RADICAL RESPONSIBILITY

Celebrating the Thought
of Chief Rabbi Lord Jonathan Sacks

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Chapter 1

Torah and Moral Philosophy

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Jonathan Sacks is one of the notable teachers of our time, speaking and writing effectively not only to those Jewish communities for whom, as Chief Rabbi, he has had peculiar responsibility, but also to the wider public of the United Kingdom and the Commonwealth. What he has said and written on a remarkable range of topics deserves careful and attentive listening and reading by both his audiences, by reason of his insights and his analytical powers, both as rabbi and as philosopher; but what has in fact secured such close attention has been his evident integrity, his ability to speak in both roles without compromising his message in either. Indeed it might seem that his extraordinary achievement makes my task of writing about the relationship of Torah and moral philosophy unnecessary. For how could there be a better example of how they are related than that provided by the teaching of Jonathan Sacks? Yet we will not appreciate just how much he has achieved until

we understand how difficult it is to bring Torah and moral philosophy together. And my task is to identify that difficulty. I do so by asking first what Torah is and then what moral philosophy is.

I

What is Torah? What does 'Torah' name? It names a set of Hebrew texts, the texts of the Pentateuch. It names the instruction in God's law that those texts provide in a number of genres. And it names the presentation through those texts of God as lawgiver. To be open to what those texts present is to encounter God revealing Himself as lawgiver. So they are not just texts awaiting exegesis by scholars. They are texts that may have to be read with fear and trembling, if we are to learn from them what we need to learn. So what do we learn, if we so read them?

We learn first that the laws of God require immediate and unconditional assent from those to whom they are addressed, whether His people Israel or humankind in general. The precepts that are enjoined are exceptionless. Their authority is not contingent on circumstance. They do not hold for this or that time and place, but for all times and places. And they do so because God is the God of all times and places. This is a law that cannot be detached from its lawgiver without becoming something other than the law that it is. Yet it does not follow that the lawgiver cannot be put to the question, as Abraham put God to the question concerning the requirements of justice. And it does not follow that understanding what God requires is a simple and straightforward task, for one of the tasks to which believers are set by God is that of understanding and interpreting His law. It was as such interpreters that rabbis drew a distinction between those commandments of God for which a reason can be given and those for which no reason can be found, perhaps because there is no reason, perhaps because it is unknowable by human beings. Here I am in the happy position of being able to follow David Novak's account of the relevant rabbinical discussions in his *Natural Law in Judaism*.[1] Novak distinguishes reasons 'based on universal nature' from reasons 'based on specific history'. The former 'pertain to

1. (Cambridge: Cambridge University Press, 1998).

humankind per se', the latter 'to the history of a particular community' (p. 70). An example of the latter is the reason given in Exodus 12: 17 for the injunction to observe Passover 'because [*ki*] on this very day I brought your ranks out of Egypt'. Examples of the former are the prohibitions on shedding blood and on theft. These are prohibitions that any human being has good reason to obey, given that the human condition is what it is, independently of knowing anything about God's revelation of His law to Moses at Sinai.

What then is the relationship between this latter kind of reason for obeying divine commandments and the reason that we have for obeying them, that they are divine commandments? It is not the same as the relationship between the similar reasons that we might have for obedience to certain human laws – that they are injunctions that it is reasonable to obey, whether they are duly enacted laws or not – and the reason that we have for obeying them, that they are duly enacted laws. For once we have grasped the reasons that we have for obeying the injunctions of some particular law, whether it has ever been enacted as a law or not, we can always ask if, in the light of those reasons, we might not improve upon that law. If the reason for having a law that forbids driving at more than fifty miles per hour is that by so doing we save lives, then, if by having a law that prohibits driving at more than forty miles an hour, we could save even more lives, we have a good reason for changing the law. But, as Novak emphasizes, this, on the rabbinical view, is not at all the case with divine law. To discern a reason for a divine law never provides a premise for arguing that that law could be improved upon. Someone therefore who was not a believer in divine law, but who hit upon the reason for having a rule that enjoined or prohibited exactly what some divine law enjoined or prohibited, and for that reason adopted that rule as a rule governing his actions, would not in fact be obeying the divine law, even though his actions were, from the standpoint of an external observer, indistinguishable from the actions of an obedient believer.

We should therefore not be surprised that Maimonides declared in the *Mishneh torah* that someone who observes all seven Noahide laws, but only because of his own conclusions, based on reason, and not because God commanded them in the Torah, has no part in the world

to come.[2] What matters is not only to act as God commands, but to do so because God commands it in the Torah, rather than because reason enjoins it.[3] And here there becomes evident what is at least a tension – and perhaps a good deal more than that – between what respect for Torah requires and the standards governing argument in moral philosophy. What, then, is moral philosophy?

II

One way to begin is by remarking that it is, nowadays, an academic trade, a profession, a way of earning a living, a career path. For what are moral philosophers paid? For teaching undergraduates and graduate students and for writing and publishing. To be successful in one's professional career is to teach, especially graduate students, in a prestigious department in a prestigious university and to publish in professionally prestigious journals. What is the content of that teaching and writing? The teaching introduces students to – and the writing contributes to and carries further – a number of ongoing debates, some of them continuous with ancient and mediaeval debates, but all of them shaped by the large and continuing disagreements of eighteenth- and nineteenth-century Enlightenment and post-Enlightenment moral philosophy. Those disagreements are of at least three kinds: some arise from rival theoretical accounts of the norms that govern the conduct of rational agents, some have regard to metaethical issues concerning the meaning and use of normative and evaluative expressions, and some are generated in the course of attempts to apply different moral theories in a variety of situations. So utilitarians dispute with Kantians and contractarians, expressivists

2. On the Noahide laws, see Appendix 2 in Raymond L. Weiss, *Maimonides' Ethics* (Chicago: University of Chicago Press, 1991), 204–5.

3. Maimonides, *Mishneh torah*, 'Laws of Kings' 8: 11. According to a different and, in the opinion of most scholars, more accurate version of this well-known text, Maimonides is more positive about such a person, considering him 'not one of the righteous of the nations of the world, but one of their wise men'. For a recent discussion of the textual and broader issues arising from this passage, see Eugene Korn, 'Gentiles, the World to Come, and Judaism: The Odyssey of a Rabbinic Text', *Modern Judaism*, 14 (1994), 265–87. (See also n. 30 of Jacob J. Schacter's article in this volume, as well as David Shatz's discussion of motivations for observing the commandments in the section on 'Motivating Altruism' in his contribution [eds.].)

contend with moral realists, and those who believe that the moral requirements of public life are not the same as those of private life are at odds with those who affirm a single universal set of moral principles.

It is important that in all three areas, no end to these debates, no resolution to these disagreements, is in sight, and this not because of any lack of philosophical progress in formulating and reformulating each of the contending positions. As the debates have progressed, new distinctions have been made and new concepts introduced, the structure of each position has been better understood, and arguments have been revised or rejected, so that increasingly sophisticated versions of each position have emerged. And the same has been true in those other areas of contemporary philosophy whose conclusions are relevant to moral theorizing, such as the philosophy of mind and action. Yet in all these disputes, the members of each contending party remain in the end unconvinced by considerations that to their opponents appear compelling. So there remain, for example, both philosophers who affirm that right action is action productive of the best set of consequences, and philosophers who deny this and affirm that right action is action in accordance with the universalizable maxims of the Categorical Imperative; both philosophers who have concluded that the standards determining right action are what they are independently of our feelings and attitudes and philosophers who have concluded that our ascriptions of rightness and wrongness to actions are expressions of our feelings and attitudes; both philosophers who hold that it is permissible for agents of democratic governments to tell certain kinds of lie that are forbidden in other contexts and philosophers who deny this.

Were we to do justice to their continuing disagreements, we would have to rehearse the sequences of detailed argument and counter-argument through which each of these contending parties has arrived at its present position. We would have to take note of the different versions of each position that have been presented and of the different weight that even those who agree in their conclusions give to this or that set of considerations. But, happily for our present purposes, we can dispense with these complexities and attend instead to three notable characteristics of contemporary moral philosophy as a practice. The first is the widely shared tacit agreement that in moral philosophy, as elsewhere in

analytic philosophy, we are to assent to any thesis only insofar as there are arguments sufficient to warrant that assent. How seriously some thesis is to be taken is a function of the strength of the arguments that can be advanced for or against it. It follows – and this is a second notable characteristic of moral philosophy as a practice – that it does not matter whose argument it is. Books and articles in moral philosophy are published with the names of their authors, but if such books and articles were to be published anonymously, we would have no more and no less reason than we do now for assenting to or dissenting from the conclusions advanced by their authors. And, thirdly, almost every thesis of any significance is contested and *every* thesis is treated as contestable. The strongest arguments that we are able to adduce in support of our own assertions are never more than the best arguments so far. And it always remains possible that tomorrow some new argument will be advanced that will put in question those theses of which their defenders had been most confident. So to some degree all our conclusions are provisional.

At this point, even a not very acute observer of the philosophical scene, and more especially of the practice of moral philosophers, may demur, pointing out, for example, that in fact some, at least, of the protagonists of various points of view exhibit a confidence in their conclusions that seems disproportionate to the considerations that they are able to adduce in support of them. Moreover, it does on occasion seem to matter whose name is at the head of an article or on the spine of a book. There are prestigious names and names that lack prestige, and sometimes at least what kind of name it is plays a significant part in determining whether or not a book or article is taken seriously. So, it will be said, my portrayal of contemporary moral philosophy is an idealization. To which the reply must be: Yes indeed. What I have portrayed is how contemporary moral philosophy functions when its practitioners are true to the norms and ideals of their practice, as remarkably enough they often are. So we shall not be badly misled if we treat this idealization as a true portrait of contemporary moral philosophy. If we do, we will be struck at once by a sharp contrast with those whose thinking and doing is informed by an acceptance of Torah as God's law.

For moral philosophers, every affirmation is to some degree conditional and provisional, open to modification or even rejection by some

compelling argument that is yet to be advanced. For devoted students of Torah, unconditional acceptance of and obedience to its precepts is required. God has spoken and that is enough. For moral philosophers, whether or not we should assent to any thesis depends solely upon the strength of the arguments that can be given for such assent. For devoted students of Torah, because it is God who has commanded obedience to this particular set of precepts, that is sufficient, whether or not there are independent good reasons for obedience to them. For moral philosophers, every thesis is contestable. For devoted students of Torah, divine commands are incontestable. But now someone may object to the way in which I have framed this contrast, pointing out that there are contemporary moral philosophers in good standing who argue in favour of a 'divine command' theory of moral judgement. Moral judgements, they argue, have a claim to our respect because and insofar as they accord with divine commands. Different defenders of this theory have defended different versions of it, but the mere fact that theirs is one of the contending positions within contemporary moral philosophy seems to show that a respect for God's commands is not at all incompatible with the accepted norms governing the practice of moral philosophers. If so, then my attempt to draw the sharpest of contrasts between the attitudes and beliefs of the moral philosopher and the attitudes and beliefs of the devoted student of Torah must be judged to have failed.

This objection fails, however. The philosophers who defend some version of divine command theory may indeed themselves be as obedient to God's commands as any devoted student of Torah. But what they defend in their role as moral philosophers is a *theory* and no more than a theory, held, defended, and criticized in the same way and in the same spirit as all other philosophical theories. Its conclusions are no stronger than the arguments adduced in support of it. It is, qua philosophical theory, affirmed conditionally and provisionally. And it is, as the discussion of it shows, contestable and contested. There is indeed the sharpest of contrasts between the beliefs and attitudes of moral philosophers and the attitudes and beliefs of devoted students of Torah. What then can they have to say to each other? If we are to answer this question, we need to examine a little more closely the characteristics both of the moral philosopher and of the student of Torah. I begin with the former.

III

Socrates thought that there was something very wrong with being paid to engage in philosophy. And about this he was – as so often with Socrates – in a way right. For if we were to ask the questions that moral philosophers ask *only* because we are paid to ask them, there would be something wrong with us as human beings. The questions that moral philosophers initially ask in setting out their systematic and rigorous enquiries are questions that reflective plain people, people innocent of philosophy, pose unsystematically and unrigorously just because they are thoughtful human beings, such questions as 'What is my/our/their good?', 'For what am I/are we/are they responsible?', 'To whom do I owe the truth?'. Plain people pose these questions in terms of the particular circumstances of their everyday lives, while professional moral philosophers frame them at a high level of abstraction. But such philosophers ask them not only because they are by profession moral philosophers, for which they happen to be paid, but also because they are human beings, for which they are not. Ours is, unfortunately, a culture in which many influences discourage or inhibit this kind of thoughtfulness and reflection on the part of plain people and so we are apt to lose sight of this important relationship between the questioning of moral philosophers and the questioning of plain people. But once we call it to mind, it is difficult to resist the thought that what may be important about moral philosophy is the questions that are asked, quite as much as or even more than the rival answers that are advanced by this or that philosopher.

A second and related characteristic of contemporary moral philosophy that we have not yet noticed concerns the disagreements to which I earlier drew attention. Many, even if not all, of those philosophical disagreements mirror moral, social, political, and religious disagreements in our culture, disagreements that arise from a long history of conflict. And perhaps the fact that philosophers have not found a way to resolve their disagreements mirrors the fact that those disagreements remain unresolved in our shared culture. So what plain people should expect from moral philosophers is not a set of answers to, but a clarification of their questions. They should also take note of another obvious, but often unremarked, characteristic of the activities of moral philosophers.

Those activities are intelligible only if those engaged in them do

in the end care more about truth and about rational justification than they do about the defence of their own particular theoretical standpoint, Kantian, or utilitarian, or contractarian, expressivist or cognitivist, Rawlsian or libertarian or communitarian. By entering into the arenas of debate they open themselves up to correction and even, albeit only on rare occasions, refutation. By so doing they acknowledge truth as a good and a desire in themselves to achieve this good, and they give this good and this desire a place in their lives that is often inconsistent with their own theoretical conclusions. So they make plain the relevance of a question that they themselves too rarely ask: what kind of person would I have to become, if I were to become open to the truth? They rarely ask this question because it is a shared, unspoken, and in fact absurd presupposition of institutionalized moral philosophy that what one needs in order to be open to the truth is a PhD. And it is by the way in which they pose this question that devoted students of Torah put moral philosophy to the question, inviting its practitioners to see themselves and their subject matter in a new light. What light is this?

IV

Twenty years ago, Jonathan Sacks wrote that 'modernity and Jewish tradition seem to conflict in their deepest assumptions about the self'.[4] In saying this, he was drawing upon a more general account of the relationship between tradition and post-Enlightenment modernity that I had advanced in *After Virtue*.[5] But he made an original and insightful use of that account in finding application for it to the particularities of the history of the encounters of Judaism with that modernity. The transition to modernity is made, so Sacks argued, when *authenticity* becomes the supreme virtue of the self and 'we perceive ethics, or Judaism, as bearing the same relationship to the self as a painting to its painter'. And he contrasted the biblical insistence that to do right is to do that which is 'right in the eyes of God' with the post-Kantian view, the view of liberal modernity, that 'Mere obedience is inauthentic … . Moral agency means

4. Jonathan Sacks, *One People? Tradition, Modernity, and Jewish Unity* (London and Washington DC: Littman Library of Jewish Civilization, 1993), 157.
5. (London: Duckworth, 1981 and 1984).

to be the author of one's own behavioural code'.[6] But if one is the author of one's own behavioural code, then it is up to one what attitude one takes to Torah, so that even if someone's voluntary and autonomous decision was to live in accordance with the requirements of Torah, this would be only because Torah had been judged morally adequate by one's own standards, whatever these happened to be, Kantian standards, utilitarian standards or whatever. And this of course would not be obedience to Torah.

The history of Liberal Judaism has been the history of a quixotic attempt – the word 'quixotic' is mine, not his – to be at once true to the core of Jewish tradition and true to the standards of liberal modernity. But, as Sacks further argued, this project was incoherent and bound to fail. One consequence was a progressive fragmentation of Jewish thought, so that in its debates a series of disagreements was generated, disagreements that often mirror the apparently irresolvable disagreements of the culture of modernity and of its moral philosophy. So it was important that Sacks did not present himself as just one more contributor to those debates, someone articulating one further set of disagreements, but instead as someone inviting the contemporary participants in those debates to see themselves in a new perspective, to understand how their story might be told in a new way – from the standpoint of Torah. What he offered by so doing was the possibility of a reintegration of Jewish thought, of a renewal that could accommodate the lessons to be learned from the experiences, both Jewish and non-Jewish, of the moral and intellectual adventures of post-Enlightenment modernity within a framework afforded by the tradition of obedience to and study of Torah. He did not present himself as a defender of traditionalism in general, but as someone who wrote and spoke out of his own particular rabbinic tradition. Because of this, he could not escape the task of explaining what he took and takes to be the universal relevance of the particularities of this tradition, of Judaism understood in this particular way. And at this point another dimension of the relationship between Torah and moral philosophy comes into view in Sacks's writings.

'The universality of moral concern is not something we learn by

6. Sacks, *One People?*, 158.

being universal but by being particular.'[7] There are moral philosophers who have said something very much like this, but have then developed this thought in a significantly different way. They agree with Sacks that our initial moral concerns are particular concerns for particular others close to us, family members, neighbours, friends. What we have to learn, according to such philosophers, is that, if our concerns are genuinely moral, they must extend more and more widely, so that they become universal, including all human and indeed all sentient beings. But for them this movement towards universality is a movement away from particularity. I am to be concerned for the moral fate of this or that human individual because and insofar as I am concerned for the moral fate of *any* human individual. With Sacks it is quite otherwise. As we move from concerns for those to whom we are closest to concerns for those outside our immediate circle to concerns for those whom we encounter as alien, as strangers, the objects of our concern remain particular others. 'We learn to love humanity by loving specific human beings', and to speak of universality is to say that there is no one who is excluded by their nature or condition from being an object of our concern. Perhaps most importantly, the strangers whom we encounter are to be peculiar objects of our concern not in spite of, but because of the fact that they are strangers. And Sacks follows rabbinical tradition in noting that 'the Hebrew Bible in one verse, commands "You shall love your neighbour as yourself", but in no fewer than 36 places commands us to "love the stranger."'[8]

Torah speaks to us of the stranger. Recent moral philosophy, especially of the so-called continental persuasion, has spoken instead of otherness, often in this influenced by Levinas, who was at once a moral philosopher and a devoted student of Torah. But what matters about strangers is more and other than their otherness. Strangers, as Sacks remarks, often elicit suspicion and aggression, sometimes, as we may add, justifiably. 'They come from beyond the tribe. They stand outside the network of reciprocity that creates and sustains communities.' But, just as we are to love our family members *as* family members, our

7. Jonathan Sacks, *The Dignity of Difference* (London: Continuum, 2002), 58.
8. Ibid., 58.

friends *as* friends, so too we are to love strangers *as* strangers, to love them because and not in spite of their being strangers. And Sacks, by emphasizing this as the injunction of Torah, was able to define a subtle and constructive approach to those great and destructive divisions that constitute so much of our politics, including those divisions that afflict the State of Israel. 'We encounter God in the face of a stranger,'[9] and we therefore have to ask about strangers, even strangers with whom we are bitterly quarrelling, what we have to learn from them. Sacks quotes from the remarkable tribute that he paid to Isaiah Berlin at his funeral, when he retold the story related by Rabbi Shimon of the quarrel between the angels as to whether God should or should not create human beings. What those angels who advised against this creation feared was that human beings would pervert truth into falsehood. God's response was to create a human world in which 'truth on earth cannot be what it is in heaven' and human beings are to 'live by a different standard of truth, one that is human and thus conscious of its limitations. Truth on the ground is multiple, partial.... Each person, culture and language has part of it; none has it all.'[10]

Sacks took it that this rabbinic theological view of truth was the same as that taken by Berlin when he wrote that 'It is a terrible and dangerous arrogance to believe that you alone are right: have a magical eye that sees the truth: and that others cannot be right if they disagree,'[11] and went on to attack the belief 'that there is one and only one true answer to the central questions which have agonized mankind'. But it is important that, had Berlin been pressed to defend his view, his arguments would have been entirely historical and philosophical, not theological. And since truth is not one thing in theology and another in history and philosophy, Sacks's defence of this theological view presupposes that Berlin's philosophical account, or something very like it, could also be sustained as the truth about truth in the arenas of philosophical enquiry and debate. So some of the commitments of Sacks the theologian and rabbinic teacher turn out to be also commitments of a moral philoso-

9. Ibid., 59.
10. Ibid., 63–4; the story comes from *Genesis Rabbah* 8:5.
11. Isaiah Berlin, *Liberty* (Oxford: Oxford University Press, 2002), 345.

pher. And they direct our attention to another and crucial dimension of the relationship between Torah and moral philosophy.

If it is right to live as Torah requires, then it is wrong to live as a utilitarian does and wrong to live as a Kantian does. Hence, those who aspire to live as Torah requires presuppose by doing so that the arguments of utilitarians and Kantians fail, and fail as philosophical arguments. Their claim to moral truth is incompatible with the claims of Torah. It follows that educated students of Torah should not be indifferent to the outcomes of the debates of moral philosophers, since they have a large stake in those outcomes. How then are those who acknowledge both the authority of the precepts of Torah and their own inescapable commitments within moral philosophy, with regard to some of the very same precepts, to reconcile their unconditional allegiance to those precepts with their recognition that, as moral philosophers, they have to remain open to the unpredictable outcomes of further argument? This is of course not only a problem for educated and devout Jews. Educated and devout Christians and Muslims confront versions of the same problem. And there are of course well-known proposals for avoiding or resolving it. But it was Sacks's achievement to approach this problem in a new way by asking new questions.

The questions to which Sacks provided answers – and I have in mind here principally, but not only, his essays in *The Dignity of Difference* – are 'What kind of person do I need to become if I am to live and act constructively with these two at first sight incompatible sets of attitudes?', 'What virtues are indispensable?', 'Of what vices should I most beware?'. The catalogue of needed virtues includes responsibility, compassion, and a readiness both to forgive and to ask for forgiveness from others. Only with these virtues will we be able to listen to and speak constructively with those others with whom we are at odds, whether philosophically, theologically, politically, or morally. And only with these same virtues will we be able to sustain the openness to truth required of the moral philosopher. Yet the demands that those virtues make upon us, whatever our standpoint, are categorical and unconditional. Philosophical openness and unconditional commitment have to be understood not as incompatible, but as each requiring the other.

In describing what is involved in the exercise of the relevant vir-

tues, Sacks has identified for us an ethics that is at once not just consistent with the precepts of Torah, but derivable from them, and yet is also an ethics that we contemporary practitioners of moral philosophy need, if our debates are not to be in the end barren. So, after all, there *are* some precepts and virtues to which moral philosophers need to give unconditional allegiance, not as conclusions of their arguments, but as prerequisites for fruitful, rather than sterile, controversy and enquiry.

V

It is because Sacks has recognized this that he has been able to integrate in his speaking and writing both rabbinic fidelity to Torah and an acknowledgement – more often implicit than explicit – of what is philosophically at stake in taking the stands that he does. This is why he has put so many of us in his debt. On a number of substantive issues I remain in serious disagreement with Sacks. But this has not prevented me from learning from him even on those issues, because the conversations that he initiates and sustains are themselves exercises in the practice of the virtues that he praises.