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THE REALM OF ENDS:

PROLEGOMENA TO JEWISH ETHICS

by

JACK BEMPORAD

Submitted in partial fulfillment
of the requirements for the
Master of Arts in Hebrew Letters
Degree and Ordination

Hebrew Union College-
Jewish Institute of Religion
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Professor Samuel Atlas

DIGEST

In the Introduction, I have set forth the need for the establishment of basic principles which can determine the categorical scheme for a philosophy of Judaism. In this way the prevailing scepticism and dogmatism of modern Jewish thought can be alleviated. I specifically limit myself to questions of ethics. I do not propose to set forth a categorical scheme of Jewish ethics, but rather I attempt to clear the way so that a categorical scheme can be constructed in the future. My first chapter deals with the transcendental method. This method consists of separating three related elements of any discipline. First the data which is neither given nor fixed but is rather a question to be cognized. Second the constitutive principles which define the categorical scheme and make the object possible, and finally, the regulative principles which define the goal of categorization. I compare these three features in both the construction of the theoretical and the moral object. Chapters two through seven are an attempt to work out an ethical system along Kantian lines. I first discuss the nature of human agency and compare it to natural agency. Then I attempt to show that all predetermined objects of the will either condition the will or are contingently related to the will. Because of this, the only possible good is one that follows from the character of willing as such, since this is the only way that both freedom and obligation can be established. In discussing the relationship between the will and the good, I follow closely the four theorems in the Analytic of Principles of the Critique of Pure Reason. After determining the autonomous character of the will and its normative basis in reason, I then try to deduce the idea of the highest good from the diverse formulations of the categorical imperative. I show that the categorical imperative has a

function. First as a limiting condition of morality, in this sense it is purely formal, and second as a positive formulation of the object of action. In this latter sense it is the realm of ends and therefore a preliminary to the highest good. I then show that the highest good is the object of the categorical imperative. I conclude the first part with a critique of modern types of ethical theory which negate the ethical doctrine I developed. I criticize positivism, intuitionism, and existentialism in a brief manner.

Chapters eight through thirteen are a presentation of Jewish ethics. I begin with the basic distinction between ideal and actual in the Bible. From this distinction I discuss such concepts as time, success and failure in action, and the ethics implied in Biblical personality and leadership. I then discuss the significance of the God concept for Jewish ethics and finally the concept of history. I try to show that as long as man understood himself cosmologically, then history was subordinated to nature and consequently ethics was severely limited. The significance of man as an ethical being became possible with the realization that man is an historical and not a cosmological being. Being an historical being, the opposition between man and nature must be stressed and the nature of man as a self-transcendent being affirmed. I then characterized prophetic religion and its implications. I distinguished the prophetic view of man and history and compared it to the apocalyptic and tragic view. I then discussed the nature of revelation in these two views. Finally, the ethics implicit in Biblical law was discussed and also Rabbinic ethics was treated as a type of legal ethics. In the Conclusion I attempted to relate the theoretical foundations of ethics in general with Jewish ethics in particular, and to show the basic consistency between the two.

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INTRODUCTION

Dogmatism and scepticism seem to be the two reigning moods in modern Judaism. On the one hand, Orthodoxy uncritically and unsystematically adheres to everything from its past and designates it as "Normative Judaism." On the other hand, Reform has uncritically and unsystematically rejected tradition so that what one reformer asserts as central, the other believes to be peripheral. All of the Jewish denominations have approached change in Judaism pragmatically. They have changed with the times and of necessity. This has not been self-conscious, and therefore has brought about confusion and anarchy. Reform has at times sweepingly negated the past and now seems to be reintroducing traditional modes, simply because they are "the thing to do," in order to keep up with the religious demands of the people. What is needed is a critical analysis of the constitutive principles without which Judaism would be impossible. We must develop and work out a philosophy of Judaism. We must ask for the basic doctrines and teachings of Judaism in terms of a world view and a way of life. This can only be done through a critical analysis of the traditional teachings of Judaism.

Talmudic Judaism is a passing phenomenon. It dominated Jewish life for many hundreds of years, but now it is being discarded and rejected. The only way that Judaism can become meaningful in a vital sense to Jews today is if it is elaborated as a philosophy of life with vital answers for our time concerning the meaning of life, the Good, and the construction of a world view.

This task is a great one. It includes dealing with such questions as science and religion, ethics and religion, and the relation of religious to secular values. However, it cannot be shirked. It must be attempted and accomplished through careful research in the different basic areas of Judaism.

In this essay I cannot begin to deal with any of the questions raised above. I will however try to clear the ground in the area of ethical speculation so that a start in the philosophy of Jewish ethics will be possible. This essay is merely a prolegomena to Jewish ethics. It attempts to establish certain foundations upon which a Jewish ethical system can be built.

Unfortunately, most works on Jewish ethics in our time are homiletically and not philosophically oriented. Works on Jewish ethics seek to inspire or moralize and engage in ethical pronouncements without in any way being aware of the basic problems with which one must deal in order to construct an ethic in general, not to speak of Jewish ethics in particular. The field of ethics is an extremely complex and technical area of endeavor. Anyone who seeks to deal with questions of Jewish ethics must be thoroughly familiar with the basic questions of ethics in general. Arbitrary quotations from different philosophers to support or illustrate Jewish doctrines tend merely to confuse, since the question of the basic constituents of ethics remains unsolved. An example of this can be seen in numerous religionists who seek to substantiate the Jewish concept of freedom by an appeal to the principle of indeterminacy in physics. They do this without realizing that if indeterminacy is in fact true, then no freedom of any kind is possible, since then there is an indeterminate

relation between one's choice and the effect of one's choice.

What must be done is to consider the foundations of ethics as a study in itself and then try to use these basic categories in the understanding of Jewish ethics. It is for this reason that I have first considered in detail such questions as method, the relationship between the will and the good, the problem of freedom and obligation, the character of the highest good,and the realm of ends. I then sought a descriptive account of Jewish ethics. Only if one determines what constitutes ethics in itself is it then possible to deal with Jewish ethics. There has been a tremendous amount of confusion in modern times in reference to ethical questions. The fundamental distinctions between the normative and the descriptive, and between hypothetical and categorical imperatives have been glossed over and denied by modern naturalism. Therefore, it is of the utmost importance that we critically analyze the basic categories of ethical discourse in order to lay a solid foundation for the ethics of Judaism.

It is perhaps necessary at this point to state the author's own convictions on ethical questions, which perhaps will prepare the reader for the particular treatment the ethical question will receive in these pages. I believe that ethics is impossible unless the normative and descriptive are sharply separated. I do not believe that one can determine what ought to be on the basis of what in fact is. I am also convinced that the Kantian ethics is in its main tenets correct. I believe that Kant has suffered intensely at the hands of his commentators. If Kant did in fact say what most commentators attribute to him, then there would be no reason to pay any attention to his thought. I believe that a correct

understanding of Kant's moral philosophy will show us the soundness and inevitableness of his views. I have therefore concurred with Kant and sought to actively defend the doctrine that all conceptions of the good as predetermined destroy the will, and that the only possible formulation of the good is one that can be deduced from the character of the will. Thus in the chapters on the will and the good, natural and moral good, and finally in the chapter on the moral law and the highest good, I attempt to make the deduction from law as such to the kingdom of ends. I also believe that the idea of the kingdom of ends is equivalent to the idea of the highest good, which makes the transition from Kantian ethics to Jewish ethics clear and natural. I have departed considerably from the general interpretation of Kant as one who sees ethics as a purely formal affair with no material element. I have endeavored to show that Kant made a distinction between the ground of the categorical imperative as a limiting condition of the will and the object of the categorical imperative which is the highest good. In working through the basic concepts of Kant's ethics, I have criticized alternative formulations where I thought it was necessary. I have criticized both natural determinism and indeterminism in the chapter on natural and human agency. I have criticized the concept that the Good must be the material object of desire rather than a formal object based on the moral law. I have criticized the classical confusion between the natural and moral good. I have tried to refute the statement that "to know the good is to do the good." I have positively tried to show that the only possible ethics that is not subject to scepticism is one based on reason, since only a rational ethics can be necessary, universal, and binding on every rational being. I have also briefly touched on relevant questions so that the classic criticism of Kant's ethics as purely

formal would be refuted.

In the working through of these questions, I arrived at the concept of the Realm of Ends, deducing it from law as such, showing that it must be the object of the moral law though not the ground or condition of morality. In terms of these two concepts of the relationship between the will and the good I have formulated Jewish ethics. However, I have not sought to impose these categories on the matter of Jewish ethics, thus destroying its meaning. Rather, I have tried to show that a descriptive analysis of Biblical and Rabbinic ethics would immanently produce these basic categories. Thus I leave the synthesizing of these two aspects until I reach the conclusion of this essay. I believe that my description of Jewish ethics is true to the material and follows well from a critical understanding and not a superficial view. I have tried to penetrate into the basic characterology of the Bible, seeing its concept of man, God, and morality. By and large I have restricted my concern to the Prophets since I believe the prophetic concept of man and history and of the Messianic Age is the basic core of Biblical ethics. I have added a section on Prophecy and Apocalypse in order to contrast the two basic views of man and history. I have finally considered the Rabbinic extension of Biblical ethics in terms of a concretization and legalization of the basic ideals and goals of the Bible.

It is important for the reader to keep in mind that this is a prologemena to Jewish ethics. There is not a question in this essay which receives the treatment which it deserves. Books can and have been written on each one of the questions dealt with. However, it is important in an introductory essay to see the field as a whole and connect the different dimensions. Only after the field as a whole is surveyed can one investigate

the questions in a piecemeal fashion, developing in detail and with abundant evidence the doctrines advanced in the introduction. The limited character of this work is especially true in reference to the questions of Jewish ethics. Jewish ethics is an extremely complex subject; it involves an understanding of the total field of Jewish literature and history. In both these areas I am a beginner. I am a student of Jewish ethics and can only hesitantly and cautiously discuss them. Thus, anything that is said in a dogmatic tone in this essay should be considered in the light of my limitations.

Most authors write two introductions to their works. The first before the work is begun setting forth the ideal goal which the author strives to realize. And the second after he has finished his task. This latter constitutes the actual accomplishment. Usually there is a wide gap between the two. This essay is not an exception to this rule.

P A R T O N E

THE FOUNDATIONS OF ETHICS IN GENERAL AS A CRITIQUE OF THE CONCEPT OF THE WILL AND OF THE GOOD.

CHAPTER I

THE TRANSCENDENTAL METHOD

Philosophy is primarily concerned with the criticism and systematization of the basic categories that are used in the sciences and the humanities. Philosophy asks the question: How is this knowledge possible? Science uses categories to explain its range of experience and introduces general principles of explanation such as causality, law, etc., but it is the role of philosophy to investigate the meaning and significance of these categories, and to subject them to a searching and scrutinizing analysis.

Philosophy grew out of, and sought to emancipate itself from myth. This emancipation resulted in the postulation of a unitary and single being. The problem that then concerned philosophy was the grasping of this being in knowledge. The answering of this difficulty led to the doctrine that thought and its object were one, i.e., the principle of adequatei rei et intellectus. Parmenides was the first to enunciate the doctrine that thought and being are one; through thought one arrives at being qua being. The definition which Aristotle gave of being qua being was what is, in so far as it is to be, implying that the essence of the philosophical enterprise was the laying bare and the penetrating into the very reality and essence of being. Truth was conceived as the correspondence of thought with its object, and the problem of getting to the pure object irrespective of the interference of the senses became the dominant problem of epistemology. This view of the relationship between thought and its object was not essentially altered until Kant initiated his Copernican Revolution in philosophy by showing that the more knowledge attempted to grasp its object, the more the object seemed to be determined and be less pure, thus the

object seems to be slipping away. Kant showed that as long as knowledge was seen as a copy of being, then we could never get to being proper. This can be simply stated as follows: when we seek to see whether an idea corresponds to its object we must be able to contrast the idea and the object; however, the object must be grasped either in itself or through another idea. If it is grasped in itself then there is no necessity for the idea to copy it and the idea is superfluous and correspondence vanishes. On the other hand,if the object is grasped through another idea then what we have is two ideas and not one idea corresponding to an object. Thus the concept of correspondence had to be discarded. Kant also showed that the postulation that thought and its object were one was a dogmatic assumption which could not be defended, and he raised the question: Quid juris? How in fact does the idea comprehend its object. How can we answer Hume who denied that the category of causality was true of objects? Kant answered these questions by showing that one could not start with the object of knowledge and seek to establish contact with it, but rather that the object of knowledge was a phenomenal object; it was an object that was constructed through the unification of the manifold of intuition and the categories. Knowing an object then means achieving synthetic unity in the manifold of intuitions. But this unity can only come about through a synthesizing act on the part of the subject. Kant sought to account for the object of knowledge by minutely analyzing the mode and character of the knowledge function. The question became: How is knowledge possible? What are the categories that are necessary to make the object of knowledge possible? This new formulation made the object dependent on the categories of the subject, and viewed the object as not transcending experience but as the construction of experience. The rendering of the knowledge

function as an active, creative and synthesizing act was the Copernican Revolution in the field of epistemology. Knowledge was no more a passive mirroring or copying, but it became a creative and unifying activity.

This innovation of Kant which made the object dependent on the principles and logical structure of experience was carried to its logical conclusion in the philosophical literature of the Marburg school.

The Marburg school sought to make Kant's view consistent by redefining the concept of the thing-in-itself. The thing-in-itself was viewed not as the cause of the appearances or of phenomena, but as a limiting concept, i.e., the X or question that is still to be cognized. Furthermore the Marburg school denied the independent character of the given but viewed it rather as an element always within the context of cognition. The Marburg school brought to systematic fruition the transcendental method in philosophy which was initiated by Kant. This method sought to give an account of the possibility of all forms of cultural and scientific endeavor.

The transcendental method begins with the "fact" of experience and seeks to determine how this fact is possible. This means that one must make explicit the elements of experience and the levels of synthesis involved. The synthetic propositions become the constitutive principles of experience. The validity of these propositions does not lie in their existence beyond the realm of possible experience but only in their status as regulative principles. The unity of empirical knowledge which is a regulative principle is not a reality, a thing-in-itself. Rather, it is a task, an ideal goal, a guiding principle for scientific and systematic inquiry. We can now isolate three elements as basic to the transcendental method. (1) the fact of experience; (2) the constitutive principles of

experience and (3) the regulative principles of experience. Now the fact of knowledge is not a datum in the regular sense of the word. It is not given, ready made, or complete in itself. Rather it is a variable which changes since the very process of providing an answer to a given problem leads to new and diverse problems. The task of knowledge is an infinite process of determining the indeterminate, of cognizing the unknown. Therefore the fact cannot be ready made or complete but varies with the comprehensiveness of the categorization. Thus the given or "fact" of experience may be reversed with further knowledge. The fact then finds its systematic place in the context of which it is a part. It is therefore necessary to see the given as itself a problem, as a task which is completed only at the end of the process of cognition. In this respect critical idealism is opposed to all types of realism which state that the given is something we possess at the beginning of the process of knowledge. The object of knowledge is not a static given, rather it is a dynamic construction. One more element of the concept of the given must be elucidated before we pass on to the question of the categories of experience, and that is the idea that there is a given or fact, prior to, and independent of, the process of cognition. We start and end with experience. To affirm that something is, in addition to our thinking, is an assertion which cannot be made within the framework of thought. For thought, all being exists in and through thought and to speak of being apart from knowledge is to speak of an unknowable.

We now turn to what are the constitutive principles which construct the object of experience. These are the categories. For the Marburg school the categories are not static, as Kant thought. Rather they are dynamic, and change with the growth of science. They are developed through

an analysis of experience. Cassirer summarizes this analysis as the establishment of "ultimate invarients as necessary and constitutive factors in every empirical judgment."[1] Thus the constitutive factors become the invarient relationships that are inclusive of the phenomena. The point is not merely to understand a thing, but rather to understand the law by which that thing is explained. Thus the concept of law replaces the concept of thing in critical idealism. Once a law is grasped as the constitutive aspect of experience, then we cohere a variety of events into a whole by introducing a principle of explanation for these diverse objects. A thing concept only offers us isolated fragments. That which is perceived is disconnected masses, needing something to integrate them and unify them in terms of a thorough-going connection. The constitutive principles which explain the law or interconnection of events enrich the perceptual level by rendering it interconnected and coherent. Thus the constitutive principles seek a logical differentiation of the concepts of experience. However these principles have a goal and direction. This goal is determined by the regulative ideals.

The regulative ideals set the normative character of knowledge. All thought strives and aims at systematic unity. This unity or complete integration of knowledge is a normative principle. It is a necessary goal for all cognition and gives direction and unity to the knowing process. Only the ideal goal of the totally cognized or integrated object can be the driving force or telos of the knowing process.

These same three elements -facts, constitutive principles, and regulative ideals - are necessary in the analysis of the moral object as well as of the phenomenal object. The fact of morality is seen in Jurisprudence,

history and religion. The constitutive character or categories of the moral object are such concepts as freedom, obligation, and the moral law. The regulative ideal is the unity of mankind or the Kingdom of Ends which is the ideal goal of all moral action. It is the goal of our investigation of the theoretical elements of ethics to elaborate these different constitutive principles and relate them to the fact and goal of ethics. There is one important distinction, however, between the character of the knowing process and of ethics. The knowing process seeks merely to understand nature in terms of the categories, while ethics seeks to transform nature in terms of the ideal goal. That is,the knowing process is a formal one, while the activity of ethics is practical. Nonetheless this distinction does not deny the isomorphic structures of the two.

We have given a presentation of the basic elements of methodology of ethics. It is now necessary to see how these elements are filled in. Therefore we shall attempt to investigate the basic concepts which render ethics possible, and finally integrate our findings by summarizing and integrating our description of Jewish ethics with the theoretical elements which make it possible.

CHAPTER II

NATURAL AND MORAL AGENCY

Morality must be founded upon reason. It cannot be based solely upon emotion, on the one hand, or upon authority on the other. And even reason as a foundation is insufficient if it be limited to those matters which are within the purview of the natural and social sciences. Natural Science reduces morality to the realm of poetry. Social science seeks to reduce all normative elements to descriptive ones. Unfortunately, or fortunately, the more serious the attempt to reduce morality to "science" and thus render it totally descriptive, the more persistent becomes the moral question as a normative problem. This can be readily seen from the different formulations of the normative elements in what purport to be descriptive sciences. In biology the normative element becomes the problem of health. In psychology it becomes the problem of maturity and adjustment. In anthropology the moral question becomes one of cultural survival and self-determination. The common failure of all these attempts to eliminate morality is that they do not distinguish between the normative and the descriptive. They seek to reduce the normative to the descriptive. Concomittant with this approach is the viewing of man as an aspect of nature or as the most complicated animal who is in no sense different in kind from other living organisms. In this manner these philosophers have reduced the "ought", the sense of obligation, to the "is" to mere description. The final result of the utilitarian movement, (which is the father of modern naturalism), is the reduction of the character of obligation to a question of pleasure and pain in the doing and contemplating of diverse actions. Modern non-utilitarian naturalism accepts a scientific Aristotelianism which sees man as having a nature like other creatures, and acting in

terms of that nature. When man's nature is thus isolated, his good consists in its expression. There is nothing intrinsically wrong with this approach except that in misjudging the nature of man it can wreak havoc with ethics. If a view of man necessitates the ethical position that obligation is a natural and non-moral element of man, then obligation no longer has any meaning. If the normative is eliminated, then man like any other creature is strictly determined by natural causes, or, if undetermined, it is merely because of the chance character of reality. We must object vigorously to this view, both of man and of morality. This view either introduces mechanical causation into human action thus eliminating freedom and morality, or in defending "freedom", it exempts the natural world from any determination thus making knowledge impossible. It is therefore necessary not only to argue against the position of naturalism but also to formulate a view of man's character and of causality which enables one to substantiate both freedom and obligation.

The best way of portraying the dichotomy between naturalism and idealism is by stating, as clearly as possible, the claims made by naturalism. The naturalists would argue as follows:

1 - There is a cause for everything man does. What man thinks he has done freely was done under determining conditions unknown to him.

2 - These prior conditions necessarily give rise to action so that it is really meaningless to say you ought or ought not to have done this or that thing, ~~but that~~, since the conditions determining the action could only bring about the action that in fact did happen.

3 - The very feeling that I should or should not have done something is itself strictly determined by antecedent causes. This feeling of "ought to", the psychologists would say, is based on the reinforcement of

past actions.

They do not deny choice. They would say the question is what are the determinants of any particular choice? Once we understand these determinants, then we see that the agent could not have acted otherwise. The injunction of "ought" is not denied by the naturalist; it is only interpreted as one of many determinants of action which is causative of action. I am just as determined to say "ought" as a naturalist is to reject it. I have here identified the naturalist with the determinist only because indeterminism will be considered below and also because indeterminism can not account for morality of any kind. We must affirm determinism, but is it natural or ideal determination?

The naturalists seek to explain man as a complicated natural phenomenon. Yet the difficulty arises when explanation is introduced. What is explanation and how is it possible? The very fact that man knows and that in knowing he sets nature before him as his object raises a difficulty. One may ask how is it possible that man, if only a part of nature, can put nature before him as an object of knowledge? It may be considered irrelevant in discussing natural and moral agency to consider epistemological questions, yet it is important to see the force of idealistic epistemology when dealing with the naturalist's view of man. Our knowledge of nature as a matrix of spatio-temporal events or as a series of such events would be impossible if all there were, were spatio-temporal events, and we were just a stage in this series. In order to know that we are a part or stage of a series we must transcend this position and see the series as a whole. Knowledge implies a subject-object relationship; it is impossible to view the subject of knowledge as identical with the object of knowledge. Perhaps this may be better represented in discussing self-

consciousness. In order for man to be aware of himself as a self, distinct from others and from nature, he must in some manner transcend himself and nature. This follows because he has himself as his own object. Yet we can never exhaust the self that is the subject of knowledge, no matter how much more inclusive the object becomes.

The objection may be raised that this process of understanding is a purely natural function which is defined by man's nature. It is on this question that the whole issue is to be evaluated. The idealist would say that man does not act merely according to law, but over and above that, he acts according to the consciousness of law. This consciousness of law is presupposed in so far as man is a knowing being. The naturalist would argue that man's knowledge or man's consciousness of law by which he acts is overwhelmingly determined by external factors. In fact, the determinist would only be concerned with the weighing of the diverse factors which go into the making of a decision. He would say that the extent to which we know what factors influence behavior and how forceful these factors are, to that extent we will be able to determine and necessarily determine action. The idealist would of course differ. He would argue that the determinants of action are not so much antecedent causes, as they are the individual's own positing of what he ought to do through the setting forth, on the agent's part, of an ideal, - a form which he imposes upon nature. This ideal, or form, transcends nature and imposes an obligation upon him. In short, there is an a priori element within knowledge which sets for man a consciousness of law by which it is possible to set nature before him as an object of knowledge. The distinction between acting under the law and acting under the consciousness of law is a basic distinction, and it is up to the naturalist to show that this distinction is meaningless.

If nature is a system of spatio-temporal events, then consciousness must somehow be subsumed under that designation. But if Hume is correct, the analysis of spatio-temporal events can give us no idea of a system. Nature is a system only for consciousness and there is no way that nature can otherwise be called a unity. Therefore, if consciousness is itself a part of a series, then the consciousness of the series as/a whole is illusory. The whole question revolves around whether or not particulars presuppose for their cognition a priori characters which are underivable from these particular experiences. If they do, then a priori principles are necessary for the cognition of nature and therefore they also transcend nature.

It is important for us to apply the results of our epistemological excursion to the problem of human freedom. Freedom is defined by Green as follows: "A man is free in so far as he is the initiator of processes and effects in the world of factual existence."[2] It may be stated briefly that freedom is action in which a new series of events is determined. In view of this definition of a free cause, no amount of external impressions can determine the object of consciousness. Because such an object is initiated by the cognitive process of man and cannot be reduced to prior conditions. The effect however may be viewed as a result of the combination of sensation and conception so that when these two act together in a human mind, the effect necessarily follows so that the knowledge of the object ensues. In this way action or knowledge is a synthesis, the joint result of the formal and material elements. In action this juncture is the synthesis of character and external circumstances. All that we have done is state the determinist's position and in agreeing to this we reject all theories of indeterminacy.

Action is the necessary result of character and external conditions and there cannot be an undetermined or unmotivated choice. We must reject the view that circumstances have nothing to do with how a man acts or that character has nothing to do with a man's action. All types of indeterminism must be rejected for the simple reason that they would make choice meaningless. Unless there is a necessary connection between the agent's choice and the object of that choice, all freedom is merely miraculous since there is no reason to expect one event to follow our choice rather than another event. We affirm that man chooses and that what is involved in the choice is character and external circumstances. We disagree with the determinist in what it is that constitutes character. Determinists look at character as a necessary agent; we view it as a creative agent. The determinist sees character as a link or a series of links in a chain of natural causes. Therefore character is put on the same influential level as circumstances and past events. This makes character the product of external and not internal direction. Character then becomes one cause among many which produced an action. This I wish to deny. Character is not so much the result of circumstances as one's integration and conception of circumstances. It is man's conception of circumstances which enables him to select certain of them as important and others as meaningless. It is this principle of selectivity that influences his action. One may retort, is not what one reflects about totally determined also? This question only has force in terms of a view of consciousness that functions associatively and not synthetically. The conception is not determined if it itself acts as a unifying factor, as a principle of unity, if it acts on circumstances in terms of some ideal that transcends all actual circumstances. Those who say that a person's action is the result of one's character and one's character the result of a series

of happenings view these happenings purely externally and do not see the constant remoulding and redefining that character performs on the facts and on itself. Character is not a static entity but a dynamic, creative, self-transcending process. This process is one of integration and structurization which follows an immanent ideal. It is an impression of form over matter and cannot be reduced to the same level as circumstances which mechanically determine action. Deterministic explanations cannot explain that element of character or self-consciousness which synthesizes the diverse effects that impinge upon man. This synthetic activity is continually in process and is not a fixed quantity. The psychiatrists would argue against this by stating that man does not change unless it is a result of conscious manipulation on the part of a psychoanalyst who introduces the change. But this itself only works when the self is determining itself self-consciously as an object so that it can will to achieve this higher self. Only when the individual can through his own insight conceive of this ideal and direct the integration of his experience to this end is there change. The very action of the analyst must be taken into consciousness and structured in such a way that it may be set forth to oneself as a goal or ideal. It is the integrated projection of the self-conscious activity of man that makes it possible for the psychiatrist to function. The psychoanalyst does not produce the uhification. It is the subject himself who brings about the unification.

The most dreadful prospect for man is that he be reduced to an automoton, to a machine acting merely mechanically. Yet it seems that the determinist's account conceives of man in just this way. But it cannot be determinism itself that man abhors, for without determinism there can be no willing or action of any sort. It is external determination; it is

manipulation which man detests. Man seeks self-determination and seeks to see the actualization of his own self-consciousness in his actions. Man is a self-conscious being and this quality essentially distinguishes him from the rest of nature. It is this quality of self-consciousness which mediates the circumstances and causes that impinge upon him. Such mediation brings the subject as a unity to bear on the circumstances. His goals and ideals are included. There is a constant redefinition of the constituents involved in the act of choice. The subject reflects and hence sees what are the circumstances involved and how they bear on his purposes. When he does this, man is rehearsing mentally his action; he is considering what its effects would be. The more self-aware he is the more his reflection will be to the point, and hence bring about change in his environment in terms of his aim and goals. Man has a self to be actualized, and as such he views his circumstances. He has an idea of the good which he is striving to actualize. Man's character is the presentation to self-consciousness what man believes, knows and wills. Character must be seen as a creative continuing process constantly being changed and reformulated, constantly transcending itself. It is not a static given to be combined as a mere sum of contingencies compelling action. Character itself is actualized in the act. The element of dissatisfaction is here to the point. Man is aware of the fact that he has failed to become what he would like. He is aware of a distinction between what he at present is and what he would like to be. Change comes from the putting before man of an idea, of an ideal goal.

What we have been doing is making explicit what is meant by self-consciousness. We may summarize in this manner. Self-consciousness has three elements:

1 - Self-objectification. We see ourselves as a self, as a unified

cohering being which unites its diverse states of consciousness and actions. Animals are unaware of themselves and however complex we may consider an animal to be, we can never see him as self-conscious.

2 - Self-limitation. We distinguish ourselves from other selves and objects.

3 - Self-transcendence. We havd the awareness of something transcending the self in the way of the ideal self and the ideal society. This qbility to conceive of what transcends man makes him a moral being.

We may finally conclude by saying that freedom or human agency is the result of action which is determined by the self as a self-conscious being. The self or character is expressed in the act. It selects and modifies its circumstances. It reflects as to its ends and it rehearses the consequences, taking into consideration what it can and cannot do. In short, man acts not according to law, but according to the conception of law. Ethical action then is action according to ethical or moral law.

CHAPTER III

THE WILL AND THE GOOD

We have shown in the previous section that freedom consists in acting according to the conception of law, in this we followed the Kantian philosophy, demonstrating the dependence of the object on the character of the subject. This Copernican revolution which made the object of knowledge dependent on the subject and reversed the whole character of epistemology was not limited to the sphere of knowledge alone. Kant also initiated a Copernican revolution in the realm of ethics. He did this by showing that the will was not dependent on, or subservient to, the preconditioned good, but rather the reverse was true. Morality is only possible where the good is dependent on and determined by the will. Kant in this way denied all material conceptions of the good and sought to deduce the good from the character of the will, much as he had sought to deduce the phenomenal object from the character of the understanding.

The Copernican revolution in philosophy tried to overcome scepticism in knowledge. Similarly this revolution in ethics seeks also to defeat scepticism. As long as the idea of the good has no solid foundation in reason it is subject to scepticism. The good must be objective and universally binding in order to function as an imperative to action. Yet how can we arrive at a concept that is objective and universally binding unless we deduce it from reason. If it is asserted that we can arrive at a concept of good apart from reason, then we must ask ourselves what basis is there for anyone to accept it. Is the positing of the concept of the good arbitrary, or has it a ground? If it is arbitrary then anyone can arrive at another arbitrary concept of the good and there can be no way of

deciding which of the two views is correct. If it is grounded in something which purports to be factual, then it is based on something descriptive. However, no fact in itself can be binding on all rational beings. The good must be based on the normative. It must be objective, universal, and normative. The only way these three conditions can be met is if reason is the basis of the good. Only reason can possibly be all three: universal, objective, and normative.

It is due to this revolution in ethics that Kant investigates thoroughly the autonomy and heteronomy of the will. Only if the good is derived from the subject can it meet the conditions outlined above. Kant tries to show that all heteronomous views of the will fail to account for one of the two basic necessities that make morality possible; either freedom or obligation. Freedom is necessary in the relation between the will and the good, for otherwise the will is in no way responsible for its choice. Obligation is necessary; otherwise there can be no moral imperative that compels man, but in order to maintain freedom, the good must obligate the will without determining it.

One of the most discussed and perhaps misunderstood questions in the history of moral philosophy concerns the nature of the relationship between the good and man's will. This is specifically characteristic of the problem of the nature of obligation. Kant assumes that a free will is one which is necessarily related to its object and yet is not conditioned by its object. An agent's will must be necessarily related to its object, (the good). We use the word necessary in contradistinction to contingent. For if the will were related contingently to its object, then there would be no obligation. But if the will is conditioned by its object, then there can be no freedom. This leads us to a dichotemy. The will must be unconditioned or free for it to act morally, yet it must be necessarily

related to its object for obligation to be possible. The question then becomes how the will can be ~~both~~ unconditioned and autonomous, and still be necessarily related to its object.

In answering this question I have followed very closely the elaboration Kant gives of this problem in the four theorems stated in the Principles of Pure Practical Reason.[3] I believe that an elaboration of these theorems will resolve the problem of the relationship of the good to the will so that man's freedom and obligation can be preserved. It will be necessary to refute all theories which seek to determine the will by something external to it and therefore by implication all utilitarian and eudaemonistic philosophies.

Only after resolving the problem concerning the autonomy or heteronomy of the will in relation to the good can one deal with the content and significance of the moral law. Only then will obligation and responsibility be possible and morality have a determined foundation.

Now if one defines the good as the material object of the faculty of desire, then it is related to a particular desire. But particular desires are subjective and not objective, and therefore the faculty of desire is a subjective maxim and not an objective practical principle. The relation in this case between the good and the will is based on the contingent character of the faculty of desire. But a contingent relationship can in no way account for obligation. Let us be more specific. If the good is to be realized as an object of desire, then we have a contingent relationship since the particular pleasure grounded in the particular desire must be present; otherwise there is no relationship between the will and the good object. In this case the relationship hinges on the contingent probability of there being that particular pleasure in that particular will.[4] Implicit in this is the underlying assumption that

there is no determinate good object which will arouse the same desire in all persons. This means that no practical principle based on desire is adequate to be an object or practical principle of the will. Kant summarized this beautifully in theorem one. He states, "All practical principles which presuppose an object (material) of the faculty of desire as the determining ground of the will are without exception empirical and can furnish no practical laws."[5]

The attempt to distinguish lower and higher desires in no way changes this contingent relationship. Higher desires, those of the understanding, are still contingently related to the object desired due to their particularity; therefore their maxims must be subjective and cannot function as universal principles for the will.

Kant's second theorem states that "all material principles are as such of one and the same kind and belong under the general principle of self-love or one's own happiness."[6] This states the importance of the general principle of self-love, so much so that Kant continues in the corallary, "all material practical rules place the ground of the determination of the will in the lower faculty of desire and if there were no purely formal laws of the will adequate to determine it we could not admit any higher faculty of desire."[7] A material practical principle or the principle of self-love would be adequate, Kant thinks, if there were not a higher faculty, a formal and not material principle, which determines the action of the will. This second theorem seems to argue that all concepts of the good can only oblige the action of the will if they appeal to self-love. This however would annihilate freedom of the will since the object would determine the will. This is made clear in theorem three. It states "If a rational

being can think of its maxims as practical universal law, he can do so only by considering them as principles which contain the determining grounds of the will because of their form and not because of their matter."[8] In other words, the will must be autonomous for it to be obligated without being determined. Its ground must be formal and not material. The will then engages in a kind of causality. The will is not determined by an alien cause but rather must determine itself. The relation between the good and the will must be such that the will itself affirms the relation. It is the will that elects the good as its object. There is no way of relating a predetermined good to the will except as an object of desire and if the will is to be free and act according to a universal principle, then it cannot be previously related to a particular good. The freedom of the will which either accepts or rejects the previously determined good is a freedom which follows necessarily from attraction or repulsion and hence is no freedom at all. The autonomous or free choice is explicitly not related to a heteronomous relation to a predetermined good. This is clearly expressed in the fourth theorem. It states, "The autonomy of the will is the sole principle of all moral laws and of the duties conforming to them. Heteronomy of choice, on the other hand, not only does not establish any obligation but is opposed to the principle of duty and to the morality of the will."[9]

The great difficulty in most discussions of freedom is that they take the central question of freedom to be the ability to affirm or reject a particular desire or complex of desires, whereas the true character of freedom is not this but must concern itself with the consciousness of the moral law as a universal principle. If the agent chooses his object because of its attraction, then the maxim of his action cannot be a universal

maxim. If it is a universal maxim and hence formal and not material, then it cannot be conditioned by the object but must rather be conditioned by law as such. Through disassociation from the object the agent is free to act according to his conception of law, i.e., a universal principle which is then the ground of the determination of the will. This does not mean that volitions do not have objects or a material element, "but the material cannot be supposed for this reason to be the determining ground and condition of the maxims."[10]

We can summarize our discussion as follows:

1 - We cannot materially relate the good to the will.

2 - We cannot previously define the good and then determine the will.

3 - We cannot oblige a will that is only contingently related to a previously defined good since it may then accept or reject the good in terms of pleasure or aversion.

4 - Freedom presupposes acting under the moral law or a formal practical principle of the will.

5 - An object can only be necessarily related to the will if the formal character of the will determines it.

CHAPTER IV

THE NATURAL AND MORAL GOOD

In the four theorems that we examined, Kant implicitly assumed the distinction between a hypothetical imperative and a categorical imperative. In the first two theorems, Kant demonstrated that if one wills the good then it follows necessarily that one should will the means also. The means then becomes inseparable from, and totally dependent on the good. Thus, if happiness or self-love were our object, we would act of necessity to actualize this good, the only problem would be whether one in fact knew what constitutes happiness. In the third and fourth theorem, however, Kant tried to show the essential difference between the employment of the hypothetical imperative and the use of the categorical imperative. If the categorical imperative is used the good follows from the formal character of the will and is an objective principle. Only an objective principle of reason can be a ground for moral action. By making this distinction between the hypothetical and categorical imperative, and thus sharply separating morality from self-realization or happiness, Kant avoids falling into the error of confusing the moral and natural good. Unfortunately, practically all moral philosophers before Kant did make this confusion and if we are to understand the character of the moral law correctly, we must show where this confusion exists and how it can be remedied.

The classical moral philosophers viewed the good as the object of desire. However there are two faculties of desire - a physical faculty and an intellectual faculty. Most of these philosophers, and Plato in particular, believed that the good is the object of intellectual desire or eros. When one knew the good, one did it. Briefly it can be phrased as follows: Knowledge is virtue and virtue is happiness. To know the good means to do it, and doing the good makes one happy. The rub comes

in cases where virtue does not entail happiness but rather the reverse; in the case of Socrates, virtue involved death. Many instances can be seen where the unjust or wicked person is indeed happy. Now Plato was not unaware of this dilemma. The most extreme example of this dilemma is found in the works of Plato himself, in the Republic. In the second book of the Republic, the just man who is thought unjust is despised, blinded and crucified. While the unjust man who is thought just is honored, made prosperous, and is able to do and get whatever he wants.[11] This passage can be supplemented by others of a similar nature.[12] The problem comes into focus when we ask in what possible respect we may consider the just man as happy. If the good is seen as the object of desire and the will is the faculty of desire; then how is it possible to try to persuade one to desire to be despised, blinded, and crucified in punishment for a crime one has not perpetrated.[13] One may feel a certain comfort in knowing that his action was virtuous, but this cannot be termed happiness, "for no one would wish to have occasion for it not even once in his life, or perhaps even would desire life itself in such circumstances."[14] It must be recognized that there is a difference between action which is moral because one's action is determined by a universal principle and action which is moral because it is based on self-love, prudence or happiness. We must distinguish two kinds of goods. There is the natural good which consists of self-love or happiness, and the moral good or virtue. The classical tradition makes no distinction between them. It sees natural good as being the consequence of moral good. This view is deficient when we consider the question of self-sacrifice. If the good is an object of desire, then there is a distinction between what one in fact desires and what one ought to desire. It may happen that one's moral action will ultimately lead to

self-sacrifice -- to the giving up of one's life for the good. Yet in terms of Plato's doctrine this seems hardly possible. One gives up one's natural good for one's moral good, but then one's natural and moral good must be different in kind since one is necessarily sacrificed for the other. Let us see this more sharply. Virtue and happiness are equated by Plato. They are realized together in the attainment of the good. Knowledge is virtue. This means that the knowing of the good necessarily implies the doing of it. Plato believes that one who knows the good will do the good. This hinges on two words, "know" and "good". The word "good" is used ambiguously. We have seen that it can mean either one's natural good in terms of self-love or one's moral good or obligation to duty or the moral law. Now it may be that one's moral good is also one's natural good but this cannot be true of all cases as even Plato's examples show us. If self-realization includes both the moral and the natural good then in the case of self-sacrifice, one's natural good vanishes and we are left with just the moral good. This means that one's happiness is forfeited. It may be that happiness is not correctly understood in this case since it also is used ambiguously. To say that one's denying of the moral law and not sacrificing himself means he cannot be happy anyway may be true, although it seems such a person can still fulfill his intellectual and physical desires, i.e., his natural good. But to say that if one obeys the moral law then he necessarily in all cases will be happy is to go against just those cases of obeying the moral law which necessitate self-sacrifice. Plato resorts in his myths to a type of apocalyptic solution by picturing the good soul as happy and the evil soul as suffering eternal torment in the next world. Nevertheless the question that Adeimantus and Glaucan ask remains: Why should justice be done for its own sake? The answer because through justice one will find

happiness cannot be defended and is at the root of the confusion in Plato's thought. Now it may be said that one who does not do the moral law will feel remorse and guilt and will live a wretched life. This, though not true in every case, may still be the case for some. Of course this implies or assumes that one is aware of the moral law and recognizes its demands apart from one's happiness. If we were to ask an individual to choose between remorseful living, and unremorseful death and the goal was self-realization he would undoubtedly choose to go on with his life in remorse. This argument applies also to the modern restatements of the theory of self-realization. Fromm, for example, says that one's good is to realize one's potentialities. But if that is the highest good, then I have no grounds of any sort to sacrifice my life, since in sacrificing my life I give up all chances of fulfilling any of my potentialities. I would be better off committing the horrible crime and living on to fulfill some of my potentialities.

It is clear then that justice or virtue cannot be an act that is done for the sake of happiness. Therefore, it must be done for one's own good, exclusive of happiness. But exclusive of happiness one has no good if one confuses natural and moral good. Let us then try to convince one to do the good which will not bring about happiness. What possible reason can be given to a Callicles or a Thrasymachus that will oblige him to perform an act that will not be followed by happiness. There seems to be no ground that Plato can give us. To act virtuously is to determine the good and not to be determined by it. But then we are faced with the question, how can I act in such a way that I will realize the good and also realize myself? This question cannot be answered at the level of prudence or enlightened self-interest, since in any case in which one has a choice between natural good and moral good, and prudence is his end, then the natural good will dominate.

The statement "to know the good is to do the good" rests on the definition of good which includes both natural and moral good. In fact that phrase naively confuses both kinds of good. If one knows that in doing an act one will achieve both natural and moral good, then there can be no possible reason why he should not do it, unless he is merely ignorant or misinformed as to what the character of the good is. But if he knows that in doing an act he may achieve moral good but will forfeit his natural good, then it seems that this act cannot be an object of desire, since no sane person desires his death, and there seems to be a conflict between one's own self-preservation or natural good, and one's duty or moral good. When we phrase the question in this way, we do not simply know the good and do it, since our natural inclinations and desires direct us to save our life, whereas our obligation to duty directs us to sacrifice it. Under which circumstances is it moral to sacrifice one's life is here irrelevant, since this already assumes in the very asking a concept of morality beyond prudence.

Let us return to our original question. If the act to be done does not satisfy one's desire or realize the self, then why should one do it. We do it because we are obliged to act morally and this obligation certainly does not rest in our self-interest. It must therefore rest on something else - the moral law.

If we reversed the situation perhaps this would be still clearer. We quoted Kant to the effect that some consequences of moral action may be such that one who undergoes them may have preferred not to have lived. Yet he does undergo them. Similarly to recognize that the good or virtue may necessitate the terrible consequences meted out to the just man in the Republic denies the possibility that one does the good for one's happiness or self-

realization. These consequences naturally exclude my further happiness or self-realization. In cases like these I choose to do the good in opposition to my inclination for happiness; and the knowledge of the good is not what makes me do it but rather the courage to do that which I know to be my duty makes me do it. The fact that people who know the good in both its prudential and moral sense still are indefinite, hesitate, strive to attain it often without success would imply that the question is not one of knowledge but of action.

A modern defence of the Platonic position would argue the case on psychological grounds. Such a position maintains that the word 'know' is ambiguous. When this ambiguity is resolved, then the statement "to know the good is to do the good" would be perfectly intelligible, and account for all that morality demands and still maintain the cogency of Plato's argument. Knowledge they say is both abstract and concrete. Abstract knowledge is purely formal or intellectual and is therefore incapable of coming in contact with desire. But concrete knowledge is a synthesis of both rational and emotional knowledge. It is the knowledge possessed by the "integrated" personality. Such knowledge of the good is not opposed to inclination but rather is integrated with it, and therefore cannot be subject to the conflict of reason and appetite. Inthis way one truly knows the good and does not have to hesitate or be indefinite concerning what should be done. This is a formidable defense and requires consideration. However, I believe there is still a confusion at the back of it. Is this concrete, integrated knowledge a fact or an ideal. If it is merely an ideal as it is for most people, then it in no way weakens our position, since we would affirm that morality is an attempt in the here-now of actuality to

change natural law into moral law not only in nature but also in ourselves. However, if it is a fact then one would have in effect what morality is striving to accomplish, a holy will where the moral law is not a command or categorical imperative, but where it follows plainly from one's rational faculty. This objection seeks to find as the ground for morality what seems to be the result of morality. The introduction of the term "integrated" self is psychological terminology for what ethical philosophers have throughout the ages called the good or moral life. Whether psychology is capable of achieving this integration is a different question and seems to be highly doubtful. It is sufficient for us to show that actually man acts morally when his action is not conditioned by a concept of good which necessarily joins virtue and happiness, since then all virtuous action which does not lead to happiness is excluded. However, ideally the good can legitimately be defined as the conjunction of virtue and happiness and Kant specifically designated this conjunction with the term, Highest Good.

CHAPTER V

THE MORAL LAW AND THE HIGHEST GOOD

We have seen that natural or prudential good must be sharply distinguished from moral good. Morality may necessitate forfeiting one's natural good for the sake of one's moral good. It is therefore important not to confuse or identify these two goods. This separation of natural and moral good does not imply that the natural good is worthless because it is separate from morality. On the contrary, it should be pursued, except where it comes in conflict with morality.

Kant recognized three kinds of good. First is the natural good or happiness. This good is the object of hypothetical imperatives. In the corollary to the Second Theorem of the Critique, Kant maintains that the natural good should rule our action were it not for morality which supercedes it. The second good of which Kant speaks is the categorical imperative, the supreme good. It is supreme in the sense that it is the only unconditioned good. All other goods must meet its criterion of morality. Hypothetical goods are good in reference to this supreme good since happiness is only good when it is consistent with morality. Happiness gained through immorality is in no sense to be considered good. The moral law is also the supreme good because only from it can the highest good be derived. The highest good is the third kind of good. This good is the ideal of justice, or the commensurate relationship between one's virtue and happiness. It is conditioned by the supreme good not only in the sense that it is derived from it but also because there would be no way to ascertain one's worth apart from the supreme good or the moral law.

The major point of the first part of the Critique of Practical Reason

is to distinguish between the hypothetical and moral good. The essence of the last part of the Critique is to show the relationship between the moral law and the highest good. In the first part of the Critique Kant argues that a predetermined good leads to an hypothetical imperative which can not take the moral law into consideration. He sharply distinguished between the heteronomy and autonomy of the will showing that morality can only be possible if the will is autonomous. Once the basic principle of the autonomy of the will is established then all possible goods must be dependent on and consistent with this autonomy. Kant sought to base the good on the moral law. Now the good that follows from the moral law must be the object of the moral law and is dependent on it. Thus we shall see that the highest good is the object of the moral law.

Most Kantian commentators[15] accuse Kant of the most nonsensical views because they do not take into consideration the fact that Kant viewed the moral law as the supreme good and not as the only good. The second part of the Critique of Practical Reason deals with the concept of the highest good as the necessary object of the moral law, and treats of the necessary conditions for the possibility of the highest good. Another constant criticism of the Kantian interpretors[16] is the accusation against Kant that his ethics is merely formal and does not contain any material element. This is expressly denied by Kant in the concept of the highest good. The highest good is the commensurate relationship between worth and happiness. It is important to keep in mind that the formal element or virtue structures and dominates the material element, happiness. Perhaps the most important element of Kant's ethics is his insistence on its objective and universal character. It is for this reason that he stresses the formal character of the good and also seeks to allow in his system

only those ideas of the good which are derived from or consistent with the moral law.

The moral law is a categorical imperative. It is an imperative because it comes in the form of a command. If man were wholly rational then he would unhesitantly and automatically act according to the moral law. But due to the fact that man also acts according to his inclinations and his natural desires which seek his prudential good, a command is necessary to decide in the conflict between one's desires and one's duty. The doing of the moral law must be felt as an obligation. The moral law is categorical because it is unconditioned. Unlike the hypothetical imperative in which the will is conditioned by a predetermined good, the categorical imperative does not depend on a predetermined good, but rather is the condition of the good itself. The moral law is both the condition or ground of morality and the basis of the highest good. As the condition of morality it is the necessary limiting condition for all goods of any kind. As a basis for the highest good it is the only universal and necdssary or formal principle from which the highest good can be deduced.

Kant states that there is only one categorical imperative and he defines it to be, "Act only on that maxim through which you can at the same time will that it should become a universal law."[17] It is important for us to understand how this formulation is reached and what it entails. The categorical imperative is derived from the concept of law as such. The basic character of law is its objectivity, in so far as it is necessarily true for all rational beings. The primary characteristic of reason is its objectivity, universality and necessity. Thus our moral law, if it is derived from reason must be universal, objective and necessary. Now the categorical imperative makes the requirement that all maxims must be

capable of becoming universal principles of willing for all rational beings. Thus the categorical imperative as stated in this form can be called the formula of universality. If ethics is to be objective and derivable from reason, then the formula of universality becomes extremely important. What it asserts is that no one can make an arbitrary exception for himself, but rather must apply the same principle or law of judgment to every rational being. The categorical imperative implies the impersonal character of the moral law and also its impartiality.[18] Impartiality and impersonality imply the concept of equality, so that this idea is implied in the very concept of the categorical imperative as universal law. In this respect the categorical imperative is the canon of morality. By canon what is meant is that it is a test to determine what is moral and what is not. Nothing can be considered moral that is not capable of being willed as a universal law. This means that no maxim of action is morally permissible if it asserts inequality or arbitrary exception. Let us make this clearer. The categorical imperative demands that rational beings should consider their maxims and see whether they can be generalized into moral laws. The process of generalization means that we consider whether or not we treat all rational agents on the same principle or make an exception in our case. Kant illustrates this well. He states, "If we now attend to ourselves whenever we transgress a duty, we find that we in fact do not will that our maxim should become a universal law since this is impossible for us, but rather that its opposite should remain a law universally: we only take the liberty of making an exception to it for ourselves (or even just for this once to the advantage of our inclination). Consequently if we weighed it all up from one and the same point of view, that of reason, we should find a contradiction in our own will, the contradiction

that a certain principle should be objectively necessary as a universal law and yet subjectively should not hold universally but should admit of exceptions. Since however we first consider our action from the point of view of a will wholly in accord with reason and then consider precisely the same action from the point of view of a will affected by inclination, there is here actually no contradiction, but rather an opposition of inclination to the precept of reason, whereby the universality of the principle is turned into a mere generality so that the practical principle of reason may meet our maxim half way. This procedure, though in our own impartial judgment it cannot be justified, proves none the less that we in fact recognize the validity of the categorical imperative and with all respect for it merely permit ourselves a few exceptions which are as we pretend inconsiderable and apparently forced upon us."[19] Kant is here establishing the fact that the necessary condition for morality is the equality of law as applying to all rational beings. There cannot be one law for one person and another for another person. Implicit in this characterization is the fact that one only makes an exception of oneself for prudential reasons. In other words he would acknowledge the validity of the principle of equality in general but would make an exception for his own happiness. It is just this making of an exception for oneself which constitutes immorality. The categorical imperative has then two aspects. As the canon of morality it is a negative or limiting condition of morality and as a principle of morality it is the basis for the highest good. It is important not to take the material maxim that is to be universalized in a narrow sense. The maxim has to include motives and consequences, then we must see if it can be generalized to a universal principle. Now the process of the universalization of a material maxim is

merely a beginning, a compass[20] showing us the way, but can in no way be identified with the goal. The categorical imperative as the canon of morality can be summarized as a negative concept or limiting condition which must be used in order for us to distinguish the moral from the immoral, however it is not all there is to morality. It is the condition not the goal of morality. It is for this reason that Kant presents us with other formulations of the moral law which seek to set forth the positive and not just the negative or limiting conditions of morality. Before going into detail concerning the positive conditions of morality, we must consider a varient formulation of the categorical imperative which Kant introduces in order to concretize the negative or limiting conditions of morality. This varient formulation may be termed the Formula of the Law of Nature and it is stated as follows, "Act as if the maxim of your action were to become through your will a universal law of nature."[21] Kant elaborates this formulation in the Typic of Pure Practical Judgment. He states, "If the maxim of action is not so constituted as to stand the test of being made the form of a natural law in general, it is morally impossible."[22] He asks the reader to ask himself "whether if the action which you propose should take place by a law of nature of which you yourself were a part you could regard it as possible through your will."[23] These are negative or limiting conditions of willing. In fact Kant explicitly says so in discussing the Formula of the Law of Nature. "This comparison of the maxims of his actions with a universal natural law therefore is not the determining ground of his will."[24]

We have outlined the limiting conditions of morality. Unless a subjective maxim meets the test of conforming to the formal principle of lawfulness or equality of rational wills it cannot be moral. Furthermore,

the concept of equality becomes concretized through its projection as a law of nature so that one should of his own will assent to being a member of such an order of things. We must recognize that the categorical imperative has a dual function. It functions both as a criterion of conduct and as a presentation to the will of a positive determination of the moral object.[25] In judging conduct the categorical imperative is a limiting concept since the "comparison of the maxim of his actions with a universal law is not the determining ground of his will."[26] Yet in positively determining the object of morality it is the initial step from which the highest good is derived.

After fulfilling the negative or limiting conditions of morality one can proceed to the object of the moral law, or the positive aspects of the categorical imperative. Kant states this positive character of the moral law in reference to the relation between the moral law and the highest good. He states, "The moral law ideally transfers us into a nature in which reason would bring forth the highest good were it accompanied by sufficient physical capacities; and it determines our will to impart to the sensuous world the form of a system of rational beings. The least attention to ourselves shows that this idea really stands as a model for the determination of our will."[27] Now the model which stands for the determination of our will is the "form of a system of rational beings". This means the form of the highest good. The rational beings constitute the realm of ends or a society where one's virtue and happiness are coordinated. The reason it is the form of a system of rational beings is because the formal character or worth in the highest good dominates the material element or happiness.

One of the most neglected aspects of Kant's ethics is his doctrine that the object of the moral law is the highest good. Since Hegel's criticism of Kant's ethics as a doctrine of duty for duty's sake and Bradley's restatement of this criticism there has been a general misunderstanding of Kant's work.[28] Kant did not believe that the end of duty or the moral law was law as such but rather he believed the end of morality was the highest good. Because of this basic misinterpretation we must demonstrate through textual analysis of the Critique of Practical Reason that Kant believed the highest good to be the "necessary object of a will determinable by the moral law."[29] Kant continually speaks of the "highest good as the object of our will"[30] saying that it is "an end as an object which independently of all theoretical principles is thought of as practically necessary through a categorical imperative directly determining the will. In this case the object is the highest good."[31] Or again he states, "It is a duty to realize the highest good as far as it lies within our power to do so."[32] He also phrases it as follows: "The highest good is the object and final end of pure practical reason."[33] There are many other statements that I might cite[34]; however the point is clear that the highest good is the necessary object of the moral law and hence must follow from the moral law.

Before considering the manner in which the highest good is derived from the moral law, we must give some consideration as the characteristic features of the concept of the highest good. Kant defines the highest good as follows:

> That virtue (as the worthiness to be happy) is the supreme condition of whatever appears to us to be desirable and thus of all our pursuit of happiness and, consequently that it is the supreme good have been proved in the analytic. But these truths do not imply that virtue is the entire and perfect good as the

> object of the faculty of desire of rational finite beings. For this happiness is also required, and indeed not merely in the partial eyes of a person who makes himself his end but even in the judgment of an impartial reason which impartially regards persons in the world as ends in themselves ... In as much as virtue and happiness together constitute the possession of the highest good for one person, and happiness in exact proportion to morality (as the worth of a person and his worthiness to be happy) constitutes that of a possible world, the highest good means the whole, the perfect good, wherein virtue is always the supreme good, being the condition having no condition superior to it, while happiness though something always pleasant to him who possesses it is not of itself absolutely good in every respect but always presupposes conduct in accordance with the moral law as its condition." 35

Thus we see that the highest good is the commensurate relationship between virtue and happiness and that it is a consequence of the supreme good. In this respect worth or viftue dominates happiness. This means that a formal element rules over a material element. Kant states this when he says that "the supreme good is morality, and that happiness though it indeed constitutes the second element of the highest good does so only as the morally conditioned but necessary consequence of the former. Only with this subordination is the highest good the entire object of pure practical reason, which pure practical reason must necessarily think as possible, because reason commands us to contribute everything possible to its realization."[36]

We have shown that the moral law has as its object the highest good. However the exact relationship between the two is still ambiguous. We know that the moral law is the supreme condition of the highest good in the sense that nothing can be considered as a possible determination of the highest good which does not meet the canon of the categorical imperative. Nevertheless one is still vague on the exact procedure by which one moves from the formula of law as such and the limiting condition of the formula of the law of nature to the idea of the highest good. There is no question that the highest good is the object and the end of the moral law. The question

remains however, how one deduces the highest good from the moral law. The reason we have stressed the character of the deduction of the highest good from the moral law is because Kant does not make the mistake of conceiving his concept of the highest good as a predetermined good. It does not condition or appeal to the will as a material object of the faculty of desire. Rather the highest good can only be arrived at by following the will and by affirming the will's autonomy. The moral law is not the means whereby one achieves the highest good; rather the highest good is the necessary consequence of the moral law. In giving a purely formal criterion as the canon of moral law, Kant has denied in principle all concepts of morality based on anything other than reason. The only question which remains is this: How can we deduce the highest good from reason as such? If Kant can do this then he has vindicated his concept of the highest good.[37]

In attempting to deduce the highest good we are faced with another problem closely related to the relationship between the moral law and the highest good. Kant states that there is only one categorical imperative.[38] However he specifically says that there are three formulations of it.[39] He himself presents us with five formulations.[40] This has been extremely confusing to many Kantian students.[41] I believe that Kant was trying to arrive at the concept of the kingdom of ends through the different formulations. Furthermore, Kant viewed the idea of the kingdom of ends as closely connected with the idea of the highest good. I believe that Kant tried to sketch out for us in these different formulations the transition from the will to the highest good.

Once we understand that the categorical imperative is the distinguishing element or the canon of morality, and once we recognize that it is the supreme good but not the highest good, then we must consider the

transition which occurs among the different formulations of the categorical imperative in order to arrive at the concept of the highest good.

The first formula sought to test all maxims by a universal, impartial and impersonal standard. It demanded that no individual make an exception of himself in a particular case for prudential reasons and at the same time will that others should follow the moral law. We therefore showed that implicit in this idea of the categorical imperative was the idea of equality. But in what does this equality consist? It can only be the equality of all rational beings who are bound by the moral law. No rational being can make an exception of himself to go against the moral law; neither can he make an exception of others. He must treat them under a common principle which is objective and universal; a principle which is equal for all rational beings. He cannot treat them as means to his own ends. One may conclude that if one adopts the canon of the moral law, then one must "act so as to use humanity both in your own person and in the person of every other always at the same time as an end, never simply as a means."[42] Since humanity can be equated with rational or potentially rational beings, we can easily pass from formula one to formula two. We have not included the formula of the law of nature in this transition because it serves as a typic to determine the limiting condition of morality and not its positive content.[43] However in reaching this second formulation we have passed the limiting condition of morality and enter into its positive condition or content. It is because we have reached a positive characterization of morality that Kant now includes a material element. The material element consists in the fact that rational beings are ends. It can therefore be seen that the transition from law through equality to the equality of rational beings is formally valid and is in fact in the spirit

of Kant's own requirements for the moral law. He himself states that morality must have form, matter, and complete determination. The form is the categorical imperative as the canon of the moral law. The material element Kant defines as "an end and in this respect the formula says is a rational being as by his very nature an end in himself, must serve for every maxim as a condition limiting all merely relative and arbitrary ends."[44] The character of complete determination is the end goal of action, or form and matter conjoined in the highest good, or the kingdom of ends. Now this idea of treating man as an end in himself is necessary to fill out the positive content of morality. It is not enough that my maxim should be universalized as a principle governing all rational beings but positively it must also treat rational beings or humanity in my own person and in others as an end and not merely as a means. This positive determination for morality does not become fully explicit until we reach the idea of the realm of ends, nevertheless from this concept of man as an end in himself we begin to move in the direction of the end of morality.

The ultimate foundation of the positive aspect of morality is described by Kant in the various formulations of his third formula. The categorical imperative as put in the formula of universality was a limiting concept, yet the very act of universalizing a material maxim in terms of a universal principle was possible only as an act of freedom. In this respect the positive formulation of this act is the principle of autonomy. Therefore the principle of freedom or of autonomy becomes extremely important since it is through autonomous action that man can actualize ends. It was this aspect of autonomy that was emphasized in the Critique of Practical Reason. Man must not only universalize his principle but act

so as to bring this principle in the direction of the kingdom of ends. He must freely actualize the ends his reason sets before him. This capacity to act freely is the formula of autonomy. It states "So act that your will can regard itself at the same time as making universal law through its maxim."[45] But what is the material element of this universal legislation? This is immediately answered in the formulation of the categorical imperative as the kingdom of ends. It states, "So act as if you were through your maxims a law making member of a kingdom of ends."[46] The action of our will is directed toward a kingdom or realm of ends. It is this realm of ends which is realized through legislating universal law. The climax of all these formulas is achieved in the conjoined statement of all the formulations. This is stated as follows, "All maxims which spring from your own making of laws ought to accord with a possible kingdom of ends as a kingdom of nature."[47] This means that we should actualize a kingdom of ends as a kingdom of nature. The realization of the kingdom of ends includes the bringing into actuality of the moral world. It implies the transformation of natural law in accordance with moral law. This means that we should act so as to bring into existence a system of rational beings. This transformation of the natural world into the moral world in which each individual is treated as an end in himself and where evil is rooted out and worth is commensurate with happiness is the end of our action.

It is just this transformation of society into one of justice and peace that is the goal of morality and its positive determination. This goal is a universal and objective goal since it is derived from reason and is binding on all rational beings. Kant specifically compares the highest good or the realm of ends to the Messianic Age or the Kingdom of God.[48] This ideal establishes justice and peace as the foundation stone of world

order. Then will man truly be the goal of creation and the center of the universe.

We may summarize our conclusions as follows: We have seen at the basis of the diverse formulations of the categorical imperative the ideas of reason, equality, and justice, each one leading to the next. Reason implies willing according to law. Law implies equality and equality implies justice. There cannot be equality without justice since the basic element in justice is the ideal of one universal law without exception. We arrive at the concept of the highest good from the idea of justice where one's worth and one's happiness are commensurate. This kingdom or realm of ends is a prelude to the highest good. Therefore it may be concluded that if we act morally then we do not make an exception of our selves from a law we bind on everyone else, and positively we act to actualize justice or the highest good.

CHAPTER VI

THE REALM OF ENDS

We have shown that the concept of the realm of ends is the necessary object of the various positive formulations of the categorical imperative. Once we arrive at the concept of the realm of ends, a number of problems that have always been associated with the Kantian ethics can be resolved. Prime among these is Hegel's criticism of Kant's ethics which says it is purely formal and breaks down when used to determine moral action. Hegel's criticism can be summarized as follows: If the law is universal, then it cannot have a content. If it has no content, then it cannot command specific actions. However, if the categorical imperative does have a content, then it cannot be universal, for anything that has a content must have some specific content. This specific content would make it particular. But if it is particular, then what makes the categorical imperative universally binding, i.e., its universality is absent. Therefore, the categorical imperative cannot have a content and cannot specify any action.

This is only the first aspect of Hegel's criticism. He goes further and tries to show that the content of the moral law must be substantive. That means that the content must include specific rules. But these specific rules are then absolute. If they are absolute, then they cannot in any way have an exception. If they can have no exception, then the conflict of any two rules becomes a serious problem. These are serious criticism and most of the history of philosophy has thought such criticism to be conclusive. However, if we rightly understand the character of the

realm of ends, we can answer these criticisms. The criticisms revolve around two basic objections. The first is that the categorical imperative is purely formal and cannot have a content, and the second is that the imperative cannot reconcile a conflict of duties. We shall see that these two criticisms are two aspects of the same objection.

If the categorical imperative were purely formal, then two completely opposite maxims could be thought as universal law. This is exemplified in the problem of lying. Classically this problem has been stated in the following manner: A murderer asks you to tell him where the intended victim is. Should you tell a lie and mislead him, or should you tell the truth on the basis of the categorical imperative which would state that one should universalize the maxim of his actions. One could not lie without at the same time willing it to be a law of nature. If lying were a universal law, then there would be no truth telling whatsoever, and the act would be self-contradictory. However, the argument continues if he tells the truth then he is aiding a murder and not treating the intended victim as an end in himself as the second formulation of the categorical imperative would impell him.

Having stated the problem it is important to elaborate it before we can resolve it. We have stated that there are two elements to morality - first, the limiting condition of morality which tested arbitrary exceptions or one's prudence, and second, a positive aspect of morality which determined action. This positive aspect meant that one should act so as to bring about the kingdom of ends or the highest good. Now if we reduced morality to purely its limiting condition, then there would be no way of determining which one of the two acts one should actualize. Should one tell the truth or should one save an innocent victim. Both are

generalizable into universal principles. Now it seems to most people that this is the inherent weakness in the Kantian ethics. What should one do in the case of a conflict of duties. How does one decide when two goods are contradictory. If I go against one for the other, then I am willing an exception to my universal principle. This seems to be an extremely important question and many critics of Kant have capitalized on it in attempting to refute the Kantian position.

Now there are several ways of answering these questions. It may be argued in defense of Kant that there is a difference between an arbitrary exception to a rule for prudential reasons and making a particular maxim subservient to another maxim which more genuinely actualizes the highest good. But this answer necessitates the ideal of the kingdom of ends in order to know what positive action to take. In a purely negative sense there would be no way of deciding which duty would be the right one since they both would pass the test of the limiting condition. In neither case is one's prudential good even in question. However, with the concept of the kingdom of ends we can decide to actualize that maxim which would bring about that society where one's worth would be commensurate with one's happiness. It is then possible to understand Kant's statement that a conflict of duties is impossible once we realize the importance of the concept of the realm of ends. Kant states, "A conflict of duties and obligations is inconceivable . . when two such grounds are in conflict practical philosophy says that the stronger ground of obligation prevails."[50] But the only way that we can judge which is the stronger obligation is through knowing what the object or end of the moral law is. This end we have shown to be the highest good or the kingdom of ends. Kant more forcibly states the impossibility of a conflict of duties in extremely clear

language. He states, "As two opposite rules cannot be necessary at the same time but if it is a duty to act according to one of them, it is then not only not a duty but inconsistent with duty to act according to the other."[51]

We may summarize by stating that whenever one is faced with an ethical decision in a concrete situation, one must act in terms of, first, the canon of the moral law, one cannot arbitrarily exempt oneself because of his own inclinations or prudential value. He may however act so as to treat humanity in himself as an end in itself. He may save his life in times of danger by lying because then he is not acting in such a way as to arbitrarily exempt himself from a universal principle. He is rather actualizing the highest good that is, realizing the commensurate relation between virtue and happiness. He would be doing a greater injustice by telling the truth and letting himself suffer than by lying and saving his own life. It is only when one saves one's life unjustly through a direct evil action at the expense of another life that he has made an arbitrary exception to a rule. Secondly, therefore, it is necessary to see what constitutes exceptions and their nature. In seeing what are necessary exceptions as contrasted to arbitrary exceptions, it is important to re-state something that we have mentioned earlier. We stated that when one formulates a maxim, one should include in the formulation motives and consequences as well as the actions. There is no reason why this should not also be the case in the question of lying. Paton sums this up well when he states, "if we insert the necessary conditions in our maxim itself there is no reason why we could not will it as a universal law. There is no contradiction in willing that every one should be prepared to tell

a lie to a murderer if this is the only way to save his victim's life. In such a case we have a duty to lie, and only so have we a right. The so-called exception to the moral law against lying is not arbitrary but necessary."[52] We may conclude that necessary exceptions are not exceptions in any proper sense of the word, since they are not based on the inclination or the prudential character of the individual willing but rather on the ground that one is realizing the highest good. In this respect the constitutive limits are not broken but are rather preserved. We are not willing an arbitrary exception to a universal principle since the principle is stated so as to include the motive and the consequences, and it can be consistently willed that one should lie in order to stop a murderer. But now we seem to be entangled in the second horn of the dilemma set by Hegel. If we do define our maxim in this way. Then what we have is a particular maxim but not a universal principle. In order to answer this we must go to our second criteria of willing, its positive ground. The second element which determines our moral action is that we should act so as to bring about the highest good. We should act in such a manner as to bring about the commensurate relationship between virtue and happiness. But this is only possible if the sacrifice involved is commensurate with the good achieved. It is only the highest good itself that can be commensurate to the self-sacrifice. In other words, if I sacrifice my life by being truthful to a murderer who will kill me unless I disguise my identity, then the commensurate relationship between virtue and happiness will be disproportionate if I tell the truth and allow him to kill me. The reason I can say this is because I have a universal positive principle of action. This universal principle first negatively tells me I cannot exempt myself from it for immoral reasons. But then

it positively tells me that morality gives me an ideal by which I can judge particular duties. If this is the case, then Hegel's objections fail since my standard is both universal and particular. I use the universal standard to deduce particular actions. Hegel would be correct in his criticism if my duties were substantive, so that having only so many particular duties if I broke them, then I would have no ground, or from particular duties, no universal principle would be possible. But Kant explicitly denied substantive principles. He maintained the concept of regulative principles. Kant states explicitly that the action itself is not commanded.[53] If the action were commanded then it would contradict the universal principle. But since the action is not commanded, then I can arrive at the action using both the negative and positive aspects of the moral law.

We have seen how the idea of the highest good or realm of ends helped us answer a long standing criticism of Kant's ethics. However, it seems that a difficulty resides in the very concept of the highest good itself. We must determine how it is possible for the highest good to contain the material element happiness. And further, we must make explicit the relationship between the highest good and the kingdom of ends.

In the chapter on "The Will and the Good," we have explicitly rejected happiness as determining the will in moral action. We have said that if a material element determines the will, then the will can in no sense be responsible for its actions, and hence morality is impossible. But now in the concept of the highest good itself that element which we so vehemently denied raises its head once again and demands inclusion. How can we account for this apparent turnabout? In the first place it

is not an actual turnabout, merely an apparent one. When we denied the role of happiness, we denied it as the ground for the will in determining moral action. And as such we still deny it. But as the ideal goal which is realized through the moral imperative to bring about the kingdom of ends we do not deny it. In the second place, if we define happiness as the fulfillment of desire, then we must make it clear that the happiness named in the highest good does not result from the fulfillment of any desire. It results from the desire for the actualization of the kingdom of ends which we have shown is what an individual ought to desire. If my rational desire for the kingdom of ends is realized, then I, too, shall be treated as an end in myself. This fact will entail my happiness, and the only true happiness there is, since it does not deny the happiness of any other human agent. In this sense happiness becomes formal in character, since the desire that it fulfills is not a natural desire but a moral desire, that is, what one ought to desire. Now that we have shown the possibility of including a "material" element in the highest good, we must ask the question why it must be so included. The highest good is in its essence the ideal of justice, that each man shall be rewarded according to his merit. Justice is not possible without such rewards, without the possibility of happiness. The moral question is: should this particular person be happy? The highest good is the specific answer to this question. One's happiness follows from one's worth and is commensurate with it. Now such a state is not possible in the world as we know it. All too often the wicked prosper and the righteous suffer. The possibility of the highest good is the realm of ends. Only when the realm of ends is actualized can the highest good be realized and that

is why the moral imperative must be to actualize this realm. This then is the relation between the highest good and the realm of ends. The actualization of the latter is necessary for the achievement of the former. Only in a society where each man is treated as an end in himself and not as a means to another's end or some abstract end is true justice possible. Only in such a state can one's happiness and worth be commensurate.

CHAPTER VII

THE MODERN CHALLENGE TO ETHICS

We have sought to establish an ethical system which is objective and rational and which can guide man in his moral action. We endeavored to show that ethical statements are meaningful ones, that they are binding on rational beings and are both objective and communicable. We have concluded that if a person is rational, then he will act morally seeking to actualize the highest good.

Now there are contemporary philosophies which would categorically deny all our endeavors. Though they differ in many respects, they would all agree on two basic issues: 1) That there cannot be an objective ethics, and 2) That there cannot be a rational ethics. These philosophies are positivism, intuitionism and existentialism. If our ethical position is to be established, we must defend ourselves against their objections. We will take these positions in order and try to demonstrate why we think they are mistaken.

The positivists would not argue against our ethics by demonstrating that they have a more comprehensive or more systematic ethic. On the contrary, they would argue that no ethic is any better or worse than any other since the words "better" and "worse" are merely emotional outbursts and have no rational meaning. The positivists would declare ethical statements meaningless because they do not meet the standard of what is meaningful. For the positivists a meaningful statement is a statement which is either tautological or reducable to possible sense experience. Ethics is neither. It is not tautological since it employs synthetic propositions. It is not reducable to sense experience since it maintains normative statements. Therefore, ethics cannot be meaningful in the sense of the word which the positivists would allow.

It may be said in defense of ethics against the positivists that people do in fact make ethical statements, and that they seem to be meaningful to the people who make them. However, the positivist maintains his ground, continuing in his endeavor to count them as meaningless. He does attempt to account for them in some sense however. Not in the sense we would wish but rather in a new sense. He would say that ethical statements are emotive. Emotive gestures are not statements. A statement proper is either tautological or reducable to sense experience. They are gestures because they simply express an attitude, not a fact. If one were to say "You acted wrongly in stealing that money," what he would really be saying is "You stole that money!!" The exclamation marks denote a tone of horror. But the word wrong would be meaningless since it cannot be considered factually. It cannot be reduced to sense experience.

There is much that can be said in answer to this doctrine. It may be argued that if it is true, then all law would be meaningless. Everything that is meaningful to us culturally would be meaningless. Anyone would have license to do anything since there is no meaningful way of talking of right and wrong. And lastly, difference of opinion could only be resolved through force since any appeal to rational solution would be stalemated by limiting the function of reason to the realm of tautologies and sense experience. All these arguments are valid in my opinion against the positivists. They are valid but not conclusive. The positivists would retort that unless their concept of verifiability was refuted, then it stands in spite of our appeal to culture and practice. It is therefore necessary for us to see if their theory of verifiability stands. I believe it does not and for a very simple reason.

The positivists argue that the only statements which are meaningful are those which are either tautological or reducable to sense experience. We therefore have three possible types of statements: tautologies, statements that are reducable to sense experience, and meaningless statements. Now, if we were to test the statement "all statements are either tautological, reducable to sense experience or meaningless," we would have to ask which one of the three is this statement itself. It is certainly not tautological. It cannot be reduced to sense experience since it purports to be a universal, a priori statement. Therefore, it must be meaningless. The positivists might retort that this is the only exception since it is a methodological principle and therefore can be valid even though it is also a synthetic proposition. Such a retort would lead to a questioning of the arbitrariness of the positivists. Why lift the ban on synthetic statements when we come to this one. Once we have admitted one, we cannot help but admit the rest. Having admitted the rest, then our ethical statements are meaningful and not meaningless as the positivists assert.

Intuitionism differs radically from positivism. It does not attempt to reduce ethical statements to purely emotive terms. Rather, they would argue that ethical statements are meaningful. However, the meaning they would give ethical statements puts them in a class by themselves. The intuitionists argue that the good is what one ought to do. Yet what one ought to do cannot be based on anything external to itself. It must be intuited. If one attempts to base what one ought to do on an external ground, then the intuitionists would point an accusing finger and say you have committed the naturalistic fallacy.

The naturalistic fallacy consists in attempting to ground the normative on the descriptive. Just because one does in fact desire something doesn't mean one ought to. This is a just criticism of certain utilitarians, but just because the normative cannot be grounded in the descriptive does not mean that the normative cannot be grounded at all. Our position would maintain that the normative is grounded on the rational nature of man, and against this position the accusing finger of the intuitionists cannot rightfully be pointed. But if we do not attempt to ground ethics on anything external, then they must be intuited. This statement of the intuitionist is inadequate and in many respects distorts what they say. However, the crux of the matter is as follows: The good is a simple unanalyzable quality like yellow. It is simple because it cannot be analyzed into anything more elementary than itself. Being so simple it must be grasped by itself and not by its inter-relationships. This grasping of something immediately and in itself because of its simplicity is intuition and that is what is the good. The good is a simple unanalyzable entity. Now this type of thinking is similar to positivism and rests on a methodological base. This base states that all statements are either complex or simple. If they are complex, they are reducable. If they are simple, they are irreducable. Hence the only legitimate method is one of analysis. Definition therefore is limited to analysis, to the delineating of complex structures into their components. Now good, according to the intuitionists is on the level of the irreducable or simplest and therefore it is indefinable. Being indefinable, it cannot be communicated, it cannot be analyzed, it cannot be described. All that can be done with it is to intuit it.

It may be objected against this theory that good in this sense of the word can in no way account for common sense or our institutional meaning of the word good, as it is used in law, social planning, etc. However, I believe that the crucial objection must be an attempt to show that good can be defined and is not a simple unanalyzable entity.

In the first place, we can say that there is nothing that is a simple indefinable entity. Everything is in some sense related to something else. It can only be understood in so far as it is so related. Even yellow which is compared to good as being indefinable is definable in the sense that it is a color of such and such intensity and situated in a determinate place in the color spectrum. To speak of yellow apart from being a color, apart from its genus, is to speak nonsense. However, once we speak of the genus of yellow, then we certainly can distinguish its differentia and have what since Aristotle has been considered a valid definition. If this argument is rejected, although I do not see why it should be, we may continue and show that Moore says many things about the good that in the end it is anything but simple and unanalyzable. Paton shows this well. He states that, according to Moore "goodness is simple; it is unique; it is unanalyzable; it is indefinable; it is or can be an object of thought or intuition; it is a quality, it is a property but not a natural property and it is found in innumerable things."[54] Now it may be seen that anything that includes all these elements is anything but simple. This line of thought can be extended by analyzing one of the synonyms for good. Moore says that whenever one thinks of "'intrinsic value' or 'intrinsic worth' or says that a thing 'ought to exist,' he has before his mind the unique object - the unique property of things - which I mean by 'good'."[55] Now to say that when one person thinks of

good, he thinks of something that ought to exist, is to identify the good with something that is not simple and unanalyzable. The words "ought" and "exist" are distinguishable and therefore complex, to use Moore's own method.

If we leave our objections to Moore's and the intuitionists' logic and method of definition and concentrate on the content of the intuitionists' ethical theory, I believe they are in no better condition. The good is simple and intuited. But what happens when two people intuit two completely opposite ideas of what ought to exist? Let us say one intuits that life ought to be prolonged and the other intuits that all life ought to be destroyed. How do we decide between these two ideas of the good? To say that a third intuition can resolve the two is to appeal to an infinite regress. If on the other hand we seek to set up a standard, then what possible grounds can that standard have. The intuitionists speak as if what one ought to do were obvious; however, when pressed, they reply as Ross does and say that what one ought to do is what any good Englishman would do.[56] This is the defeat of morality. If one can affirm both a thing and its contradictory and say they are both valid ethical statements since they are both valid intuitions, then it seems to me that goodness has absolutely no meaning whatsoever. Since the intuitionists have no means of adjucating between intuitions, their theory fails and cannot stand on its own grounds which a fortiori concludes that it is not an objection to our view.

The third position that challenges our approach to ethics is existentialism. Unfortunately, existentialism is a very elusive phenomena. Most of the philosophers who are considered existentialists have repudiated the term. However, there is a type of thinking that may be called

existentialist which if true would render our efforts in ethics invalid.

There are mainly two types of existentialism - religious and atheistic. The religious existentialists attempt to divorce ethics and religion. They seek to achieve the "teleological suspension of the ethical" to use a Kierkegaardian phrase. These thinkers believe that ethics gets in the way of salvation and salvation is the only thing that has any meaning. If I temper my fate by morality, then I am in danger of being damned. The religious existentialists believe that man is in a state of non-being. All he can do is wait for the moment. When it comes, he can either accept it or reject it. But that is the only question. Grace is the only answer. One cannot talk about grace or understand it logically but rather logic and thought merely confuses one. Existence and existential questions are the only reality. And it is one's authentic existence that is the only question worth considering. This view which makes the essence of man's quest meaningless, since the only thing man can do is hope he will achieve grace, is characteristic of most of the religious existentialists.[57] The atheistic existentialists like Camus or Sartre seek to show that ethics is impossible in the sense that anything can be relied on. Life and society are meaningless. The only kind of ethics man understands is conventional morality, and man is better off without it. This leaves man alone in a hopeless, meaningless, chaotic universe. In such a universe the only thing a man can do is assert himself. Both these types of existentialism positively assert that reality is chaos. They assert that all order or rationality is really meaningless, for the only order there is, is imposed. The religious existentialists say the order is grace. The atheistic ones say it is man's assertion.

Now it is impossible to criticize all the ramifications that are

involved in the existentialist viewpoint. All we can do is to discuss one small aspect of their thought. Yet this aspect in itself is in my mind the crucial element and will show the basic contradicition in existentialist thought. The existentialists argue that the world is chaotic. The only reality is existence. All essence or law is illusion. Law is merely a convenient construct but it has no ontological meaning. Therefore the concept of causality is merely a convenience; it is in no way characteristic of things as they are. Now, if this is the case, then Kierkegaard's moment and its answer and the existentialist choice becomes meaningless. The only way that a choice or "the" choice is possible is if there is an orderly process which allows a necessary relationship between the choice and its results. But in a universe that is chaotic, all choice, all reason is impossible. We can press this line of argument and say that without rationality or some order, one cannot even know what salvation is or what existence is or for that matter make any distinction between anything. I may assume that the only reality is salvation, but I must use reason in order to even know what it is and how I am to obtain it. If the only existence that is worthwhile is authentic existence, I must at least be able to distinguish it from inauthentic existence. This distinction cannot be emotional or intuitive, but must be relational and discursive. Thus we can say that the existentialists, though seeking to deny reason in all its possible senses, have to reassert it in their very philosophy.

I believe that we have cleared the ground from under the most formidable of our opponents; we may have done so in a brief, terse manner, but nonetheless, the issues raised are basic ones - ones I believe for which our opponents have found no answer. We can now proceed to investigate the character of Jewish ethics in particular. We shall then attempt to integrate our conclusions in general ethics with those of Jewish ethics.

P A R T T W O

THE DIMENSIONS OF JEWISH ETHICS

CHAPTER VIII

IDEAL AND ACTUAL

In the first chapter of his great work Mimesis,[58] Auerbach contrasts the characterization of Biblical figures and events with that of Homer. It is a very instructive comparison for an understanding of Biblical personality and indirectly for Biblical ethics. A brief summary of Auerbach will enlighten us in these matters.

Auerbach tells us of an incident in the Odyssey which occurred after Odysseus returned home. It happens at perhaps the most crucial time of the entire narrative. Odysseus comes home in disguise, hoping to gain the upper hand over Penelope's suitors by keeping his identity a secret. However, Eurycle , who was his nursemaid, discovers him because she accidentally touches his scar while, in accordance with the custom of dealing with guests, she washes him. This is an extremely dramatic moment since the whole plan of his return may be upset if he is discovered. At this tense and important juncture, Homer begins to describe the scar, how Odysseus received it on a boar hunt with his grand father. And after a few lines one forgets that Odysseus has just returned home and that he may be discovered. One is entranced by the boar hunt and the events concerning it. Homer is a bewitching story teller. He delights the senses. Nothing remains hidden. Everything is always present and once it passes it is forgotten. Every event is minutely and precisely described, what the people are wearing, where they come from and what they are doing. Everything is external, it has its place, its history and is always on the surface. If we were to characterize Homer's style and charactery we would say that it was (1) externalized, nothing is in the background, everything is in the foreground, and (2) static, there is no development of

character.

Odysseus seems the same at the end of the Odyssey as he was at the beginning. There is no change or growth in the depth of his character. He merely passes from one state to another.

How different is the atmosphere and the dimension of the Bible. Here, to contrast it with Homer's story, Auerbach tells the story of the binding of Isaac. Abraham is called and he responds, "Here am I." He is not described at a particular place or time. We have a demand made on Abraham, and Abraham is ready to respond to that demand. All items mentioned - the ass, the lads, the knife and the wood are only the bare elements of the drama. They are all ingredients in the future demand that will be made. The present scene is dominated by the demand made by God and the response of Abraham. Behind this response is the promise made by God to Abraham that through his seed all of the nations will be blessed. It is tension and suspense that sets the tone of the story. It is not just the existence of Isaac which is in question but the existence of Israel and the realization of the promise made by God.[59] The contrast between Homer and the Bible emphasizes that element of juxtaposition between demand and response, between ideal and actual which is characteristic of the Biblical world view. The very fact that all the elements described are ingredients of the future event, so that they all find their place in terms of the demand, tends to indicate that the descriptive features are dominated by the overtones and dimensions of the values involved. Auerbach gives voice to this when he states that "the two realms of the sublime and the everyday are not only actually unseparated but basically inseparable."[60]

Auerbach seeks to demonstrate that the polarity of demand and response is characteristic of the very style of the Bible. It gives us a clue to the understanding of Biblical leadership. We will see that all of the great Biblical leaders were defined and described in terms of a task, in terms of a demand.

The fact that every great personage in the Bible is called upon to fulfill a demand is indicative of the ideal-actual concept which is so central to the Bible. Each Biblical leader is defined in terms of a task to be accomplished, a good to be realized. Yet the character of the task is such as to transcend any one individual's attempt. Moses was faced with the demand to rescue his people. To transform the multitudes of men and women and children into one nation. He was the liberator, the law giver, the greatest prophet and yet he dies a sinner. He never reaches the land of Canaan. By all standards Moses was a success and yet the Bible pictures him as a failure in that he never reaches the promised land. Amos is told to prophesy against the land of Israel. He pleads and implores the people to repent and he, too, fails. All the prophets were failures, none actualized the demand made upon them. Their task was an infinite task. Their goal was an infinite one, and yet the demand was still there. The goal was to be realized. The Rabbinic dictum, "It is not yours to finish the task but neither is it yours to exempt yourself from it" is an incisive summary of the prophetic pathos. This idea that one should fulfill the demand in spite of its outcome, that even if one were to fail, still one must attempt it can be seen most clearly in the consecration vision of Isaiah.[61]

Isaiah is in the temple. He is overwhelmed by a feeling of the holy. He conceives of God as perfectly Holy and becomes aware of his own imperfection, of his own finiteness. He is a man of unclean lips in a nation of unclean lips. Yet he is aware of what is to be done. The demand comes forth - who shall we send? The response. Send me. Once he takes the task upon himself, the realization comes upon him that he will and must fail. He is told to make the people hear; but they will not hear. He must make the people see; but they will not see. He must make them understand; but they will not understand. His life will be a failure. He knows this before he starts. Yet he must strive to answer the demand. He must fulfill the obligation. This demand which is accepted, though unrealizable, presents at once the essence and pathos of the dichotemy between ideal and actual. The pathos of those who see both ideal and actual, who accept the moral obligation in the midst of a people who are not even aware of the moral question is the pathos of the Bible. This pathos appears in Isaiah when he warns the people to repent or beware the doom that will ensue. They do not repent and it seems that doom is immanent because Sennacharib is at their doors. But some unseen event forces Sennacharib to retreat and the people are saved. The people shout with joy. Isaiah weeps because the people do not understand that their salvation must be a moral one. They do not realize that peace can only come about through their actualization of the ideal. It is their treatment of one another which brings about real disaster, the disaster of injustice and inhumanity, and only if they repent and change will they be worthy of having peace.[62]

Several basic elements become apparent once we understand Biblical charactery and Biblical leadership. In the first place, the demand is made in time. Man is confronted with a task, an ideal goal in the here-now. Time then becomes an anticipation.[63] The future goal hovers over and shapes the present. The future ideal goal has a pull on the present and draws man to its actualization. This is seen quite clearly in Auerbach's treatment of the Isaac story, but it is also typical of Biblical narrative in general.

The second element that appears in Biblical charactery is that the goal which constitutes the demand or the imperative to action is not a finite goal, but an infinite one. The fact that each one of the Biblical leaders is a failure implies that one cannot realize the goal in one's lifetime or even in the span of a nation's life. The ideal of the peoplehood of Israel is indissoluably bound up with mankind and hence the goal becomes constantly broadened. Man in his continual striving to actualize an infinite goal continually accomplishes finite tasks. The goal is infinite but the realization is finite. It is this dichotomy between the infinite task and the finite achievement which brings the moral question to the fore. This leads us to the third element in the charactery of the Bible.

This is that it is not the success or failure of the task that is important; it is the principle of action that is important. Isaiah knew he would fail even before he started,[64] yet this did not exempt him from exerting all his power to bring about the actualization of the ideal. Jeremiah was jailed, left in a pit to die, almost executed. Yet this did not deter him from his imperative. Perhaps the most

dramatic moment in prophetic literature is represented in Jeremiah's trial where the priests and prophets were intent on killing him. He did not try to save his life. Nor did he retract one iota of what he had said. He said that of a truth the Lord had sent me, do with me what you will, but know that you are taking innocent blood.[65] The success of his task seemed all but hopeless; nevertheless, he strove to act to fulfill the ideal. Ethics is not concerned with the results but with the principles of action. It is in this sense that the idea of an infinite task and its concommitant finite achievement is asserted in the character of the categorical imperative. The Bible also sees the ethical dimension as the a priori that gives man's task reality and without which man would lose his historical basis.

The fourth principle in the understanding of the Bible is that man is basically an historical being. The ideal goal is an historical goal. The achievement is an historical achievement. It is this accent on history that makes the Bible the only ancient philosophy of history. This view of history is bound up with the transformation of character in the Bible. We have noted that in Homer, Odysseus is unchanged by the events that happen in his life; they all seem external to him. This is completely different in the Bible. It is well illustrated in the story of the Patriarch, Jacob. Jacob was a deceiver. He deceived both Esau and Isaac. He stole both the birthright and the blessing. However, Jacob the deceiver became himself deceived. He was deceived by Laban when the wife given him was Leah instead of the expected Rachel. He was deceived by his children when they told him Joseph was dead. He lost his beloved wife Rachel. His life was a tragic one.[66] Yet through the different events of his life Jacob changes. He gains depth.

There is a pathos in Jacob's later life which gives him a depth of being which is not found in Homer's Odysseus. The symbolic transformation of Jacob in his struggle with the angel is the key to his transformation. His life is still tragic, but he shall no more be called Jacob but Israel, which symbolizes the transformation in the man.

These elements in the development of Biblical charactery are only possible within the context of a specific kind of God concept. Before we can deal more specifically with the meaning of the ideal and its relation to the actual, we must make the Biblical God concept explicit.

CHAPTER IX

THE TRANSCENDENCE OF GOD AND HIS RELATIONSHIP TO MAN

The prophets view God as unique, transcendent, and morally related to man. Such a view is in opposition to all ancient religions. In all ancient religions the two central ideas are that of the individual soul and his fate. The gods are the forces of nature which must be coerced or propitiated for the attainment of terrestial happiness or immortality. In these mythological views the business of the gods is to help men conquer other men, or to help man against the inimical power of the universe. In such a view there is an attempt to appease nature. The appeasement of nature or the gods becomes the purpose of religion. Hand in hand then with the idea of the gods as natural forces is the task of mythical religion to appease, bribe and manipulate these forces through sacrifice and prayer.

The essence of prophetic religion is the rejection of the mythical. It does away with the gods in nature and therefore brings about a transformation in man's relationship to God. Prophetic religion arises with the idea that man's relationship to God is moral in character. God makes a moral demand on man. He is seen as pure spirit, separate from the natural world. No images or representations of God are possible. As long as the gods were forces of nature (gods of fertility, rain, harvesting, etc.), worship will be aimed at appeasing these natural forces. Since man's needs are many, the gods are many. But when God is seen as totally transcendent, then man's relation to God is not one of appeasement but one of ethical obligation. Perhaps the most explicit statement of this opposition occurs in the book of

Micah. The year is 702,[67] the situation drastic, doom is immanent. The people are confused. They do not know what to do. How shall one manipulate God to avoid the calamity? How shall one appease or influence God? Shall one come before God, "with burnt offerings, with calves of a year old? Will the Lord be pleased with thousands of rams with ten thousands of rivers of oil?" Shall one give his first born for his transgression, the fruit of his body - will the sacrifice of children appease God's anger? Micah's answer echoes down through the centuries, "It hath been told thee, O man, what is good and what the Lord doth require of thee. But to do justly, to love mercy, and to walk humbly with thy God."[68] All the pre-exilic prophets fought against sacrifice pleading that God wants justice and righteousness.[69] God makes a demand on man announcing the imperative for his action.

When God is seen as transcendent, as beyond nature, then man's relation to God can be a spiritual one. God is set over against nature, only He has true being. This is described poetically in the Second Isaiah. There it is said, "To whom then will ye liken God, or what likeness will you compare to him?...Behold the nations are as a drop of a bucket and are counted as the small dust of the balances."[70] God is wholly transcendent. He is unique. Yet He stands in relation to man invoking the imperative to action. The contrast between God as a force in nature and God as a transcendent spiritual being is clearly illustrated by an incident in Elijah's life. Elijah was confronted by a shattering wind, and then an earthquake, and after that a fire. But God was not in any of these. God is not a force of nature. After these forces was a still small voice. The still small voice. The imperative to action was Elijah's communication with God.[71]

Once God is seen as a transcendent, unique spiritual being, then the concepts of man and nature become fundamentally different. First of all the unity and transcendence of God gives rise to the concept of man as transcending nature. Man is not only a natural but a spiritual being. This can be seen in the creation story. God creates man as a "thou" having a special place in the universe. Eichrodt describes the difference between man and nature rightly when he states "Man is not simply a piece of nature...the earlier account of the creation ascribes the clear boundary between man and the animals which prevents man from finding his complement and completion in the subhuman creation, to the effects of man's independent spiritual nature, by which he is set on God's side. In Man's destiny as being made in the image of God, the priestly thinker however brings together the sayings about man's special place in the creation and gives pregnant utterance to the thought that man cannot be submerged in nature or merged in the laws of the cosmos, so long as he remains true to his destiny. The creator's greatest gift to man, that of the personal I, necessarily places him in analogy with God's being at a distance from nature."[72] It is important to note further that this special dignity that God gives man is universal. There is no distinction between men, between slave and free, citizen and foreigner. The idea of man in the Bible is man as mankind. The historic goal is one for all of mankind and not for Israel alone. Only a universal God of the entire universe could establish a universal goal for all men and all nations. Therefore the transcendence of God made the idea of the unity of man and history possible. The unity and transcendence of God gave rise to

the transcendent character of the historical goal. The goal was a transcendent good, an ought which transcended nature, since it was moral in essence.

The concept of nature was likewise transformed with the idea of the unity and transcendence of God. Nature was no more full of gods. It became possible to act meaningfully in nature, since there were no more forces to be appeased. Instead of propitiating nature, it now was man's task to transform nature. This is a crucial point. As long as man was tied to nature in such a way that nature dominated man's life, man could only attempt to bribe nature, to appease her powers. Once nature was seen as devoid of the gods, then it became possible to transform nature. Man no more sought to propitiate nature but to transform it. This made moral action possible. It likewise made science possible. As long as nature was full of gods, then it could never be understood. It could never be consistently apprehended, since it was seen as the result of a number of separate powers. But with the concept of God as a transcendent creator and the universe his creation, the idea of cosmos became possible. The world became the matrix of creation, the arena in which one acted to actualize the ideal. Only in a world where there is a unitary source for all being could moral responsibility be possible. Man realized that he had the power to act and transform the universe. He realized that he was not helpless before it. Man, aware of his spiritual being and his spiritual relation to God, sought to actualize an ideal goal that transcended nature. With the realization of the spiritual world, man attempted to transform the natural world into a spiritual one. He strove to trans-

form natural law into moral law.

We have seen that the concept of God as a unique, transcendent, spiritual being made it possible for man to overcome the tyranny of nature and see it in such a manner that it became no more an object of propitiation or appeasement but of transformation. We have also seen that only such a concept of God could make possible the idea of man as a spiritual being transcending nature in his own right, and opposing it with an ideal of what ought to be. The spiritual character of God transformed the whole relationship between God and man. Man became related to God in an ethical, spiritual way. God demanded justice and righteousness. Man responded to that demand by striving to achieve the goal demanded of him. In striving to transform nature, morality became the rule of his life.

CHAPTER X

THE IDEA OF MAN AND HISTORY

The Biblical idea of history is dominated by a goal which the historical process is to actualize. This goal is the messianic age. The messianic age is essentially social in the sense that all events are measured in terms of a just society where "nation shall not lift up sword against nation, neither shall they learn war anymore; but they shall sit every man under his vine and fig tree and none shall make them afraid."[73] The prophets pictured the messianic age as the goal of man's historical and social striving. In this society equality shall reign, oppression and exploitation shall cease and justice will be executed throughout the world. The world will be a world of peace. The messianic vision in the Bible pictures for us a utopian society of peace and brotherhood. Now, one of the most significant characteristics of this social utopia is that it is interconnected with the historical process. It is not a utopia which is metaphysically beyond history with no effect on the historical process. Rather, it is the only way that an historical process is possible. The messianic age is the ideal goal that shapes and defines the historical process and man's action within history.

In the construction of events in time and space in terms of a goal which ought to be realized, the Bible subordinated the cosmological element, which is the only element of change in ancient religions, to the historical character of change. In this respect the cosmological character of natural events and cycles is wholly transformed to fit into the context of the historic process. Nature and

natural process became subject to historical demands. This leads us to another aspect of the Biblical view of the messianic age.

All ancient religions were cosmologically oriented. They subordinated human, social, and ethical interrelationships to processes of nature. This is characteristic even of Greek modes of thinking. The Greeks viewed man as a purely natural being. The microcosm of the macrocosm[74] as it was expressed in philosophical speculation. This subordination of the human to the natural realm can be seen in the fragments of Anaximander which are a prototype for all cosmologically oriented civilizations. Anaximander states, "Things perish into those things out of which they have their birth, according to that which is ordained; for they give reparation to one another and pay the penalty of their injustice according to the disposition of time."[75] This extremely difficult passage has been admirably explained by Cornford in his excellent book, From Religion to Philosophy. Cornford explains this passage as meaning that any thing becomes what it is through the combination of elements. But in order to get these elements, it must steal them from the four basic elements. Therefore, man in order to be, must be made up of the four elements. However, since these elements were usurped, reparation must be made. Thus man disintegrates "paying the penalty of injustice," the injustice occurs when man takes the elements. A law rules over all these events. It is the idea of fate and can be seen in the statement "according to that which is ordained."

From this passage we see that man was considered by the Greeks as completely characterized by natural forces, and was conceived as completely subordinated to natural necessity. It was this cyclical

natural process which dominated Greek historical speculation.[76] Thus the cyclical view of history is a subordination of the historical to the cosmological. It is an attempt to include man and history under the category of natural events. We have discussed the Greek cosmological idea of man and history because it is the most developed. However, all other ancient civilizations can be similarly classified. Eric Voegelin summarizes this character of ancient history and relates it to Biblical history. He states, "Without Israel there would be no history, but only the eternal recurrence of societies in cosmological form."[77] He continues, "'eternal recurrence' is the symbol by means of which a cosmological civilization expresses (or rather can express if it be so minded) the experience of its own existence, its lasting and passing in the order of the cosmos. 'Eternal recurrence' is part of the cosmological form itself - it is not a category of historiography, nor will it ever have a historian."[78] Now it may be objected that Voegelin goes too far in saying that cosmological processes can never have a historian. However, once we grasp the point of the essential character of history as being defined and delineated by an ideal goal, then I believe the correctness of Voegelin's characterization of cyclical history - as not really history at all - can easily be seen. He has very incisively expressed his criticism of the reduction of history to cosmology in his criticism of the Spenglerian-Toynbian view of history. He states, "civilizations follow each other in a meaningless sequence; and when the manifold of civilizational souls is exhausted, as for Spengler, it seems to be mankind will subside into a historical vegetative existence. The prospect is depressing and it becomes even bleaker when Toynbee applies his imagination

to it. With the pessimistic Spengler one could at least hope that the melancholy spectacle of flowering and dying civilizations would come to an end; but with the more cheerful Toynbee one must fear that this sort of thing will be going on as long as the earth holds out. For, accepting figures given by Sir James Jeans for the duration of the earth, Toynbee calculates a future of 1743 million civilizations." Voegelin then quotes Toynbee's own words, "'Imagine 1743 million completed histories each of which has been as long and lively as the history of the Hellenic society; 1743 million reproductions of the Roman Empire and the Catholic Church and the Teutonic Voelkerwanderung; 1743 million repetitions of the relations between our Western Society and the other societies that are alive today!'"[79] What Toynbee and others have done is to restate the idea of man and history so that there is no distinction between natural processes and historical ones. This is in line with the tendency of modern science to equate natural processes and human processes. However, it should be clear to us that this approach to man and history is not only a return to mythological modes of thinking, since man in this view is totally dominated by and engulfed in nature but also that it is a retrogression to pre-Biblical speculation. The Bible clearly and definitely separated man from nature. The Bible sees man as a spiritual self-conscious being who has an inner life which gives him an ideal which is opposed to the actual and which he must try to achieve.

Once we have distinguished between cosmology and history, the second aspect of the messianic age which was just briefly introduced can be elaborated. In the Bible the cosmological and the historical are not only clearly separated, but in many important respects they are

antagonistic. As long as the gods were aspects of nature, then this separation could not have been conceived. But with the idea of God as a transcendent being, then the moral character of man was no more confused with natural processes. What man ought to do is actualized in the messianic age. This means the transformation of the natural. It means reshaping the natural in terms of the moral. History implies the transformation of natural law into moral law -- a conquering of the natural world, a reshaping of man and nature in terms of the ideal of justice and peace. It is a transformation which roots out the evil and institutes the good. The messianic age is the ideal which ought to be realized and therefore the natural or cosmological becomes the datum or the matrix of this transformation.

The historical and the cosmological have been shown to be independent and opposed to one another. We can now restate our original characterization of Biblical thought in terms of ideal-actual in a sharper manner.

The ideal as characterized by the messianic age cannot be conceived as part of natural law, and in the same way the natural has nothing moral or ideal about it. This implies an antagonism between what is, which is non-moral and functions according to its own laws, irrespective of man and his well being, and what ought to be, which is moral, making man the center and pivot of all that is. Man in fact is not the center of the universe, yet morally he ought to be its center. This antagonism between the normative which is postulated by the historical and the descriptive which is characterized by the cosmological, is seen in a most explicit contrast in the first few chapters of Genesis. These

chapters present us with two different accounts of creation. A careful consideration of these two accounts will enable us to see the contrast between ideal and actual in its sharpest focus. We shall describe the accounts, try to account for their difference, and show how they necessitate a specific idea of man.

The Bible begins its account of the history of the Jewish people, with the beginning of all beginnings, the creation of the universe. In this first account of creation the world and all its wonders flow forth as from the brush of a master painter. The heavens reveal the glory of God as does the earth beneath. Each level of creation is pronounced "good" and each level calls forth the next as a logical inexorable process, until at last man is created and then, and then only does God rest. This account differs dramatically from that later account in the second and third chapters of Genesis. In these next chapters there is no pronouncement of "Good." Barrenness and chaos reign. Man here has an enormous task. He must wrest farmland from a wilderness, domesticate and name the animals. He must struggle to conquer a non-human world. In the first account man was the climax of creation, the direct center of the universe. But in this latter account we see that man must struggle, he must strive to fulfill a seemingly impossible task.

The first view of creation presents us with an ideal. It gives us the ought to be. The imperative to our action. It paints for us a picture of the completion of perfection and harmony. Man envisions this ideal, but for him it is not yet a reality. He is constantly aware of the hope, the wish and need of the good. He works for the time when man will be fulfilled and when he can in fact be at the

center of creation. But on the other hand man is constantly, and at the same time aware of the actual world as it is. He is aware of how far actuality falls short of the ideal. It is this then, the second view of creation which states for him his actual position. This view is a view at the beginning, an historical view. It is between these two accounts between the ideal and the actual, that the drama of man in history is to be enacted.

Now reconcile these two views of creation? Not theoretically, there is no theoretical reconciliation of the ought and the is, of the normative and the descriptive. Rather one must start with them both and then and only then is the actual intelligible. But still it may be said, there is no reconciliation. Granted the ideal must be before the actual but how can we harmonize the ideal and the actual? This harmony is a practical one, an historical reconciliation, and that is man's task as creator. It is man that bridges the chasm between the ideal and the real. Man is in fact not the center of the universe, yet he strives to become its center. It is this striving towards self-mastery and the control of nature which constitutes the "essence" of man. It is man's essence to be the instrument through which the ideal becomes actual. It is man's nature to reconcile the two views of creation.

Once we see clearly the antagonism and the gap between ideal and actual, the role and function of man becomes evident. Man is the actualizer of the ideal goal. He is the transformer of nature so that natural law can be subsumed under moral law. He is the instrument by which the ideal in all its variety achieves actualization. This concept of man sees man as a creator, an innovator, one who continually

transcends, over reaches and goes beyond any particular historical situation or natural limit. Man's task is to transcend any given natural or historical limitation which impedes the actualization of the ideal goal. This view of man as self-transcendent makes him in effect a citizen of two worlds. In the story of the Garden of Eden, Adam's eyes were opened. He became aware of the moral and spiritual world which had to infuse and overcome the natural. It is this awareness of the moral ideal, of another world, that is to be actualized that gives man his quality as a self-transcendent being.

Man transcends himself in a number of ways. All of culture is an embodiment of man's action, of his self-transcendence. We shall consider those elements of self-transcendence with which the Bible and especially the prophets are concerned. We shall consider man as a self-transcendent being in respect to knowledge, morality, and history; we shall also see how these broad categories can include the more specific question of prophetic religion.

First, man transcends himself in knowledge. Man transcends himself in the knowledge of principles and laws which are not given to him in sense experience, but which he must overreach himself to find. To conceive of a principle of unity while all of man's experience is diversified both in nature and history is truly an act of self-transcendence. To know the world as a cosmos, as a lawful working of basic principles which make science possible, is a true self-transcendence. Man is the only part of the universe who seeks to understand the whole and to incorporate in himself the knowledge of all reality.

Secondly, man transcends himself in ethics. Man has ideals and goals for which he would sacrifice his life. This is an act of self-transcendence. When man reaches out to his neighbor in compassion and love, making his cause one with his fellowman, he over-reaches himself. In the building up of culture, taking that which is natural, which is non-moral,and making it ethical, man goes beyond himself. Man is the only creature of nature who seeks to transform nature into something radically different. This is an act of self-transcendence. Finally, man transcends himself in history. Man has the idea of the future he sees the present in terms of the future. He can envision something other, something that is lacking, and yet might be. In this respect man transcends himself. Man is self-conscious, he is aware of his limits, of his finitude. But in the very awareness of his finitude he transcends it. One can only be aware of finitude if he has a broader perspective. This broader perspective is an act of self-transcendence. Man is the only part of nature who can conceive of the future, and is self-conscious, recognizing his finitude.

In all these ways,then, we can see how man transcends himself. In knowing principles, in ethics, in culture and in history, man shows his creative essence.

The idea of man as self-transcendent, as the instrument of reconciling the ideal and actual gives rise to a concept of religion which is unique in human history. This is the kind of religion the prophets preached and worked for. It is an activistic, this worldly religion. The center of the religious becomes the moral, its ideals and goals are justice and righteousness.

Prophetic religion is not concerned with the contemplation of the harmony and order of the universe but with the transformation of the universe. Prophetic religion takes its task from the second view of creation with the first view as its goal, not its center. The reconciliation of real and ideal teaches us that it is not enough to talk of peace and brotherhood, of equality and freedom but that we must engage in the activities that bring about equality, freedom, and brotherhood. What is unjust in our world, in our country, in our town, in our homes and in our lives must be the starting place for our religion. This drama of ideal, actual and self-transcendent hovers about us. We face it in all our actions, in all our relations. In our contacts with others and with our loved ones, we must either act in a manner that is moral, self-transcending, or we exempt ourselves from the very basis and meaning of life. The prophetic view compels us, it cannot let us hide. It forces us to see ourselves in the process. It does not speak of the history of one nation but of mankind. It does not speak about one people but of all people. It does not speak of a parochial ideal but of the ultimate ideal, man's coming to be the center of the universe. It is impossible for man to step aside; he must answer yes or no. He must answer yes or no, whenever he sees an injustice perpetrated. He must answer yes or no whenever he can in some way alleviate misery and pain. He cannot say it is another's task, for outside of this drama there is no stage, there are no players, there is no play. Man must act. Man must stand for the right in spite of its consequences, as Jeremiah, Amos, and Isaiah stood up for the right and faced the consequences. Man must struggle against tyranny

and oppression in all its forms. Just as Amos stood up to Jereboam, and Jeremiah to Jehoiakim. Prophetic religion is against the secularization of values. It denies that religion has nothing to do with the affairs of state. The prophets struggled and fought against nationalistic motives when they came in conflict with justice and mercy. They fought Kings and priests and the prophets of the state religion. Prophetic religion identified itself with mankind and not with any particular nation; it called for justice to the poor aand needy, for relief of oppression and exploitation.

One of the most basic aspects of prophetic religion is its rejection of a theoretical resolution of the ideal and the actual. Implicitly in everything we have said about prophetic religion is its activism. This is the view that somehow man's ethical activity in history brings about the reconciliation of the normative and the descriptive. Yet the normative and the descriptive cannot be theoretically reconciled because this would be a return to some form of cosmological orientation; it would be a rejection of history. We therefore cannot truly appreciate prophetic religion unless we consider its relationship to a religion that is cosmologically and not historically oriented.

Cosmological religion maintains that the ideal and the actual, or as it is sometimes formulated, the infinite and the finite, can be rationally mediated. This view involves justifying the world rather than transforming it. This view ends up in a kind of pantheism and consequently denies the reality of evil. The denial of evil in essence transforms the problem of evil into the problem of error. It thus re-

duces ethics to logic. The reduction of ethics to logic is impossible in prophetic religion, since only action can bring about reconciliation. A cosmological fusion would be a reductionism. Only an historical fusion can be a genuine fusion, bringing reality up to morality rather than the reverse.

There is, however, another very important and popular interpretation of certain selected aspects of prophetic literature (especially the twenty-fourth through the twenty-seventh chapters of Isaiah and some of the prophesies on the nations) which construes prophecy as apocalyptic. We believe that the difference between prophecy and apocalypse is basic and clear. There is no doubt that some aspects of the teaching of the prophets can be seen as a basis for apocalypse. However, the scant references in the prophets to a judgment day which is metaphysically hypostatized is not only vague, and therefore unlikely to be a basis for elaborate construction, but also overwhelmingly opposed in the rest of the prophetic writings.[81] It is nevertheless important to understand the relationship between prophecy and apocalypse, not only in order to clarify our discussion of prophecy but also because the apocalyptic view of man and history is extremely forceful and effective today.

CHAPTER XI

PROPHECY AND APOCALYPSE

The prophetic view of man as a self-transcendent, historical being is essentially opposed to the apocalyptic view. The prophets confronted the people with an historical demand, within an historical situation. They faced the people with an ideal and pleaded with them to actualize that ideal. Such a view is meaningless without the historical moment, without the demand of the historical situation, without its imperative and its consequent good. The essential character of prophecy is historic, it sees the good as actualized within and through the historic process in terms of man's response to a demand.

The apocalyptic view on the other hand, is not historic. Basically this view is a denial of history, since it sees man's salvation as an eschatological act of grace. Man in no way contributes to his salvation or to the coming of the messianic age. Salvation is purely an act of God and not an act of man. Apocalypse attempts to show the helplessness of man and the incapacity of man to achieve the good through moral action. Man's existence in this view is projected into the future. Man becomes dissociated from history, and history is irrelevant. Man's moral action takes on a completely different character. He can no longer root out the evil, transform nature, or bring about the just society. All he can do is perform those acts or ceremonies that insure his own salvation. The dominant question becomes, how can I be saved? What is required of me to achieve salvation? And salvation, as opposed to the prophetic response, is a purely passive state brought about wholly externally, through sacraments and ritual. The dominating concern of apoca-

lypse is the projection into the end of days of the saved and the damned. The concern is with the achievement of the former and the avoidance of the latter. Salvation is the prime and major concern; all else revolves about it. And since each man is saved through grace, the historical process becomes meaningless.

This accent on salvation completely redefines all the elements of prophetic religion so that it disfigures and distorts them. It takes the natural element in man which resists his moral nature and hypostatizes it into the concept of an historical flaw or original sin of which every man bears the burden. It takes the basically moral character with which man is constituted and severs it from man, placing it at the other end and viewing it as grace. In this respect the concept of revelation has become a dogma. If man is a sinner needing atonement or insight since of his own efforts he is helpless, then revelation can only mean the giving to man of something totally beyond him. Revelation and grace become closely related. In prophetic thought revelation is not dogmatic. It is not external to man; it is in man. "It is in thy heart and mouth" says the Book of Deuteronomy. The prophets appeal to the best that is in man. Yet this must come as a command from a holy will. A will that is not totally other, rather it must be a will which if man were wholly rational in his actions, he could arrive at by himself, and he must certainly understand it in order to follow it. If the idea of revelation was as the apocalyptic writers believe, then it would be unintelligible. God's word would be wholly other, and there would be no way of imparting it to man except as another act of grace.[82] The prophets did not speak of the ideal demand that is made on mankind as something that necessarily was revealed.

It was the expression of the divine will. A will which if man were only rational or moral he could readily understand.

It is only a short step from the apocalyptic view of man to the tragic view of man. It is this basic compatibility that enabled Christianity to fuse the two. This fusion synthesized the doctrine of the inherent flaw in man and his insight into this flaw with the concept of original sin and salvation. Such concepts are in direct opposition to the prophetic view.

We must carefully and clearly distinguish between the prophetic and tragic-apocalyptic view of man. The latter affirms that there is a basic flaw in man, an original sin, a death urge, or (in modern phraseology) existential dichotemies which dominate man's life. Whether one is talking of Greek tragedy, Christian religion, Freudian psychology or modern existentialism, there is a firm bond of agreement as to the constitutive characteristics of man's make-up. Man must atone for these inherent characteristics and overcome them. In Greek tragedy the atonement is brought about through the tragic insight which enables the tragic hero to understand his flaw, but which prevents him from overcoming it. Even in ancient comedy where the insight leads to a good result, the result is still for the individual and it cannot be transmitted to the next generation. In Christianity, atonement comes through grace which is also limited to the individual. In Freudian psychology, insight comes through analysis which the analyst performs. This frees the individual from the guilt and frustration imposed upon him by his social situation. In existentialism, insight is gained through the resolution of man's basic existential dichotemies primarily man's dread and fear of death. All these views deny that man is an historical being. Man is chained

to an inherent flaw or sin for which he must atone. Each individual has to repeat the same performance, the same succession of sin, insight, and redemption. The transformation of nature that occurs in time as a historical process which brings about greater and greater unity and greater and greater fulfillment for man is denied. What is asserted is that living is an atonement. Man can awaken to see the tragic structure of reality but that is all. The cycle or the eternal return is the symbol of tragedy. It is the elaboration of the mythical concept of fate which weaves its net and destroys and ensnares all who try to vary from its decrees. This concept of sin or flaw makes the past dominate the future. The present and the future have within them the deteriorating seeds of the past. We may break the bonds of the past in the case of an individual through grace or insight, but the cycle continues age after age. In opposition, the prophetic view of man views the future as dominating the present and the past. For the prophetic view man is viewed as a creative, innovating creature who transcends himself and nature in terms of an ideal goal. That ideal goal is unity, the unity of nations, of history, and of man. The future affects the present not as a reality, not as a dogmatic affirmation of a judgment day where there will be the saved and the damned, but rather as an ideal, as a possibility which will accompany righteous action. It is not a certainty rendering history meaningless. It is an ideal, a limit, a regulative principle which makes morality the determining factor, since it sees the messianic age as determined by man's answer to the moral imperative. The actualization of the ideal is man's only salvation.

We can see that the opposition between the two views of man has

at its root the question of the relation of man to history. The tragic and apocalyptic view of man ultimately deny history, since their universe of discourse is limited to the individual, and his basic concerns, sin and salvation, are abstracted from the historical process. Being non-historical it ultimately is anti-social and anti-moral also. When the individual himself is made the central element, then all else becomes peripheral. The highest good becomes individual salvation or immortality. This is anti-social in the sense that it includes others only to the extent that they participate in the drama of salvation. It is anti-moral because it makes self-sacrifice inconceivable. I may sacrifice myself only to obtain salvation. I act ethically only because of my heavenly reward and not because it is right.

The prophetic view on the other hand is in its very essence historical. History is directed by demands which are made because the right is to be realized or is in jeopardy. It is in this imposition of the moral form on historical material that the historical moment is achieved. From such actions other historical demands are raised which the next generation faces and to which it responds. It is this national and ultimately universal response to a particular historical situation in terms of an ideal goal which makes history and prophecy possible. It is the inability to escape the moral demands of history which makes prophecy universal. The concept of one mankind, one humanity and one history enables each individual's ethical act to anticipate a universal and world-wide ideal. The messianic ideal is a basically historical idea, since it incorporates into its content all of mankind and all of history.

CHAPTER XII

THE ETHICS OF BIBLICAL LAW

We have seen that the contrast between ideal and actual is one of the most essential elements of Biblical ethics. It is characteristic of Biblical charactery and especially of Biblical law. One of the most repeated criticisms of the legal sections of the Old Testament concerns the principle of an eye for an eye, and a tooth for a tooth. This is interpreted literally, that is, that one's eye should be actually plucked out to compensate the plucking out of another's; such a legal principle is seen as bestial and uncivilized. We know that the Talmud speaks of monetary compensation in such situations and that certainly modern law views the repayment of damages in monetary terms. However, it is argued that the Bible holds the literal concept. Now in order to fully understand the concept of lex talionis, we must comprehend a number of basic concepts implicit in Biblical law. The first and most important concept is that a man's life has infinite worth. Man is not like property and his value cannot be transformed into dollars and cents. Eichrodt points this out clearly when he states that "in sharp contrast to the custom of other people capital punishment ceases to be inflicted in Israel for crimes against property; this has nothing to do with a general relaxation of the ancient strict calculation of punishment ... it is rather that the personal thought of ancient Israel as a community of justice is illuminated from a new angle: in contrast to all value attached to things the life of a guilty man is reckoned as unconditionally more valuable, so that it cannot be balanced against the damage done, and may not be sacrificed to the egoistic protection of property by the community."[83] This

implies that it is impossible to ask how much money can buy a life since it is priceless. Other ancient legal systems did conceive of man as property and therefore one could in principle purchase not only a man's life but his eye, his tooth, etc.[84] The Bible, however, asserts that man cannot be purchased.

A second concept which must be clear is the distinction between ideal and actual in Biblical legislation. This underlies the distinction between principle and practice. Ideally man's life or eye is priceless. They cannot be compensated for, so that ideally only another life or another eye can justly compensate for the lost eye. However practically the loss must be compensated monetarily. At the very heart of this distinction is the concept of justice - absolute justice necessitates life for life, eye for an eye. Practically monetary compensation must suffice. It is interesting to see that the Talmud understands the law in this way. They asked, how is it possible to exactly duplicate an eye for an eye; suppose one man was blind in one eye, then there would be no exact compensation. Thus they viewed it as practically necessary to exact monetary compensation.[85] The ideal of justice is crucial here and it is a task to be actualized in legislation. It is the ideal of justice which shapes the actual and gives it its moral dimension. The actual can only be comprehended in terms of the ideal of justice which is the goal of the diverse particular laws.

I believe that in Biblical times the meaning of the formula of a life for a life, an eye for an eye was monetary. This interpretation is based on a number of verses. In the thirty-first verse of the thirty-fifth chapter of Numbers, it is said, "Moreover you shall accept no ransom for

the life of a murderer who is guilty of death; but he shall be put to death."[86] This verse states that ransom cannot be taken for murder, clearly demonstrating that one must make a separation between property and life, and also that ransom is to be taken for lesser crimes. The question of the passage is whether ransom which is acceptable for lesser crimes can be extended to the crime of murder. This extension is explicitly rejected in the verse. The above passage ended with the statement, he shall be put to death. This statement is made explicitly wherever capital punishment is meant. Otherwise the formula, life for life, eye for an eye, etc., is used. We can see this in a passage from Leviticus. There it states, "He that smiteth a beast so that it dieth shall make it good, life for life."[87] This certainly does not mean that they kill the beast of the individual who smote it. Rather, life for life means compensation. If there is any doubt about this, a later passage clarifies it. It states, "He that killeth a beast shall make it good and he that killeth a man shall be put to death."[88] This is also evident from a statement in Exodus, "If men contend and one strike the other with a stone or a club and he does not die but is confined to his bed, then if he rise again and can walk out supported on his staff, the one who struck him shall be acquitted, only he must pay for the loss of the other man's time until he is thoroughly healed."[89]

It is therefore clear that the idea of lex talionis is an attempt to arrive at absolute justice and cannot be interpreted literally. The principle of eye for an eye instead of being something to deprecate when seen in its proper context is an extremely important principle. Embodied in it is the concept of equality. This principle introduces individual responsibility rather than collective responsibility. The individual,

not his family or tribe is punished for the wrong committed.[90] This principle insists that the punishment fit the crime, the question of fairness and equitable treatment is introduced. All citizens are then equal before the law. The same law applies to the stranger and the home-born. The same law applies to the rich man and the poor man. Only if we keep in mind the principle of equality can the diverse legislations in the Pentateuch be understood. Such statements as "There shall be one law for the native and for the stranger who sojourns among you"[91] or "And I charged your judges at that time 'hear the cases between your brethren and judge righteously between a man and his brother or the alien that is with him'."[92] Or again, "You shall not oppress a stranger; you know the heart of the stranger, for you were strangers in the land of Egypt."[93]

It was this ideal of equality and justice that inspired the prophets to urge the people to return, to repent of their evil ways. The ideal of equality was continually opposed to the actuality of the historical situation. Ideally, men were brothers but slavery was a fact.[94] Ideally, absolute justice must be the ideal of judges, but actually bribery and corruption were constantly manifesting themselves.[95] The importance of the ethical legislation cannot be overestimated, for it was this ideal to which the prophets harked back to. It was these principles of equality and justice that motivated the prophets to condemn Israel for her sins.[96] The meaning and character of the law rested on the idea of the covenant. If we are to understand the ethics of Biblical law, we must see its foundation in the idea of the covenant. The basic and essential character of the covenant is that it rests upon and presupposes two fundamental ideas. First, the idea of freedom, and second, the idea of ob-

ligation. The covenant as a social contract was not imposed upon Israel by a sovereign will; rather, the law was freely accepted as binding upon the people. However, the basic content of the social contract or covenant which bound them to accept a constitution by which they would live was one dominated by concepts of righteousness, justice and equality. This acceptance was not only binding on the people but even on the kings and it constituted a unique situation in ancient history. The kings themselves had to obey and follow the law. There is no question here of the law issuing from the sovereign. The sovereign was bound by the law and if he acted against the law the prophet was around to remind him and judge his actions.[97]

Although it may be shown that the concept of the social contract was derived from the Biblical concept of covenant;[98] still the Biblical covenant is essentially different from the social contract. Kagan points this out in his comparison of the Rousseauian and Hebrew concept of social agreement. He states, "The basic difference in the nature of the agreement is that for Rousseau the parties to the contract were the people who entered into mutual promises, in the same manner as any two or more persons at the present day may enter into a business relationship with each other. Thus Rousseau's social agreement gave rise solely to rights in personam between the members of the community who entered into the understanding. It did not create anything but a contract as indeed its name 'Social Contract' indicates. Very unlike this, however, is the agreement in which the Hebrew jurists believe. The people were inspired by special ideas and with a special purpose, namely to create an everlasting reign of justice. ... In Hebrew law, although the relationship did originate in agreement, yet once that agreement had been reached, there resulted not

a contract creating a right *in personam* but a social institution in which the participants created for themselves and for their successors a right *in rem*, an institution which enshrines justice in its broad sense."[99] I believe that at the basis of this distinction between the social contract and the Hebrew constitution is the question of positive and natural law. If the will of the people expressed through the sovereign is the ultimate authority, then there cannot be any goal or direction for the law. There then is no standard for judging the actions of a nation. However if the law is seen as embodying certain basic and universal principles of justice and equality, then it has a criterion for its action. Hebrew law thus fits in well with a concept of natural law as opposed to positive law. This allignment with natural law is extremely crucial for ethics since ethics sees the law in terms of the ideal goal of establishing through the law a reign of righteousness and justice for all mankind. Natural law enables the establishment of legal principles which apply to one world or one mankind, since it has a universal basis and goal. It is important to be clear on this distinction between the concept of a right *in personam* and a right *in rem*. In the former it is the agreement itself which constitutes the rationale for government; in the latter, it is the goal or substance of the agreement, which constitutes the rationale. The agreement is a necessary requirement in the latter, however, since all responsibility is rooted in the concept of freedom. Once this distinction is made, it can be clear to us how the concept of social agreement can provide for basic rights of the individual.

We have seen that the basic ethical foundation of Biblical law were rooted in a concept of the covenant which is the ground for the concept of natural law. And furthermore that the basic goals and ideals of

Biblical law were aimed at justice and equality.

One of the most significant aspects of the ethical character of Biblical law is the inclusion of charity under the concept of justice. This can be exemplified in the attitude toward the poor, and the underpriviledged. Not only is the support of the poor a legal obligation,[100] but also a number of philanthropic provisions for the poor and underpriviledged were instituted in the law as a legal obligation. These provisions include the leaving of the forgotten sheaves,[101] the sharing of offerings,[102] the distribution of the tithe, and the remission of interest in general and on the seventh year in particular.[103] These provisions clearly indicate the humane and charitable character of Biblical law. Perhaps this idea may be best expressed in the command not to be partial to a poor man in his cause.[104] This statement is possible only in a context which would normally regard the poor man and place him in a favorable light. Even in treating a poor man, equality and justice must be dominant. A judge must be absolutely just no matter if the defendent is poor or rich.[105] It was the concern both for justice and for the poor that contributed to the humane legislation which brought provisions of charity under the direct functioning of justice.

Perhaps the most remarkable aspect of Biblical law in reference to its ethical formulations is the continued appeal to the personal motivations and inner life of man as a moral being and its consequent expression of the law in terms of conscience and thoughtfulness and love. It is this characteristic which places the legal injunctions on a higher moral footing and it is the root of the difference between morality and legality. Such statements as the injunction to love thy neighbor as thy

self, and even more to the point, to love the alien, and to identify oneself with him because you, too, know the feeling of being aliens, point to a foundation of action which transcends all legality and mere performance of an act because of its legal character. This is highlighted not so much by an appeal to similar experience and situation alone but rather rises above it with the conception that one law shall rule over all. One law shall be for the Israelite and for the stranger. One law because man in the Bible is not the Israelite, or the free man, or the rich man, but all men, mankind.

CHAPTER XIII

RABBINIC ETHICS AS LEGAL ETHICS

The vastness and complexity of Rabbinic literature makes it extremely difficult to discuss any aspect of it apart from the rest. This is especially true of Rabbinic ethics. Throughout the Halachic and Haggadic material developed by Rabbinic Judaism which covers over a thousand years, questions of ethics are discussed and formulated. Anyone who wishes to deal with the ethics of the Rabbis in any critical sense must therefore be thoroughly acquainted with this material. Unfortunately, I am not competent to deal with this material with any degree of thoroughness. The only possible approach for me to use in investigating Rabbinic ethics is to outline its most general features and consider its general character.

The general character of Rabbinic ethics is its legal character. The one aspect of Rabbinic thought which was dominant throughout its history, regulating the life and thought of the Jewish people, was the Halachah. The Rabbis attempted to concretize basic ideals and values through elaborating a legal system which regulated personal and social relationships. Because of this the Rabbinic ethics can be designated as legal ethics.

In our discussion of Biblical law, we endeavored to show that questions of law were always viewed in terms of ethical principles. The injunction of justice and righteousness dominated the particular laws and statutes. We pointed out that concern for the poor and needy was instituted in the law and classified under the heading of justice. Now this trend of concretizing basic ethical ideals in legal enactments was carried out with great detail and breadth by the Rabbis. The Rabbis were the

first to institute community charity, and community education.[106] They created the synagogue,[107] and in general instituted a nomocracy. The point of the legislation was to bring about in practice, as much as possible, the ideals and values of the prophets and the Torah.[108] The Rabbis specifically discuss the question of the relation of law to justice in the Talmud. The discussion centers around the explanation of a text in the second book of Samuel. The text states, "And David executed law and righteousness towards all his people."[109] The problem the verse poses is the apparent impossibility of David's being both lawful and righteous to both parties at the same time. One answer to this is that arbitration was meant. This answer would take into consideration both parties and would still be based on the law involved. Arbitration also is consistent with that verse in Zechariah which asks the judge to "execute the judgment of truth and peace in your gates."[110] Arbitration is the only judgment which will also effect peace. Another view interpreted the law literally maintaining that David gave out of his own pocket when the fine fell on a poor man. This translates, zedakah, as charity. The reply to this interpretation is that the verse would then have said "towards the poor" and not "towards all his people." The answer must therefore be that "even if David had not given the assistance out of his own pocket he nevertheless would have executed law and justice; law to the one to whom he awarded his dues, and justice to the other by freeing him of an ill-gotten thing in his possession."

Kagan discusses this question and concludes the presentation of the different views by saying that "the discussion in the Talmud on these verses is not limited to the mere interpretation of the words contained

in them. The Rabbis of the Talmud were concerned with the problem of law as a whole and with its relation to justice in particular. In this passage of the Talmud several approaches to the concept of justice can be found. One depicts the underlying idea of justice as the furthering of human happiness and the alleviation of human suffering as in the above example of David giving to the poor. Another is based on the idea of human perfection, on moral and ethical standards, as in the second example that the unsuccessful party should be glad that he has been freed from the odium of retaining an ill-gotten or unfair enrichment."[111]

The implicit assumption of the whole discussion is the goal of achieving both peace and justice in adjudication. We cannot here discuss the nature of particular legislation in order to see the degree to which the ideal of justice was concretized in many and sundry laws. We can however point out that workers and scholars in these areas have definitely illustrated the close connection between law and justice. Kagan, in his book, Three Great Systems of Jurisprudence, shows with regard to the legal questions of uses,[112] trust,[113] pledge,[114] and family law,[115] that regard for justice and righteousness were dominant in their formulation. Kagan believes that the close connection between law and ethics which is represented in Jewish law is based on its character as a monistic system. As such it did not have two separate machineries, such as common law and equity in English law, or the civil law and the Praetorship in Roman law. He states, "the Romans and the English had different forms of machinery for the intervention of equity in their respective legal systems. On turning to Hebrew law however ...it will be seen that whereas other systems found it difficult to identify the concept of law with the idea of natural justice, the Talmudic lawyers

never had to make any distinction in their system between the two notions, since for them law and justice were in perfect harmony."[116]

We have seen in our discussion of Biblical law that the idea of natural law as opposed to positive law was actually implicit. This is especially true of the Rabbis and is underscored by the general idea that the ethical character of the law can be arrived at through reason. The whole discussion of rational and dogmatic commandments in general and Maimonides conviction that all the commandments were rational although we may not at present know the reason for all of them implies the belief that the laws are in truth rational and universal in character. The idea that the commandments can be arrived at through reason not only implies their universal character but also supports the overall view of revelation which we discussed above.

Now the concept of natural law implies that individuals have basic rights which must be respected and which must be recognized by any system of law. It also implies that law is concerned with rights that are essentially rational and logically derivable. Natural law also gives a standard by which legislation can be determined. All the elements of natural law, reason, and justice are interrelated in Rabbinic thought. It is however important to see this interrelationship in a more detailed manner. Fortunately, Dr. Atlas in his excellent and stimulating article on "Rights of Private Property and Private Profit" clearly relates these diverse elements by demonstrating the basic regard for rights, rationality, and natural law in Rabbinic jurisprudence. He also shows the place of ethics in law in a more specific sense by illustrating diverse legal questions which were explicitly formulated in terms of ethical injunctions. In reference to the basic concept of rights in Jewish law, Dr. Atlas states,

"The contrast between Jewish and Roman law with regard to duties interfering with rights follows from their differences as to the very concept of property. While for the Romans, property is a concept of power ... according to Jewish law property is a concept of right, and when strict ownership interferes with justice, property rights had to be accommodated and changed accordingly."[117] This has significant implications. It implies that rights are divisible. If ownership were identified with power then there could be no division of property rights, even where this would be necessary for the social welfare. Dr. Atlas clearly states this implication. He states, "If the concept of ownership should be defined as full and unlimited power over a thing, then limitations of property-rights are somehow incompatable with its very definition. Jewish law of property contains a great deal of limitations of proprietary rights. And this is because Jewish ownership is not an expression of the individual will and power but of rights, and the rights can be divided as well as limited in the interest of the community as a whole. The idea of the common weal frequently overrides individual property rights."[118] Dr. Atlas goes on to show that rights have their basis in natural law. While discussing the limitations which Jewish law placed on the King, he epigrammatically states, "The rights of sovereignty are subordinated to the sovereignty of rights."[119] Now the sovereignty of rights find their basis in natural law. Dr. Atlas continues by summarizing the basic concept of natural law as applied to the right of property. He states, "The Talmudists apparently considered the right of property to be rooted in the law of nature and sought to make possession simply a natural right."[120]

We have previously discussed the importance of reason for the concept of law in general and natural law in particular. Dr. Atlas clearly

states the basic function and significance of reason for law as well as its close interrelationship with natural law. He states, "One of the main sources of Talmudic jurisprudence is logic. It is the determining factor in the dialectical discussion of the Talmud for the definition of the law. ... there is always observable an attempt to encourage as far as possible the autonomy of juristic thought ... The Talmud is not satisfied with describing the positive law but seeks to give it a logical foundation and thus to evolve a law of nature."[121] I have already mentioned the Rabbinic idea that the rational commandments are derivable from reason. This idea of the rational foundation of the commandments has been dealt with in a thorough manner by Lazarus in his Ethics of Judaism[122] so there is no need to dwell upon it here, except to mention that it is an extremely important concept in developing a system of natural law.[123]

After having discussed the question of right and reason and their relation to natural law, we can see more adequately the basic relationship between ethical principles and legal enactments. Dr. Atlas mentions a number of legal enactments which were aimed at ethical goals. In discussing the right of preemption he states, "Because it is in the interest of the associate to get the object fully in their possession, while it does not disadvantage the seller, the Talmud granted priority to the associate. Moreover, when it had already been sold to a third person the transaction can be nullified by the claiming partner. The Talmud motivates this right with the ... principle: "And, thou shalt do that which is right and good."[124] In dealing with the debtor's right to redeem his

former property Dr. Atlas states, "the reason given for this law in the Talmud is the Biblical passage, 'And thou shalt do that which is right and good' which is a moral duty interfering with the rights of the creditor. Indeed this duty imposed out of moral consideration, became a part of the law of property."[125] Another example given by Dr. Atlas concerns the legal enactments based on the verse in Leviticus which states, "And if thou sell aught unto thy neighbor or buy of thy neighbor's hand, ye shall not wrong one another." The verse continues to discuss "the sale of land in relation to the number of years preceeding the Jubilee, yet the Talmud has interpreted the (entire) passage to imply regulations governing just prices in general."[126]

In concluding his essay, Dr. Atlas concisely formulates the close interrelationship between law and ethics. He states, "The epic struggle in which mankind is now engaged (he was writing in 1944) is in the last analysis, a struggle for the concept of law which has developed through the centuries under the influence of both Roman legal thinking and the Biblical concept of right. From the point of view of order, law and right should be given the highest place in the scale of values ... The struggle for law is at the same time a struggle for justice, for law in itself is not an expression of interest and power but of right."[127]

Dr. Atlas' statement shows the close relationship between the aims of law and those of right and justice. He also mentions a scale of values expressed in the law. The idea of a scale of values is extremely important, and we shall deal with it briefly.

The Talmud establishes a scale of values so that one is perfectly clear as to what conditions entail the sacrifice of one's life and what conditions prescribe the saving of one's life, and the trangression of

the law. Maimonides illustrates this point well. He states, "if an idolator will force an Israelite to transgress one of the commandments of the Torah and threaten him with death for disobedience, it is mandatory that he transgress the commandments and not be put to death. Thus if he chose death and did not transgress, his blood is upon his own head."[128] The point of this passage is that one's life is to be valued as higher than all other goods (values or commands) except three. Maimonides goes on to explain this. "Concerning all other commandments save idolatry, adultery, and blood shed, respecting these three commandments if one will say to him transgress one of the three or die, he shall die and not transgress."[129] Another case is cited in the Mishna Terumoth.[130] Here it states that when an enemy says to a group of women yield us one of you so that we may defile her or else we shall defile you all. Then all shall be defiled rather than surrender any one. Another case is stated in Sanhedrin[131] in reference to a man who coveted a woman. Because of his lust he became so ill that his life could be spared only if she slept with him. The doctors then thought that he might be spared if she stood naked in front of him, but the rabbis said no, rather he should die than disgrace the woman. Even her talking to him through a screen was forbidden.

There is a controversy in the Talmud between Ben Petura and Rabbi Akiba. "If two men are travelling on the way and one has a pitcher of water; if both drink they will both die; if only one drinks he will reach civilization (and survive). Ben Petura taught that it is better that both should drink and die rather than one should behold his companian's death, Rabbi Akiba taught that it is written "thy brother may live with three," that is to say, thy life precedes his life."[132]

I believe the above illustrates that the Talmud makes clear under what conditions an act should be performed. It states through a scale of values the relative significance of actions and hence gives them an ethical character. It is interesting to note that there is a difference of opinion between Maimonides and some other authorities on the question of the negation of the three exceptions to the preservation of life. Some hold the view, that one who violates the commandments and kills, commits adultery, or performs idolatrous acts, rather than be killed transgresses in each case the negative commandments not to do so. For Maimonides, on the other hand, they do not transgress it, since in such cases it is considered compulsion. Maimonides says, "Because he committed the transgression under duress, he is not lashed. Needless to say no punishment of death is inflicted upon him by a tribunal even though he commit murder in duress, for no punishment of either lashes or death is inflicted unless one commits the crime willfully, in the presence of witnesses and received a warning."[133]

The basic principle covering the three exceptions in general and all the cases mentioned is the principle of individual worth. A man should not only live and enjoy life but he should be worthy of the life he leads. This means that his continued survival depends on his worth to continue living. This is exemplified by the situation in which the man cannot go on living unless he satisfies his lusts. If man is reduced to such a level, the Rabbis forbid him to even talk to the woman through a screen. If a man's life were based merely on the expression of his lusts or inclinations, then the man's life is not worthy.[134] His life to have worth must have a spiritual and moral character. He must have

an integrity about his being. This means that survival in itself is not a good unless it has a moral purpose, and if one were to survive at the cost of immorality, then one has no right to life. Now the principle of morality that the Rabbis used was the idea that one person's blood is no redder than another's. That is, men are equal and should apply the same principle for all. This excludes making another person more important or less important than you. In the case of the women that were to be defiled, one could not send any of them, since this would mean that the woman sent would have been less worthy than the others. However, since all are of equal worth, then none could be sent. They would all have to be defiled. Similarly in the discussion between Ben Petura and Rabbi Akiba, the gift on the part of one of them of the water to the other would constitute the principle that the one who receives it is more worthy than the one who gives it. This however goes against the principle of equality. Now in reference to the three limitations of commandments which one cannot negate for survival, the limitation on murder can be clearly deduced from the principle of equality. Idolatry follows from the concept of worth. An idolator rejects the whole foundation and meaning of the spiritual life. He would be going against his integrity by rejecting all he held sacred and meaningful. If the perseverence of life forces one to deny everything that gives meaning and significance to life, then he is better off dead. Adultery is identified with murder by Maimonides.[135] Therefore, it falls under the principle of equal worth. One has no right to suppose that one's life is worth more than the humiliation the woman suffers. However, I believe that the concept of integrity fits in here also. A woman's integrity and sense of worth may be so damaged by being violated that one cannot preserve his life at the expense of her worth.

We have shown that Rabbinic ethics was legal in character. We have also shown that the law was not on one level but was scaled according to the principles of equal worth and integrity. In this way the basic point of this chapter which sought to show the subordination of law to ethics was expanded to include the basic concept of worth, dignity, and justice which we have sought to establish as the basic concepts of Jewish ethics in general.

CHAPTER XIV

CONCLUSION

We started our discussion of ethics in general by dealing with method. This method involved the establishment of basic categories by which we could coordinate the various dimensions of the ethical object. In the chapters that followed, we arrived at the basic ethical concepts of the autonomy of the will and the negation of any predetermined good. We established the necessity of having a normative ethics as opposed to a descriptive one. We attempted to show that ethics must relate the good to the will and establish a highest good. We further distinguished natural and moral agency and sought to establish the freedom of the individual. Finally, we based the foundation of ethics on reason.

We maintained that only an ethics which met those requirements could be genuinely moral. Now it is important for us to see to what extent Jewish ethics has fulfilled the requirements of ethics. We must see whether or not the ethics of Judaism is consistent with the above requirements.

First of all, we must see to what extent Jewish ethics is consistent with the autonomy of the will. The autonomy of the will presupposes both freedom and moral obligation.

It can be seen in our discussion of the idea of man and history that we viewed man as historical, as above nature, and independent of it in so far as he can present to himself an ideal to be actualized, and then act upon that ideal. We contrasted the cosmological character of religion with the historical character of prophetic religion and in that way illustrated the impossibility of viewing man as a process of nature

functioning according to natural laws. We also showed that as long as man was an aspect of nature, then all that was possible for him was the appeasement of the natural rather than its transformation. In our section on Biblical law, we illustrated the importance of the covenant as a contract which necessitated the acceptance of responsibility on the part of the people. The prophetic movement with its accent on change and repentence and its condemnation of the people's actions implied the acceptance of the concepts of freedom and obligation. We have seen this to be the case more particularly in the prophetic judgment on the Kings of Israel, and in the very concept of man as self-transcendent. The self-transcending character of man necessitates the concept of freedom, in so far as he is a creative, innovating being. The idea of obligation is also necessary, since it is man's task to be the actualizer of the messianic age.

Another basic presupposition of the autonomy of the will is the negation of any predetermined good. This means that the good must be deduced from, or follow from the will. I believe that this is implicit in prophetic religion. We demonstrated that the prophets were failures. They recognized that the chances of their success was slim. Isaiah was fully conscious of this as well as Jeremiah. Nevertheless, they felt an obligation to prophesy in spite of personal consequences. A further illustration of the accent on action rather than the consequence of action was their condemnation of the prosperity of the Kingdoms if it were based on injustice, thereby maintaining that only through righteous action or through the recognition of justice was any good possible. We illustrated this particular aspect of prophetic teaching by discussing the pathos of Isaiah, and his weeping over the people's incapacity to realize that only through justice and righteousness was any happiness, or

salvation possible. However, in all these cases, the prosperity or salvation was always secondary and dependent on moral action. This we explicitly discussed in our contrast between prophecy and apocalypse. In prophecy one seeks to actualize the messianic age through righteous action. The messianic age is not a certainty. It is an ideal goal that necessitates man's action. Apocalypse, on the contrary, postulates a predetermined good which is hypostasized into the saved and the damned. This destroys the autonomy of the will because it conditions the will. In our opposition to apocalypse and our consequent accent on prophecy, we illustrated the autonomous character of the will. We also substantiated the autonomy of the will in our discussion of revelation. Apocalyptic revelation was associated with the concept of sin and grace. Therefore, it necessarily was not subject to reason. However, in our discussion of revelation, we illustrated its rational base. Not only was it considered something that one's higher self would naturally do, but in the prophets' view, revelation became identified with moral action and righteousness, which all nations were duty bound to accept. We further showed that the concept of the covenant, revelation was conceived as a right in rem, understandable by all. In the Rabbinic period we demonstrated the significance of the concept of reason not only in the formulation of the law but in the systematizing of it. It was founded on the concept of natural law which was rationally conceived. We furthermore stated that many Rabbis and philosophers believed that the ethical aspect of law could be arrived at by reason independently of revelation. The significance of rationality in Judaism was also illustrated by the general belief on the part of Jewish philosophers that any doctrine which was contrary to reason was unacceptable.

It can be seen that the autonomy of the will which was the basis of our discussion of ethics in general is not only stated but insisted on by Jewish ethics. We must now see whether the object of the will, i.e., the highest good, is consistent with the ethics of Judaism. Now the very formulation of the highest good in Kant was based on the idea of the Kingdom of God. It was equivalent to the Messianic age. There is no question that the Messianic age is the central concept in Jewish ethics. It is an age of peace and justice where each man will be safe and happy. Now the Messianic age can only be achieved through a reign of equality and justice. The concepts of equality and justice are the ideals of both Biblical ethics and the prophetic writings. In this sense the regard for every individual as having equal rights and morally having equal worth is a necessary requirement for the Messianic age. We have shown that the Messianic age can only come about through the transformation of nature so that an individual's worth can be commensurate with his happiness. This ideal was characterized in our description of the role of man as striving to become the center of the universe, and our discussion of the two views of creation.

We endeavored to show that the highest good was derived from the categorical imperative in terms of the concepts of equality and justice. These two concepts are not only basic to the prophetic writings but also explicitly formulated by the Rabbis in their discussion of self-sacrifice. The recognition of the worth of an individual and his equal worth to any other individual fits in perfectly with the basic idea of the categorical imperative. The recognition of a scale of values as exemplified in the commandments also is consistent with our discussion of Kant's ethics as not purely formal in character, as well as with our criticism of Hegel's position.

I believe I have shown the inner consistency between the foundation for the possibility of ethics in general and the concrete discussions of Jewish ethics. The basic distinction between normative and descriptive which is basic to ethics was insisted upon in our discussion of ethics in general and was seen to be a key concept in Jewish thought in the recognition of the gap and opposition between the ideal and the actual. This basic distinction was broadened to include questions of equality, justice, worth, and their relationship to the actual situation. This brought us to the concept of man and his relation to history, and finally to the ideal goal of action which made both morality and history possible.

In conclusion, I would like to say that this prolegomena to Jewish ethics is not intended to be a descriptive exposition of ethics in general nor of Jewish ethics in particular. It is intended to be normative in character. I believe that we must restate and reformulate basic Jewish ideas in terms of a critical and systematic philosophy of Judaism. This means that we must investigate the thought and literature and history of Judaism with the intention of constructing an over-all philosophy, that is consistent, comprehensive and applicable to our time. In this way we can determine the basic categories which will enable us to accept and reject the past and innovate for the present and future, by means of a philosophical method which determines the basic categories that make the subject matter possible. It is for this reason that we discussed the transcendental method and elaborated the basic principles which would render ethics possible. Only if Judaism is dealt with in the above manner (however limited my attempt may have been) can the present Dogmatism and Scepticism be overcome.

FOOTNOTES

1. Cassirer, Ernst, Substance and Function, p. 273.
2. Green, T. H., Prolegomena to Ethics, Vol. II, Ch. 1. (I have relied heavily in my treatment of freedom on this work.)
3. Kant, Immanuel, Critique of Practical Reason, Ch. 1, introduction.
4. Ibid., p. 21.
5. Ibid.
6. Ibid., p. 20.
7. Ibid., p. 21 (my underlining).
8. Ibid., p. 26.
9. Ibid., p. 33.
10. Ibid., p. 34.
11. Plato, Republic, Vol II, pp. 361-362.
12. Ibid., Gorgias.
13. This is the crucial problem for Platonic ethics.
14. Kant, op. cit., p. 91.
15. e.g., See Miller's discussion in his book The Moral Law and the Highest Good, p. 113-120.
16. e.g., Hegel, G.W.F., Phenomenology of Mind, ch. 6; also, Bradley, F.H., Ethical Studies, pp. 81-98.
17. Paton, H. J., The Moral Law, p. 88.
18. Paton, H. J., The Categorical Imperative, p. 135.
19. Paton, H. J., The Moral Law, pp. 91-92.
20. Ibid., p. 71.
21. Ibid., p. 89.
22. Kant, op. cit., p. 72.
23. Ibid.
24. Ibid.

25. Ibid., p. 42.

26. Ibid., p. 72.

27. Ibid., p. 45.

28. Almost any standard introduction to ethics dismisses Kant as being a formalist in the worst sense of the word.

29. Kant, op. cit., p. 126.

30. Ibid., p. 138.

31. Ibid., p. 139.

32. Ibid., p. 149.

33. Ibid., p. 134.

34. cf. Ibid., pp. 45, 112, 123, 126, 134, 138-139, 140, 143, 148-149, 55, 66, 69, 113-114, 92, 117-118, 119.

35. Ibid., pp. 114-115.

36. Ibid., p. 123.

37. Ibid., pp. 65-66.

38. Paton, H. J., The Moral Law, p. 88.

39. Ibid., p. 104.

40. Paton, H. J., The Categorical Imperative, p. 129.

41. Ibid.

42. Paton, H. J., The Moral Law, p. 96.

43. Kant, op. cit., pp. 70-74.

44. Paton, H. J., The Moral Law, p. 104.

45. Ibid., p. 101, also cf. Paton, The Categorical Imperative, pp. 180-184.

46. Paton, H. J., The Categorical Imperative, p. 185.

47. Ibid.

48. Kant, op. cit., p. 133.

49. Hegel, G. F., loc. cit.

50. Abbot, T.K., Kant's Critique of Practical Reason and Other Works ON Ethics, p. 280.

51. Ibid.

52. Paton, H. J., Kantstudien, Vol. 45, p. 198.

53. Abbot, T. K., Op. cit., p. 303.

54. Paton, H. J., The Good Will, p. 39.

55. Ibid.

56. Whittemore, R., Tulane Studies, Vol. VI, p. 101 ff.

57. Particularly Kierkegaard and Barth.

58. Auerbach, Erich, Mimesis, pp. 1-20.

59. This is not mentioned by Auerbach; however, it fits in well with his overall position. This comparison was first suggested to me by Dr. Atlas.

60. Auerbach, op. cit., p. 19.

61. Isaiah, Ch. 6.

62. Ibid., ch. 22 cf. Blank S., HUCA 1956, p. 84 ff.

63. The idea of time as an anticipation was suggested to me by Dr. Atlas.

64. Isaiah, ch. 6.

65. Jeremiah, ch. 26.

66. Genesis, ch. 47, v. 9.

67. The year 702 B.C.E. is generally given by Biblical scholars.

68. Micah, ch. 6.

69. Amos, ch. 5, cf. Isaiah, ch. 1, Jeremiah, ch. 7.

70. Isaiah, ch. 40.

71. I Kings, ch. 19.

72. Eichrodt, W., Man in the Old Testament, p. 30.

73. Micah, ch. 4, cf. Isaiah, ch. 2.

74. Eichrodt, op. cit., p. 15, cf. Caird, E., Evolution of Theology in Greek Philosophers, ch. 17.

75. Cornford, F. M., From Religion to Philosophy, p. 8.

76. The Greeks were basically opposed to history. They looked down on the changing and ephemeral. Herodates speaks of History as an investigation into reports and events. Thucydides viewed history as cyclical and his writings are illustrations, what Collingwood has called "paper and paste" historiography. On this question see Collingwood, R. G., The Idea of History, Part I.

77. Voegelin, E., Order and History, Vol. I, p. 126.

78. Ibid., p. 127.

79. Ibid., p. 125.

80. Eichrodt, op. cit., p. 35-51.

81. Blank, Sh., Prophetic Faith in Isaiah, ch. 8. Blank gives an account of Prophecy which is in many respects similar to our presentation. For a presentation of prophecy of a non-apocalyptic type, see chs. 1, 3, 4 and 7.

82. This is implied in the very formulation of the problem in the modern neo-orthodox movement.

83. Eichrodt, op. cit., p. 11.

84. Mikliszanski, J. K., "The Law of Retaliation and the Pentateuch," The Journal of Biblical Literature, Vol. 66, This article is extremely instructive on the whole question of Lex Talionis. For references to this law in other cultures, see the commentary in the International Critical Commentary, the verse quoted from Numbers.

85. Baba Kamma, 83B, 84B.

86. Mikliszanski, op. cit., p. 297.

87. Ibid., p. 298-299.

88. Ibid.

89. Ibid., p. 296.

90. Eichrodt, op. cit., p. 10.

91. Exodus 12:49.

92. Deuteronomy 1:16.

93. Exodus 23:9.

94. Leviticus 25:44. Foreign slaves were to be slaves forever. Though Hebrew slaves were more humanely treated than in any other nation and the rights of slaves were recognized in general.

95. This is evidenced by the prophetic denunciations of bribery and corruption on the part of Judges. Cf. Isaiah 1:23; 10:2.

96. Eichrodt, op. cit., pp. 22-23.

97. Ibid., p. 20. cf. Samuel 12; Amos 7; Jeremiah 26.

98. Kagan, K. K., Three Great Systems of Jurisprudence, p. 94.

99. Ibid., pp. 117-118.

100. Kent, C. F., Israel's Laws and Legal Precedents, pp. 128-132.

101. Ibid., p. 128.

102. Ibid., p. 129.

103. Ibid., p. 131.

104. Exodus, 23:3.

105. Leviticus, 19:15.

106. Kagan, op. cit., pp. 120-124.

107. Ibid., p. 83.

108. Ibid., pp. 127-162.

109. II Samuel, 7:15, cf. Sanhedrin 6B.

110. Zechariah 8:16.

111. Kagan, op. cit., p. 131.

112. Ibid., p. 139.

113. Ibid., p. 141.

114. Ibid., p. 143.

115. Ibid., p. 149.

116. Ibid., p. 19. No doubt, this is an exaggeration of the ethical character of Hebrew Law. Nevertheless, as compared to dualistic systems, Kagan's point is in the main correct.

117. Atlas, S., "Rights of Private Property and Private Profit," CCAR Yearbook, 1944, p. 8.

118. Ibid., p. 12.

119. Ibid., p. 15.

120. Ibid., p. 16.

121. Ibid.

122. See especially Chapters II and III.

123. Atlas, op. cit., Footnote 123. It is important, however, to mention that natural law does not mean a law of nature in a descriptive sense. Rather, natural law means that there is a universal and objective standard by which law is judged. It means the rejection of law as an end in itself. We pointed out the normative character of natural law in our contrast between the social contract and the Hebrew constitution.

124. Atlas, ibid., p. 8.

125. Ibid.

126. Ibid, pp. 24-25.

127. Ibid., p. 29.

128. Maimonides, Mishne Torah, Book I, Section 5:1.

129. Ibid., 5:2.

130. Ibid., 8:12.

131. Ibid., 74B.

132. Baba Mezia 62A.

133. Maimonides, op. cit., 5:4.

134. This interpretation was suggested to me by Dr. Atlas.

135. Maimonides, op. cit., 5:7.

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