Between Halakhah and the Other: Navigating the Scope of Jewish Ethics

One recurring theme in modern Jewish thought has been the scope of its ethics. That is, upon whom does a Jewish ethics make demands, and whom does it address? Who can live an ethical Jewish life, and in what ways? To evaluate these questions, it will be useful to consider two thinkers who stand at opposite poles on the spectrum of concern, so to speak: Rabbi Aharon Lichtenstein and Emmanuel Levinas. For Lichtenstein, Judaism is fundamentally theocentric. To be Jewish is to respond to the call of the God of Abraham by following the laws of halakhah, and in this sense, I will argue, its ethics are particular. For Levinas, in contrast, Judaism is about responding to the face of the Other. The demand of the human Other renders Levinas’ understanding of Jewish ethics anthropocentric, and therefore universal in his view. After first considering the thought of Lichtenstein and then of Levinas, I will bring the two figures into conversation to determine the extent to which they are talking past each other and whether, if at all, their views can be reconciled.

It is important to note that for Lichtenstein, Jewish law does not supplant but rather supplements universal law. He sees three concentric circles of moral duty: first as human beings, then as Jews, and finally as benei-Torah. Unlike certain Christian conceptions of grace which do away with the order of nature, the Jew’s particular demands are additional: “whatever is demanded of us simply as part of Kenesset Yisrael [the nation of Israel] does not negate what is
demanded of us simply as human beings on a universal level, but rather comes in addition.”

Thus he continues, “whatever is demanded of a person on a universal level is a priori demanded of a Jew as well; Torah morality is at least as exacting as general morality.” Jews are not exempt in any way from basic moral requirements; in fact, Lichtenstein gives axiological priority to universal morality: “The ben-Torah in you is built on the spiritual person in you; if it is the other way around, then you are walking on your head, so to speak.” However, logical precedence does not necessarily speak to greater importance--he notes how just as the foundations precede a building temporally and logically, no one would say that they are more important than the building itself. So while a ben-Torah is accountable for general, human, foundational values, these basic demands are crowned by the increased demands of Torah, and in this sense Jewish ethics can indeed be seen as particular.

Lichtenstein furthers his case for particularity in his discussion of mitzvot, which, if forced to choose, he would consider the one single concept at the heart of Judaism. He states plainly and simply, “A Jew’s life is defined by being commanded,” and this is an all-or-nothing command: “Either one is called and commanded--in which case you do not pick and choose among commands, because if you pick and choose they are no longer commands--or one cannot become a Jew.” One either subscribes completely to God’s commands, or not at all--there can be no syncretism or middle ground. In his phenomenological description of the existence of a

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1 Rabbi Aharon Lichtenstein, By His Light: Character and Values in the Service of God (Jersey City: KTAV Publishing House, 2003), 21.

2 23.

3 24.

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metzuveh, one who is called and commanded, he writes that it “involves to some extent the subjugation of one’s inclinations and desires. A metzuveh leads a theocentric rather than an anthropocentric life. He is guided by God’s will, not by his own likes and preferences.” It is very important to articulate what exactly Lichtenstein means by theocentric and anthropocentric. His theocentrism seems to be defined by submission and subjugation to God’s will. This submission is less about denying one’s own will than it is about learning to conform one’s will to God’s and finding joy in that act of self-molding. In contrast, the anthropocentrism that Lichtenstein rejects seems to be less human-centered than self-centered. He frames the life of command as incongruous with the life of self-fulfillment and self-expression, a Romantic ideal that has become a pervasive phenomenon of the modern West. As he later elaborates, “The move from an anthropocentric to a theocentric existence is the essence of halakhic living. As the Torah, particularly in Sefer Devarim, repeatedly emphasizes, the central category of Judaism is mitzva.” To live theocentrically for a Jew is to live halakhically, the highest and most narrowly defined level of devotion, where every aspect of life falls under the umbrella of commandment. Despite their broad scope, the rigor of the demands presented in this worldview offer another instance of Jewish ethical particularity, and we must keep this departure from anthropocentrism in mind when we turn to Levinas.

The point to consider, then, is what are the consequences of Lichtenstein’s theocentrism for the Jewish ethical mode of life? One consequence is the centrality of the commandment Be-

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6 53.
7 51.
8 104.
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khol derakhekha da-e-hu—“know God in all your actions.” All actions, both inward and outward, should be carried out with God in mind, and at root this is an issue of intentionality. In a passage that is a prime example of Talmudic thinking, Lichtenstein cites a section of Halakhah which describes the defilement by neglect of priestly gifts and sacred items that do not receive the kind of attention that their privileged status deserves. Thinking analogically, he suggests that a lapse in a person’s attention to God might have a similar effect: “In a certain sense, the fact that God is ignored does not merely affect the relationship of the individual to God, but kiveyakhol affects his very presence here.” Neglect of God is an act of defilement, and just as if we do not show up for a friend in need we cannot expect attention in return, the same can be said of God. In this light, a Jew’s intention to be perpetually attentive to God safeguards not just his personal relationship to God, but the living presence of God in the world.

From here, it is not a leap to see how one’s understanding of God’s presence affects one’s sense of morality and hence ethical scope. On the relation between religion and morality, Lichtenstein considers Socrates’ question to Euthyphro, whether the gods love piety because it is pious, or if piety is pious because the gods love it. This is a question of predicates, and for our purposes can be translated as follows: is something good because it is moral, or moral because it is good? Lichtenstein worries that the former case could lead to a sort of “divine moral relativism,” where everything is equally good or bad, and only God’s designating it good or bad makes it so. Therefore he chooses to believe that goodness is predicated of morality, or that something is moral by virtue of being good. This allows him to assert that God’s will “is not

9 105.
10 186.
11 106.
purely arbitrary, but rather guided by certain standards, and God has commanded us based on these criteria.”

Lichtenstein’s appeal to an ideal goodness to which even God’s will must conform serves the idea of value outside of rationality, which is important to understanding ritual commandments.

This obedience to God’s will which trumps natural reason we could call a second-order reason, which in the end might be nothing more than the faith that God is good and wants good for us. One of the clearest examples of the demand for faith in a divine reason which is beyond our own rational capacities is the binding of Isaac, but we can see similar impulses in the Midrash. For example, when considering why the reasons for the Torah were not revealed, Lichtenstein notes how Maimonides “takes the position that the details of mitzvot perhaps have no inherent significance […] One might go beyond this and assume that inherently a particular mitzva does not have a reason, but it is still meaningful.”

A mitzva can have no extrinsic reason but still be meaningful for constituting the habitus of a practicing Jew; since “one of the things which is intrinsically good is that a person accustom himself to obeying God, perhaps certain things might have been commanded simply in order to drill the habit into us.”

The sensibility of mitzva as being intrinsically valuable informs the phenomenological experiences of ritual and active piety as spiritual practices that support one’s relationship to God.

Finally, it is important to note that there are two main categories of mitzva, which correspond to the two aspects of avodat Hashem (divine service): bein adam la-Makom (mitzvot between man and God) and bein adam le-chavero (interpersonal mitzvot), and these two

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12 Ibid.

13 110.

14 111.
categories demand a careful balance. Lichtenstein is sympathetic to the practice of interpersonal mitzvot without attention to God, which manifests itself as a valid secular moral idealism, though of course he warrants that attention to God could lead to a more enriching sense of morality. Religiosity without goodness however, or focusing exclusively on mitzvot in relation to God with no attention to humanity, is nothing short of an abomination. Since we have already determined that, for Lichtenstein, God’s will is synonymous with goodness, attention to God without expressing that good will towards the rest of humanity through interpersonal mitzvot effectively undermines one’s very religiosity and separates one from God. In this sense, it is clear how one’s relationship with God is built partially through one’s relationship with others. In fact, though Lichtenstein conspicuously and explicitly avoids getting involved in the question of the respective importance of different categories of mitzvot, he does mention that the Rosh in the beginning of Pe-a (a tractate of the Talmud) says that interpersonal mitzvot are more important. Though this concession provides an angle of support for the claim of a more anthropocentric Judaism than Lichtenstein otherwise offers, it must be checked by the reminder that interpersonal mitzvot are an aspect of avodat Hashem--divine service. Whatever attention is due to others in Lichtenstein’s understanding of Judaism, and it is certainly significant, it is always in service to, and in view of, God. The insistence on interpersonal mitzvot in the name of divine service lends support to Lichtenstein’s vision of Judaism as theocentric. This theocentrism informs a Jewish ethical mode of life that is both broad in scope and deep in requirements by virtue of the demanded response to particular commandments.

15 113.
16 116.
Levinas, in turn, puts forth a distinctly different view of Judaism with very different consequences for the Jewish ethical mode of life. Looking at some of his early essays in *Difficult Freedom*, it is possible to see how his unique anthropology which exalts the Other gives rise to an anthropocentric Judaism, and in turn how this anthropocentrism supports a universal ethics grounded in Judaism. After examining how this understanding plays out in practice, it will be necessary to consider some problems with Levinas’ system.

In a section titled “The ethical relation as religious relation” in his essay “A Religion of Adults,” Levinas begins by asking how Judaism perceives the human:

> How, therefore, at the same time jealous of his independence but thirsting for God, does Judaism perceive the human? How will it integrate the demand for a quasi-vertiginous freedom into his desire for transcendence? By feeling the presence of God through the relation with man, *The ethical relation* will appear to Judaism as the exceptional relation: in it, the contact with an exterior being, instead of jeopardizing human sovereignty, will institute and invest it.¹⁷

Right away, Levinas offers a bold resolution to man’s dialectical tension between freedom and limitation, self-sufficiency and yearning, transcendence and immanence, in the figure of the human Other. In his view, the interpersonal, ethical relationship does not just point towards, but in fact serves as a bridge to God. But when our intersubjective connections so often expose our vulnerability and dependence, how can Levinas privilege the ethical relation in such a way that it actually *institutes* human sovereignty? The answer would appear to lie in his definition of the Other. He writes, “To be for oneself is already to know my fault committed with regard to the Other. But the fact that I do not question myself about the right of the Other indicates

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paradoxically that the Other is not a *reedition of the self*; in his quality as Other, he situates
himself in a dimension of loftiness, of the ideal, of the divine and, by my relation with the Other,
I am in relation with God.”18 “The Other is not a reedition of the self”–here is an articulation of
what we might call an anthropology of ontological asymmetry, where ontological parity exists
among all of humanity *excluding the self*. The fact that every human Other is granted an elevated
status actually destabilizes the idea of the ethical relationship as a merely intersubjective affair
and instead points towards something higher. If the Other is situated in a dimension of the divine,
the interpersonal connection thus takes on greater import: “The moral relation thus reunites at the
same time the conscience of the self and the conscience of God. Ethics is not the corollary of the
vision of God, it is the vision itself.”19 Levinas is famous for saying that ethics precedes
ontology, and while the above formulation certainly instantiates that claim, it almost reads ethics
*as* ontology, or perhaps more precisely ethics as metaphysics. Either way, Levinas’ reverent view
and privileging of the ethical relation to the Other conditions a clearly anthropocentric Judaism.

How does anthropocentrism make Judaism universal for Levinas? The key is, not
surprisingly, the normativity of the ethical relation. In the section titled “Universalism,” he
derives Judaism’s universalism philosophically: “The role played by ethics in the religious
relation allows us to understand the sense of Jewish universalism. A truth is universal when it
holds merit for every reasonable being. A religion is universal when it is open to all. And in this
sense, by linking the divine to the moral Judaism always claimed to be universal.”20 Along with
Lichtenstein, Levinas summarily rejects the possibility of a divine moral relativism. Instead, by

18 33.
19 Ibid.
20 38-39.
taking for granted the universal validity of Jewish commandments, leaving those commandments on the table for anyone to follow, and tying the moral to the divine in Judaism, Levinas offers Judaism as a universally live option.

However, at the end of the section he offers a more refined view of Jewish universalism as in fact conditioned by its very particularism:

This “position among the nations”—which the Pentateuch talks about—is realized in the concept of Israel and of its particularism. It has to do with a particularism which conditions universalism. And it has to do with a moral category rather than with the historical fact of Israel, even if the historical Israel was in fact loyal to the concept of Israel and felt morally the responsibilities and the obligations that it demands from no one, but which support the world.21

In this exegesis of Israel’s position among the nations, Israel as a particular moral reality conditions the concept of Israel as a universal moral category. How and when this idea developed is beyond the scope of his argument, but it supports the vision of a universal Jewish messianism.

In the section “Responsibility,” Levinas develops what is meant by responsibilities and obligations which “support the world:” “Subordination of all the possible relations between God and men: redemption, revelation, creation—to the institution of a society where justice, instead of remaining the aspiration of individual piety, is strong enough to extend to everyone and to realize itself. It is perhaps this state of mind which admits to calling Jewish messianism.”22 This passage elucidates the previous one by demonstrating how a particular vision can have universal consequences. Each individual who subscribes to the moral demands of Israel contributes to the institution of a just society, and in this way the messianic vision of Judaism has universal

21 39.
22 38.
consequences. Further, the subordination of relations between God and men, sometimes seen as impotent aspirations of individual piety, gives weight to the priority of practice vis-à-vis belief in Judaism, illustrating again the anthropocentric character of Levinas’ understanding of Judaism.

To get a fuller picture of the consequences of Levinas’ anthropocentrism in the Jewish ethical mode of life, and how they differ from those of Lichtenstein’s theocentric view, let us consider his interpretation of ritual. For Levinas, the primary role of ritual law in Judaism is to constitute the discipline needed to effect social justice:

At no moment does it take the value of a sacrament. In a remarkable Talmudic passage, questioned by his students about the reasons behind rites related to the lustral waters of Numbers, Rabbi Yohannan ben Zakai takes refuge behind the authority of the divine commandment. But he adds that, without this commandment, ‘neither contact with the dead renders impure, nor the lustral water purifies.’ No intrinsic power is accorded to the ritual gesture. But, without it, the soul would not know how to raise itself to God.23

As in Lichtenstein, the fact of being a divine commandment is reason enough to accept any right. In fact, the story Levinas cites goes even further, claiming that without the divine command, the ritual gesture actually becomes void and meaningless. However, the commanded gesture is necessary to condition the soul to train its attention towards God. So far, Lichtenstein and Levinas are in agreement on this point. Yet in the next passage, which must be cited in its entirety, Levinas completely changes the intended recipient of ritual training:

The way which leads to God thus leads ipso facto--and by nothing extra--towards man; and the way which leads towards man leads us back to ritual discipline, to the instruction of the self. Its greatness is in its daily regularity. Here is a passage where three opinions are formulated; the second indicates the way by which the first is true and the third indicates the practical conditions of the second. Ben

23 34-35.
Zomma said: “I have found a verse which contains the whole Torah: Hear O Israel, the Lord our God, the Lord is One.” Ben Nanas said: “I have found a verse which contains the whole Torah: you shall love your neighbor as yourself.” Ben Pazi said: “I have found a verse which contains the whole Torah: you shall sacrifice one lamb in the morning and another in the evening.” And Rabbi, their master, raised himself up and decided: “The law is according to Ben Pazi.”

The purpose of ritual for both thinkers has been the practice of obedience, but now Levinas is claiming that the observance of divinely commanded ritual is to practice obedience towards man. To break things down, the second opinion indicates the way by which the first is true: loving your neighbor is an expression of the oneness of God, and in this sense, is the truth of the Shema Yisrael. In other words, loving one’s neighbor is the truth of loving God. Next, the third opinion indicates the practical conditions of the second: sacrificing a lamb in the morning and the evening is the practical condition for loving one’s neighbor. This is a radical departure from Lichtenstein. In this reading, the lamb sacrifice, which is a ritual obligation to God, does not exist to practice serving God; instead, it is pragmatic training for the universal ethical relation.

Such a bold reading demands some probing. I have argued that Levinas offers an anthropocentric interpretation of Judaism based on the elevated status of the Other and the consequent privileging of interpersonal commandments (the ethical relation). Yet how does he justify the elevation of the Other to divine status in the first place? The short and not completely satisfying answer provided by this text lies in the responsibility of being elected to receive the revelation of morality: “Perhaps the fundamental intuition of morality consists in realizing that I am not the equal of the other; and that in the very strict sense here: I see myself obliged with

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regard to the other and therefore I am infinitely more demanding with regard to myself than with
regard to others.”25 Levinas elevates the Other by privileging their demands. But what is the
nature of this obligation? Levinas writes as if we feel it in a protective, almost parental way, as
the responsibility to bear their burdens, carry their weight. And yet the Other enjoys divine
status. Is it a vulnerable divinity, or rather in the face of their elevation do we feel our obligation
as one of duty and obedience?

Regardless of the source of the obligation, though it does matter, the vocabulary of
hostage, submission, and of being responsible for another’s responsibility has far-reaching
consequences. If, being elected, I am called to responsibility by every Other in every
circumstance, then by my mere presence I am hostage to the face of the Other and a victim of
moral subjection, with only duties and no rights. If I am always a moral hostage, what are other
people to me? What do they become? How can I think about them and honestly love them
without resentment or indignation? I can only have faith that they too are elected and feel the
same responsibility. At best, a universal, mutually reinforcing election to absolute responsibility
would ideally lift us off into the messianic era, but as this is not yet the case, Levinas’ vision is
untenable.

About his vision of a universal Judaism, what does Levinas include in the ethics that
make this concept possible for him? In his view, Judaism is possible as a universal phenomenon
by linking the divine to a universally accessible morality. Yet such a claim would make someone
like Lichtenstein very uncomfortable. Is Levinas talking about the Ten Commandments? That
would be reasonable to hope for as a universal moral standard. Or does he mean the whole

25 39.
Torah? Or all of the Talmud? First, Lichtenstein would reject even the consideration of ethical scope. A Jew’s life is defined by being commanded, and that is an all-or-nothing command, no picking and choosing. Next, linking a Jewish divinity to a morality that included all of Jewish written and oral law might even undermine Levinas’ very project. As we know from the right-and even center-Orthodox, there are parts of Jewish law that, despite being an addition to basic human morality, do not treat women, gays, and non-Jews with the same level of respect that Levinas accords to his Other.

At this point, it will be fruitful to put the two thinkers’s projects into more explicit conversation. Where is each coming from, and with what intentions? Lichtenstein is a rabbi and philosopher of Judaism, whose approach is characterized by a halakhically-derived philosophy. In his very writing he is joining the great Talmudic tradition, reinforcing a phenomenological self-consciousness that is essential to Judaism. This is why he hardly ever gives any straight or easy answers to the questions he poses— he would prefer to instill the tension of the dispute. That is, after all, the point of the Jewish worldview: constant questioning. Contextually, Lichtenstein’s “opponents,” as it were, are the far-Right Orthodox, so methodologically, he derives all his conclusions from an internal text to back his (Jewish) opponents into a philosophical corner.

Levinas, in contrast, was a Jewish philosopher who wanted to overcome Western metaphysics by recognizing the independence and primacy of ethics. He makes strong claims about the nature of relation to both others and the divine, but where Lichtenstein’s are halakhically grounded and hold a lot of water within the tradition, those of Levinas are phenomenologically posited, and therefore have a more universal application but an arguably
less authoritative foundation. He can speak philosophically about the Jewish experience, but is
less qualified than Lichtenstein to make claims about Jewish law.

The ultimate question of this study is, what can it mean to be ethically Jewish? The
beginnings of an answer can be teased out by reexamining the role of religious ritual for each
figure as a spiritual exercise. For Lichtenstein, ritual obligations, including to others, serve to
instill the practice of obedience to God, and make God present through the act of perpetual
remembrance. Levinas could adopt the inverse formulation: any obligation to God through ritual
law serves merely as training to serve the Other in the ethical relationship.

What need, finally, has Levinas for God? He is concerned with ethics--why bring in the
Jewish God in particular? Can’t he dispense with ritual and focus on nurturing the ethical
relationship? The answer is no. The Jewish legal framework supports the phenomenological
presence of God, and while this framework may evacuate the phenomenological need for God’s
presence itself, Levinas still wants God in the picture, even if only as a postulate. Raised as a Jew
understanding the inherent link between religion and morality, Levinas may have found it hard to
conceive of a secular moral idealism that was not vacuous and aimless.

One final tool to reframe these two competing sets of views comes from another French
thinker but out of the Protestant tradition, Paul Ricoeur. In *Oneself as Another*, he makes a
careful distinction between ethics and morals. Ethics, coming out of the Aristotelian tradition, is
a teleological matter concerned with aims, while morals, drawing on the Kantian line, are
deontological and concerned with norms. In other words, ethics is a question of “what,” while
morals is a question of “how.” There are only so many reasonable aims towards what constitutes
a good life, and in this sense Lichtenstein and Levinas imagine fairly similar ethical Jewish lives.
Of course, there are infinitely many ways of achieving ethical aims, and on these terms our thinkers offer vastly different experiences of the Jewish moral life. Lichtenstein’s ethical perspective is halakhic, as are the norms he follows to realize it. By conforming his will to God’s will through service in relation to other people and God, he works toward the realization of a better world. Though this mode of life bears upon all aspects of the Orthodox experience, it is only incumbent upon him or her who is willing to live out the minutiae of a wholly, and uniquely, Jewish existence. Levinas, for his part, offers a phenomenological perspective on the ethical life where the norm is only to satisfy the absolute demand of responsibility to the Other. Though this perspective is far from orthodox, it does offer a universally accessible phenomenological experience of Judaism at the most basic level, and therefore resources with which those outside of the tradition can productively engage. Ultimately, the degree to which one bears witness to the particularity of Jewish ethics will depend upon the level of orthodoxy with which one is occupied.
**Works Cited**
