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Volume 0  
Number 2 *Old Series: Volume 1, Number 2 (July 1991)*

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July 1991

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Eugene Borowitz

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### Recommended Citation

Borowitz, Eugene. "Jewish? Ethics? Jewish Ethics?: The New Problems." *Journal of Textual Reasoning Old Series: Volume 1, Number 2 (July 1991)*: 21-35. <https://scholarworks.wm.edu/jtr/vol0/iss2/4>

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# JEWISH? ETHICS? JEWISH ETHICS?: THE NEW PROBLEMS

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EUGENE BOROWITZ

**Excerpted from *Exploring Jewish Ethics: Papers on Covenant Responsibility* (Detroit: Wayne State University, 1990): pp. 26-36.**

Since Jews began leaving the ghetto, no facet of their new self-image has carried more symbolic weight than the complex of ideas associated with “Jewish ethics.” It justified their participation in general society, validated their emancipated Jewish identity, explained and shaped their secularity, refuted Christian claims to superiority — and much more. Yet today the entire notion of “Jewish ethics,” as we have commonly understood the term, has become questionable, engendering the search for new meanings....

## I

To begin with the history, the early nineteenth-century Emancipation of “ghetto” Jewry — a gradual process rather than an event — revolutionized Jewish life to an extent free Jews can hardly comprehend. After roughly 1500 years of segregation, oppression, and then persecution, European Jews became social equals. (Jews under Arab rule were not

similarly benefitted as were, in even happier ways, those coming to North America.) This drastic social relocation made a revised understanding of Jewish identity indispensable for the masses who eagerly embraced the new freedom. Thinkers reflecting on the heady experience of equality worked out a Jewish response to it in terms of ideas we have come to know as "Jewish ethics," a theme that became central to modernized Jewry's self-image.

Traditional Judaism had not addressed the abstract concern with conduct called "ethics." No book of the Bible or the Talmud has ethics as its topic or major theme; however, once one thinks in terms of ethics one becomes aware of the strong ethical thrust found in the Written and Oral Torah. Ethics is, of course, a Greek way of looking at duty, a duty derived from reason. Judaism had a more reliable source of obligation, God's revelation, and thus it spoke of commandments, ones that dealt with very much more of life than how one should treat other people. Not until Jews learned about Greek philosophy in the ninth century did they occasionally reflect specifically on ethics. Thus, the modern Jewish understanding of Jewish ethics and its exaltation as the primary means of being a good Jew were very much more a creative innovation than a simple evolution.

The concept primarily derived from the startling experience of having rights as a citizen. This only became possible when the modern state enfranchised individuals, not classes like the nobility, or institutions like the church or the Jewish community. The new status of the single self was confirmed as democracy increasingly expanded. Now each citizen had a share in determining who would rule and, more important for our theme, who would legislate. Though people had to share their political power with numerous others, the act of voting taught them about their newly enriched personal worth. Since then, participation in determining the laws ruling one has been a critical indication of individual dignity, a reality the worldwide passion for self-determination continues to demonstrate.

Democracy came, and still comes, as a wonder to the previously disenfranchised. To European Jewry, it seemed nearly miraculous, for political equality was given to everyone, including, despite controversy, those millennial outsiders, the Jews. The intellectual-ethical roots of the

emancipation of Jewry were rationalistic. Citizenship was to be universal; ideally no one was excluded from the democratic process and no one within it was to have more power than anyone else. Moreover, the new opportunities available to Jews seemed, compared to the ghetto's limited arena of activity, to encompass little less than the whole world. Not the least of these were economic opportunities, offering the hope of advancing from penury to security.

The overwhelming majority of Jews found the lure of modernization irresistible; neither force nor special incentive was ever required to get them to leave the ghetto. Subsequently, whenever equality has been honestly offered to Jews, they have avidly taken advantage of it. One cannot hope to fathom the character of modern Jewish life today without acknowledging its foundation in the Jewish passion to be an integral part of democratic society.

Living largely among gentiles created a conflict with what the rabbinate taught was the necessary form and tone of Jewish life. To some extent the Torah directly mandated a good measure of Jewish separatism; more critically, the recent centuries of segregation and persecution had heightened the desire for self-isolation. They brought about a defensiveness that opposed modernization, including such adaptations as recent generations of the observant have found compatible with Jewish law.

In response, many Jews simply did what modernity had taught them: they made up their own minds about what they ought to do. Mostly on their own, but learning from one another and occasionally in concert, they created their own versions of how to be Jewish and modern. In the West, the religious model proved most efficacious, so Jews modernized their worship and other religious duties through the movements we know as Reform and Conservative Judaism. In the East, nationality offered a better way of modernizing, so Jews there turned to secular patterns such as cultural enlightenment, Zionism, and Jewish socialism for a new self-image. In all these new modes of Jewish existence, the modern concept of ethics was essential, providing Jews with their essential view of being human and staying Jewish.

Many reasons came together to commend the notion of Jewish ethics. Negatively, by its reliance on individual conscience and reason, Jewish ethics persuasively superseded the now embarrassing doctrine of God's revelation, as well as the restrictive power of the traditional rabbinate. Positively, the concept affirmed the dignity of the individual, not the least by exalting the Jewish virtue of simply doing good. Jewish ethics also provided an easily understandable criterion for what was lasting in the Jewish heritage — its ethics — and what might be changed — its other observances. At the same time, it clarified why responsible Jews should devote much of their energy to a world dominated by gentiles, making such social involvement an essential Jewish duty. In this way, it mandated a Jewish way of life that, because of its universality, transcended the encumbrances of particularity, yet simultaneously justified why Jews should stay Jews. Judaism, with its classic emphasis on "works," was, particularly when modernized, simply more ethical than Christianity, which prided itself on its concern with faith. Modern Jews had no difficulty reading historic Jewish law as essentially moral law, but they denied that one could create a realistic social ethics from the Christian doctrine of love. And since ethics derived from human reason and made believing in God Jewishly irrelevant, this notion appealed equally to Jewish secularists.

Because of this multiple appeal, the various understandings connected with Jewish ethics were at the ideological heart of every movement to modernize Judaism. Despite much criticism, Jewish ethics remains the single most important way Jews validate their traditions to themselves and justify their community against its detractors. This continuing commitment lies behind the tensions American Jews feel whenever they perceive the United States or the State of Israel transgressing decent ethical limits.

Acknowledging the social functions of the concept of Jewish ethics does not lead to the cynical conclusion that the concept merely rationalized Jewish group interest. It did serve Jewish social needs and almost certainly gained its power from its social origins, but most Jews affirmed the concept because they believed it was true; they knew

instinctively that the essence of Judaism was being a good person. They saw their heritage uncommonly devoted to creating good people and caring communities, though its modes of doing so in other times and cultures now occasionally clashed with an unsegregated existence.

No thinker more effectively demonstrated the academic legitimacy of ethics and thus the primary principle of a rational interpretation of Judaism than Hermann Cohen (1842-1918). Based on his internationally recognized philosophic revival of Kant, this great turn-of-the-century German philosopher gave the concept of Jewish ethics its enduring distinctive form. Cohen's thought was brought to American Jewry by the many students who went to Germany to pursue doctorates in Jewish studies. Since Cohen's ideas permeated German Jewish intellectual life, everyone who studied in Germany absorbed them. Then often, as professors at American seminaries, these former students taught Cohen's ideas to their rabbinical students, who in turn transmitted them to their congregations.

On a less academic level, the centrality of ethics to Judaism was made an intellectual staple by the widely read Hebrew essayist writing under the name Ahad Haam (Asher Ginzberg, 1856-1927). His Zionism envisioned the Jewish homeland serving as a "spiritual center" for worldwide Jewry. By "spiritual" he meant nothing religious since he was a committed secularist. An uncompromising elitist, Ahad Haam believed the human spirit could only be fulfilled in high cultural creativity. He therefore wanted the Jewish people to return to their land to revive an authentic Jewish culture. In this, Jewish ethics would have to play a vital role since he insisted that the Jews had a special national gift for ethics, one their reestablished cultural independence would clearly make manifest. In equating Jewish nationalism with high ethical attainment, Ahad Haam was exceptional among the early theoreticians of Zionism — the reason, observers suggest, that he is no longer considered relevant by most Israeli intellectuals. Since Ahad Haam never fully explicated his view of Jewish ethics or its distinctiveness, and his brief references sound much like Hermann Cohen's neo-Kantianism, let us sketch in some of this thinker's relevant ideas.

Like Kant, Cohen argued that ethics was as fully significant a dimension of the rational mind as was science (with esthetics the third such mode). In the Kantian understanding, reason presses toward comprehensive explanations so that a rational ethics can be recognized, in part by its universality; that is, it has respect for all moral agents (human beings), granting them intrinsic dignity and including them in all truly ethical rules. Moreover, Kant argued, just as in science a rational mind seeks to establish the laws of nature, so a rational person will seek an ethics structured in law, the so-called “moral law.”

Cohen developed his neo-Kantianism in heavy academic tomes, quite independent of any Jewish overtones. Yet as a proud Jew, he would occasionally write an essay showing how his philosophy illuminated, indeed, lay at the core of the Jewish tradition. Applied in virtuoso fashion by his many followers, this neo-Kantianism seemed so true an understanding of what it meant to be a modern, rational person and yet so clear an evocation of the soul of traditional Judaism that it became the grounding premise of modern Jewry’s intellectual self-understanding.

One further theme of particular American significance remains to be mentioned: the identification of Jewish ethics with liberal politics and social-action activities. European Jewish socialists had stressed the moral power of politics — particularly as contrasted to piety — and they brought their ethical activism with them to the United States. By the mid-twentieth century, with the massive East European Jewish migration acculturating, the United States, itself catalyzed by the reforms of the New Deal, seemed ready for a fuller democracy. After the World War II victory over the Nazi totalitarians and with an expanding economy providing more for everyone, America began making good on its promise of equality to the minorities it had previously scorned. Jews delighted in this process not only as a response to their social agenda but as a powerful means of ensuring their new gains. If even those lower on the ladder of social acceptability had guaranteed rights, then Jews would surely be more secure in their status as equals. Moreover, since anti-semitism seemed largely to arise from social discontent, it was prudent for Jews to support governmental action to alleviate problems such as unemployment,

inadequate housing, job discrimination, and so on. (Speculatively, this belief in the government as moral leader has its roots in the experience of Jewish emancipation and in the classic Jewish belief in the power of law.) Consequently, as the 1950's moved along and then as the 1960's gave birth to a newly demonstrative, confrontational politics, Jews were to be found in every liberal cause in highly disproportionate numbers.

In sum, by the late 1960's most American Jews took it for granted that the most important thing about Judaism was its ethics and that Jewish ethics meant liberal politics.

## II

This remarkable amalgam of social experience, self-interest, and moral intuition then began to fall apart as each of its components came under increasing challenge. As a result, the meanings popularly associated with the terms Jewish, ethics, and Jewish ethics were thrown into doubt. How one might properly speak of such a concept and, certainly, what its content was became matters of considerable argument. One period's certainty had become another's perplexity.

To begin with the social context again, American democracy, with surprising quickness, lost much of its moral stature. A strong civil-rights law did not lead to full equality for blacks, and numerous other minority groups learned the politics of confrontation and protest, the limits of American tolerance became clear. The Vietnam War made suspicion rather than respect the common attitude toward government, and the continuing scandals, typified by Watergate, completed the desacralization of democratic politics. At the same time, the university, the family, the arts, religion, all the institutions we counted on to nurture character now showed themselves equally capable of corrupting it. Then, too, our economy could no longer promise most people expanding economic horizons, and our society began tolerating actions that once would have been condemned as vice. Above everyone's head hovered the plagues of violence and drugs. A shift in ethos from idealistic hope to cynical resignation could hardly be avoided. Modernity had become a deep



disappointment; individual freedom was more than conscience could handle so that the old stabilities suddenly became preferable to the new openness.

In the Jewish community, the general misery had pointed focus in the special pain of the Holocaust. Modern culture, even democracy, did not prevent such ineffable evil. It took American Jews nearly twenty years to face this horror — one intimately connected, I am convinced, not with the death of a biblical God that a largely agnostic community no longer affirmed, but with the loss of its operative faith in Western culture and human competence. Then came the further revelations that the democracies, including the United States, had not done all they could have to mitigate the slaughter. The depth of anti-semitism in Western culture seemed immeasurable, and the continual incidents that indicated its unabated virulence made modernity's potential for malevolence painfully unavoidable.

Intellectually, too, the vision of humankind as rational and rationality itself implying a Kant-like ethics lost its old compelling power, perhaps mostly as a result of the incredible carnage of World War I. What remained of Kantian ethics faded as psychoanalysis from within and anthropology and Marxism from without demonstrated that, realistically, "conscience" mostly meant the introjected parent or group interest. Moreover, if one tightly identifies the ratiom with "clear and distinct ideas," then only science and logic qualify as rational, rendering ethics more personal preference than reasoned truth. With the increasing acceptance of this technical sense of rationality, one could credibly claim to be quite rational yet a-ethical, a dichotomy unthinkable to Kantians. Today many philosophic varieties of "rationality" compete for our intellectual allegiance, none able to demonstrate why it rather than its competitors should structure our thinking. Even worse, with philosophy itself largely conceived as a "construction of reality," none can establish why, to begin with, we ought to strive to be ethical and, as a consequence, why its ethics command imperatives rather than merely offer counsel.

In this radically changed intellectual environment, few can retain the old Kantian liberal certainty that ethics is more certain than belief, and

therefore religion must first begin with a rational ethics and then include only what is compatible with it. The postmodern situation begins with the recognition that ethics has lost its old certainty and priority. The deconstructionists unabashedly construe ethics as only another form of wordplay. But most religious believers, unwilling to let the new midrashic anti-rationalism overrule their sense of truth and right, have turned the modernist premise around: they now ponder the role of belief in establishing the ground and content of ethics — and thus, too, of Jewish duty as a whole.

It should come as no surprise then, that the familiar identification of Jewish ethics with liberal politics also has been rejected. Neo-conservative criticism has devastatingly demonstrated how much evil has been created by the government's efforts to increase our society's welfare. Why must every burden be thrown upon government when so often its major virtues, power and reach, degenerate into inflexible rules and unresponsive bureaucracies, defeating its humane aspirations? Surely there is nothing unethical about exploiting what private initiative might do — and perhaps do better — to foster social benefit. As to the Jewish content of ethics, our tradition has long commended industry, sobriety, moderation, modesty, the family, and public decorum as against the liberal temper that so delights in self-fulfillment, experimentation, sexual liberation and the toleration of aberrance, and government spending as social therapy.

The needs of the State of Israel have also militated against identifying Jewish ethics with liberal politics. Most Jews give higher priority to its immediate survival than to assuring long-range local security by improving America. Or, in the classic terms, Israeli guns, it is argued, should concern American Jews more than butter for the American deprived. Such political clout as American Jews have should, therefore, be targeted to lobbying for the State of Israel's needs. Moreover, with the Soviet Union and Red China sponsoring terrorists and otherwise impeding a Middle-Eastern settlement, Jews should scorn any semblance of support for the left and fight the moralistic rush to detente.

Such thinking requires a rethinking of what should be meant in calling an ethic “Jewish.” Liberal Jews once understood this term so universally that they fought for every people but their own. But only an odd sense of the good would require sacrificing one’s family — or one’s uncommonly admirable people — for the sake of humankind. Are we not ethically entitled to ask “What’s good for the Jews?” and to reject categorically a supine Jewish acceptance of whatever modern ethics allegedly mandates? In simple self-respect, we must insist that just as modernity may criticize and enrich Judaism, so our problem-riddled culture can often benefit from Jewish reproof and recommendation.

Believing Jews can now readily see that Western democracy, by its drastic secularization, has cut itself off from its biblical foundations. Losing its certainty in the moral standards laid upon us by our Creator — the One who gave us our “unalienable rights” — our civilization has let freedom have its head with traumatic social consequences. Its highly problematic ethical sense can no longer, as it did in the heyday of liberalism, dictate what remains valid in Judaism. Rather, our society needs to reappropriate its Jewish — some say its Judeo-Christian — roots to restore its moral well-being. Judaism as a whole and Jewish ethics in particular now ought to be seen as independent sources of guidance for a society desperately requiring ethical and metaethical help.

If the Jewishness of Jewish ethics no longer means uncovering the rationalistic, liberal imperatives embedded in Jewish sources, what does it mean? The early protagonists of modern Jewish ethics generally utilized the biblical prophets and rabbinic *agadah* (lore) to make their case since these materials often stressed the priority of moral duty. But Jewish teachers have long insisted that one finds the authoritative delineation of Jewish duty in the *halakhah* (rabbinic law). If so, any ethics that claims to be authentically “Jewish” ought to validate itself by Jewish standards, that is, by serious attention to the dialectical working out of the *halakhah* over the centuries.

This critique of the liberal version of Jewish ethics has convinced some Jews, as have similar arguments in their communities persuaded some Moslems and Christians, to turn to orthodoxy. The choices before us are

painted starkly: either a failed modernity or a return to old religious ways, which, despite an occasional problem, have proven themselves over the centuries to be truly humane precisely because they are God's own ways for us. If retaining proper values entails the sacrifice of certain cherished modern freedoms, like sexual openness, then it is well worth the price. Every generation requires absolutes — ours more than most, the blandishments of relativism being so seductive.

As a result, the movement in other communities to fundamentalism is paralleled among Jews in a strong, if minority, return to Orthodoxy. For believing Orthodox Jews, the halakhah, the God-given system for determining Jewish duty, is the only authentic Jewish form of what has been called "Jewish ethics," a term it does not customarily use even as it denies the secularists' universal human ethics an independent role in fixing Jewish obligation.

In response, most Jews, despite their disillusionment with modernity, have refused to give up its teaching about ethics. Three issues clarify this demurral, all deriving from moral lessons taught by the experience of democracy. The first arises from a revulsion at the extremism and fanaticism that an unmodernized religious traditionalism can readily engender. Judaism has the same potential for zealotry as does every faith that claims possession of the only God's own truth. This empowers religious leaders, as the situation requires, to punish the wicked drastically, for this will restore them to a right relationship with God. The result has been the sorry human experience of religion as persecutor. Today, allowing their perception of rampant anti-semitism to unshackle their tongues, Jewish religious bigots on the right have publicly demonstrated Judaism's halakhic resources for intolerance.

One can give this line of argument positive form. For all the faults of democracy, no political system does more to enhance the dignity of individuals and promote tranquility between antagonistic groups. Religious orthodoxies commend themselves for their moral absolutes, which also means they are, in principle, not committed to pluralism. Jewish Orthodoxy, despite its meritocracy of the learned and its appreciation of individuality, has not yet made plain whether its

relationship to democratic pluralism is pragmatic or principled. Until it does so, the basis of its effective control of its potential for fanaticism will be in doubt. As long as that is so, most American Jews will seek spiritual guidance in a liberal reinterpretation of their religion.

Modernists also reject Orthodoxy as a therapy for our society's moral ailments, because they find its social vision more inner-directed than they believe right in our democratic situation. They do not deny that Jewish survival ought to be a major Jewish priority and that anti-semitism remains a dangerous threat in Western cultures. But they believe we require greater emphasis on our God-given duties to humankind entire than our traditionalists commonly give them. The classic texts of the halakhah contain legal conclusions derived by applying the behests of Torah to life carried on under conditions of political subservience, social segregation, and comparative economic scarcity. They therefore naturally instruct Jews to direct almost all their energies to their duties toward other Jews and the Jewish community. But closely following these precedents today does not create a major Jewish religious imperative to work for the common welfare of humanity. In our unparalleled social equality and economic well-being, that seems a less than ethical response to our society and its ideals. And when emotion turns "What's good for the Jews?" into the overriding criterion of Jewish duty, one has the obverse Orthodox equivalent of the liberals' old sin of only asking, "What's good for humankind?"

This issue becomes particularly upsetting when some Jews insist that the Holocaust proves people cannot be expected to act ethically toward Jews so we have good reason to concentrate on taking care of ourselves. Though there is some truth in such realism, there is much more to be said. Were there not a universal sense of ethics, one every human being ought to acknowledge and obey, why should we expect every decent human being to be outraged by what the Nazis did? If ethics are merely local standards or group values, the Nazis acted properly according to the (perverted) "moral" values of their (demented) culture. Only if we affirm that there is a universal ethical order, one whose commands everyone can know, can we rightly demand, as we regularly do, that people resist

“unjust orders” despite fearsome pressure. Because there are universally accessible ethics, we are right to be scandalized by the Holocaust, by the guilt of the “good Germans,” and by the collusion of the leaders of the democracies. And we ought not to forget that the equality of Jews in democratic societies is premised on universal, not local, ethics. By some such line of reasoning, most modern Jews know that an explicit, effective universalism must be a necessary and significant element in Jewish duty, a truth they do not see unequivocally mandated by our Orthodoxy.

Third, feminism has provided a dramatic, specific focus for the limit to the modernist’s embrace of the Jewish tradition. If all moral agents ought to be treated with ethical equality, as Kant taught and democracy exemplifies, why should Jewish women not have equal obligations and thus a religious status equal to that of Jewish men? It will not do to say that women are inherently spiritual and, hence, require fewer duties than men, or that feminist goals refute themselves by seeking to obliterate all the differences created by biology. The debate can be easily limited to a few practical but deeply felt questions: Why should Jewish law, as most traditionalists understand it, debar women from being counted in the quorum for formal Jewish worship; and is that, indeed, a good enough reason to prohibit their leading such services? Why should the overwhelming majority of sages prohibit women from studying the advanced texts of rabbinic law? Why may they not generally serve as legal witnesses, or divorce a husband, or be a rabbi? And, most tellingly of all, why do women have no effective role in answering these questions, no significant share in the decision making that affects their lives as Jews?

American Jewesses are the most highly educated group of women in human history. Their accomplishments have been awesome. Most American Jews, aside from their residual sexist conditioning, know that women and men should rightly live by the same standards of piety. But just in the face of the changes called for by this intense moral conviction, the potential immobility of an institutionalized religious absolute becomes a chilling reality. That does not always happen. It can change some of its old ways or rules. But other changes cannot or do not take place regardless of what appears to be their spiritual value — and that, so far, has been the

response of most of the leaders of Orthodoxy to Jewish feminism. This reaction has taught most American Jews that for all their deepened respect for their tradition as an independent source of moral guidance, they know they cannot rely on it exclusively — and this has brought us back to the emancipated Jew's project of creating a proper Jewish ethics.

### III

I wrote the papers gathered in this volume to gain insight into this religious situation and, as I did so, to learn how to respond to it. I see them as clearing the ground for a postmodern Jewish ethic. It must be postmodern not in the sense of being deconstructionist, for taken rigorously that position relativizes all values into verbal play. By using the term postmodern, I mean to point to our rejection of the old rationalist assumption that universal ethics defines our essential Jewish duty and that neo-Kantianism provides the necessary form and political liberalism that proper content of Jewish ethics. There are many places one can learn about Jewish duty today, the most important of which is rabbinic literature. Certainly when it comes to the critical metaethical determinations from which we elaborate our ethical reasoning, the classic wisdom of the Jewish tradition instructs me more reliably than any single body of modern knowledge I know. And this primal Jewish commitment is the standard by which I gauge where I may find the good in the welter of opportunities our society sets before me.

Though Judaism is my most significant guide, I cannot accept its classic absolutism, its consequent structure of authority, and its delineation of Jewish obligation. Accepting neither modernity nor Jewish tradition as providing my life's determining rule, not even understanding how they combine in sacred alliance rightfully to indicate what I must do, I seek to redefine "Jewish ethics." For me this term now involves less a content than a process, one of mediating between the values I find in each. But I have not found nor think I will find a rule by which rightly to do that. I do not possess that much confidence in the power of human reason (though it is the major instrument utilized in these papers).

What mediates between these two sources of guidance is, I suggest, my self, specifically the Jewish self I have tried to describe here.... It must carry the work of self-exposure, criticism, and learning I see as basic to this new kind of engaged Jewish ethics. I am therefore deeply committed to pluralism in defining Jewish obligation....