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JEWISH ETHICS 1970-1975: RETROSPECT AND PROSPECT

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1. The aim of this bibliographical essay is to offer a representative listing of recent Jewish ethical discussion, and to view that discussion in critical perspective. The sheer quantity of material rendered it impractical, if not impossible, to comment intelligibly on each item. Instead, a series of general comments will be followed by a critical review of one of the entries, a format which will enable this reviewer to accomplish the tasks he has set out for himself, while providing a model — however imperfect — for the kinds of questions that need to be asked when reading any of the entries listed below.

2. Even a cursory glance at the bibliography will suffice to underscore the extraordinary progress in Jewish ethics during the past five years. The six anthologies of primary and secondary sources in Jewish ethics (Finkelstein, Fox, Konvitz, Lamm, Riemer, and Silver) are easily obtainable and provide ample readings for classroom discussion. These are readily supplemented by related readings from Scripture, Talmud, and Midrash, or by related historical and comparative materials, or by other entries from this and earlier bibliographies of Jewish ethical literature (depending upon the instructor's organizing principle, whether cross-cultural, historical, ideational, or problem-oriented). When chosen judiciously and organized perceptively, these readings provide the building blocks necessary for a course in Jewish ethics, or for one containing a Jewish ethics component. An old excuse for excluding Jewish ethics from ethics curricula, i.e., the lack of significant primary sources and mature secondary discussion in English translation, is dealt its quietus by this bibliography.

3. Salutary developments include the appearance of the following:

a. *Encyclopaedia Judaica* (16 volumes; Jerusalem: Ke-

ter Publishing House, 1972). See *sub* "Ethics" in the index volume, as well as the individual entries for the various Jewish moral philosophers, past and present. A byproduct of the *Encyclopaedia Judaica* is the *Elon* volume (in the bibliography, section 2) which, as a general introduction to Jewish law, is a *sine qua non* for a proper understanding of the legal component of Jewish ethics.

b. Three new periodicals which feature studies in Jewish ethics. *Diné Israel* (1969ff.), an annual published by the law faculty at Tel Aviv University, is devoted to Jewish law and modern Israeli family law. *Israel Yearbook on Human Rights* (1971ff.), an annual published by the same faculty, focuses on human rights in modern Israel and elsewhere. Both annuals publish more scholarly studies on Jewish ethics than could be listed in this bibliography. *Sh'ma* (1970ff.), a biweekly edited by Eugene Borowitz, offers innumerable brief communications on Jewish ethical issues. Its format provides a forum for "instant ethics," i.e., immediate responses to current issues, instead of the long wait for the university press volume which, when published, often is outdated. Also, it provides a more or less open forum for ethical dialogue in print, with initial presentation, response, and counter-response spread over a reasonable time period. The disadvantages of this particular format are obvious: brief communications, by their very nature, lack the careful documentation necessary to substantiate the claims being advanced. This is especially true of the highly complex issues confronting Jewish ethicists in recent years. Moreover, the egalitarian nature of the open forum, while seemingly admirable, raises serious questions about the competence of the contributors and about the quality of their contributions. Not everyone who says something has something to say. Since uninformed readers tend to give equal weight to all viewpoints ex-

pressed in a responsible periodical, the dangers here are real, not imaginary. In any event, the ethical communications in *Sh'ma* are too many and too brief to be listed here (with the exception of Feldman, "Homosexuality . . ."); the interested reader, however, is hereby served notice that much of value can be gleaned from such communications.

Other noteworthy developments include KTAV's announcement of a new series edited by Norman Lamm and entitled the "Library of Jewish Law and Ethics." The series' first volume — Gerald Blidstein, *Honor Thy Father and Mother: Filial Responsibility in Jewish Law and Ethics* (New York: KTAV Publishing House, 1976) — is in press and due to appear shortly. Mention, too, should be made of the fact that in recent years Christian ethicists have sought out, at a variety of levels, Jewish participation in ethical discussion. This mutually fructifying enterprise has yielded very tangible results, reflected only in part by Jewish contributions to the *Journal of Religious Ethics* and to contemporary ethics readers, such as the contribution to Outka and Reeder (eds.), *Religion and Morality*, by Louis Jacobs (see below, section 7).

4. The developments outlined above and the bibliography presented below are clear indications that Jewish ethics, for better or for worse, has come of age. The "for better" will be obvious to all; the "for worse" requires elaboration. Not all that is published in Jewish ethics ought to be published, unless the justification be that excessive quantity is the best guarantor of occasional quality. The problem, succinctly stated, is that few Jewish scholars are trained as ethicists or moral philosophers, and still fewer ethicists possess the philological skills necessary to cope with Jewish (usually Hebrew) sources, whether classical or modern. Yet it is precisely this combination of skills (plus several others, such as the ability to articulate one's views orally and in writing) that will produce Jewish ethicists worthy of the name. Meanwhile, a goodly portion of the present discussion borders on dilettantism, some of it on the wrong side of the border. The cautious reader will do well to probe the plain sense of every primary source and test his findings against the interpretations given in the secondary sources. He will trust no one, least of all the reviews in the scholarly and not-so-scholarly periodical literature.

5. Occasional sloppiness extends even to book titles. Thus, an alleged translation of Judah b. Samuel's *Book of the Pious* (see bibliography) is entitled *Medieval Jewish Mysticism: Book of the Pious*. The first half of the title is a sample of crass commercialism; only the *Book of the Pious* and its setting among the Hasidim of twelfth- and thirteenth-century Germany are discussed by the translator in his introduction. This is hardly "medieval Jewish mysticism." Even more misleading is the second half of the title. The *Book of the Pious* is extant in two different but related recensions, the Bologna edition, which contains 1,172 paragraphs, and the Parma manuscript, which contains 1,983 paragraphs. The English translation offers only the first 161 paragraphs of the Bologna edition (i.e., less than 15 per cent of the original book), yet it is advertised as the "long overdue English translation and critical edition of one of the seminal texts of Judaism."

Less misleading, but misleading nonetheless is the title

of Rosner's *Sex Ethics in the Writings of Moses Maimonides* (see bibliography, *sub* Moses b. Maimon). The opening portions of the volume are taken up by Maimonides' *Treatise on Cohabitation*, written at the behest of a sultan (Saladin's nephew) whose sexual prowess apparently was no match for the nubile maidens in his harem. Maimonides' "how to" manual lists a series of aphrodisiacs, salves, and other suggestions guaranteed to increase sexual potency which, if accompanied by photographs, would probably be a best seller in today's pornographic bookshops. Sexual intercourse and sex ethics are not interchangeable terms.

Another case in point: one would never guess from the title of Paul Forchheimer's *Living Judaism* that the volume includes an English translation of *Pirké Aboth* and of Maimonides' *Commentary on Pirké Aboth*.

6. Despite such solecisms, the quality of a significant portion of the entries listed below ranges from good to excellent. The burgeoning literature and the diversity of topics covered bode well for the future of Jewish ethics. One suspects that the more substantive studies published between 1970-1975 will serve as models for seminal contributions in the years ahead. One hopes that issues not explored sufficiently (from a Jewish perspective) in the past five years will merit the careful attention of Jewish ethicists of the future. These include:

- a. the distribution of scarce resources
- b. population control
- c. informed consent
- d. the relationship between law and ethics
- e. metaethical issues.

Included under the last two rubrics are such questions as: Does *halakhah* define or regulate morality? What role do reason and intuition play in the halakhic and ethical decision-making process? Should one strive for the moral life because God requires one to do so, or because of other more (or: less) noble justifications? Is divine revelation a *sine qua non* for the moral life? If so, how are Jews to relate to a society which rejects divine revelation? How does Judaism view and relate to other religious faiths (the stress is on faiths or religious movements rather than on the individual Gentile, for which see Moshe Greenberg's illuminating study "Mankind . . .")?

The above list hardly exhausts the issues that remain to be explored; nevertheless, it does suggest some of the more fertile areas of investigation which Jewish ethicists may want to explore in the years ahead.

7. Clearly, the most articulate Jewish ethicist in recent years has been Louis Jacobs, whose ethical concerns have found expression in the numerous books, anthologies, studies, and scholarly editions of classical texts he has edited and published.

In a recent study ("Relationship . . ."), Jacobs explores the relationship between religion and ethics in the Jewish tradition. Moving chronologically from the biblical through the modern periods, Jacobs adduces a variety of proof-texts in support of his claim that the autonomy of ethics is presupposed by all of Judaism. Specifically, he argues that in Judaism ethics is independent of religion so that "religious motivation is not essential for leading the good life in the ethical sense" (p. 170). Indeed, Jacobs is sufficiently persuaded by his own argument that at the

close of the study he is forced to confront a new, more troubling question: "If ethics is really independent of religion, what, then, is the connection between religion and ethics?" (p. 170). His somewhat anemic solution that religion provides life (and, hence, ethics) with an extra dimension is not likely to win many adherents.

More disturbing is the methodology Jacobs employs in arriving at his conclusions. By means of a highly selective choice and interpretation of materials, Jacobs has imposed his view on the classical texts, and in the process he may have raised more problems than he solved. When discussing the biblical period, for example, Jacobs states (p. 156) that "nowhere in the whole of the biblical record is there the faintest suggestion that God imposes upon man arbitrary rules which must be obeyed purely on the grounds that God so desires"—conveniently overlooking Genesis 22 (from Abraham's perspective, if not God's) and Ezekiel 20:25. As part of the biblical evidence, Jacobs adduces the view of modern Bible scholarship that certain egalitarian laws (such as the right of women to inherit property) were inserted into the Pentateuch in the post-Mosaic period. These instances prove that "the right course for man came to be seen as God's will for him and hence 'given' to Moses by God" (p. 158). Jacobs may be right; but this, then, would be the view of modern Bible critics and Jacobs. It is certainly not the view of the biblical authors or of classical Judaism, despite Jacobs' claim that this is what he set out to present.

Turning to the rabbinic evidence, Jacobs conveniently makes no mention of passages such as Mishnah Berakhoth 5:3 and its explanation in the Babylonian Talmud (Berakhoth 33b) to the effect that God's commandments are to be obeyed precisely because they are divine fiat, and not because they are ethically charged. (Cf. Rashi, *ad loc.*, for a medieval elaboration of this view.) As proof of ethical autonomy in rabbinic literature, Jacobs cites a teaching ascribed to a third-century Palestinian teacher, which reads: "If the Torah had not been given we could have learned modesty from the cat, honesty from the ant, chastity from the dove, and good manners from the cock who first coaxes and then mates." But what does this passage really prove? How many Jews (or Gentiles, for that matter) have learned modesty from a cat? And if one could learn modesty from a cat, why not promiscuity from a dog? In short, it does not suffice merely to marshal evidence for a moral realm separate and distinct from God's commandments as prescribed in the Torah. The vitality of that realm needs to be examined, and specifically, its potency when in conflict with God's commandments. Jacobs does not discuss moral *obligation* or *accountability* outside of God's commandments, a crucial oversight in any discussion of the relationship between religion and ethics. Indeed, the distinctions he introduces between religion and ethics (in the Jewish tradition) appear to be artificial. At one point (p. 161), Jacobs remarks that "the nearest . . . Judaism comes to a complete separation between religion and ethics is in the following remarkable Talmudic comment . . ."—and then proceeds to cite from the Talmud an exegetical *midrash* on Isaiah 3:10-11!

In sum, the Jewish tradition speaks in many more voices than Jacobs is willing to concede. William of Ock-

ham's "God the Commander" is as prominently displayed in Judaism as Aquinas' "God of Virtue." Jacobs' rationalist bent colors his view of traditional Judaism, rendering it difficult, if not impossible, to distinguish the descriptive from the normative in his writings. Despite its faults, Jacobs' study is informative and provocative. For a more profound treatment of the relationship between religion and ethics in the Jewish tradition, see Lichtenstein ("Does Jewish Tradition . . ."), who combines impeccable scholarship with literary finesse, and whose essay alone suffices to render the Fox volume the most sophisticated anthology of Jewish ethical discussion in print.

8. No consensus has emerged as to the precise definition of the term "Jewish ethics," nor is there any imminent danger of such a consensus emerging. Indeed, definitional studies of the term should be added to the list of desiderata in section 6 above. For the purposes of this bibliography, "Jewish ethics" has been defined in its broadest sense, encompassing all four levels of moral discourse delineated by Henry David Aiken, and more (e.g., history of Jewish ethics and ethicists, Jewish moralistic literature, and commentaries on *Pirké Aboth*). At this early stage in the compilation of Jewish ethics bibliography, I prefer to err on the side of broad, rather than narrow, definition. Let the discerning reader choose those titles that seem best to suit his interests. While hardly exhaustive, the bibliography offers a representative listing of recent Jewish ethical literature and discussion. The entries are intended to reflect the variety of issues confronted by Jewish ethics in the first half of this decade. Studies in Modern Hebrew and in European languages are not included. The burgeoning literature on wisdom in ancient Israel is mostly ignored (except for the Crenshaw, Thompson, and von Rad volumes). The reader interested in pursuing the secondary literature on wisdom is referred to the running bibliographies in *Elenchus bibliographicus biblicus* and *Internationale Zeitschriftenschau für Bibelwissenschaft und Grenzgebiete*. Reprints and revised editions of pre-1970 publications (such as William B. Silverman, *Rabbinic Wisdom and Jewish Values* [New York: Union of American Hebrew Congregations, 1971]) go unmentioned unless they have been revised sufficiently to warrant citation (e.g., Tendler). Studies appearing in the Jewish ethics anthologies are listed individually only if, to the best of my knowledge, they have not appeared elsewhere prior to 1970 and only if they appear to be of sufficient interest to warrant special mention.

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Notes on Recent Publications

Research Tools

A GUIDE TO INDEXED PERIODICALS IN RELIGION. By John R. Ragazzi and Theodore C. Hines. Metuchen, NJ: Scarecrow Press, 1975. Pp. xiv + 314. \$10.00.

The author supposes that this work "should be quite useful as it is" (xiv). However, the work has a long way to go before it can serve as a real "guide," as its title claims. One gets no more information than can be gotten by photocopying the "titles indexed" sections of seventeen (why seventeen?) indexing services. With two added features: a composite alphabet and a KWIC index. And with two major liabilities: bibliographic inconsistency and misspellings by the score. Moreover, it does little good to know whether a journal is indexed in an indexing tool without knowing if all articles, or selected articles, are indexed; if book reviews are indexed, or not; if notices and announcements are indexed, or not. Such information is readily available from the editors of indexing publications, who need and desire a real "guide" to put their services into a larger context. Such information cannot be omitted if a users' "guide" is intended. Finally, there is no reason why a computer file should be line-printed (in this case, poorly inked) for publication in an age of high quality computer-driven typesetters—especially when the size of the book could be reduced by at least 30 per cent.

The authors should be encouraged to begin working on a second edition with minimal enhancements to the present file, with a view toward an annual volume. Meanwhile scholars should be encouraged to wait for an improved edition before plunking down ten dollars.

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Hermeneutics

TRUTH AND METHOD. By Hans-Georg Gadamer. New

York: Seabury-Continuum, 1975. Pp. xxvi + 551; indexed. \$22.50.

Along with Heidegger and Ricoeur, Gadamer is one of the principal philosophical minds who articulates the post-modern turn in consciousness taken by the hermeneutical vision. The book's title signals the book's argument, namely, we cannot expect a precise method such as that employed by the sciences to reveal truth. The translation is better than fair, maybe even good. Complicated German sentences have been divided up. It reads smoothly but pragmatically, without rhetorical flourish. However, *Dasein* did not need to be translated into "there-being"; and it seems no attempt was made to match Gadamer's technical terminology with renderings already familiar to us in English language scholarship, e.g., the works of Richard Palmer.

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History of Religions: Comparative Studies

THE TAO OF PHYSICS. By Fritjof Capra. Berkeley: Shambhala Publications, 1975. Pp. 330. \$12.50.

An attempt by a physicist with a mystical experience to demonstrate parallels between "Eastern Mysticism" and contemporary physics, even though he asserts "mysticism is, above all, an experience that cannot be learned from books." "Eastern Mysticism," covering Hinduism, Buddhism, Chinese Thought, Tao, and Zen in forty-one pages, shows little knowledge of the scholarship dealing with these traditions. (This impression is confirmed by an examination of his bibliography.) The presentation of contemporary physics is clear but logically unsophisticated, shuttling between instrumentalism and essentialism with a blithe spirit. Neither a good introduction to physics, nor to mysticism, nor to the putative relation between them.

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