from human ethical judgment, are often treated differently than revealed, determinate *mitzvot*. When ethical intuitions conflict with formal religious obligation, for example, the latter nullifies the former. This phenomenon, however, can be regarded as a legal principle within the halakhic system, which carries no more philosophical weight than, let us say, the rule that a positive *mitzva* overrides a negative one (*aseh dohe lo taaseh*)⁶.

What about the more violent conflicts between seemingly clearcut ethical judgments and uncompromising religious imperatives? The identity theory would be forced to maintain that in every such case, the Halakha, being the will of God, is by definition the ethical. What appears to be the ethical is not truly the ethical. Thus Rabbi Walter Wurzbarger's admirable exposition of the identity thesis includes the following assertion:

This explains why Judaism has no need for the Kierkegardian doctrine of “the suspension of the ethical,” which demands that whenever moral imperatives clash with religious commandments, we must subordinate our ethical concerns to the higher authority of the religious. Once God is defined as the supreme moral authority, obedience to divine imperatives emerges as the highest *ethical* duty. Thus, Abraham’s readiness to sacrifice Isaac cannot be invoked as a paradigm of the “suspension of the ethical.” On the contrary, it was a perfectly *moral* act. Abraham does not cringe before the absolute power of a demon, but rather obeys the command of the supreme moral authority.⁷

According to this view, the prohibition of murder, in the case of the Akedah, does not define Abraham’s ethical duty, but merely his *prima facie* duty, what his duty would have been were it not for the fact that obedience to God supersedes the normal obligation after all, and thus constitutes the true moral requirement. In other words: with two candidates for the position of Abraham’s duty, the prohibition of murder, on the one hand, and the obligation to obey God, on the other hand, the identification of God’s will with ethical duty ratifies the latter and disqualifies the former. It is a problem about the adjudication of an ethical dilemma, and not a very difficult one at that, rather than being the confrontation of two conflicting awe-inspiring categories of value, each of them employing a voice of authority, each reaching for the quality of absoluteness.

If the ethical is not the same as the religious, but represents a different category of value, and we wish to preserve our intuition about the absoluteness of the ethical, in the face of the supremacy of the religious, then the ethical, in effect, must be treated as both real (absolute and awe-inspiring) and distinct from Halakha. At the same time Halakha, the revealed expression of God’s will for man, occupies a higher rung on the normative ladder than the ethical. The question returns in full force: how can Halakha and ethics share the crown of absolute dominion over other spheres of value? To which the plain answer is that we must recognize a hierarchy of axiological transcendence: the ethical is absolute in relation to non-ethical values; the divine imperative, while it endorses, indeed annexes, the ethical in principle (as is evident from *ve-asita ha-tov ve-ha-yashar* and the like), is absolute in its relation to the ethical as well. The sense of awe, reverence and solemn responsibility is appropriate both to our consciousness of ethical duty (as distinct from halakhic commands) and to our apprehension of God’s commands (although aspects of these feelings will differ, insofar as the respective objects of the feeling are not the same).

We have sketched two alternative approaches, the identity thesis equating ethics with Halakha, and the hierarchical, pluralistic theory, according to which the ethical and the religious, in spite of their broad overlap in content and scope, denote distinct realms of value. Both the identity and the hierarchical approaches explain the basic facts of human axiological experience: the feeling of awe and reverence when contemplating our duty, the significance of human moral intuitions and that the will of God must be obeyed even when it conflicts with human moral intuitions. The subtle difference between the two interpretations is that the identity thesis only allows ethical intuitions to generate *prima facie* duties, which are obliterated in the face of higher ethical imperatives communicating the will of God, whereas the hierarchical view grants reality to the ethical as a category unto itself, albeit a category axiologically inferior to the religious sphere that is identical with the revealed divine command.

Before turning to the Rav's writings, let us raise, without attempting to answer, two more questions about the status of the ethical: First, can ethics (as distinct from Halakha) be made into a science? If by science we mean an inquiry that aims at the delineation of fundamental concepts, the discovery of systematic principles underlying these concepts and accounting for phenomena in the field, then it seems that a science of ethics is as worthy an object of pursuit as a science of sociology or aesthetics. The hierarchical approach would appear to encourage such an endeavor, insofar as it regards ethics as a distinct sphere of value, albeit not the supreme one, which is the religious. If, however, we operate with the identity thesis, then ethics, as distinguished from Halakha, cannot constitute a complete discipline in itself, but only a subfield of the religious.

If the previous puzzle is too esoteric to perturb the average man's speculations, the same cannot be said of another persistent question: why be moral? I refer here, not to the purely psychological problem as to what motivates people to do what they acknowledge to be the right thing. There is a deeper metaphysical issue: what gives the category of ethics its special air of command, its absolute power, its reverential aura of authority? For most people, the unique status of the absolute norm is not simply a fact about the universe, unrelated to the rest. The meaning of normative ethics is embedded in the broader context of our existence as a whole. Whether the power of the norm is two-headed, as the hierarchical approach would have it, or has a single undifferentiated basis, as the identity thesis maintains, its absoluteness is bound up with the question of man's relation to God. In looking at the Rav's outlook on questions of ethical theory, it is worth assessing his potential contribution to

this area as well. And in taking as our subject the relation of the ethical to the religious, we are particularly interested in how the Rav's understanding of the ethical-religious dimension of philosophical anthropology may shed light on the interaction of the two putative categories.⁸

RAV SOLOVEITCHIK AND ETHICS: THE TEXTUAL RECORD

Unlike most primary sources in Jewish thought, each one of the Rav's major compositions creates a distinct literary-philosophical context. Certain themes appear with regularity—Torah study, creativity, individuality, the significance of this world, for example—yet each recurrence of a favorite concept is intended to contribute towards the better understanding of the problems in that essay. This is one reason for the inconsistencies that obstruct the progress of the superficial reader. Moreover, awareness of the Rav's mode of exposition should deter us from lifting juicy nuggets of sage wisdom from their appropriate connection. What is true of the Rav's oeuvre in general will guide us in examining his statements about the ethical in particular. We shall first attend to the variety of the Rav's reflections before attempting their systematization.

1. **OMITTING THE ETHICAL:** Several central passages in the Rav's corpus give implicit support to the identity thesis. In these texts either the ethical is not mentioned, in connections where the hierarchic approach would expect to find it, or else ethical norms are treated in a manner that downplays their absolute and awe-inspiring nature.

In a famous section of *Ish haHalakha*, the Rav dramatizes the cognitive agenda of halakhic man, who measures each phenomenon, be it sunrise, sunset, or the flowing of a spring, from the perspective of the Halakha. He builds on an analogy to neo-Kantian epistemology, according to which fundamental *a priori* principles create the framework for the formulation of scientific laws. For Kant himself, the three critiques dealt, respectively, with scientific (mathematical-physical) knowledge, with the moral law, and with the principles underlying aesthetic and teleological (meaning, in effect, biological) judgment. The Rav, however, following the late nineteenth century revival and transformation of Kant associated with the Marburg school, is prepared to recognize a more generous menu of fundamental objects of knowledge. When he states that halakhic categories determine truth about a broad spectrum of phenomena, he produces a long list, ranging through the physical and biological

sciences, and including human intellectual constructions referring to the state, the family and human psychology⁹. The Rav refrains from treating the realm of moral judgment as an independent object of knowledge which Halakha either supplements or interprets. Whatever normative significance can be annexed to the ideal type of "cognitive man," must come from Halakha and from no other source.¹⁰

An obliviousness to the ethical as an autonomous source of ethical commitment can be more clearly discerned in *Lonely Man of Faith*. The Rav has delineated the project of Adam the first, dedicated to conquering reality, his goal the enhancement of dignity. Lest one regard this ideal type as a depiction of the scientist-technologist alone, the Rav elaborates:

Adam the first is not only a creative theoretician. He is also a creative esthete. He fashions ideas with his mind, and beauty with his heart. He enjoys both his intellectual and esthetic creativity and takes pride in it. He also displays creativity in the world of the norm: he legislates for himself norms and laws because a dignified existence is an orderly one. Anarchy and dignity are mutually exclusive.¹¹

What the Rav here labels "the world of the norm" appears identical, in its content, to what is customarily called ethics. It defines duties and values and goals that obligate and guide individuals who recognize their claim. What is lacking from this account is the peculiar reverence which is, we have seen, an essential property of the ethical. The Rav's avoidance of the conventional term "ethics" signals that the norm of Adam the first is literally unworthy of the name. For Adam the first the norm, that is to say the rules governing ethical behavior and attitudes, is one more means towards a dignified existence, one more value of human culture. It is, to be sure, an indispensable value, insofar as its absence is positively opposed to dignity. Nonetheless the norm is appropriately relegated to the same paragraph as the aesthetic values to which it is assimilated.

2. **ETHOS AND CULT:** In *The Halakhic Mind*, an essay devoted primarily to the philosophy of science, the category of the ethical, omitted or downplayed in *Halakhic Man* and *Lonely Man*, achieves a measure of recognition. The Rav adopts the terms "ethos" and "cult" from the literature of comparative religion, and asserts that prohibitions of acts like murder and perjury, and injunctions to help the neighbor, "though included in any system of secular ethics, are nevertheless specific religious commandments."¹² He then explains why cult is more important when it comes to objectifying the unique religious experience:

Religion is always typified and described not so much by its ethos as by its ritual and cult. The existence of an ethical norm is a common denominator in all religious systems. The unique character of a particular religion, however, appears only in its ritual. Positive religion must always be measured by the yardstick of ritualism, not by that of the ethos. This does not mean that religion can, in any way, dispense with the ethos. Far from it. Both ritual and ethos inhere in the religious act. The cancellation of morality in religion would render it synonymous with barbarity and paganism. The dissociation of the religious act from its non-rational worship and ritual is identical with the resolution of the religious experience into a secular morality and a mundane ethical culture. The superiority of ritual is to be understood only from the viewpoint of religious typology which treats of the unique in religion.¹³

A bit later in his discussion, the Rav accuses theological “liberals” of trespassing upon the territory of ethics and/or aesthetics in the mistaken belief that they are studying religious subjectivity.¹⁴

What can we learn, from the passages cited above, about the nature of the ethical? First, that it refers to a realm of experience distinct from that of religion although, to be sure, religion must embrace the content of ethical norms, if it is to avoid degenerating into “barbarity and paganism.” But (partly because the Rav is not consistent in his use of the term¹⁵) it is not clear whether the ethical, taken by itself, partakes of the awe and authority that we associate with the absolute imperative. The reader of *Halakhic Man* and *Lonely Man*, coming to *Halakhic Mind*, is apt to subsume the “secular system of ethics” under the mundane rubric of culture. The unique power of ethical duty, on this understanding, appears only when the content of ethics is apprehended as the specific content of religious imperatives.

3. MORALITY AS THEOLOGICAL ANTHROPOLOGY: Many of the Rav’s discourses and longer essays revolve around the nature of the human being. Invariably the Rav isolates two aspects of human nature and explores what is, at times, an irresolvable tension between them. Frequently the dichotomy deals with relatively localized regions of the human condition: man as individual and man as social being; man of majesty and man of humility; man as cosmic explorer and man yearning for his roots, and so forth¹⁶. In *Lonely Man* and *U-Vikkashtem miSham* the dualities discovered permeate virtually all domains of human existence. For our purposes the following observations are in order:

(i) The Rav’s statements about human nature convey normative

information: if it is human nature to be such-and-such, then it is, in principle, legitimate for human beings to pursue the triumph of that nature. Of course, when the Rav speaks of human nature, he does not mean that which comes naturally to man: the ubiquity of human cruelty, for example, does not make it a legitimate human impulse. The Rav's insight into empirical human psychology is often dazzling, but the normative judgments that flow from his vision of the human condition are anchored in an explicitly religious standpoint. Majesty and humility, individuality and social commitment, are legitimate human goals because they partake of the nature that God bestowed upon man. In the blunt language of *Lonely Man*:

Before beginning the analysis, we must determine within which frame of reference, psychologico-empirical or theologico-Biblical, should our dilemma be described. I believe you will agree with me that we do not have much choice in the matter; for, to the man of faith, self-knowledge has one connotation only,—to understand one's place and role within the scheme of events and things willed and approved by God, when He ordered finitude to emerge out of infinity and the Universe, including man, to unfold itself.¹⁷

(ii) "Man is, quite often, a captive of two enchanting visions, summoning him to move in opposite directions. . . . The Halacha is concerned with this dilemma and tries to help man in such critical moments. The Halacha, of course, did not discover the synthesis, since the latter does not exist. It did, however, find a way to enable man to respond to both calls¹⁸." If man is summoned by conflicting values, and if it is the Maker who willed the schism and contradiction in man's moral gesture, then it is obvious that morality cannot be the articulation of any one principle, however important.

This central thesis of the Rav's thought forces us to rethink much of our previous discussion. Thus far we have posited the category of the ethical as standing for something uniform and homogeneous. Our problem was whether, and in what ways, the ethical could be distinguished from the religious. Now, however, we are told that the ethical picks out a variety of values and goals, frequently in conflict with each other. The territory of ethics, upon exploration, calls for further division and for the multiplication of subsidiary categories.

To this point we have tried to maintain a distinction between the ethical as a distinct category and the ethical as a descriptive sub-field of Halakha. The texts we are now discussing, for which human existence

becomes the meeting ground of incommensurable values requiring a dialectical moral gesture, further complicate the picture. Morality, which in the context of these essays can be defined as the fulfillment of the human nature ordained by God, entails the agony of integrating heterogeneous values. This depiction of moral experience certainly grants it a grandeur and absoluteness that sets it apart from the merely cultural creativity characteristic of the unfronted Adam of *Lonely Man*. "The clash is staggering" only because the decision is indeed momentous and all-important. At the same time, the moral gesture is not quite identified with Halakha. Halakha provides guidance for the human being who is struggling within the thicket of moral choice. It does not render the moral experience superfluous.

(iii) It would seem that the Rav's anthropological inquiries tend to affirm the independent value of ethical experience and moral judgment. It is in this part of his work, however, that he also insists upon the ultimate incommensurability of religious commitment and ethical intuition. "Catharsis" vigorously champions man's march to victory, the striving to satisfy one's legitimate desires and goals. Yet man must also learn to accept defeat. Even the most valuable human telos must be sacrificed, when God calls upon man to do so. No area of human existence is spared: the pleasures of the conjugal bed, the bittersweet consolation of grief at the death of a beloved, the intense quest for knowledge, even the search for God. The student of these texts can have little doubt that the Rav sanctions man's quest to actualize the nature bestowed upon him by the Creator. At the same time, he insists that man's legitimate desires must be sacrificed to God through the gesture of withdrawal. Furthermore, the fulfillment of human nature is contingent upon the individual's willingness to purify his desires by submitting to God. Without that commitment, that performance which could have been sanctified becomes an ugly affair.

Let us recapitulate the three themes we have distilled from the "anthropological" strand in the Rav's thought. The proper realization of human nature is not mere culture; it is rather man's aspiration to march forward victoriously, apprehended as the fulfillment of the destiny willed by God for man. Therefore the manner of that realization is a matter of immense significance; the great choices confronting man are indeed awe-inspiring. The choices facing man are predicated upon the existence of plural values not given to synthesis. One such arena of conflict, and clearly the most radical, takes place when the entire range of legitimate human values is pitted against the transcendent imperative of obedience to God.

NATURAL CONSCIOUSNESS AND REVELATIONAL CONSCIOUSNESS:

The ultimate tension between the dual aspects of man, that fashioned for fulfillment and that destined for obedience, which is presented most explicitly in "Catharsis," and is probably most familiar from the *Lonely Man of Faith*, receives its most profound justification in *U-Vikkashtem miSham*. Here the Rav undertakes to produce a map of man's relations with God and the inner logic correlating the various stages of religious existence. The most fundamental elements are man's search for God and God's willingness to reveal Himself to man. The human search engages, potentially, every aspect of existence. It extends to the awareness of the cosmos without and the spiritual dimensions within, the world of logical concepts and the uncanny feelings of the mystic. Yet man's capacities are necessarily limited. God is infinite. Hence the search for God, conducted from the human side of the infinite gap separating creature from Creator, must fall short. Unless God makes Himself available to man, the encounter cannot occur.

It is beyond the scope of this paper to review the Rav's textured account of the different types of revelational consciousness (*toda'a gilluyit*) engendered by the reality of God confronting man, and their interaction with the natural consciousness (*toda'a tiv'it*) that is the fruit of man's own initiative. Both are mandated by God: "Man is commanded not only to have faith in God but also to know God." What matters most, however, is "belief in His revelation to man and man's readiness to fulfill His will unconditionally."¹⁹

In the course of demonstrating the significance of man's dual experience, even while emphasizing the essential commitment to revelation, the Rav warns of the danger in reliance upon man's natural faculties as a self-sufficient source of ethical norms:

In such a situation, it seems to man as if he were the father of the commandment, as if he determined the aim and purpose of religion. It seems to him that both the formulation of the law and its fulfillment are given to man. Hence he is permitted to choose one law and reject another law . . . as if all derives from man's free creation and all returns to it. The end of this liberty is moral anarchy. . . . A religious imperative (a secular ethical norm is insufficient) irrupting with titanic power, is the foundation of objective religious existence. . . . Religiosity lacking an objective-revelational basis that obligates man to deeds and actions, cannot conquer the beast in man. The subjective faith, wanting com-

mand and law, of which Saul of Tarsus spoke, even if it masquerades as love of God and man, cannot sustain itself if it is without specific commands to do good deeds, and to fulfill specific commandments, which do not always find favor in the eyes of reason and culture²⁰. The terrible devastation (*sho'a*) of the Second World War is proof. All those who spoke about love remained silent and did not protest. Many of them even took part in the destruction of millions of human beings.²¹

Much of the Rav's moral argument in this passage, and elsewhere, is psychological, rather than ontological, in its import. Insensibility to the revelational aspect of human existence, he maintains, brings about disastrous moral consequences. To understand fully the significance of revelation, however, it is not enough to concentrate on the track record of the human race. If revelation were only a prophylactic against human wickedness, then a human psychology substantially altered for the better, a human beast a bit more tame, and a mind less prone to self-deception, could safely dispense with the yoke of "specific commandments which do not always find favor in the eyes of reason and culture."

But this is not the case. The Rav's critique of modern man's illusions about himself is not the whole story. We need determinate revealed commandments not merely as a means to help avert moral catastrophe. We require *Torah u-mitzvot* in order to encounter God. For, as we have seen, human initiative, however ambitious, disciplined and sustained, cannot bridge the measureless gulf that divides finite creature from infinite Creator. If God is really and truly God, then we encounter His presence not only when and where we are prepared to recognize it, but precisely when He overtakes us and commands our attention and commitment, in moments unguarded and circumstances uncontrived by human hands.²²

THE PRIMACY OF GOD AND THE PLURALISM OF ETHICS:

We have reached a vantage point from which we may survey the Rav's treatment of the ethical, understood as a normative realm characterized by awe and absoluteness. In some texts (*Halakhic Man* and the presentation of Adam the First's creativity) the ethical is ignored as an independent category. Elsewhere (*Halakhic Mind*) the Rav seems to recognize the ethical as an autonomous mode of apprehending reality. In much of his work he affirms morality as a powerful and complex com-

ponent of human existence, and it is in these texts that he invariably makes the authority of ethics dialectically dependent upon the supremacy of revealed commandments.

In the opening section of this paper, we raised three questions: First and foremost, what can the Rav teach us about adjudicating the conflict between identity and hierarchical theories with respect to the relationship between the ethical and the religious? Is the Rav disposed to consider the ethical as given to scientific development? And why does the ethical occupy such a central place in human life?

It would be best to begin with the last question. The absolute subject of human existence, the only matter of ultimate concern, is man's relationship with God. The ethical, like the religious, does not materialize in an anthropological vacuum. Both the creative human gesture, the polychromatic search for meaning, which the Rav, in *U-Vik-kashtem miSham*, calls "natural consciousness," and the gesture of submission, obedience and sacrifice, the "revelational consciousness," arise from that relationship, as is their dialectical interrelationship.

Grasp the primacy of the God-relationship for the man of faith, and the various remarks about the ethical in the Rav's writings are readily understood. From a phenomenological standpoint, the ethical is frequently experienced as a realm of absolute value distinct from the religious imperative. This is a fact about human consciousness and thus a part of any real account of human experience: hence the Rav indeed takes it seriously (in *Halakhic Mind*, for example). It is also a fact, according to the Rav, that ethical consciousness is pluralistic; in other words, that legitimate desires and goals are incommensurate and that there is no formula whereby they can be synthesized. No less real is the dialectic engendered by the confrontation between the ethical and the religious: inexorably and inscrutably, God commands "specific commandments which do not always find favor in the eyes of reason and culture." Furthermore, because of the primacy of God's will as the absolute source of value, the ethical, for all its significance, is incomplete by itself; for this reason, the Rav may be disinclined to treat the ethical as a subject for systematic scientific construction.²³

Finally, in the light of the above, we return to our initial question about the ontological status of the ethical in relation to the religious: the identity theory vs. the hierarchic thesis. As we have noted, some of the Rav's texts point one way; some, the other. To me it seems that everything depends on the point of departure. From a God's-eye perspective, as it were, the ultimate justification of human existence is theological, how man is to go about fulfilling the will of God. What we

define as the ethical is no more, and no less, than a subset of the religious: this outlook fits the identity theory. Perceived through human eyes, the ethical, to the degree that its content is not exhausted by specific halakhic injunctions and prohibitions, expresses man's "natural consciousness" of value, the human attempt to encounter God. This attempt, when divorced from commitment to "revelational consciousness" is doomed to failure or worse. It is nonetheless real, and its reality is best described by the hierarchic model.²⁴

THE RAV AND OUR PRESENT CRISIS

It is impossible to survey that segment of Jewry denominated "modern Orthodoxy" without being impressed by the frequency with which the Rav *zt"l*'s name is invoked and the infrequency with which his work is studied. To take a conspicuous example, he is often extolled as a paragon of the integration of liberal arts education and Torah. But how often do the spokesmen who generate the publicity grapple with the reality of that integration as practiced in his life and in his writing? How frequently do they effectively gloss over anything that would furrow the brow, or prick the conscience, of amiable insignificance?

The blank obliviousness with which the Rav's legacy has been received extends to his remarks on the ethical as well. The hard pluralism that required real men and women to take seriously their dialectical experience of the ethical and the religious, never had much of a chance in a community that all too easily slipped into a confounding of its own ethos with that of the Creator. Pluralism of this sort is difficult because it forces us to treat as crucial, decisions to which Halakha provides a frame of reference, but not a clearcut resolution. Thus, for example, one who appreciates the spiritual opportunities and challenges that flow from the choice of a spouse or a professional career cannot, despite the absence of specific halakhic dictates, regard such decisions as a matter of religious indifference. There is even greater pain when the choice of one value entails the sacrifice of another. Pluralism means that the dethroned value is still there; it has not been discarded, and still exercises its influence over the individual who cannot fully realize it in practice. A community that prefers either the self-congratulation of success or the resentful self-pity of frustration is impatient with the dialectic of triumph and retreat. Its ethos can oscillate between unbalanced hope and reckless despair. It is incompatible with sober, and sometimes tragically complex reality.

In the good old days the regnant ethos was one of Western bour-

geois achievement and comfort—the American dream of the post-war years. Back then it was the Rav's emphasis on sacrifice and retreat, on the religious imperative that estranges the individual from the crowd and offends against conventional reason and culture, that left the public relations wing of Orthodoxy with a bad case of intellectual amnesia. Times change, and a new generation, disenchanted with the promise of Western culture, diverted itself with a more sullen and ethnocentric vision, contracting spiritual deformities whose cost we only began to measure when some of us chose to act them out.

Through the tergiversations of our history, the Rav continued to preach the dialectical truth. He knew that modern men and women were not always insensible to their deficiencies, that they experienced a genuine yearning for the sense of meaning which religious faith was expected to provide on the occasion of services and lectures, and the donation of money to religious institutions. And yet he did not compromise his vision or tailor it to their preferences²⁵. When people borrowed pleasing insights from religion it was not religion: it was merely "religious culture."²⁶ And when the tide turned, and it became fashionable to deprecate the ethical in the name of an exclusively national ideal, he was prepared to warn against that confusion too.

"Judaism has indeed formulated a dialectical morality." Not the least of the Rav's many gifts to our century is his keen awareness of the complexity inherent in moral and religious existence, and his tireless commitment to make that complexity real. The present essay is an attempt to keep that legacy alive. We need his guidance more than ever²⁷.

NOTES

1. *Halakhic Mind* (Seth Press, 1986) 52.
2. "Majesty and Humility" 26.
3. Rabbi Joseph B. Soloveitchik, "A Eulogy for R. Hayyim Heller" in *Be-Sod haYahid ve-haYahad*, ed. Pinchas Peli (Jerusalem, 1976). I here improve upon my translation in *Shiurei HaRav*, ed. Joseph Epstein (Hoboken, 1994) 49.
4. I refer most particularly to the analysis of the ethical and the aesthetic in the notebooks on prayer, composed in the 1950's. I hope, God willing, to prepare this material for publication in the near future.
5. For a good recent analysis of the distinction in its early stages, see S.Z. Havlin, "*Hukkim* and *Mishpatim*: in Torah, Rabbinic Literature, and Maimonidean Thought" (*Bar-Ilan Yearbook* 26-27, pp. 135-166).
6. Let me observe that the Rav's pluralism, as expounded later in this paper, is

- eminently compatible with a halakhic phenomenology recognizing positive and negative commandments as expressing dual aspects of religious experience. See Ramban to *Shemot* 20:7 and later authors cited in Chavel's edition of *Perush haRamban* (Jerusalem, 1962) I 399. In the same manner, one may distinguish the phenomenological feel of different categories of mandatory and prohibited actions e.g. those for which court-imposed punishments are ordained, those where the debt is imposed by Heaven (*dinei adam* and *dinei Shamayim*), and those where vigilante action (*kannaim pog'im bo*) is an option.
7. Walter S. Wurzburger, *Ethics of Responsibility: Pluralistic Approaches to Covenantal Ethics* (JPS, 1994) 19. Overall Rabbi Wurzburger's book, and several of his other writings, are consonant with much of my essay, particularly in subscribing to pluralism, by which I mean the idea that Jewish ethics cannot be derived from one principle.
 8. My revered teacher Rabbi Aharon Lichtenstein, in his essay "Is There a Morality Independent of Halakha?" (in *Modern Jewish Ethics*, ed. Marvin Fox [Ohio State U, 1972]) 62-87 deals with subject matter similar to that of this paper. My focus, however, is not on the delineation of spheres between morality and Halakha, but rather on the *experience* of apprehending the values and imperatives emanating from each sphere. For this reason I have also paid attention to conflicts between, and within, the two domains. I have also refrained from discussing the practical implications of taking the category of the ethical seriously, for example how ethical insight can, and should, influence halakhic analysis. On this subject, see Rav Lichtenstein's brief but suggestive remarks in "Kevod haBeriyot (Respect for Human Beings)" (*Mahanayim* 5, Iyyar 5753, 8-15).
 9. *Ish haHalakha*, in *Talpiyot* Vol. 1, 665-667.
 10. Compare to the section on the normative character of halakhic man, for whom ethos has teleological priority over logos (690ff).
 11. "The Lonely Man of Faith" (*Tradition* 7:2, Summer 1965) 15.
 12. *Halakhic Mind* 69.
 13. *Ibid.* 69-70.
 14. *Ibid.* 90.
 15. Take, for example, p. 67, where ethical subjectivity is objectified by being converted into "propositions, norms, values, etc." (here the ethical is presumably distinct from the religious). The paragraph ends by identifying the aggregate of religious objective constructs with "ethico-religious norms, ritual, dogmas, theoretical postulates, etc." (and here the adjective "ethical" describes the realm of the religious).
 16. See the first four essays in *Tradition* 17:2. Though they were composed at different times, the edited text and arrangement of these articles deliberately constitute a unified presentation.
 17. *Lonely Man* 9.
 18. "Majesty and Humility" 26.
 19. *U-Vikkashtem miSham* (in *HaDarom* 47, Tishre 5739) 19.
 20. Note that the Rav does not speak of irrational commandments, or commandments that contradict reason. He is not making a metaphysical statement about what is categorically rational and what is not; rather he is describing ordinary human moral judgments. He takes such judgments seri-

ously, but without turning their essentially anthropological character into an unqualified absolute. Such locutions, in my opinion, are not accidental. I vividly recall, for example, a lecture on *Hukkim* (circa 1975) during which, in response to the Rav's rhetorical question, members of the audience called out that *hukkim* are irrational and/or illogical. Seemingly accepting their answer, the Rav subtly reformulated it: the *hukkim*, he said, do not lend themselves to the understanding of the logos.

21. *Ibid.* 25-26.

22. Abraham Sagi and Daniel Statman, in their pioneering and, in many respects exemplary, integration of Jewish thought and analytic ethics *Dat uMusal* (Bar-Ilan, 1993) count the Rav among thinkers who make ethics dependent on religion for psychological reasons (see their discussion of the *U-Vikkashtem* passage p. 235). They cite several suitable passages in lectures whose printed versions were not prepared by the Rav himself. The ontological conception that I develop here on the basis of *U-Vikkashtem miSham* coheres with a pluralistic model that does not appear among their classifications. In a recent discussion of R. Shimon Shkop ("The Religious Commandment and the Legal System: a Study in the Halakhic Thought of R. Shimon Shkop" *Daat* 35, 99-114), Sagi discovers a two-tiered framework of natural ethics and revealed Halakha with affinities to the pluralistic model proposed here.

23. In principle, of course, a scientific domain may be dependent upon another and yet capable of autonomous systematic development. One can formulate a coherent account of thermodynamics, for example, while recognizing its reducibility to mechanics. By the same token, a disciple of the Rav might recognize that ethics ultimately derives from the religious without despairing of the possibility that the field of ethics can be systematized on its own. Whence the uncertainty in my phrasing above.

24. The hierarchic theory arrived at here posits, not only that the ethical is axiologically inferior to the religious, but that it is incomplete, in the absence of submission to the religious. This conclusion flows from the dialectic described by the Rav in *U-Vikkashtem miSham*. Question: is this picture consistent with the phenomenological reality, in which the ethical makes awesome and absolute demands on individuals who do not recognize the "revelational consciousness?" A dismissive and purely psychological explanation, that the ethical commitment of such individuals breaks down under pressure, is inadequate; from a phenomenological perspective, it is enough to establish the ontological reality of the ethical that some individual case is authenticated. In *Lonely Man* (48, n.1), the Rav observes that "[i]n reality there are no pure typological structures," and that when the characteristic covenantal conception of time appears in the majestic community as well, it has been taken over by the latter from the former. Presumably he would offer the same answer for the present case. Such an approach would seem to be supported by the historical evidence: our sense of the ethical as absolute and awesome may be predicated upon Christianity and the type of vestigial Christianity represented by thinkers like Kant. Greek ethical views diverge significantly from this model (see, among recent writers, Bernard Williams, *Shame and Necessity* [University of California Press, 1993]) and the therapeutic ethic of the psychologists, proud in its repudiation of both guilt and

- shame, threatens to achieve an even more radical emancipation from the ethical in the post-modern world. See also P.S. Greenspan, *Practical Guilt: Moral Dilemmas, Emotions and Social Norms* (Oxford, 1995).
25. Note that “Catharsis,” which is the Rav’s sharpest formulation of the need to sacrifice, was delivered to a collegiate audience. In general, the theme of withdrawal, in the Rav’s published writings, is more sharply delineated in his English works. The major exception, *Al Limmud Torah u-Geullat Nefesh ha-Dor*, corrects the statements of a French-American correspondent for an Israeli newspaper whose concept of religion tended to treat the religious as a means of serving the national culture.
26. I am building on the concluding pages of *Lonely Man of Faith*.
27. Coming to grips with the spirit and substance of the Rav’s work willy nilly renews one’s joy in the community of kindred religious-intellectual spirits. Among those who commented on my first draft, let me mention Rabbi Yitzchak Blau, Rabbi Adam Ferziger, David Hazony, Dr. William Lee, Rabbi Moshe Wohlgelernter, Dr. Joel Wolowelsky, Rabbi Walter Wurzbürger.