A STUDY OF THE JEWISH MORALS OF HERMANN COHEN BASED ON AN EXAMINATION OF HIS USE OF JEWISH SOURCES

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TO MY PARENTS

PREFACE

Not until he had reached the full maturity of his speculative system of philosophy did Cohen turn his serious attention to the problem of Judaism. That his evaluation of Judaism should have been strongly colored by his own critical idealism was, therefore, inevitable. The body of Jewish thought and experience presents a confusing complexity of factors; crude superstitution finds place alongside of lofty mysticism, rigid traditionalism vies for authority with clear rationalism. In his canvas of Judaism Cohen relegates the mystical and irrational elements to the dull hues of the background, and in the foreground he paints in brilliant colors the rationalistic threads which are interwoven in the pattern.

In our presentation of Cohen's thought we have followed largely the order given in the "Religion der Vernunft". The introduction deals with Cohen's distinction between systematic ethics and Jewish morals and also presents his attitude towards the sources of Judaism. In the first chapter the concept of God is treated, which is basic to Cohen's delineation of Judaism and Jewish morals. The place of man as fellowman forms the content of the next chapter. The concept of messianism, which Cohen regards as the culminating point of prophetic thought, is dealt with briefly in the third chapter. In the fourth chapter the problem of the relation of traditional law to moral law is the central theme considered. Finally, in the fifth chapter Cohen's classification of the virtues is dealt with at length.

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INTRODUCTION

i.

It had been the intention of the writer to entitle this essay A STUDY OF THE JEWISH ETHICS OF HERMANN COHEN..., but the study of Cohen's works made it evident that such a title would be a misnomer; for he himself did not believe that it was possible to formulate a system of Jewish ethics.[1] To understand this point rightly it is necessary to consider briefly Cohen's distinction between ethics, on the one hand, and religion in general and Judaism in particular, on the other. Philosophy, the science of reason, is exhausted, for Cohen, by the three realms of logic, ethics, and aesthetics. Occupying the central point in this scheme, ethics stands out as the science of morals dealing with the problem of man. Being a theoretical system, ethics has its basis in certain fundamental principles; and, if the validity of these principles be granted, it is wholly self-sufficient and completely independent of every other sphere of human reason. Religion, in so far as it consists of concepts, has its source in reason; and, therefore, the religion of reason, like ethics, must concern itself with the problem of man.[2] The question now arises whether religion is identical with ethics or whether one is subordinate to the other. The two could not possibly be identical; for then the self-sufficiency of ethics as a theoretical system would be threatened, since its completeness would depend upon some other field of human reason. Nor could religion be wholly subordinate to ethics; for its own

validity would, in such case, have to be purely theoretical along with that of ethics. As a theoretical science, ethics remains indifferent with regard to the reality of its concepts. It would retain its validity regardless of whether or not there continued to be a natural world in which the moral task could be objectified. Religion, on the contrary, cannot be indifferent to the reality of its problem.[3] Starting with the concept of God as the concept of unique being, religion assumes the reality of whatever follows from this concept. If ethics would be more than a theoretical system, it must introduce this concept of God as the concept of truth. In the system of philosophy God is the binding link between the two independent spheres of being and ought, between the world of nature and the world of man. While both natural science and ethics have theoretical validity, neither possesses the certainty of truth.[4] The concept of God as the concept of truth provides the assurance of the continuance of the reality of the natural world; thus, for ethics, God is the guarantor for the preservation of the world in which the morality of man will become real.[5]

In the system of ethics the concept of God has only this single function to perform, to assure the continuance of the moral task in the real world.[6] To ascribe any other function to it would be to endanger the principle of autonomy which is fundamental to the ethical system. The principle of autonomy assumes that the moral law is not imposed upon man from without but is immanent in man himself. The moral law is not immanent in man as an individual

but only in the totality of mankind; therefore, in the system of ethics man appears not as an individual but as a function of mankind. The concepts of autonomy and mankind thus stand in correlation to each other. Only in a united mankind can ethics, as an autonomous moral system, be operative.

Religion, as distinct from ethics, has to do with man as an individual.[7] In the consciousness of his own frailty and sinfulness the individual arrives at the first step in the self-production of morality.[8] Here God enters to help the individual. The religious concept of God is that of an aim or goal towards which the individual directs his actions. God is the archetype of human morality, and, as such, he is the redeemer of sin. In ethics God guarantees the realization of the moral task; in religion he restores man to his moral freedom by cleansing him from sin. In both religion and ethics the concept of man roots in the idea of spontaneous moral activity. The concept of the God of mankind and of the God of the individual also has a common root in this idea. God is at once the goal and the safeguard of the independent moral activity of man.

At this point there is an essential difference between Judaism and Christianity. Judaism holds that God is transcendental, that he does not interfere in the world of man but that man is left free to realize his moral task.[9] God does not participate in the actualization of man's morality; he represents only the goal and the fulfillment of this morality. In Judaism God and man are the terms of a correlation; neither one can interfere with the other without destroying the correlation. In Christianity, on the other

hand, an equivocal character is ascribed to the concept of God; for he is permitted to participate in the moral task of man by the act of grace.[10] Thus the realm of man and God overlap each other; and man is able to shift part of his responsiblity to the realm of God. In Judaism God is separated from the world in order that he may remain the goal of man's moral striving; but in Christianity God loses his exclusive function of being the archetype of morality, and the ability of man in turn, is limited in carrying out his moral task.[11]

Because of the peculiar character of the beliefs in Christianity, there emerged a set of crystallized dogmas which were in constant conflict with scientific reason. Out of this conflict of dogma with reason the problem of Christian ethics arose; and the separation of morals and dogma is understandable on this score.[12] But in Judaism there was no such conflict, there were no dogmas which necessitated separation from morality. Even the ceremonial law, which might be regarded as being dogmatic in character, was no more than a hedge around the law, and its lesser importance was always recognized. The mythological motive in the concept of ressurection, which was taken over by Judaism, was reinterpreted so that it did not conflict with the completely ethical character of Jewish belief. The only point at which conflict might have arisen between dogmatism and morals was the concept of God; but Judaism always recognized its God as the God of morality, all knowledge of him other than of his ethical character was strictly opposed.[13]

In Judaism, therefore, there was never formulated a distinct ethics. The Jew was never aware of any opposition between his beliefs and his morals. In fact, morality is the essential principle and content of Jewish beliefs and of Judaism. An inseparable relationship obtains between Jewish morality and the Jewish concept of God. Morality is not the result of the principle of divinity, rather the concept of divinity cannot be defined or understood otherwise than through morality.[14] Since morals and beliefs were for the Jew essentially one, no effort was made to set up a separate system of Jewish ethics. Indeed, for the Jewish consciousness there is no real distinction between religion and morality; consequently, a study of Jewish morals must, in fact, be a study of Jewish religion.

ii.

Cohen's attitude towards the Jewish literary sources was motivated by the belief that creative Jewish genius manifested itself most characteristically in its literary productions. He viewed the literature of the Jews as national literature; and in this national trait he recognized the sign of its originality and individuality.[15] The literature of Israel preserves its originality as long as it continues to retain its national character. Cohen conceived of this national spirit not as being based upon a unity of race but upon the unity of its religious litera-

ture. The national literature of the Jews was, for him, its religious literature. The original contribution of Judaism to the religion of reason is the concept of the unique God. Indeed, the national spirit of Israel is bound up with the concept of the unique God; for whatever emerges from the national spirit of Israel flows out of its God concept. The words שכל ואמת and אמת ואמונה are indissolubly bound up with one another.[16]

In addition to its national character Cohen saw in Jewish literature a union of theory and practice. This trait was, for him, of fundamental significance; and he recognizes its presence already in the earliest sources of Judaism. The Book of Deuteronomy with its moral concepts rooted in the "laws and statutes" displays this mutual relationship between religious theory and ethical practice. These "laws and statutes" are, in fact, the legal forms through which social and individual morality is to be established.[17] As in Deuteronomy so throughout the entire Pentateuch emphasis is laid upon the double problem of teaching the cognition of man and of God and of demanding the practice which should follow from this cognition.[18] Thus, the Pentateuch is the first original source for the creative productions of the national spirit of Israel in the mutually related realms of theory and practice; and these sources acquire a still wider compass in the Biblical literature as a whole.

Prophecy, growing out of the roots of the national history of Israel and drawing its vital energy from these roots, stands out in Cohen's mind as the loftiest expression of the creative genius

of Israel.[19] An in prophecy, especially, does he discern the close relationship between religious theory and ethical practice. He points to the prophet's failure to differentiate between religion and politics as a distinctive trait which characterizes the entire course of prophetic development.[20]

Even when Israel's existence as a state came to an end, the national spirit which had given rise to prophecy continued to express itself creatively in the lyrical poetry of the Psalms and in the poetic prose of the Wisdom Literature. Here again the union between the national spirit and religion is made manifest. With the exclusion of the tragic drama the entire realm of poetry contributes to the literary sources of Judaism. The absence of the tragedy from Biblical literature is explained by Cohen by the fact that the prophets exhausted the possibilities of tragedy in their treatment of the problem of human suffering which, for them, was exemplified by poverty.[21]

As distinct from other religions, the traditions of Judaism do not emanate from a single source but continue to flow forth from the springs of ever new sources. In the Bible Moses appears as the original lawgiver; but alongside of him the prophets come forth as independent bearers of the national spirit of Israel. Similarly, in succession to the prophets the Hagiographa assume the form of self-sufficient, independent sources. Nor did the national spirit exhaust its originality with the completion of the Bible Canon; for long before the Canon had been fixed an

oral law was beginning to emerge as the newest expression of the creative genius of Israel.[22] The earliest bearers of this oral law were known as Soferim; but this title, if translated 'scribes' is hardly sufficient to characterize their activity as interpreters and expanders of the written law. This oral law, as it grew in succeeding generations in the hands of the Soferim, the Tannaim, and the Amoraim, assumed a position of importance alongside the Bible. The vast realm of Talmud and Midrash, as the production of the national genius of Israel, thus becomes a proper source for Judaism on equal terms with the Bible in its manifold parts. That the national spirit of Israel was not necessarily bound up with the native soil in Palestine is evidenced by the fact that the Talmudic literature flourished as readily in Babylonia as in Palestine. Thus, even with the loss of its statehood and of its native land, the national spirit of Israel did not manifest the signs of decay and disintegration but continued to grow creatively and to give new evidence of the originality of its genius.[23]

The tendency of the national spirit of Israel, which manifested itself in the unification of theory and practice, presents itself, according to Cohen in still other ways. He points out that Jeremiah, for example, in spite of his radicalism in politics was not at all free from the onesidedness of patriotism. It seems difficult to understand how the pure prophetic spirit could continue to cling to national conventions. The institution of sacrifice, especially, appears to be contradictory to the temper of the prophets. But Ezekiel saw in the sacrificial

institution a force that would make for the conservation of Israel. He realized that the national state could not be resurrected, so he endeavored to save Israel in the religious community; but in order to erect such a religious community he had to build its foundations upon the sanctuary and the sacrificial cult. Even as reverence for sacred institutions was not a disruptive element in prophecy, so poetry and prose continued alonside each other to add to the increasing wealth of Jewish sources.[24]

In the Talmud and Midrash this double character continues to express itself under a new aspect in Halacha and Hagada. The Halacha corresponds to the "law" in Deuteronomy. Originally, the "law" had to do with legal and state law. In it were included the laws of sacrifice; and the latter in turn included the ceremonial and dietary laws. In the Talmud the law was further developed into a civil code and a law of private property. Along with this legal system there grew up a logical method by means of which new laws and new principles could be deduced. But this legal character was only one aspect of the law. In Deuteronomy the tendency is already apparent by means of which the "laws and statutes" acquire a peculiar moral character. The prophets emphasized this moral aspect of the law; and the Psalmists, who were the spiritual heirs of the prophets, perservered in this insistence upon the moral character of the law. Thus, in the oral law we recognize a confluence of two streams of interpretation, one legalistic, the other moralistic.[25] In the Talmudic literature Halacha and Hagada are to each other like the prose and poetry of the Bible. The two do not represent

discrete methods which run parallel to each other, but rather they are like branches growing out of the same tree. The Halacha is not thought of as a speciality alongside the Hagada, nor is the Hagada of lesser value than the Halacha.[26]

Another characteristic which Cohen ascribes to the oral law is its unceasing productivity. A written law, like a book, is closed but an oral law, like the mouth that speaks, remains open. The fruitfulness of the national spirit which expressed itself in the oral law was a continuous process.[27] Wherever the Talmud was studied, there the Torah was a living, growing product. As a living expression of the national spirit the Torah could not remain a written law; since it was in the heart and in the mouth it had to overflow into an oral law. Thus, the oral law alongside of the Bible became an original source of the Jewish religion. Cohen asserts that it is a mistake to understand the Talmudic exegesis of the Bible entirely in terms of the formalism of its logical deduction. On the contrary, the thought is first conceived, be it in Halacha as law, in Hagada as a moral idea, or in the phantasy of poetry; only then is additional evidence sought in the Biblical word in support of the thought.[28]

According to Cohen the national spirit of Israel did not exhaust itself in the Talmudic and Midrashic literature. Further expressions of the creative genius of Israel are to be found in the later literature of the Middle Ages. Furthermore, Judaism did not remain isolated from the cultures of foreign peoples. Whenever Israel came into contact with alien cultures it could not fail to be influenced by them. Their influences penetrated even into Judaism

itself; they were absorbed by the national spirit of Israel and made an integral part of the living, growing body of Judaism.[29] The adjustment of the Jews to the philosophic speculation current during the Middle Ages was especially fruitful forJudaism. For the first time Jewish thinkers shared in the development of self-sufficient philosophic systems; and philosophy, in turn, became an essential part of religious study.[30]

Along with philosophy the entire field of Biblical exegesis became an original source of Judaism. Cohen also regarded the Sifre Musar, which include many ethical works as being of distinct worth as religious sources. In addition, the great body of religious poetry which grew up around the liturgy of the synagogue was considered an important source.[31]

Coming to the problem of religion only after he had erected his own system of philosophy, Cohen was biased in favor of a rationalistic approach. He defined religion in terms of the concepts of reason and excluded all elements which smacked of mysticism and mythology; for in these elements he recognized the emphasis laid upon sense experience, intuition, and imagination which, for him, were inadequate forms of knowledge. In formulating the religion of reason on the basis of the sources of Judaism, he granted that there were other religions which shared in reason. The preeminence of Judaism, however, is due to the originality of its sources; for originality is the true sign of pure, creative reason. To be sure, Cohen admits the fact that the literary sources of Judaism were never quite free from the confusing fog of

myth and mysticism; nevertheless the main characteristic of the national spirit of Israel was its creative originality. Furthermore, this national spirit was not rooted in a unity of race, nor was it localized in any one land; for its real essence is to be sought in the unity of its literary creations which stem from the concept of a unique God. The production of religion is the truest witness of the national spirit of Israel.[32] Cohen stresses the point that, while from its very beginning Judaism strove to become a universalistic religion, in the entire course of its long development during which it assimilated many foreign elements, it remained throughout a unified product of the Jewish national spirit.[33]

Since he came to his task with a professedly rationalistic bias, it was but natural that Cohen should have emphasized those phases in the literary sources of Judaism which lent themselves most readily to the formulation of a religion of reason. As for such elements which seemed to run counter to this purpose, these were either reinterpreted in the light of Cohen's own outlook, or else they were minimized or ignored. The central emphasis in Cohen's own system is upon the ethical point of view. In turning the pages of Jewish literature, he found no difficulty in tracing a similar emphasis in the history of Judaism.

CHAPTER I

i.

In his system of ethics Cohen introduces the concept of God as a sort of afterthought in order to relate ethics to the world of nature. The existence of nature might be an illusion; if this were the case, the possibility of morality would be destroyed, since it must have a world in which to realize itself. Such a possibility is removed by the concept of God as the concept of truth, which assures the coherence of the two spheres of being and ought-to-be. In short, the concept of God is a necessary presupposition for the assurance that morality can become real. "Man does not need God for his own subjective support, rather God is needed for the objective establishment of morality."[1] In the system of ethics the concept of God assumes a methodological character which is definitely lacking in content. In his formulation of the religion of reason, however, Cohen makes the concept of God basic to the whole structure.

While he recognized that the development of the concept of monotheism was essentially the product of the prophetic genius of Israel, Cohen also discerned a tendency in this direction among the philosophers of ancient Greece. The pre-Socratics concerned themselves with the problem of man's relation to the cosmos. To the mind of Xenophanes the physical world presented a scene of chaotic multiplicity, which in turn was reflected in a multiplicity of deities. In contrast to the manyness of the external world, the mind of man was characterized by the tendency to unify the many particulars presented to it into a single universal. Influenced by this unifying tendency

of thought, Xenophanes conceived of the manyness of the world of nature in terms of the unity of a cosmos. Similarly, the plurality of deities were unified into the notion of one God. But Xenophanes did not stop with the unity of the world and the unity of God, instead he went on to identify these two. In order to be able to ascribe being to the cosmos, he identified it with God.[2]

This identification of God with nature, when carried to its logical conclusion, leads directly to pantheism. The value of the pantheistic point of view lies in its gathering together the manifold world of nature into one idea; that much represents a distinct advance in the religious outlook of man.[3] When it proceeds to equate God with nature, however, the limitations of pantheism become manifest. Ethical idealism demands that the distinction between being and ought should be maintained, but pantheism negates this distinction. (The concept of God as the concept of truth preserves the relation between nature and morality.) By identifying nature with God, however, this relationship is destroyed, so that nature and morality become one. Man thus becomes a part of nature, a mathematical figure represented in terms of lines, surfaces, and bodies. Cohen sees in this identification of man with nature the negating of the possibility of ethics.[4] (To be sure, being and ought must be brought into relation with each other; but this relationship must assume the character of a harmonization, not that of an identification.[5])

Since the concept of unity leads to an identification of God and the world, Cohen cannot accept it as the basic concept of monotheism. Unity is only a negative expression which serves to mark off the distinction from polytheism. Such a concept can only be a negative

attribute of God.[6]

In place of unity Cohen sets up the concept of "Einzigkeit", uniqueness, as basic to monotheism.[7] While unity leads to an identification between God and the world, uniqueness posits the identity of God and being. "God alone has being. God alone is being."[8] Indeed, there is only one kind of being, and God is this unique being.

In the "Hear, O Israel" uniqueness is designated by the term אחד; but in the later rabbinic sources the more exact terms יחיד and יחידאי, which is derived from אחד are employed. יחידאי represents unity as being, while יחיד represents the funtion in which this being completes itself. When the concept unity is transformed into uniqueness, the concept of God's unique being is brought to light against which all other being becomes as naught.[9]

This concept of the identity of God and being, as a problem of philosophy, was the product of the abstract speculation of Parmenides and the Eleatic school. The difference between the Greek and the Jewish point of view is that the Eleatics conceived of being in impersonal terms, while in Judaism being was invested with personality. God is not simply "Sein" but the "Seiender", the one who is.[10] In changing abstract being to personality there lay the danger of anthropomorphism; but the Jewish sources indicate that vigilant care was taken to ward off anthropomorphistic notions from the concept of God. Comparisons of God with man were discouraged by conceiving of him not only as the "Seiende", but still more as the "einzig Seiende."[11]

Cohen is filled with wonder in finding the notion of the identity of God and being already presented in the Book of Exodus. Even though they did not pursue the study of abstract philosophy, the

Jews evolved, through their religious insight, a concept of profound philosophical significance.[12] In the scene of the burning thornbush God is presented as revealing himself to Moses. God commands Moses to go to Egypt and set the Israelites free. In answer to the query by what name Moses could describe this God to the Israelites God replies, "I am, that I am." Into these words Cohen reads the meaning that God is the being who is eternal and unchangeable.[13] He insists that he is not reading his own philosophic point of view into the words but is simply trying to make clear the latent depth of the verse. This God, the Eternal, is the One who is; he is God as distinct from the world; he is the unique being over against whom the world can have no being.[14]

The unique being of God negates the being of all other gods. Cohen sees this negation clearly implied in the verse, כי כל אלהי העמים אלילים, (Psalms 96:5). He would translate the Hebrew word אלילים, coming from the particle אל, as meaning naught. Monotheism is guided by the rational principle that many gods are a contradiction to being.[15] There can be no other being alongside of or outside of the one true being. The unique being of God has as its oppsite non-being, as is suggested in the verse, למען ידעו ממזרח שמש, (Isaiah 45:6), and in the statement, ואפס בלעדי אין אלהים, (Isaiah 44:6).[16]

Uniquness consists in the incomparability of God as is suggested by Isaiah 40:25, ואל מי תדמיוני ואשוה. In this light the phrase אין כמוך should be translated not "There is no one like unto you", but "There is nothing like unto you." Uniqueness thus implies the distinction between being and existence; and in this very distinction Cohen recognizes monotheism's claim to reason.[17] Existence is revealed by

sense experience, but it is reason which discovers non-sensible being.

The concept of uniqueness is not to be equated with simplicity, which represents only the opposite of the complexity of matter. Such simplicity is insufficient for the being of God, whose unique being permits of no mixing with existence.[18] Monotheism cannot allow a confusion of real being with empirical existence. That pantheism does identify being and existence is, indeed, tantamount to anthropomorphism.

ii.

Alongside the real being of God every other type of being is reduced to mere appearance. The question arises in Cohen's own mind whether this concept of God as the "einzig Seiende" does not lead to the annihilation of the being of nature and of man. He finds, however, that it is the concept of unity with its identification of God and nature which has this consequence. Uniqueness, on the other hand, demands a type of being for the world and for man, although not that type which would identify it with the being characteristic of God alone.[19]

The being of nature must, then, be dependent in some manner upon the uniqueness of God. This dependence is interpreted by Cohen in terms of the prophetic doctrine of creation. The uniqueness of God completes itself in creation.[20] The natural world, which is characterized by the process of becoming, must have its foundation in real being. Heraclitus solved this problem by positing the unity of God and the world; that is, he make being and becoming one. This

is an error which Cohen ascribes to pantheism also.[21] Cohen finds a better solution to the problem in the concept of creation.

In the old Biblical sources the concept of creation has a mythological cast, but in the later sources, both in the Talmud and in the medieval Jewish philosophy, Cohen sees a rationalization and reinterpretation of the concept. Maimonides especially, who is regarded by Cohen as the true philosopher of monotheism, succeeded in weaving the concept of creation into the harmonious pattern of his system. The initial difficulty with the concept of God as creator was that it ascribed to him a positive attribute. But in ascribing such attributes to God the philosophers of the Middle Ages saw a real danger to the fundamental concept of God's unity; consequently all positive attributes were denied, and the theory of "negative attributes" was developed by the Islamic philosophers in their stead. Maimonides recognized the weakness of this doctrine of negative attributes in that it denied positive determinations which did not yet exist, since the starting point was the undifferentiated character of God's unique being. He refashions this doctrine for his own purposes by linking up negation with privation. It is not the positive attributes which must be denied but the privative. For example, in the statement, God is not weak, the term 'weak' has a privative meaning. Maimonides did not stop at this point but went on to give positive meaning to his doctrine, as revealed in the concept of "origin". 'God is not weak' means that he is the origin of activity. In accordance with this concept he explains the notion of God's omnipotence to mean, "There is in him sufficient power to bring forth things outside of himself." Thus, the omnipotence of God acquires the meaning of a real attribute, of a negation which negates privation. The concept of creation can no longer be contradictory to reason. God is

the creator, for God is not weak. Creation is immanent in God's uniqueness.[22]

Creation is called an "Urattribut" of God. It is not merely the consequence of the uniqueness of God's being, but is completely identical with it. If God were not the creator, then being and becoming would indeed be one, and nature would be identical with God, or, as Spinoza put it, "Deus sive natura." But, says Cohen, being is a necessary principle which cannot be equated with becoming; rather it must first be assumed as the basis for becoming.[23] Pantheism which attempts to identify being and becoming is, therefore, a logical contradiction.

In monotheism the concept of creation acquires an ethical significance. Creation is not conceived of in terms of the 'whither' of the world but of its 'whence'.[24] As a moral being, man is concerned not with the beginning of the world but only with the continuance and preservation of nature, which is the necessary ground for the realization of his moral ideals. God is the creator, then, in the sense that he renews and preserves the existence of the world.[25] This notion is clearly expressed in the liturgy of the synagogue, in the verse, [illegible], God renews the work of creation every day; and every day is a new beginning. Thus, renewal takes the place of creation.[26] Through this creative act of daily renewal the gap between infinite being and finite becoming is bridged. The finite must always be renewed because it does not contain the power of creating within itself. The concept of renewal involves the notion of divine being as the ground for the appearance of novelty on every level of becoming.[27]

In the manifold of becoming which is dependent upon being there is the special problem of human reason. The uniqueness of God must be brought into relationship with man, the "Vernunftwesen". The concept of revelation provides this relationship between God and man. "God does not reveal himself in something but to something, in relation to something. And only man can be the terminus of this relation."[28] Indeed, revelation may be regarded as a further development of the concept of creation, insofar as it concerns itself with the problem of the creation of man, the moral being. [Being is the necessary presupposition not only for the general process of becoming but also for the special problem of man's becoming.[29]] The origin of moral reason must be found in the unique being of God. Revelation is the very act of creating moral reason.[30]

God reveals himself to man in proclaiming and demanding morality. Revelation is, therefore, to be thought of in terms of a correlation between God and man.[31] "He has told thee, O man, what is good,"(Micah 6:8). In proclaiming the good God reveals himself directly to man; no intermediary enters into the correlation. God, then, is the God of morality. As the "einzig Seiende" he must reveal one morality which cannot refer to individual men or to separate peoples but must refer to all mankind.[32]

Just as in the concept of creation monotheism directs its interest mainly to the continuance and preservation of the world, so, too, in revelation the interest in centered upon the 'whither'. Revelation concerns itself not with causal events but with moral purposes. The moral goal which man must pursue is made known to him through his correlation with God.[33]

Cohen finds in the Biblical sources a summary of the attributes of God in terms of the concepts of holiness and goodness.[34] Holiness originally meant separation. Places, objects, and persons were set apart from the realm of profane things which were appropriated for common use. The sacrificial cult of the priests was invested with this sacred quality of holiness. In polytheistic religions holiness remains attached to things. A distinct mark of development is achieved in the Priestly Code with its declaration, "Ye shall be holy, for I, the Lord your God, am holy," (Lev. 19:2). Here holiness is referred to both God and man. And it is because holiness is first ascribed to God, that man himself can become holy. Thus, holiness arises as an attribute of the correlation between God and man.[35]

Holiness is the religious counterpart of scientific morality. When referred to God holiness is a part of his being, קדוש הוא, but when referred to man it becomes a goal towards which he must strive, קדושים תהיו, ye shall become holy. For man holiness is a task, for God it is a determination of his being.[36]

This determination of God's being does not refer to his metaphysical causality, but to his purposeful action, which is the archetype for man's purposive conduct. Through holiness God becomes the lawgiver of man, setting up goals for him to achieve.[37] Indeed, it is only with respect to man that holiness is distinguished from the being and oneness of God. Without the goal of holiness the being of man would be naught. Holiness is the goal, the eternal task which God sets up.[38] "Thus God is the Holy One for the holiness of man."

The concept of man, as something distinct from nature, is

dependent on the uniqueness of God. When viewed apart from his material limitations, man stands forth as spirit.[39] Sin tends to weaken man's spirit, consequently a renewal of spirit becomes necessary. Repentance, which begins with the consciousness of sin, is the avenue leading towards the renewal of spirit. In seeking release from sin man is aided by God who because of his goodness forgives the sin of the individual. God is, therefore, the creator of man's spirit, in that he daily renews and recreates it through the act of forgiving sin.[40]

Through this correlation of God and man there arises the further concept of the holy spirit. The holy spirit, says Cohen, cannot be either God or man alone, but is rather an attribute of the correlation of these two concepts.[41] God completes his holiness in man; and man, in the eternal task of reaching out for holiness becomes the bearer of the holy spirit.[42]

Anti-Spinoza

Cohen critizes pantheism in that it would make possible the actual attainment of holiness by man, whereas holiness must ever remain a task. In the "amor intellectualis" which represents the apex of Spinoza's ethical thought, man achieves that state of blessedness or holiness in which he becomes one with God. For Cohen, however, holiness, even though it represents the highest ideal which man can set up, must always remain the infinite task.[43] To say that man can attain holiness is, therefore to destroy that correlation between man and God out of which holiness airses. Man's holiness would no longer be conditioned by God, and consequently the dependence of man upon God, which is a basic principle of religion, would cease. In order to maintain the correlation between God and man holiness must remain the

eternal goal and the infinite task of man.

iii.

In the philosophy of Kant the concept of God is removed from the realm of metaphysics and is made a problem of ethics exclusively. Cohen discerns a tendency in the similar direction in Maimonides.[44] Kant demolished the traditional proofs for the existence of God; Maimonides opposed the ascribing of positive attributes to God. The only proof admitted by Kant was the ethico-theological; similarly, the only attributes Maimonides could refer to God were the attributes of action, the תארי הפעולות. Moreover, these attributes do not refer to the being of God but to his relations with man. They are, in fact, norms of morality, archetypes for the conduct of man.[45]

Cohen sees this tendency manifested most clearly in Maimonides' interpretation of the doctrine of the thirteen attributes of God, the שלש עשרה מדות. God's revelation to Moses, in Exodus 34:7, was interpreted by the rabbis as referring to thirteen attributes. "The Lord, the Lord, God, merciful and gracious, long-suffering, and abundant in goodness and truth; keeping mercy unto the thousandth generation, forgiving iniquity and transgression and sin; and that will by no means clear the guilty; visiting the iniquity of the fathers upon the children, and upon the children's children, unto the third and unto the fourth generation." While there is a tendency to read into the words "the Lord, the Lord, God," the attributes of being; such as, unity, omnipotence, and omniscience, there also existed the tendency to read a wholly moral significance into these words. In the Talmud (Rosh Hashanah 17b), R. Jochanan, commenting on Exodus 34:6, "And the Lord passed by before him, and proclaimed", says, "If it

were not written, it would be impossible to say it. This indicates that the Holy One Blessed be He wrapped himself up like a precentor and showed Moses the order of the prayers. He said, as long as Israel sins, they should pray to me in accordance with this order, and I will forgive them; Lord, Lord: I am he (the Lord) before man sins, and I am he after he has sinned and has done repentance." Cohen interprets this statement to mean that the divine love not only forgives sins after repentance, but even before the sin the divine love wants to share in the responsibility for the sin.[46] The passage in the Talmud continues, "God, merciful and gracious. R. Jehudah says, a covenant is made for the thirteen attributes, so that they shall not be without effect." In these statements Cohen sees a clear indication of how the thirteen attributes were arrived at. The two names of God were counted as two attributes. "Long-suffering was counted as two, because it referred to both the good and the bad. Likewise, the doubling of the negation in נקה לא ינקה was counted as two, for the first term has the meaning of purifying. The revelation in Exodus 34:7 is regarded by Cohen as being comparable to the one given on Mount Sinai. In fact, the thirteen attributes appear as the elucidation of the ten commandments. Just as these attributes determine the moral being of God, so morality becomes the essence of the ten commandments.[47]

Maimonides carries out this tendency of the Talmud in consistent fashion by his interpretation of the clause נקה לא ינקה; he translates it not "and will by no means clear the guilty", but "he does not destroy completely".[48] In support of this translation he refers to Isaiah 3:26 ונקתה לארץ תשב. Furthermore, Maimonides goes on

to say that even the single quality which refers to God as exacting punishment applies only to idolators; for only these are called the haters of God.[49] Thus, even the quality of retributive justice is to be included among the attributes which speak of nothing but God's love.[50] While he applies the quality of love or mercy to God, Maimonides points out that this does not imply that God's being is affected by emotions. Such qualities refer only to the actions which flow from God, to the moral ways which serve as models for the moral improvement of man.[51]

By the method of Gematria Joseph Albo equates the two terms love and unity. Both אהבה and אחד have the numeric value of thirteen. Cohen wonders whether this numeric nalue might have been responsible for the peculiar number of thirteen attributes, or whether the number is based upon the thirteen rules of interpretation of Rabbi Ishmael.[52] In any case, he believes that love is really the essence and the unity of the thirteen attributes; for all of them are derivatives of the motive of love. Moreover, Cohen regards love as the essentially human emotion; for it is love which brings men together into families and transforms hords into peoples, indeed, love creates and nourishes human society.[53]

Thus, Cohen sees, even in the early literary sources, an emphasis upon love as the basic concept of Judaism and as the all-encompassing attribute of God. The love of God bears an analogy to sexual love and friendship. The Hebrew word for mercy is רחמים, which comes from the root רחם meaning mother love. Love, which is primarily mother love, is carried over to the father and with it comes the duty of rearing and educating children. Thus, the concept of God

as father comes to the fore, and through it there arises the correlative concept of men as children of a family. God is the father and all men are his children, (cf. Deut. 14:1). This concept leads to the idea of human equality and community.[54]

Another aspect of sexual love is presented in the notion of the bride. God's love of Israel is pictured by Hosea (2:21f.) in terms of the love of a bride. "I betrothe thee forever. I betrothe thee in justice and truth." Jeremiah expresses himself similarly, "I remember the love of your youth, the friendship of your time as a bride, that you went after men in the widlerness,"(Jer.2:2). Thus, love becomes a reciprocal relationship between God and Israel. The relationship is not merely one of external dependence but is immediate and internal. The aesthetic image of love develops into an ethical concept, and love becomes a basic determination in the concept of God.[55]

In line with his rationalistic thedency Cohen reinterprets the traditional thirteen attributes of God in terms of wholly ethical concepts. He finds support for such an interpretation in the Talmud and in the Jewish religious philosophy of the Middle Ages. For Cohen God is the goal and aim of human morality, the archetype of that perfection which man must strive to apporach; consequently the attributes of God can only be patterns of that moral way which man must try to exemplify.

CHAPTER II

Cohen's identification of Jewish morality with Jewish religion led us to consider the significance of the concept of the uniqueness of God in terms of which the concepts of creation and revelation are interpreted. In the light of these concepts man appears as an abstract concept, as spirit which is continually renewed and preserved through its correlation with God. Similarly, in the system of ethics man appears not as an empirical phenomenon but as a function of mankind, as one member of the correlation between man and his fellowman. Cohen holds that without such a correlation there can be no ethics. In so far as religion shares in reason, it must also start with this correlation of man and fellowman; for out of this correlation the wider, more general correlation between man and God is unfolded, since none other than the moral concept of man can be brought into correlation with God.[1] In the empirical world man is presented as an individual and as a group of many individuals. Within the group man appears as a "Nebenmensch", a next man. Out of this problem of man as next man the ethical and religious problem of the fellowman emerges.

Monotheism, which demands the correlation between man and God, is the product of the national genius of the Jewish people and grows out of their historical experience; consequently, the factors which stood in the way of more immediate correlation between man and his fellowman had to be adjusted by means of a third concept.[2] On the grounds of religious difference there was an opposition between the Israelite, the son of Abraham, and the non-Israelite, who was never-

nevertheless, a son of Adam. Then, within the national state of Israel there was an opposition between the native and the foreigner. And finally, Israel, as a nation which made covenants with and waged war against its neighbors, was in political opposition to the surrounding nations. Adjustment between these various antinomies was brought about by the concepts of stranger, Noachide, and messianism.

i.

The concept of the stranger, גר, was developed in the earlier Biblical sources; but in the later rabbinic sources the concept of the Noachide occupies a much higher plane as a medium for adjustment than the concept of the stranger. According to Cohen, the Flood story represents Noah as the symbol of the human race whose preservation is the task of God. In the covenant made with Noah he sees a covenant with the human soul. "God places himself in an unceasing, conceptual correlation with nature and the human race within it, with man as fellowman."[3] In this covenant every man is already presented as the brother of every other man, (cf. Gen. 9:4,5). In the concept of the Son of Noah, which is developed in the Talmud, Cohen traces the natural consequent of the covenant between God and man who is represented by Noah.[4] Again, Cohen sees a tendency in the direction of the concept of the fellowman in the promise made to Abraham that he will be the father of a great people which will be a blessing for all the families of the earth, (cf. Gen. 18:18).[5]

In the Talmud Rabbi Akiba and Ben Azzai disagree with regard to the importance of the verse, "And thou shalt love thy neighbor," (Cohen translates רעך) "for he is like you". Akiba holds that it

is a fundemental principle in the Torah; but Ben Azzai maintains that the verse, "This is the book of the generations of man..." (Gen. 5:1), is more fundemental than any other principle (J. Ned. P.9). The former believs that the equality of man is primary; while the latter insists that the concept of man being created in the image of God is more basic. Cohen accepts the view of Ben Azzai, for he recognizes that the love of man is first of all dependent on God's creation of man and not upon the subjective feeling with which one man loves another. Man's history as a moral being begins with his creation in the image of God.[6] Thus, the Israelite is a son of Noah before he is a son of Abraham, and even before he is a son of Noah, he is like every other man, a creature made in the image of God.[7]

As a son of Abraham, the Israelite was committed to the task of uprooting idolatry within his own land as well as in the foreign nations. Yet the Bible commands him, "Thou shalt not despise the Edomite, for he is thy brother," (Deut. 23:8). The Edomite, who is the enemy of Israel is called 'brother'. Thus, says Cohen, not only the Israelites are brothers to each other, but even the hostile idolator is so called.[8] The verse continues, "Thou shalt not despise an Egyptian, because thou wast a stranger in his land." Here the stranger and foreigner are called guests who should be dealt with hospitably. This tendency reaches its height in the community of prayer in which the stranger becomes the fellowman; as is evident in the prayer of Solomon at the dedication of the Temple: "And if the stanger... prays in the house, hear him in heaven," (I Kings 8:41-43); similarly, "For my house is a house of prayer for all people," (Isaiah 56:7).[9]

The concept of the stranger and foreigner reaches a higher plane in terms of the sojourner, the גר תושב. In the legislation of the

state complete equality before the law is granted to the sojourner; "There shall be one law for the native and the stranger who sojourns in your land," (Ex. 12:49). No distinction is made between the native and the stranger, because the law has its origin not in the statutes of men but in God; for it is God who gives the stranger his share in the law of the land, even though, as a foreigner, he does not acknowledge the God of Israel, (cf. Deut. 1:17).[10]

In this factor, that the stranger was equal before the law, even though he did not acknowledge the unique God, Cohen sees the link which ties up the later expressions of the Jewish national spirit with its more primitive expressions. Thus, out of the sojourner, the גר תושב, the Son of Noah, the בן נח, could emerge in Talmudic literature. The concept of the Son of Noah was in turn amplified by Maimonides by the concept of the "Pious of the nations of the earth," חסידי אומות העולם. This latter concept is referred to nations outside of Israel and recognizes that piety may exist apart from the religion of Israel.[11]

Since the Noachide is not an Israelite, he is not bound by the law of Moses. Only the "seven commands of the sons of Noah", the שבע מצות בני נח, are applicable to him; and, with the exception of the one religious condition of abstention from blasphemy, these commands are of an entirely moral character. Though he is not a believer, the Noachide is a member of the state in so far as he becomes a sojourner. In the concept of the Noachide Cohen sees the forerunner of the ideas of natural right and freedom of conscience.[12] Moreover, the concept of the Noachide points to the true meaning of the theocratic constitution; namely, that its basis is not a unity

of state and religion but of state and morality; for the Noachide can be a member of the state, since he is recognized as a moral man through his acceptance of the seven commands.[13]

There is a straight line of development in the concept of the fellowman from the stranger to the Noachide and finally to the pious or just of the nations of the earth. That these three concepts should have been connnected is already understandable, according to Cohen, from the basic tendency of the Book of Deuteronomy to make the Torah a document of reason; for the Torah is based on laws and statutes of justice which reach out beyond national limits.[14]

Monotheism produces the concept of the unique God, who in turn creates the spirituality of man. This concept of spirituality leads to the concept of morality, which in reference to law and politics becomes the principle of the freedom of conscience.[15]

In these concepts of stranger, Noachide, and pious of the nations of the earth, Cohen recognizes the true significance of the command ואהבת לרעך כמוך, "Thou shalt love thy neighbor, he is like unto you." If the Hebrew term רע had been originally intended to refer only to the fellow-Israelite, then these other concepts could never have evolved. These concepts do not begin with the stranger but go back to the more fundamental source of monotheism itself. Out of the unique God the stranger emerges as the fellowman.[16]

For the basic attitude towards the stranger Cohen points to Numbers 15:15,16, "As for the congregation, there shall be one statute both for you and the stranger that sojourneth with you, a sta-

tute forever throughout your generations; as ye are, so shall the stranger be before the Lord. One law and one ordinance shall be both for you, and for the stranger that sojourneth with you." In addition he cites Leviticus 24;22, "Ye shall have one manner of law, as well for the stranger, as for the home-born; for I am the Lord your God." The rights of the stranger follow consistently from the principles of monotheism. It is the "Lord your God" who makes the law for the stranger as well as for the Israelite.[17]

Throughout the legislation of the Torah the rights of the stranger are upheld. In the very first chapter of Deuteronomy the judges are charged to judge righteously the cause "between a man and his brother, and the stranger that is with him," (Deut. 1:16). The cause of the stranger is frequently linked up with that of the widow and the orphan, (cf. Deut. 24:17; 27:17). The equal status of the stanger is evident from Leviticus 25:35f. "And if thy brother be waxen poor, and his means fail with thee, then thou shalt uphold him: a stranger and a settler shall he live with thee. Take thou no interest of him or increase; but fear thy God; that thy brother (גרך) may live with thee." Cohen interprets the term גרך to refer to the stranger; and he reckons it a grievous error on the part of Kautzsch to translate כגר ותושב "as a stranger and a sojourner", for that would imply that if one man's brother became poor he was to be made a stranger.[18] "The equality of the law did not go so far that poverty could have equated the Israelite with the stranger." However, the protection of the rights of the stranger is included among the fundamental laws of public and private morality.[19] And his equality before the law extended so far that it was possible for an Israelite to become the slave of a stranger, (cf. Lev. 25:47).

The extension of civil rights to the stranger is further evidenced by the law permitting him to seek asylum in the cities of refuge, (cf. Num. 35:15), by the rule which recognized that if he killed a man it might have been unintentional, a שגגה, and by the granting of a share to the stranger in the division of the land, (cf. Ezekiel 47:22).[20]

It is on the basis of these fundamental conditions, according to Cohen, that the general command to love the stranger becomes understandable. The statement in Leviticus 19:18, ואהבת לרעך כמוך is to be more fully explained by verses 33 and 34 of the same chapter, "And if a stranger sojourn with thee in your land, ye shall do him no wrong. The stranger that sojourns with you shall be unto you as the home-born among you, and thou shalt love him, he is like you; for ye were strangers in the land of Egypt: I am the Lord your God." The love of the stranger had its deepest roots in this, that God loves the stranger, as is proclaimed in Deuteronomy 10:18,19, "He doth execute justice for the fatherless and widow, loveth the stranger in giving him food and raiment. Love ye therefore the stranger; for ye were strangers in the land of Egypt." Again and again Israel's bondage is recalled in order to remind the Israelites that they too were strangers in a foreign land. "Here too the national history becomes the foundation for the love of the stranger, which is likewise the psychological as well as real basis for the love of fellowman."[21].

ii.

In accordance with his view that the national development of the spirit of Israel is the true source for the development of monotheism, Cohen looks to the national history of Israel to discover the

true source of the concept of fellowman. Monotheism evolves along with the evolution of the Israelite theocracy; therefore the leaders in matters of state must also be laeders in religion. Thus we find the prophets opposing the priests; and when the priests become rulers, the prophets must become statesmen, for they can develop the religion only by taking part in the social and political conflicts.[22] If the religion was to assert its share in morality, it had to be bound up closely with their attitude towards politics and their view of social problems. The stranger, therefore, could not have been an exclusive source for the development of the concept of the fellowman, but the political conditions of the natives must also have called forth the interest of the prophets.[23]

Cohen considers the most difficult problem in the concept of man, of the unity and equality of men, to be the distinction between rich and poor. In the state this differentiation makes not for true organization but for subjection; and it is against such subjection that the problem of the fellowman arises. Thus, the problem of the fellowman is even more acute with regard to the land of Israel and its people than with reference to the stranger.[24]

The unique God, the creator of all men demands that there shall be no inequality among men; yet inequalities do exist. This problem is clearly presented in the fifteenth chapter of Deuteronomy. Verse 4 reads, "that there shall be no needy among you." Nevertheless, the validity of the first statement is not weakened by the reality of the condition portrayed in the second; for, granted, that poverty is a reality, it is still true that poverty ought not to be present. The concept of the unique God requires that society should correct itself

in this direction.[25]

The social problem of the distinction between rich and poor becomes more complex when bound up with the moral problem of the good and bad. There appears to be no correspondence between these two sets of distinctions; and the question arises; why does the good man suffer and the bad man prosper? Because of its natural relationship with the social and moral consciousness, the religious consciousness could seek to solve this problem by having recourse to the expedient that suffering is irrelevant. For, though one might be able to train himself to look away from his own weal or woe, he ought not to disregard the weal or woe of his fellow; though he might discount the good or ill-fortune of the wicked, he ought not to be indifferent to the weal or woe of the just.[26] In this very factor of the absence of indifference with regard to the weal or woe, Cohen sees the real value of the relationship between the religious consciousness and the moral, which is itself rooted in the social and political consciousness. When weal or woe is objectified through the social distinctions between rich and poor, then indifference becomes frivolous and untruthful.[27]

The prophets were able to rise above the primitive level which sought to establish a correspondence between good and weal, wickedness and woe. Such a correspondence could be established, if weal and woe were only subjectively distinguished; but the content of the concept of man which grows out of the mutual correlation of men, and the content of the correlation of man and God, depend upon the recognition of social distinctions as being objective.[28] The truthfulness inherent in prophecy did not permit the acceptance of the naive philosophy that prosperity is the reward, evil the punishment which ac-

crues to the moral and religious status of man.[29]

Cohen considers it a great achievement of prophecy and an added proof of its inner connection with morality that it did not spend itself in speculations relative to the meaning of life in the presence of the riddle of death and after-life, but that it sets these questions aside in order to consider that aspect of evil which is presented by the problem of poverty. For the prophets, poverty represents the main aspect of human misfortune.[30] Poverty is a physical evil; but the prophets view it as a moral evil, since it bears upon the problem of the correlation between man and God. Suffering, which is a physical evil, both physical and spiritual in its characteristics, also comes within the purview of the prophets as a moral problem. According to Cohen suffering as a metaphysical problem does not concern religion, and only as a social problem does it acquire ethical significance. "He who explains poverty and the suffering of mankind creates ethics, or, if not philosophic ethics, at least, religion in accord with its share in reason. Only the rational religion is moral religion, and only moral religion is the true religion".[31]

Social insight led the prophets, like the Psalmists after them, to see that the true suffering of the human race is poverty; and their religious insight brought them the realization that poverty was, indeed, the great problem which questioned divine providence. For them poverty, not death, was the fundamental religious problem, because poverty demanded a rational solution, while the riddle of death could be solved only through mysticism.[32]

In the light of the suffering of the human race, which is poverty, the concepts of woe and evil are raised from the physical to the psychical level, to that level of consciousness which includes the moral and spiritual. The suffering of the soul is the pain of the spirit as distinct from the pain of the animal; for it is only social suffering which is spiritual. The significance of social suffering is that the entire culture-consciousness is put in sympathy.[33] Poverty cannot remain a matter of indifference, because it is a sign of the distress of culture, and because it calls true morality into question. The social suffering of poverty is not to be compared with the physical suffering, which is individual and subjective, for it is not only the suffering of the great majority, but it is also indicative of the qualitative depth of culture.[34]

Since the majority of men enter the tragic role of suffering, the poor man becomes typical of the race. The individual cannot isolate himself from this majority, for apart from his relations with other men he is nothing. Nor can the individual be indifferent to the poverty of the next man, since suffering is typical of all men, the individual included. The next man, is, therefore, transformed into the fellowman; and the relations between men are represented by the concept of the community. In this community the relations between men do not take the form of subordination of interests but of mutuality of interests. The community, in fact, produces the fellowman.[35]

Suffering is indicative of the social distress of the human race, consequently a proper understanding of suffering cannot be arrived at through a form of insight which concerns only the indi-

vidual. Since the discovery of the fellowman is bound up with the cognition of suffering, religion, which seeks to bring the fellowman to light, must direct its attention to that form of cognition which Cohen calls "Mitleid", sympathy.[36]

Sympathy involves a mutuality of interest; and it must come to light as a true activity which is free from the mere passivity of reaction. The kind of reaction which is necessary in sympathy is that mutuality of interest which strives toward the goal of the community, the community in which the fellowman appears. "And sympathy displays itself as a factor of the pure will, as a lever of the moral consciousness, as a basic power of the moral universe, which discloses the fellowman. And sympathy is this key to the fellowman."[37]

According to Cohen, the misunderstanding with regard to sympathy is lodged in the mistaken view that sympathy is a reflexive emotion emerging from the self and referring back to the self. For if sympathy were merely reflexive, how is its production of the concept of the fellowman to be accounted for? Before sympathy appears man is present only as a next man, but with its appearance man emerges for the first time as fellowman. How then, asks Cohen, could sympathy signify merely a reflexion from the other man to the self?[38]

The prophets were not theoreticians in the field of ethics, so that for them there could be no real difference between theory and practice. Their concern was the problem of the correlation of man and God, which, in turn, was bound up with the correlation between man and man. Out of the latter the problem of the fellowman arises;

and the practical problem whic faced the prophets was how to bring the fellowman into being through sympathy with the poor.[39] "The prophet becomes practical moralist, statesman and jurist because he wants to put an end to the suffering of the poor. And....he also must become a psychologist: he must make sympathy the primary feeling of man, in sympathy he must discover man and the fellowman."[40]

iii.

Through their social insight the prophets recognized in poverty the suffering of the human race, and therefore, for them morality begins with social sympathy, with the social love which seeks to ereadicate poverty and to put an end to the suffering of the poor. The stranger, the orphan, and the widow represented types of poverty which were more concrete than the abstract concept of the poor man; and it is in behalf of these types of suffering that the prophets come forward. As the social conscience becomes clearer and stronger, the prophets press more vigorously into the struggle against wealth and luxury, and their social sympathy becomes more political in its character and therefore, more profoundly religious.[41] Deutero-Isaiah has nothing but condemnation for Yom Kippur, unless social sympathy is made to rule the whole of life. Cohen sees a new insight in the words, "When thou seest the naked, that thou cover him, and that thou hide not thyself from thine own flesh," (Isaiah 58:7). The new insight here revealed by monotheism is that the poor is your own flesh. It is not your body which is your flesh nor your wife alone, but the poor man is your flesh. He it is who reveals the fellowman.[42]

While the Bible contains many expressions which refer to the poor, there is no word in Hebrew for <u>beggar</u>; similarly the word for

alms or charity is also lacking. The Hebrew word צדקה, which in later usage came to mean charity, originally had the meaning of righteousness and justice. Justice was due to the poor. This basic thought influenced the legislation dealing with the poor in the Bible.[43]

Cohen regards the legislation dealing with the giving of tithes at the end of three years to the Levites, the strangers and the poor, as a rule limiting the right of possession, (cf. Deut. 14:28). This limitation of the right of possession is carried further by the laws dealing with gleaning, corners of the field, and forgotten sheaves, (cf. Deut. 24:19ff.). The legislation concerned with the seventh year of release for land, debts, and slaves, and the jubilee year for the return of land to the original owners are adduced by Cohen as further evidence of the moral character of the "laws and statutes" which were inspired by the ideal of justice, not charity, for the poor and oppressed, (cf. Lev. 25:1-24; Deut. 15:1ff.). Alongside this social, agrarian legislation stand the laws concerning the debtor and the laborer. The poor debtor must not be oppressed. One must not break into his house to demand a pledge for the debt. If the pledge given is an object necessary in the household of the poor man it must be returned to him when needed. By no means is the justice due the stranger or the poor man to be infringed upon, (cf. Exodus 22:25; Deut 24:6,10ff.,17). Here again the right of possession with regard to pledges is limited. Likewise, with regard to the hire of the day-laborer, one must pay his wage immediately without waiting until the morrow, for the laborer sustains his life with the money he earns, (cf. Deut. 24:14ff.).

Cohen points out that every one who serves is called an עבד. There is no word which distinguished between a slave and a worker. The same word עבד, which refers to the slave, also applies to the worshipper of God and finally to the one who brings about messianism, the עבד יהוה. Consequently, Cohen holds that all the laws which deal with the עבד are in accord with the monotheistic love of man. The slave can never be a mere chattel, but must always remain a person and a man.[45]

The rights of the slave were to be recognized, so that, if he received some bodily injury from his master, he was to be set free. In this sense Cohen interprets the lex talionis of eye for eye, and tooth for tooth. Furthermore, if a slave ran away from his master, no one must bring him back. The slave, who had so little regard for liberty that he was willing to remain a slave in his master's house rather than take his freedom after his years of service were over, was to have his ears bored as a warning against scorning freedom. That the respect for the person of the slave and for his rights was counted among the moral obligations of personal righteousness, is, according to Cohen, evident from the statement in Job, "If I did despise the cause of my man-servant or of my maid-servant, when they contended against me - what then shall I do when God riseth up?... Did not He that made me in the womb make him? And did not One fashion us in the womb?" (Job 31:13ff.). Job appeals to God who is the creator of both master and slave. Similarly, the dignity of the poor is asserted in the verse, "He that oppresseth the poor blasphemeth his Maker, but he that is gracious unto the needy honoreth Him," (Prov. 14:31) "Once again," says Cohen, "it is the equality of men, established in the same creator, which makes sympathy a

a duty."[46]

The laws and regulations which began with the poor as their starting point were extended to all the other moral relations among men. But more than in any of these particular laws, Cohen sees in the institution of the Sabbath the quintessence of monotheistic morality.[47] The prophets took over the Babylonian division of the week and made of it the Sabbath which was the capstone of their social ethics.

The fact that there are two reasons given for the Sabbath is, says Cohen, a witness of the fundemental worth of the institution. The decalogue in Exodus proclaims the Sabbath as a day of rest for all men, master and slave, stranger and animal; for after the six days of creation God rested on the seventh day, therefore God blessed the Sabbath and made it holy. The basis of the Sabbath here is God's resting after the completion of his work. The decalogue in Deuteronomy, however, gives as the basis for the Sabbath a purely socio-ethical reason. The slave is to rest on the Sabbath even as his master; for the Israelites were slaves in Egypt. The motivation here is that the Sabbath is to assure the equality of men in spite of differentiation in their social status. In this clearly established meaning of the Sabbath Cohen recognizes a document which cannot be excelled in displaying the fundemental morality of monotheism and its moral originality.[48]

This originality in a social direction is the expression of the national spirit of Israel which produced a concept of God which is historically unique. The Sabbath is the clear affirmation of the

ethical significance of monotheism; for in the Sabbath Cohen sees the essence of God's love for man; in this institution all the modes of God's love are taken together and united.[49] For the prophets the Sabbath is expressive of morality, (cf Isaiah 56:2; 58:13; Jer. 17:27). The differences which appear among men in their modes of work are dissolved by the Sabbath; and even the manual laborer becomes his own master on this day. The weekly day of rest makes the worker the equal of his master.[50] Cohen regards the Sabbath as that institution which, flowing out of the concept of the unique God, was responsible for preserving the Jew and Judaism whose mission it is to spread monotheism over the earth and to establish it among the nations in accord with the true love of man.[51]

Sympathy for the poor which God awakens in us through his commandments is the real basis for the love of God. This love of God, says Cohen, is the guiding star of the world history whose meaning one cannot doubt; for this history is not merely of today or tomorrow, "A thousand years in thy sight are as a day," (Psalms 90:4). The history of the world has hardly begun, so that monotheism has really only begun its course in the world. "Monotheism is the real comfort of history."[52] In this social love of God for man Cohen sees the opening of the bud which flowers into the universal love of God into messianism.

CHAPTER III

In his systematic ethics Cohen presents the ideal of a united mankind as the goal of human striving. The essence of the ideal is such that it cannot ever become completely embodied in reality, the ideal must ever remain a task, a direction of the spirit. Furthermore, without the concept of God as the guarantor of the reality of the moral struggle, ethics can have no more than theoretical validity. If ethics takes over this concept into its system, then the realization of the moral is assured. In monotheism Cohen finds the necessary assurance for the realization of morality provided by the concept of messianism which grows out of the concept of the unique God.

In the sources of Judaism the concept of the Messiah has its origin in the national hopes of Isreal. The longing of the people for the reestablishment of the dignity of their land expressed in the hope of the coming of the national hero, a scion of the house of David, who would once again restore the kingdom to its ancient glory. But after the destruction of the kingdom the contact of the exiles with peoples of other lands broadened their horizon. The God of Israel became the "Lord of all the earth". The selection of Israel from among all the other nations was reinterpreted as a mission and not as a special mark of favor. The mission was the spreading of the knowledge of the one and only God among the peoples of the earth. As a people of priests, Israel would be denying its mission, if it continued to center its hopes in a national restoration. The

"Lord of all the world" proclaimed the moral law not only for Israel but for all mankind; consequently, as the missionary of that faith in a universal God, Israel must also be the symbol of a united mankind.[1] The kingdom of God could not be achieved through a kingdom of David. To reestablish Israel as a national entity would be to contradict that very goal which monotheism pointed out; namely, a united mankind filled with the knowledge of the one God.[2] The loss of statehood must be regarded as a blessing in the spiritual life of Israel; for thus freed from the materializing influence of political patriotism, it could devote itself with singleness of purpose and mind to the spreading of the knowledge of God.[3]

In the history of prophecy the concept of a personal Messiah passes into the concept of a messianic era. The prophets were interested in an entirely new concept of man, not man as he exists in the present in a particular nation or state, but the man of the future, who receives individuality only through the concept of mankind. This united mankind was the ideal of the future towards which the history of man in its infinite development must ever strive. God, as the creator, preserves and renews the world and thus makes possible the final achievement of the goal. God, therefore, is the God of one united mankind.[4] Cohen declares that the essence of prophecy is the realization of one mankind in the messianic era, and that the essence of messianism is the hope and confidence in the future of mankind. The prophets depicted this messianic era of the future in poetical imagery. It would be the time when all war between nations would cease and peace would reign on earth. The weapons of war would be beaten into ploughshares; even the lion and the lamb would lie down together at peace with one another; and from

all corners of the earth people would stream to Jerusalem to hear the word of God.

Taking the concept of the future as developed by the prophets Cohen adds to it a new element in line with the concept of the activity of the moral will. In the imagery of the prophets peace is pictured as the ideal of the future. But peace seems to imply a cessation of activity; yet for the moral will directed towards the future there can be no such cessation of activity.[5] The pure will by its very nature cannot pause in its activity of striving ever upward and onward. Every moment of the moral life must serve as the springboard for a new leap into the realm of the spirit. [Mankind must direct its gaze upon the future, but at no time must this future be permitted to resolve itself into a historical present. In the development of the human race towards the goal of an ideal mankind there can be no stopping. The notion of peace as the opposite of the present in which war and strife hold the center of the stage is not to be envisaged as the final goal of moral effort. [If the moral will is to be considered as an unceasing activity directed towards the future, the reality of the moral effort must be assured by giving a new meaning to the concept of the future. This meaning is the concept of eternity.[6]]

Eternity in Cohen's sense refers neither to time nor to a point in time, which are problems of metaphysics. Rather, eternity is to be considered as a problem in the field of ethics and, as such, it refers to the pure will and to moral self-consciousness, not to eternal duration.[7] Eternity implies the eternal continuance of the moral struggle. It is the eteranl task of approaching the infinite

goal of moral perfection. Here it is that we find the assurance of the reality of the moral struggle. To imagine the coming of an era in which this ceaseless activity would be resolved into harmonious peace, would be to destroy the reality of the moral task which by its very nature is conceived to be an endless task.[8]

This new meaning given to the concept of the future in terms of eternity opens up a vista of infinite development for mankind. Mere peace can no longer be the messianic ideal, but rather the prospect of infinite moral progress. A united mankind is the eternal task of the human race; as such it cannot be achieved at any one point in time but must always serve as the guiding star to direct the human race on its upward path of development.

Cohen regards the concept of messianism with its emphasis upon the future of mankind as the outgrowth of the peculiar national genius of Israel. Despite the fact that the prophets had no special interest in science or scientific philosophy, by reason of their profound concern with the problem of the realtion of man to man they proceeded to develop the concept of messianism, which, essentially, is a kind of philosophy because of its share in reason.[9] This exclusive, one-sided interest in morality was the necessary background for the development of monotheism. All the other problems which concerned the contemporary world of the prophets had to give way before this single concern with a God who proclaimed the moral law to mankind.

Even in the poetry of Israel Cohen sees this one-sided interest. Neither the drama nor the sensuous lyric was the medium

of the poet, but everywhere poetry was subordinated to the all engrossing problem of morality. The emphasis was away from the egoistic concern of the individual and towards the broader relations of men.[10] Again, with respect to knowledge this one-sidedness makes itself apparent. For the prohets the one real type of knowledge was the knowledge of God. Since God is the father of all men and of all peoples, this knowledge must be spread among all men without distinction of class or race. "Without this universal requirement of knowledge monotheism would remain a fragment and an illusion."[11] This emphasis on the spread of knowledge is another expressian of the movement towards the concept of messianism.

The theocracy of the Jewish state also appears as the direct political expression of that one-sidedness which prepared the way for messianism. The theocracy was not a hierarchy, because from the very beginning its spiritual leaders in matters social and religious were the judges and the prophets, not the priests. As for the limiting of the knowledge of God, even this loses its character of one-sidedness, when it is considered as a means of developing creatively the kingdom of priests which is to be dedicated to the task of realizing the kingdom of heaven here on earth.[12] The interest in moral and religious problems, which expressed itself in the development of a Biblical canon, was further extended in the growing body of the oral law. Cohen calls that an unhistorical prejudice which would see, in the effort of the rabbis to build a fence around the Torah, the single purpose of isolating Israel. Only now have people come to realize that without this principle of יחוד monotheism could not have withstood the corrosive effect of counter influ-

ences nor have preserved its capacity for continued growth. Thus, even that religious one-sidedness which finds expression in the ritualism and ceremonialism of Rabbinism must be evaluated as a preparartion for messianism.[13]

In another direction Cohen sees the sole concern of Israel with the relation of man to man growing into what he calls ethical rigorism, in contrast to eudaemonism which makes the goal of happiness the summum bonum of life. The greatest problem which faced the prophets in view of their belief in divine providence was the existence of poverty.[14] The problem concerned the spiritual suffering of the majority of the human race. Through the stirring up of the emotion of sympathy, which is a "lever of the moral consciousness" man becomes conscious of his fellowman and can no longer remain indifferent to social suffering but must bend all his energies to the eradication of social or spiritual suffering. Thus, the prophets were not content to contemplate the realm of the theoretical, scientific ethics, but pushed on into the practical field of social injustice, which brought about the innocent suffering of the poor and the stranger. They cried out that poverty within the state, as well as discord and strife among peoples and states, must cease. Their faith and confidence in the eventual triumph of their principles expressed itself in the concept of messianism. We must not subscribe to the mistaken notion that the Messiah would come when injustice had ceased on earth, says Cohen. On the contrary, the Messiah idea means that injustice <u>will</u> come to an end.[15] Messianism holds forth the promise of the rule of goodness, of ideal morality on earth.[16]

Finally, this ethical rigorism of Israel leads to the surrender

of national limitations for the sake of messianism. The whole people of Israel are not worthy of the dignity of messianism; consequently the people of Israel must become the "remnant of Israel". In the light of this notion of a remnant of Israel the ancient belief in the selection of Israel by God need not be entirely discarded. The ideal Israel of the future is to be considered as the Chosen People in the symbolical sense of its messianic calling, the heralding of a united mankind.[17]

The idealization of the people of Israel into the remnant of Israel was followed by an analogous idealization of the concept of the messiah. The Messiah could no longer be thought of as a national deliverer, a descendent of the house of David, who would restore the political fortunes of Israel. For the thought of a royal deliverer possessed of power and splendour now collided with the moral emphasis upon the poor and the stranger. In place of the "sprout of David" the "servant of God" appears as the newer concept of the Messiah. As the poor become the truly pious people, so the descendent of royalty had to become a servant.[18] This servant of God no longer appears in royal trappings but in the humble robes of the poor, sick, despised man lacking both beauty and form.[19] Not only the Messiah is to be regarded as the servant of God, but eventually all Israel and all peoples are to become servants of God; that is the messianic ideal of the future.

The one-sidedness of monotheism, which Cohen stresses so emphatically, also led to the development of the concept of history as the concept of the future. Although the prophets were not philosophers, in their political idealism they were more consistent ideal-

ists than even Plato himself.[20] Their creation of a concept of a united mankind, however, cannot be considered as the product of scientific abstraction. They turned their eyes away from the pitiable condition of their own people in order to look with clear eyes into the bright future with its promise of universal peace on earth. Just as messianism is the product of monotheism, so too the concept of world history, of the history of mankind, is the consequence of the faith in one God.[21] This faith and hope in the future development of mankind is not to be confused with the Darwinian type of evolution which is strictly the product of natural science. The concept of the future is purely and exclusively the product of moralistic one-sidedness.[22]

Messianism reaches its high-water-mark in the concept of the substitute. Such a concept might seem to contradict the principle of ethical autonomy which asserts that morality must be the work of the individual, and consequently permits of no substitution. But autonomy excludes a substitute only in so far as guilt is concerned, not, however, with respect to suffering. The Messiah is to be thought of as a substitute not for guilt of men and of nations but for their suffering, which they would otherwise have to bear as a punishment for their sins. The Messiah becomes the ideal image of the man of the future, of mankind as the unity of nations; for he takes upon his shoulders the suffering of man.[23] The concept of Christ as the substitute, however is opposed by Cohen on the ground that it trespasses on the principle of moral autonomy by making Jesus the vicarious atoner for the sins and the guilt of men. Such a notion is foreign to Judaism, because it limits the being of God who alone is possessed of the power to forgive sin.[24]

Since the prophets regarded the poor as the innocent sufferers of humanity, it was but a further step for them to identify the poor with the pious. The pious were called the forerunners of the Messiah who had now been idealized in terms of a substitute.[25] The great lesson that this Messiah had to teach is that all the eudaemonistic appearances are no more than illusions and that the real value of life lies in ethical ideas. Thus the concept of the substitute demands the relinquishing of the belief that happiness is the sole aim of life; and this renunciation of the externalities of earthly happiness is the first step in the direction of raising the level of man's moral dignity.[26]

The prophets did not confine the notion of the suffering servant of God to one individual but applied it to the whole people of Israel. Indeed, the history of the Jew points to the fact that Israel has been the guide on the journey towards the goal of a messianic mankind. In carrying out their task of being the suffering servant of God the people of Israel have always been despised and oppressed; yet despite that fact Israel has endured throughout the centuries. The servant of God will not perish, but will continue to bear the suffering of mankind. Although the suffering of the Jews may be a misfortune from the point of view of happiness, that suffering must remain a necessary part of the labor of bringing about the messianic era in which all will pay homage to the one God.[27] 147

The acceptance of the "yoke of heaven" is not only the duty of the Jew but also of all the "righteous of the nations of the

earth". Indeed, the development towards the messianic ideal is marked by the breaking down of national dividing lines. The notion of the remnant of Israel is thus broadened to include the whole of that future society which will worship God.[28]

CHAPTER IV

The authority of the Torah, in early times, was regarded as supreme and binding upon the people and all its laws had to be observed strictly and scrupulously. Before the advent of the Pharisees it was believed that the Torah derived its authority from the covenant entered into between God and Israel.[1] This covenant was sealed by an oath which imposed a curse upon those who would venture to transgress the law, (cf. Deut. 29:9-30). The Pharisees advanced beyond this primitive view, for they held that the authoritative character of the Torah was not vested in a covenant secured by an oath, but that it was something inherent in the Torah itself. They believed that the Torah was divine in origin, and that alone was sufficent reason for man to obey its laws.[2] In like spirit they held that the commandments of the Torah were given entirely for the benefit of man. The Torah was the law of truth revealed by God to point the way leading to the good life. "The commandments were given only to purify man."[3] This view concerning the origin and purpose of the law became dominant in Israel.

Cohen takes over this latter concept of the law and identifies it with revelation. Just as revelation is the medium through which the correlation between God and man is completed, so the law is an expression of this correlation between God and man. Similarly, as revelation, being the product of this correlation, cannot concern the essence of God's nature, so the law has nothing to do with God's essence. The object and the goal of the law is the moralization of

Idea of Law"

man. Its purpose could not be to teach man to become God; for then the correlation would be destroyed; rather it serves to aid man in the task of realizing the ideal man.[4]

The view that the law has its origin in God would seem to conflict with the fundamental principle of the autonomy of the moral will; but Cohen holds that the apparent contradiction is only a difference in the method of formulation between ethics and religion. In the system of ethics it is the function of the will to produce the moral law as the law of moral reason; while the religion of reason conceives of the will of reason as the command of God.[5] The law which comes from God could not contradict the autonomy of the moral will; for, in so far as God is the surety for the infinite development of the human spirit, he must also be the guarantor for the autonomous morality of man. Indeed the command of God is the religious equivalent of autonomy in ethics. In applying the concept of will to man pure ethics must distinguish between pue will and will as emotion by applying the concept of duty; thus, the moral law becomes duty. Similarly, in religion the same transformation is achieved by changing the moral law into the command of God.[6]

The Hebrew word מצוה expresses this dual aspect of law and duty. With reference to its divine origin מצוה means law, while as duty it devolves upon man. Thus, law becomes duty and duty law. God reveals the law, and man in turn takes upon himself the "yoke of the law" out of his own free will.[7] When the Jew accepts the yoke of the law, he is really taking upon himself the עול מלכות שמים, the yoke of the kingdom of heaven; for the realm of the law and that of the kingdom of heaven are the same.

In Judaism the law and duty were referred not only to the moral aspect but to the whole of life, as is evident from the statement in the Mishna, "And let all they actions be for the Name of Heaven".[8] The principle implied here is of fundamentla significance for Judaism; namely, that an act can have moral or religious worth only when it is done with the purpose of serving God. Cohen takes the view that לשם שמים is the goal of human action and that it contains within itself the basic command of sanctification of the divine name; therefore he makes לשם שמים equivalent to קדושת השם.[9] Again, he applies כל התורה to the whole sphere of human actions and regards the law as including the whole of life within its purview. In consequence of this universality of the law it follows that the distinction between the sacred and the profane is removed. The removal of this distinction is in accord with the concept of monotheism, as is evident from the verse, "And you shall be unto me a kingdom of priests and a holy nation".[10] Just as all the people of Israel ought to be holy, so the whole of life ought to be holy and not merely a part of it dedicated to holiness. No moment or action in life should be thought of as being profane; for all of human life is holy and every action in life ought to be done in the service of holiness.[11] Pursuing the same tack, Cohen says that no moment should be singled out of life as being holy; for such a moment is but a symbolical idealization of what all of life should be. The ideal has real worth, however, only in so far as it becomes realized, for reality is better than the symbol of reality. The tendency of the law is to realize holiness in the whole of life, consequently its province includes the whole sphere of human conduct.[12]

While the law was regarded as applying to all the manifold phases of human life, and rigid observance was enjoined with regard to all the commandments, greater and lesser alike,[13] distinctions between the purely ethical commandments and the ritual, ceremonial, and strictly religious commandments were recognized in early times. The notion of a סיג לתורה, a hedge for the Torah,[14] guarding the divine revelation from harm indicates that the ceremonial law was considered of less importance than the moral kernal which it protected. Numerous statements appear in the Talmudic literature which indicate that this distinction between moral and ritual precepts was stressed, even though the observance of the ceremonial and ritual precepts was strictly enjoined as a protective measure against the destructive forces of other religions. One statement has it that not all the precepts and ritual laws of the Torah put together could equal in importance one ethical principle of the Torah.[15] The observance of a ritual precept which involved the disregard of an ethical principle was strictly forbidden.[16] God desires the heart,[17] therefore an act which was prompted by moral considerations, even though counter to the strict letter of the law, is of greater value than the most careful observance of a ritual or ceremonial act.[18] Whenever a basic moral principle was involved, the ritual law could be disregarded.[19] Cohen points out that this distinction between the ethical and the ceremonial is further indicated by the separation of Pirke Aboth, which is largely a collection of moral statements, from the rest of the Mishna.[20] In these distinctions between ethical and ceremonial precepts Cohen purports to see a distinction which was later more clearly developed by the Jewish philosophers of the Middle Ages; namely, the distinction between truths based on reason and truths based on tradition or obedience.[21]

The first clear division of the laws of the Torah was made by Saadia who distinguished between מצות שכליות which are dictated by human reason and מצות שמעיות which have their origin in divine revelation.[22] According to Malter this distinction was taken over by Saadia from Arabic literature.[23] Saadia holds that even the מצות שמעיות are by no means irrational, though we may not be able to perceive their reason; and they have in addition a disciplinary value in that they train man to submit to the divine will.[24] Judah Halevi also distinguishes between מצות שכליות and מצוות שמעיות; but in opposition to other philosophers he stresses the importance of the traditional commands, for Judaism is given its peculiar character by these traditional laws and not by moral principles which are common to all society.[25]

Cohen sees a distinct advance in the thought of Abraham ibn Daud beyond the position of his predecessors. Ibn Daud also distinguishes between rational and traditional principles. He identifies the מצות אנושיות with the מצות שכליות and the מצות מקובלות with the מצות שמעיות.[26] The former are rational principles which are generally recognized by all men and serve to unite nations and religions; while the latter are traditions which serve as a source of suspicion and hatred among peoples.[27] In the last chapter of the "Emunah Ramah", Ibn Daud states that the Torah is composed of a number of parts; the first concerns faith, the second the virtues, the third the economy of the home, the fourth political economy, and the fifth the commands based on reason. These various parts, however, are not of equal worth. At the foundation of the Torah is faith and after it come the virtues and government. Nations agree or come close to agreement in their social ethics because

these are based on rational principles. With respect to those precepts which do not have a rational basis, their relation to the rational principles is very low.[28] In support of this point Ibn Daud refers to a number of Biblical passages; i.e., Jer.7:22, "for I spoke not unto your fathers...concerning burnt offerings or sacrifices," (cf.I Sam.15:22; Psalms 50:8; Isai.60:3). All these passages testify to the low level of this part of the Torah and to the greater value of the other parts. And since the traditional precepts stand on a low level, it cannot be denied that the reasons behind these precepts are likewise of lesser value.[29] Cohen attributes to the keen historical insight of Ibn Daud this ability to distinguish between differing levels of value in the contents of the Torah.[30]

Following the line laid down by Ibn Daud, Maimonides also recognized, according to Cohen, differences in value in the content of the Torah, although he did not give voice to this view in such clearly unmistakable language as did his predecessor. To have stated this view definitely would have been to lower the value of the non-philosophical sections of the "Mishneh Torah".[31]

Maimonides concerned himself with the problem as to the reason or purpose of the laws of the Bible, especially the ceremonial laws which seem to have no rational meaning. He inveighs against those who hold that the laws have no other reason that the arbitrary will of God and asserts that all the commands follow reason with some purpose in view, although, because of the insufficiency or incapacity of our knowledge, we may not be able to discern the cause or purpose of some of the commands.[32] All of the commands can be subsumed

under a number of general laws. These laws can be understood rationally, but the particular precepts which are subsumed under them need have no rationale, since they partake of the nature of the possible. The general laws of the Bible have two purposes; namely, תיקון הנפש, improvement of the soul, and תיקון הגוף, improvement of the body. The former is achieved through study and reflection which lead to true knowledge. The latter, which, though prior in time and in nature, is lower in degree than the former, is brought about by removing injustice among men and by teaching man useful moral virtues.[33] The reasons for those commands which tend directly to remove injustice, or to teach good conduct, or to impart truth, are clear and their usefulness is evident. The reasons for the ceremonial laws, however, are not clear; but, says Maimonides, even the ceremonial laws have some bearing on one of these three things; regulation of opinions, improvement of social relations, or teaching of good morals.[34] The wisdom of God is evidenced by the manner in which the commands are adjusted to level of development which man has reached. The sacrificial cult, for example, is a concession to the psychological nature of man. By means of the sacrificial cult men are led step by step to the true service of God.[35]

Maimonides distinguished between a primary and a secondary purpose in the commands about sacrifice; sacrifice is only secondary, while prayer and similar kinds of worship are closer to the primary purpose. In interpreting Jeremiah's polemic against sacrifice Maimonides gives it a positive basis which, according to Cohen, bespeaks the fundamental thought of his ethics.[36] He says that when God led Israel out of Egypt he did not command them concerning burnt offerings and sacrifices. The first commandment after the departure

from Egypt was given at Marah, "There he made for them a statute and an ordinance," (Ex.15:25f.). According to Maimonides חק refers to the Sabbath and משפט to the civil laws. According to this interpretation the חקים are also to be counted within the category of moral laws, since the Sabbath is representative of social legislation.[37] The chief purpose of the law is the teaching of truths, and it is the purpose of the Sabbath to confirm this principle; but in addition to the teaching of truths the law aims to remove injustice from mankind. Thus, the first laws given to Israel do not refer to sacrifices, which are of secondary importance.[38]

Following these introductory remarks Maimonides proceeds to divide all the laws of the Torah into fourteen general classes in this order: 1. Laws concerning the fundamental ideas of religion; 2. Precepts and prohibitions relating to idolatry; 3. Precepts concerning ethical and moral conduct; 4. Laws relating to charity; 5. Laws concerning injury and damages; 6. Laws dealing with theft, robbery, and false witnesses; 7. Laws concerning business dealings; 8. Laws dealing with the Sabbath and festivals; 9. Prayer and other observances; 10. Laws dealing with the temple and its service; 11. Laws of sacrifice; 12. Laws of cleanness and uncleanness; 13. Dietary laws; 14. Laws dealing with forbidden marriages and circumcision.[39]

Of even more general scope than the foregoing division is Maimonides' division of all the laws into two classes; namely, laws concerning the relation between man and God, and laws concerning the relation between man and man.[40] According to Cohen this division is not intended to separate the two groups and to designate

the first one as purely religious; rather it has the purpose of illuminating the foregoing division from a unified point of view. The laws dealing with the sacrifices are primarily concerned with the relation between man and God, but they are only inetrmediate ends leading to the true purpose of the knowledge and reverence of God in human morality. Nor do the moral laws deal solely with man's relation with man, for they too ultimately concern themselves with the relation between man and God. Just as the laws dealing with man's relation to God are regarded as means for the single purpose of morality, so the specifically moral laws become means for the single purpose of the knowledge and reverence of God. This interchange of purpose follows from the identification of God with morality.[41]

Cohen points out that the term "ceremonial law" was first employed by Simon Duran and after him by Joseph Albo. According to Albo the laws deal with three things: the realtions bewteen man and God, which he calls מצות עבודה or חוקים שכליים; the relations between man and man, called משפטים or חוקים שבינו לחבירו; and finally the relations of a man to himself, called חוקים שבינו לעצמו.[42]

With the coming of the era of enlightment in Germany, Cohen, (שכלי) sees a new period in the development of Judaism. Yet in this very period Moses Mendelssohn, who was representative of the finest tendencies in the rationalistic philosophy of the day, gave a very narrow interpretation to Judaism limiting its essential character to the ceremonial law.[43] In accordance with his deistic philosophy Mendelssohn made a sharp distinction between rational religion and revealed law. The principles of rational religion he held to be

the common property of all men; but the Mosaic law revealed to Israel was the peculiar property and distinguishing trait of Judaism, and to this law the Jew owed an unwavering and unquestioning obedience.[44]

This concept of Judaism as a religion of law is, according to Cohen, obscuring in its effect and is in contradiction to the history of Jewish religion. While he regarded Mendelssohn's political and cultural activity as being well-nigh messianic in significance, he considered that, which Mendelssohn's inner religious doctrine and practice seemed to set up as of chief importance, to be something which in the Middle Ages had long since been recognized as being of subsidiary value.[45]

In opposition to the dogmatic insistence and upon the necessity and immutability of the law, Cohen points to the statements already appearing in the Talmud and Midrash regarding the eventual suspension of the ceremonial laws. One passage states that in the messianic era the laws will be suspended.[46] Another rabbi declares that in the messianic age all the sacrifices and all prayers, with the exception of thanksgiving, will be abolished.[47] In a third passage it is declared that all the festivals, with the exception of Purim and Yom Kippur will cease to be observed in the messianic age.[48] These statements seem to indicate that some of the rabbis believed that the ceremonial laws would not be necessary and would therefore be abolished in the messianic age. Cohen notes significantly that an exception is made here with regard to Yom Kippur. Yom Kippur must remain eternal, because it is the foundation-pillar of Judaism; therefore, says Cohen, even in the messianic age the law cannot be abrogated without some exceptions.[49]

opinion on Changing of law

In the Jewish philosophy of the Middle Ages the problem of the immutability of the law was an ever recurrent theme. Saadia maintained that the law could not be abrogated. First of all, he said, tradition has firmly upheld this view. Secondly, the Torah itself affirms its permanent validity. Thirdly, Israel is a nation only through its Torah; and, since the prophets declare that Israel is eternal, therefore the Torah must be eternal.[50]

(1)

Ibn Daud also denied the possibility of the law being abrogated or repealed. After classifying the Biblical laws into rational and traditional, he states that the former, being accepted by all men, can never be changed. Furthermore, even the traditional or ceremonial laws cannot be altered; for the Torah states explicitly in numerous cases that the laws are not to be changed; nor is there any statement in the Torah that the law is given to Israel conditionally and that it will ever be taken away from them. Ibn Daud also adduces a number of historical arguments to prove his position that the traditional laws cannot be abrogated.[51]

(2)

In his commentary to the Mishna, written in his early youth, Maimonides included the belief in the immutability of the law in the thirteen fundamental doctrines of Judaism.[52] That Maimonides retained these thirteen articles in his maturer period is very doubtful, since he never again refers to them in his later works. In any case, throughout the succeeding centuries he was regarded as the protagonist of the thirteen dogmas and was often attacked by critics on this point. Hasdai Crescas was very pointed in his attack on Maimonides' division of the fundamental doctrines of Judaism. He limits the fundamental principles, ____ or

(3)

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שלושה עשר, to six, and he does not include the immutability of the law within that number, but calls it one of the true beliefs
54
שאינם שמורים, which are, nevertheless, essential to Judaism.

In Albo's treatment of the problem of the immutability of the law, Cohen sees the completion of this line of criticism. Albo asserts that there is no reason why religion should not change along with a change in the people to whom it is given. A physician, for example, changes his prescription along with the progress of the patient. Similarly, in the Bible itself changes in the law can be observed. Furthermore, the statements in the Bible referring to eternal statutes are no proof for the eternity of the law; for only some of the commandments have such qualifying expressions attached, therefore, the other laws may be subject to change. As against Maimonides' thirteen dogmas, Albo holds that only the three fundamental dogmas, existence of God, revelation, and reward and punishment, are immutable. The other laws given by Moses may be altered or abrogated by a later prophet who must prove himself to be greater than Moses.
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Very Good

On the basis of these tendencies in Jewish thought, Cohen maintains that he is standing on the classic ground of Jewish thinking when he seeks to answer the question as to the relation between the law and religion not in a dogmatic sense but in accord with his own method. It has long since been clearly pointed out that many of the Biblical laws were altered in the Talmud. Likewise, attention has been called to the distinction between the Torah as a whole and the individual commands. The concept of the law involves its fitness for the preservation and development of religion. The methodical question as to the worth of the law is its relationship to the con-

tinuance of religion.[56]

Cohen holds that the continuance of Judaism is bound up with the continuance of the law; for it is the law which makes possible that isolation which seems to be indispensible for the practice and development of Judaism. In the final analysis this isolation is necessary not from the point of view of the law but from that of pure monotheism. Even if the law is observed only with regard to the holydays or to Yom Kippur alone, Cohen believes that it can still be a bulwark against the levelling of pure monotheism. Likewise, the preservation of the Sabbath is a token of the basic socio-ethical teaching of Judaism.[57]

The worth of the law is not exhausted in the negative moment of isolation, for it possesses an indwelling, positive power which makes for the stirring up, the strengthening, and the deepening of religious thoughts and sentiments.[58] In addition to isolation the purpose of the law is to idealize all earthly life with the divine. The service of God is not limited to the synagogue, for the law carries it over into the whole of life.[59]

In its historic power to bind up the past with the future, Cohen sees the significance of the law as symbol. As a symbol the law has no real value of its own, for the worth of a symbol lies in its power to stir up the true worth. If the law is thought of in this sense, then the expression _____ סיג לתורה, hedge for the Torah, which the Mishna uses to distinguish the law from the Torah, is superseded. For the law is not merely a hedge which isolates the Torah in order to protect it, but as a symbol it becomes a real lever, a productive force of the Torah.[60]

Looking over all the laws, Cohen says that the true point of view does not yet seem to have appeared. The connection between the purely moral and the religious commands needs to be set forth more clearly. If there is a law in which this connection between religion and morality is completed, then it is to recognized as the ideal concept of law. "If there is a law in which this indifference of theory and practice for the reverence of God presents itself and in accordance with its significance for morality, then not only the union of religious knowledge with religious conduct is to be recognized in this law but also the union between religion, including theory and practice, and pure self-sufficient morality, in so far as the latter, according to our presupposition, is bound up with the share of religion in reason".[61]

CHAPTER V

I.

As distinct from utilitarian and eudaemonistic systems of ethics, Jewish morals are not concerned with the question of the chief good but with the problem of the realization of morality. "As God is holy, so shall ye be holy," that is its fundamental motive. The task of man is to find the proper path leading to holiness or morality; and the attributes of God which flow from his uniqueness or holiness may be regarded as virtues pointing the way to morality. The question of the דרך ישרה[1], the right way, was an ever recurring theme in Jewish sources. Indeed, the very term which is employed to designate the rule of right conduct in life is the word הלכה, from the verb meaning to walk or go. In rabbinic literature the 'right way' frequently commended is the emulation of the moral qualities of God, "to walk in all his ways." One rabbi interprets the word ונאוהו in Exodus 15:2, thus: "I will imitate him. As he is merciful and gracious, be thou merciful and gracious."[2] Another rabbi suggests that the meaning of the verse, "After the Lord your God shall you walk," is, "To walk after the attributes of the Holy One. As he clothes the naked, so do thou clothe the naked. As he visits the sick, so do thou visit the sick...."[3] At the bottom of these and similar, oft recurring sentiments[4] was the belief that the way to approach the holiness of God was to emulate his moral qualities.

In this distinction between the holiness of God and the ways of approaching holiness, Cohen purports to see a distinction which

he himself employs in his systematic ethics; namely, that between morality and the virtues. He says that the holiness or morality of God is identical with his uniqueness and that his attributes are concepts of virtue for men.[5] In his "Ethik" he conceives of virtue as a guide which leads to morality by a straight path and which keeps the path constantly free from confusion. Since there are many paths leading to morality, there must he as many virtues as there are ways to morality. The classification of these virtues has its basis in the moral self-consciousness which expresses itself in the direction of the individual and the totality.[6] The concept of man as an individual among many individuals leads to the notion of a relative society, while the concept of man as an individual in the totality of men leads to the concept of the absolute totality of mankind.

A further basis for the division of the virtues lies in the relationship of thought and emotion which form the moments of the pure will. Emotion, regarded as a motor of the pure will, is an essential element of every virtue. When emotion is the dominant element in the will, then the emotion takes the form of love; but when thought id the dominant element, the emotion expresses itself in honor.[7] In the system of ethics love cannot be regarded as the highest emotion, because it has a tendency of favoring one group of individuals or individual more than another, and thereby it forms relative associations. The goal of ethics, however, is a united mankind; therefore the emotion which it requires is one which makes no distinctions between persons but regards all men as equals in the task of realizing morality. This emotion which represents an ascendency of "Denkgefuehle" in the will, is honor.

On the basis of the distinction between the predominant elements in the pure will, a division of virtues can be made. Virtues of the first grade are those which establish the absolute society; while virtues of the second grade establish the relative societies.[8]

Honor, which Cohen calls a juristic value, is the essence of man. It implies the equality of men in the call to realize morality, and it warrants their equality for this task. Those virtues which are directed towards the totality of mankind have the emotion of honor at their basis. As distinct from love, honor always has its point of orientation towards the equality of men.[9] The emotion of love, which represents an ascendency of "Bewegungsgefuehle" in the will, is the basis for the virtues of the second grade, since it leads to the formation of separate, relative societies.[10]

Having established a basis for the classification of the virtues, Cohen turns to the Jewish sources and applies his criteria. Before taking up the virtues in systematic order, he considers the order of virtues presented in the Mishna in the name of Rabbi Phineas ben Jair. The order is as follows; 1. זריזות, zeal, 2. נקיות, purity and innocence, 3. טהרה, purification, 4. פרישות, separation, 5. קדושה, sanctification, 6. ענוה, humility, 7. יראת חטא, fear of sin, 8. חסידות, piety, 9. רוח הקודש, spirit of holiness, 10. תחיית המתים, ressurrection.[11] In addition to this list, a Talmudic statement attributed to the same rabbi prefixes תורה, study of the Torah, and זהירות, care. The same Baraita goes on to say that תלמוד is greater than all the other virtues. R. Joshua ben Levi differs on this point and says that צדקה is greater than all the others.[12] Cohen points out that the study of the Torah is the theoretical

virtue par excellance which is placed at the beginning and at the basis of all other virtues; whereas חסידות, which he calls the piety of benevolence is the ethical virtue par excellance. Humility is also regarded as an important ethical virtue which, while it refers to the relationship between man and God, also refers to modesty which is a peculiar human virtue. Apart from these three virtues the others in the list are more virtues of religion than morality.[13]

Cohen holds that his view of the virtues as ways to morality is in harmony with the terminology which is employed with regard to the doctrine of virtues in Jewish religious philosophy. The term מדה, measure, is used to signify morals. When used in the sense of virtues, the מדות are also measuring standards for the evaluation of the level of the moral value, and they also indicate the degree which has been reached in the approach to the ideal morality. In this sense the virtues are not thought of as fixed psychic qualities but as levels of development. Thus, the מדות are also ways to morality.[14] More exact even than the term מדה in reference to the developing course of virtue is the term מדרגה. Development to a higher level in the approach to the divine model of morality should be bound up with the concept of virtue; the term מדרגה contains this significance of a positive advance in development.[15]

ii.

In his systematic ethics Cohen regards truthfulness as the highest virtue of the first grade. This virtue is formulated in correspondence to the basic law of truth, which represents the necessary connection and consonance of theoretical causality and

ethical teleology.[16] This concept of truth is the concept of God; and in this concept the unique character of God is preserved; for only God can represent truth, no other concept can share this right with him.[17] Since God in his attributes of action becomes the archtype for the morality of men, there must also be a virtue which corresponds to the truth of God; furthermore, since truth is the essence of all the divine attributes, this virtue must rank first among the virtues. The virtue which corresponds to the ideal of truth is truthfulness.[18] Such a phrase as ובלבבו דבר באמת ; "and speaks truth in his heart", (Psalms 15:2), is a characteristec expression for the virtue of truthfulness.

In the struggle of the prophets to bring about the true worship of God, Cohen sees a real expression of the basic virtue of truthfulness. They directed their opposition not only against idolatry but also against the sacrificial cult which necessitated the intervention and mediation of the priest between man and God. Not the sacrifice of animals but the sacrifice of the heart was acceptable to God.[19] The prophets demanded that man serve God with his whole heart, for only in such service was their truth. In תמימות, wholeness or simplicity, the truthfulness of life finds expression. In place of the sacrificial cult the prophets urged the people to "serve God in truth with all your heart".[20] Just as truthfulness is manifested in the worship of the אלהי אמת, the God of truth, so the religion of Israel yields evidence of its basic truthfulness in the development of monotheism into messianism and of the chosen people into the chosen mankind. Indeed, says Cohen, without this transformation of the chosen people into the messianic mankind, Jewish truthfulness could not have been asserted.[21]

Because of its religious truthfulness Israel was guarded against setting up false relationships between religion and philosophy. For this reason faith and knowledge were not regarded as contradictories; and efforts were constantly directed towards making beliefs conform to the dictates of reason. A double form of truth could not find acceptance, for the independence and self-sufficency of philosophic thought was recognized over against revelation and its laws. No religious truthfulness could be set up on the basis of traditional beliefs alone, for that would vitiate the authority of reason.[22] Truthfulness, says Cohen demands only one kind of truth both for science and for morality. The call to realize morality cannot be carried out except on the basis of scientific insight; and just as all men are called to morality so all men are called to science.[23]

In the Biblical literature the duty of truthfulness is enjoined by means of numerous exhortations, commands, and prohibitions.[24] Lying, falsity, and deceit are strictly forbidden. The abhorrence of these vices finds frequent expression in Psalms and Proverbs;[25] while truth is exalted and the duty of truthfulness is positively enjoined.[26] Cohen holds that truthfulness is regarded throughout the Bible as the basis of piety. The repeated linking of the terms אמת and אמן seems to indicate the correctness of this statement,[27] assuming that the term אמת implies the notion of piety. The duty of truthfulness is stressed by connecting it with the fear of God, as in the case of an oath in which the name of God is invoked. Thus, swearing falsely by the name of God is strictly forbidden.[28] Cohen regards the oath itself as only a reinforcement of the evidence; therefore, it rests on truthfulness which is itself based on the truth of God whose name is invoked.

Truthfulness is based not alone on the truth of God but also on the personality of man. The essence of man is honor, which is itself an expression for the worth and dignity of man; but by giving false evidence the speaker debases his own honor.[29] "Honor is the emotion which carries truth over from God to man, to the fellowman and the self of man."

The Talmudic literature abounds in sayings which enjoin the duty of truthfulness. R. Simeon ben Gamaliel regarded truth as one of the three pillars of the world.[30] Another statement says that one of the three things that God hates is the man who says one thing with his mouth and another in his mind.[31] Again, liers are excluded from the presence of the Shekinah.[32] Similarly, one who breaks his word is as bad as an idolator.[33] Deceit was regarded as another kind of theft, and _____, stealing a man's thought, is ranked as the worst of the seven kinds of theft.[34] It was forbidden to steal any man's thought be he an Israelite or a foreigner.[35] The ideal of truthfulness was the man of whom it could be said _____, he is inwardly just as he is outwardly.[36] The school of Shammai carried its love for truthfulness so far that it condemned even the conventional lies of polite society.[37] In his interpretation of these Talmudic statements Cohen holds that deception even with regard to the most harmless things is theft, if it awakens a false opinion in a person's mind. Even with regard to an indifferent opinion theft could be committed. Over against truthfulness, he says, there can be no indifferent utterance; for, since truthfulness is fundamental to the soul, the soul is shaken whenever deception occurs con-

cerning any opinion. In the view that there can be no indifference where truthfulness is in question, Cohen sees the rabbinic enhancement of the Biblical command of truthfulness.[38]

iii.

Since truthfulness is an absolute virtue, it must never be violated. But because of its very absolute character it makes demands which seem to exceed the capacities of the mass of men. Truthfulness demands an intrepid advance towards truth and an unerring opposition against untruth; yet the possession of the certainty of truth upon which truthfulness rests appears to be beyond the defectivenss of human knowledge. Thus, while truthfulness itself must remain unconditioned and unlimited, it requires a complement which must be a kind of truthfulness although it can only be relative and subjective. This virtue, which comes to the aid of truthfulness in reaching out for truth, is modesty.[39]

In his systematic ethics Cohen ranks modesty as a virtue of the second grade, that is, a virtue in which love is the moving factor in the will rather than honor. Love spares the other man and bears with him when he fails. Love withholds judgement where truthfulness would have to venture it.[40] Indulgent with the weakness of man, modesty permits love to prevail over the demands of strict honor. Cohen holds that the Jewish consciousness feels no distinction between humility and modesty; for he who is humble before God is modest before men. The great significance attached to the virtue of humility in the Bible is evidenced by the fact that of all human qualities huility alone is ascribed to Moses. He was marked as the great exemplar of humilty;[41] and it was be-

cause of his humility that he was fitted to be the medium of revelation.[42] Indeed, the praise of the humble and of humility is sung repeatedly in the Biblical literature.[43]

This emphasis upon the virtue of humility was carried over to the Talmudic literature. The humility of Hillel is often cited as a model for imitation.[44] The humble man, it is said, caused the Shekinah to dwell with mankind on the earth, but a man proud of heart causes the land to be defiled and the Shekinah to withdraw from it.[45] Another statement has it that God cannot live in the same world with the proud and arrogant man.[46] Of great significance is the frequent reference to God as the pattern for humility. The most familiar statement is that of R. Jochanan, which was taken over into the liturgy, "Wherever you find the almighty power of God, you will find in the context his lowly deeds..."[47] Cohen points out that the ascription of humilty to God is further proof of the view that the attributes of God are really archetypes for the morality of man.[48]

The role which humility plays in messianism is of especial significance, according to Cohen. Humility becomes the spiritual basis of messianic mankind; for the calling of man and the future of mankind cannot otherwise be carried out than by every man and every people striving for humility, and no one, whether man, or people, or age can be excepted. Regardless of how high a stage of culture is reached, the heart and the spirit of man will not be able to get along without the aid of this virtue. Humility will become piety and, therewith, the spiritual basis of the messianic consciousness.[49]

iv.

In calling justice a virtue of the first grade, Cohen is in accord with the spirit of Judaism which has ever recognized in justice a cardinal moral principle ranking even higher than love. Indulgent towards human weakness, love tends to weaken the moral fibre of man; but justice, always battling for the right, develops the moral capacity of man. Cohen calls justice the virtue of history, the virtue of right and of the state.[50] Indeed, it is the aim of t true justice not merely to right wrongs but to promote and develop the right for the sake of the ideal goal of morality. Justice cries out against violence and oppression and rushes to the defense of right and liberty. Among the attributes ascribed to God by Israel justice ranks foremost. Justice and righteousness are the foundations of His throne.[51] God's righteousness is like the mighty mountains; His juggements are like the great deep;[52] and His justice is everlasting justice.[53] Though justice does not prevail in the empirical states of the present, it must become the basis of the state of the future; for only through justice, and not through might, can the rule of the right hold sway.[54] Thus, justice becomes an attribute of the messiah and the token of the messianic era.[55]

In the fact that the term ___ צדקה comes to mean righteousness or piety as well as justice, Cohen sees an indication of the very power of justice. He says that justice is not weakened by benevolence, rather by means of this social virtue it universalizes itself in righteousness. Just as humility becomes piety, so justice reaches this stage through the same social mediation.[56]

The prophets fought for justice with an unremitting fervor and insistence. They demanded that righteous judgement obtain in the courts; and they repeatedly condemned the perversion of justice.[57] To them justice and righteousness were not only matters for the state and for the social order, for justice belongs to God who is the defender of the stranger, the widow, and the orphan.[58] Every violation of justice is, thus, a violation of God's cause; and every vindication of justice is a triumph of God. According to Cohen the Jewish theocracy rests on the foundation of justice; and, because of the equality of the principle of justice for both religion and state, the ambiguities which inhere in the concept of theocracy are resolved. In justice, he says, every state becomes a theocracy and the concept of religion is realized in the state.[59]

In his systematic ethics Cohen presents the view that the limitation of the right of property is one of the conditions for the task of moral self-consciousness.[60] This limitation is a consequent of the principle of justice. He sees an expression of this tendency to limit the right of property in the legislation dealing with the Sabbath, the release of debts in the seventh year, the corners of the field, gleaning, and the rights of the laborer and the slave.[61]

The laws dealing with punishment are an expression of the principle of social justice which grows out of the union of the concepts of ____ ____. Characteristically, the rabbis interpreted the command in Deuteronomy 21:23, that the body of a

hanged criminal be cut dowm before nightfall, in the sense that all men are created in the image of God, therefore even the body of a criminal is deserving of respect.[62] Again, in flogging a miscreant the number of stripes administered was limited to forty "lest thy brother be dishonored before thy eyes."[63] In the Talmudic discussion of this law the maximum penalty was fixed at thirty-nine stripes.[64] And after a man had suffered the punishment of flogging, he was to be recognized as a brother again.[65]

That the term _____ should, on the one hand, through the union of justice and love, have become the universal expression for piety, and, on the other hand, that it should have been narrowed into an identity with charity, is a fact in the development of Biblical and rabbinic Judaism which, to Cohen, is difficult of comprehension. He also regards it as striking that the Talmud should permit strict justice to be overruled through the principle of _____, equity. Regarding equity, R. Jochanan said that Jerusalem was destroyed because strict justice was insisted upon as against the promptings of kindness and mildness.[66] In another passage equity rather than strict justice is acclaimed as the virtue of the pious.[67] Thus, there appears to be a collision between the demands of justice and the promptings of kindness. Cohen explains these anomalies by pointing out that the absolute virtue of justice needs to be complemented through one that is relative; that is, a virtue which issues not out of the emotion of honor but out of love. In this way he explains the linking of justice and love in God

and in man. Similarly, he regards the linking of justice with freedom through the Talmudic principle of מפני דרכי שלום, "because of the ways of peace", as an analogous limitation of absolute justice.[68]

Despite the modifications which it undergoes through its connection with love, justice does, however, remain the absolute basis of the state and the highest principle of every social community.[69] Cohen points out that in championing the cause of the poor the prophets had recourse not to love and pity but to justice. Isaiah condemns those who take away the right of the poor.[70] And the psalmist demands justice for the poor and the fatherless, for the afflicted and the destitute.[71] "Only justice is the fundament of the state. It cannot be replaced by another virtue, much less by any other emotion. All the virtues reach their summit in it; they all prepare for it.....Justice becomes the virtue of the moral ideal".[72]

v.

Along with truthfulness and justice, Cohen classifies courage as a virtue of the first grade. It concerns not relative societies but the entire state and mankind; consequently courage issues forth out of the emotion of honor and not out of love.[73] The essential meaning and worth of courage lies in unremitting work for culture; for culture is the real battlefield on which culture is displayed. This courage of work for culture sets quietism aside and empties the metaphysics of pessimism; for, though it admits the fact of suffering, it does not recognize what is evil in the light of nature as being bad in the

light of morality. Therefore, Cohen regards courage as the historical, the political virtue; and in this respect the prophets are the eternal model of courage, for, while their patriotism was of the noblest and the most exalted, their concern for mankind transcended that for their own people. The prophets fought, struggled, and suffered martyrdom not for the sake of a dogmatic or creed but for a social philosophy which is called socialism today. The religion of the prophets was morality. They demanded justice and right for the poor, not love and mercy, and their courage roused them to make this demand. Thus, the prophets are to be regarded as the true patterns of courage and as the real heroes of world history.[74]

The emphasis given to that kind of moral courage which makes men ready to lay down their lives rather than abandon their religion or their ideals is frequently attested to in Jewish literature. Abraham is pointed out as the first example of such devotion; for he was ready to give up his life in order to hallow the name of God.[75] In the time of the persecution under Hadrian the council at Lydda decided that, in order to save his life, a Jew might transgress any article of the law except idolatry, incest and other sexual sins, and homicide. Rather than transgress any of the these three, however, a Jew must resign himself to death.[76] The breach of the general prohibition of idolatry was regarded as great as the breach of all the other commandments together.[77] In the light of this attitude, Cohen calls the life of the Jews a life of courage. He regards the Jewish martyr as a hero for the unique God of Israel, the God who can

be thought of as the God of his fathers, the God of his history and also the God of mankind. Jewish courage is, therefore, a virtue of history, of the ~~the~~ historical, not the individual, man. The courage of the Jew is the historical virtue of human courage, the courage of the truth of the religious ideal of mankind. And this courage is the unerring consequent of messianic monotheism.[78]

vi.

The absolute virtues of justice and courage need to be supplemented by a relative virtue of the second grade in order to function effectively. This relative virtue which makes for the constancy of the moral will is called faithfulness.[79] The term for faithfulness, אֱמוּנָה, which also means 'faith', has a common origin with אֱמֶת, truth, in the root אָמַן meaning sure, stable, constant. It is through faithfulness that the relationships between man and man, and man and God are strengthened.[80]

Friendship which is the outgrowth of man's impulse to overcome the loneliness of his mind, may be regarded as the primary form of human love. Although friendship does not arise out of aesthetic impulse as well as moral and spiritual feelings, faithfulness gives it a moral character and frees it from the appearance of being merely an aesthetic emotion. Faithfulness gives friendship its charcteristic of constancy and distinguishes it from fleeting affection.[81] Cohen points out that there is no special word for friendship in classic Hebrew, since love and friendship are fundamentally one and the same. Both are expressions of truthfulness which takes varying forms, now appear-

ing as love, now as friendship.[82]

The specific form of love as sex love leads to the marriage bond. The legal possibility of divorce in Jewish life indicates that faithfulness is the basis of the marriage tie. When moral conditions are such that they make for the breakdown of the relationship of faithfulness, then the tie may be loosed. Cohen regards as the purpose of marriage the establishment of a harmony of consciousness. Marriage has its meaning in the education to faithfulness. Indeed, the true value of marriage rests on the ideal of faithfulness, which is its task.[83]

The rabbis regarded wedded life as the most natural and the most exalted state. The one who had had no wife remained without good, and without a helper, and without joy, and without a blessing, and without atonement.[84] Interpreting the expression "in want of all things", in Deuteronomy 27:48, R. Hisda said that it meant "without a wife".[85] The term קידושין, sanctification, by which the act of marriage was designated by the rabbis, points to the reverence in which the ceremony was held. Indeed, marriage was the symbol frequently employed by the prophets to designate the relation hewteen God and Israel.[86] The rabbis also symbolized the realtion of Israel to the Torah as that of man to wife.[87] Among all the historical documents of Jewish morality, Cohen looks upon marriage as standing out prominently as a witness for the feature of faithfulness in the Jewish mind.[88]

The family is also regarded by Cohen as the institution of human faithfulness. "Faithfulness establishes the hearth of the family in the thankfulness of the mind of the child and in it that of all human society." Within the circle of the family it is counted among the duties of the father to his children to teach them Torah.[89] This elementary instruction provided by the father was the basis for higher education in the Beth ha-Midrash. A tradition reports that at first fathers taught their children, and those children who had no father were not taught; and then it was decreed that teachers should be provided for children in every village and in every city.[90] Cohen thus looks upon marriage as reaching its peak in instruction. And the instituting of instruction within the family circle was in turn a source of inspiration and blessing for the study of the Torah, which in itself became a principle object of faithfulness. It was this faithfulness in the study of the Torah which did not permit the eminent character of the national spirit of Israel to be crushed under the oppression of the centuries.[91]

Another form of faithfulness is expressed in charity which supplements the absolute virtue of justice. The private consciousness is obsessed with the notion that all social justice is only the ideal norm whose realization is hindered and impeded. Charity aids in bridging the gulf between the social ideal and the political reality. Without the mediation of charity there could be no harmony or rest in the consciousness of the individual. Thus, charity becomes the virtue of faithfulness.

All benevolence may be regarded as faithfulness to human society.[92]

Faithfulness, which is the spiritual basis of thankfulness, is also to be regarded as the most profound basis for the benedictions, all of which give varying expression to the single motive of thankfulness. Thankfulness is, indeed, nothing other than man's educating himself to thankfulness; and when regarded as a variety of faithfulness there can be no doubt as to its value. Although faithfulness is but a relative virtue alongside of justice and courage, it is imperishable; and it is the province of the benedictions to give direction to the preservation, strengthening, purification, and ennoblement to faithfulness.[93] Both justice and courage need the assistance of faithfulness; so that it is not only an aid or even a substitute but supplement that is constantly co-operating with them.

vii.

In his classification of the virtues in the system of ethics, Cohen presents humanity as the last and center of all the virtues. It is called the highest of all the productions and ideals of morality.[94] Through humanity the one-sidedness of all other virtues is recognozed, and through it the conflicts and contradictions which arise among them is controlled and harmonized. The virtue of humanity represents the harmonization of the two opposing emotions of honor and love; for in it the two are merged.[95] Turning to the Jewish sources, Cohen finds the harmonization of all morality expressed in the concept ___ פלה.[96]

In the Biblical literature the term ___ פלה takes on varying meanings; such as, 'health', 'prosperity', 'well-being'. The use

of the word as a term of greeting was carried over from the Biblical period to later times. Taken in the sense of 'peace', _____ refers to the peace of mind and heart as opposed to the unrest and dissatisfaction caused by evil, (cf. Isaiah 48:22; 32:17). Peace was regarded as one of the blessings bestowed by God upon man; for God created peace, (cf. Isaiah 45:7; Psalms 29:11). Among the blessings which the messianic age is to bring, the blessing of peace stands out very prominently. The prophets longed for universal peace, the peace that would unite all mankind and pervade the whole universe. Indeed, peace was the distinguishing mark of the messianic era, the Messiah becomes the שר שלום, the prince of peace.

In rabbinic literature peace is glorified as one of the greatest boons man may possess. Peace is regarded as the third pillar of the social world.[97] The whole Torah is said to exist only for the sake of peace.[98] Hillel's maxim was "love peace and pursue peace."[99] In interpretation of the priestly benedictions in Numbers 6:26, a series of ecomiums on peace by a long list of teachers was collected. Each one begins with the statement, "Great is peace," and Biblical verses are cited to prove how highly it is valued by God and how excellent a gift of His to men.[100]

In accordance with his method of treating the attributes of God as models for human virtue, Cohen looks for the concept of peace among the attributes and finds it in such expressions as, ארך אפים, long-suffering, and נשא עון, bearing of sin. He regards peace as the quintessence of the divine attributes; it becomes the symbol of human perfection, the harmony of the individual and the fulfillment of the human race. The peace of God is

the highest model of human morality.[101]

Peace may also be viewed as the principle of purpose. That God makes peace means, according to Cohen, that he is the highest purpose of all existence and of all moral action. God as purpose is equivalent to God as peace. This teleology is carried over and implanted in the soul of man. The search for peace becomes a part of his essential being; and peace becomes the ideal of the messianic man. Peace, which is the highest goal of man, is at the same time his highest power. In man's moral development the virtue of peace represents the highest degree; for peace is perfection.[102]

The perfection which man reaches as his final goal is the peace of the soul, which expresses itself in contentment. Cohen regards cognition, or the study of the Torah in the terminology of religion, as a necessary condition for the peace of the soul and for contentment. Faith alone must not satisfy man; for the service of God arises out of and reaches its peak in the study of the Torah. It is not faith without cognition which establishes the true peace of the soul but reason. In the union of the simple conduct of life with earnest study, Cohen recognizes the factor which gave Jewish life that rest, stability, and conviction without which it would have been unable to withstand the persecution of the centuries.[103]

Another function ascribed to the virtue of peace by Cohen is the rooting out of hate from the heart of man. For this task it is not sufficient to set up the love of man over against hate, for that does not provide the necessary means for removing hatred and

enmity from the heart. In the notion of the love of the enemy Cohen sees absolution to this problem. The Biblical attitude to this question is summed up in the verse, "Thou shalt not hate thy brother in thy heart," (Lev. 19:17). One must not hate, for hate is the contradiction of love, with it, of man as fellowman. The heart which God gave to man distinguishes him from the animal; therefore, one must not hate his brother, lest he lose his heart. This, says Cohen, is the quintessence of love of enemy in the Bible.[104] In the Talmud the notion of love of enemy is deepened through a concept which is capable of providing the means for the psychological removal of hatred. This is the concept of שנאת חנם, hate without ground. The rabbis regarded groundless hate as equivalent to idolatry, murder, and incest; indeed, because of groundless hate the Second Temple was destroyed.[105] Cohen interprets שנאת חנם not as a limitation of hatred, nor as a means of distinguishing between reasoned and unreasoned hate. Hate in general and particular is branded as groundless; and for no reason or cause merits recognition. In the makeup of man hate has no ground; and every seeming ground is nothing but an error or aberration. Man must love his fellowman; for when he hates, his existence is in vain.[106] With the exclusion of hatred from the inventory of the powers of the soul, the way is opened for the peace of the soul; for now one can achieve rest in mind and true contentment.

In emotion and joy Cohen sees two physiological signs of the vital worth of peace in man. Emotion is the physiological proof of the natural vigor of peace. It relates itself to the appearance of goodness in the human world, without this goodness being actually presented by a man; for in being moved it is not the presence of man which catches one's attention but a pure abstraction,

which may be a fable, draws the tears to one's eyes. In such a psychical fact a sure indication can be seen of the productive power of peace of consciousness.[107] Emotion is the radiation of peace; and peace is the natural power of consciousness. As a natural way of the human consciousness, peace is to associated as a way of virtue with courage and justice, so that it may fill the breaches left by those absolute virtues. Joy is the other sign of peace. Here too, it is an abstraction which rouses the flash of joy. The happening of a good deed, which in itself does not concern me, makes me rejoice over the fact of human power, so that I am filled with joy because of it. This joy in being moved proves that in the mind of man not only the cold powers of courage and justice hold sway, but that peace also is a controlling factor of no mean significance.[108]

In line with this thought Cohen points out that those Jewish holydays which are not devoted to atonement have to do with joy. Joy is made the goal and the purpose of the festivals; and this joy is defined in terms of sharing joy with the stranger and the poor. The feast of joy is, again, a sign of peace; and along with the festivals the Sabbath is to be included as such a sign.[109]

If peace were not the rod and staff which accompanies all the ways of virtue, then all the virtues would be uncertain and confused. Peace is , indeed, the purpose of man; and for its media it uses all the usual purposes of nature and of the spirit. As the purpose of man, peace is the Messiah who frees men and peoples from all discord and dissension.[110] "All the meaning and all the value in life lies in peace. It is the unity of all the forces of life, their center of balance and the composition of all their oppositions. Peace is the crown of life."

NOTES

In the following pages the works of Hermann Cohen will be referred to by the following abbreviations;-

RELIGION DER REINEN VERNUNFT:	R.V.
ETHIK DES REINEN WILLENS:	Ethik
JUEDISCHE SCHRIFTEN:	J.S.
BEGRIFF DER RELIGION:	B.R.

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1. J.S.,III, p.10
2. R.V., p.13
3. ibid., p.24
4. Ethik, p.83
5. ibid., p.422
6. ibid., p.52
7. B.R., p.101
8. R.V., p.23
9. J.S.,III, p.135
10. ibid., p.137
11. ibid.
12. ibid., p.4
13. ibid., p.4f.
14. ibid., p.6
15. R.V., p.28
16. ibid.
17. ibid.
18. ibid., p.29
19. ibid.
20. ibid.
21. ibid., p.30
22. ibid.
23. ibid., p.31
24. ibid.,
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29. ibid., p.34
30. ibid.
31. ibid., p.35
32. ibid.
33. ibid.

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2. R.V., p.46
   J.S., I, p.88
3. R.V., p.47
4. Ethik, p.15
5. ibid., p.437
6. R.V., p.47
7. J.S., I, pp.87-99
   B.R., p.45, 61
   R.V., p.41-57
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10. B.R., p.20ff.
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12. J.S., I, p.90
13. ibid., p. 91
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19. J.S., I, p.91
20. R.V., p.76
21. ibid., p.77
22. ibid., pp.71-74
23. ibid., p. 77
24. J.S., I, p.94
25. ibid., p.93
26. R.V., p.79
27. ibid., p.80
28. ibid., p.82
29. ibid., p.83
30. ibid., p.84
31. J.S., I, p.98
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32. B.R., p.33
33. R.V., p.108
34. ibid., p.111
35. ibid.
36. ibid.
37. ibid., p.112
38. ibid.,
39. J.S., I, p.97
40. R.V., p.119

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41. R.V., p.121
42. ibid., p.125
43. ibid., p.129, 260, 254
44. J.S., III, p.45
45. ibid., p.46
46. ibid., p.47
47. ibid.
48. Maimonides, MOREH NEBUKIM, Vilna ed., p.81b
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50. J.S., III, p.48
51. MOREH NEBUKIM, p.81a
52. J.S., III, p.49
53. ibid.
54. ibid., p.50f.

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2. ibid.
3. ibid., p.135
4. ibid., p.137
5. J.S., I, p.158ff.
5. R.V., p.137
6. ibid., p.138
7. ibid., p.139
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9. ibid.
10. ibid., p.141
11. ibid.
12. J.S., I, p.160
    R.V., p.143
13. ibid.
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19. ibid.
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33. ibid., p.158
34. ibid.
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36. ibid., p.160
37. ibid., p.164
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43. ibid., p.175
44. ibid., pp.175-179
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46. ibid., p.180
47. ibid.
48. ibid., p.182
49. ibid.
50. ibid., p.183
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52. ibid., p.184
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1. R.V., p.173
2. ibid., p.294
3. ibid., p.295
4. B.R., p.34
5. Ethik, p.385
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7. ibid., p.387
8. ibid., p.388
9. R.V., p. 298
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11. ibid., p.301
12. ibid.
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14. B.R., p.75f.
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16. ibid., p.26
17. ibid., p.303
18. J.S., I, p.114
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19. J.S., I, p1114
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3. Genesis Rabbah, 44,1
4. R.V., p.394
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8. Pirke Aboth, 2,17
9. R.V., p. 404
10. Exodus 19:6
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12. ibid.
13. Pirke Aboth, 2,1 and 4,2
14. Pirke Aboth, 1,1
15. Jer. Peah, 16d
16. Succah 30a
17. Sanhedrin, 106b
18. Nazir, 23b
19. Mishnah Berakoth, 9,5
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26. Abraham ibn Daud, EMUNAH RAMAH, Frankfort a.M., 1852, p.75
27. ibid.
28. ibid., p.102
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32. More Nebukim, pt.3, ch.26
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52. Maimonides, Commentary to Mishnah Sanhedrin, ch.9
53. Hisdai Crescas, OR ADONAI, pt.2,introduction
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61. ibid.

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1. Pirke Aboth, 2,1 and 2,13
2. Mekilta Shirah,3
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3. Sotah, 14a
4. cf. also, Sifre Deut. §49
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5. R.V., p.468
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10. B.R., p.83
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11. Mishnah Sotah 9,15 end
12. Abodah Zarah, 20b
13. R.V., p.471f.
14. R.V., p.473.
15. R.V., p.475; J.S., III, p.266
16. Ethik, p.473, cf. p.85
17. R.V., p.476
18. ibid., p.481
19. Psalms 51:19
20. I Sam. 12:24; Jer.32:41; Josh. 24:14; Deut. 18:13
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23. Ethik, p.477f.
24. Lev. 19:11; Exodus 23:7
25. Psalms 31:19; 101:7; 119:128; 120:2; Prov. 12:22
26. Psalms 85:12; 51:8; Prov. 12:19; 23:23
27. R.V., p.490
28. cf. II Sam. 15:20; Psalms 85:10; 89:14; Prov.20:28; Hos.4:1
28. Lev. 19:12
29. R.V., p.490
    Ethik, p.465
30. Pirke Aboth, 1,18
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34. Tosefta Baba Kama, 7,8
35. Hullin, 94a
    Maimonides, MISHNAH TORAH, HILCHOTH DEOTH, 2,6
36. Berakoth, 28a
37. Ketuboth, 17a top
38. R.V., p.491

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40. Ethik, p.503
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42. Num. 12:3
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45. Arakin, 15b
46. Sotah, 5a
47. Megillah 31a
    cf. Genesis Rab. 8,13
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58. Psalms 10:18; Isa. 14:4
59. R.V., p.498
60. Ethik, p.582
61. R.V., p.499
62. Sanhedrin, 46b
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65. Makkoth, 23a
66. Baba Metzia,30b
67. Baba Metzia, 83a
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68. R.V.p.500f.
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70. Isa. 10:2
71. Psalms 82:3
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76. Sanhedrin, 74b
77. Sifre Numbers 111 on Num.15:22
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86. Hosea 2:2222; Isa.62:4,5; Jer. 3:1,20
87. Sanhedrin,59a
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89. Sukkah, 42a
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96. R.V., p.515f.
97. Pirke Aboth, 1,18
98. Gittin, 59b
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100. Sifre Numbers, 42
101. R.V., p.517
102. ibid., p.517f
103. ibid., p.519
104. J.S., III, p.72
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105. Yoma, 9b
106. J.S., III, 73f.; R.V., p.522
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