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Ethics in the Axial Age

The Bible is not a philosophical text. It does, however, provide rich content for philosophizing. Although it does not, therefore, provide formal or rigorous arguments on behalf of its ethics, it does provide broad patterns of reasoning about proper conduct and character. It does not simply assert and command; it invites the engagement of our reason. Despite its modern reputation as a blunt record of divine commands, it often appeals to our intellect and conscience. In Deuteronomy, for example, the Israelites are told that other nations will admire their wisdom and wish to emulate them: "Surely, that great nation [Israel] is a wise and discerning people" (Deut. 4:6; cf. Isa. 2:1–3). The Israelites will be thought to model a way of life that non-Israelites will find appealing. The eighth-century prophet Isaiah has God imploring the Israelites to "come, let us reach an understanding" (Isa. 1:18). The literary mode of this prophetic discourse, the lawsuit (*riv*), suggests a dialogue between parties who can rise above their passions and prejudices and seek a reasonable solution. The ethics of the Hebrew Bible is typically not presented as a purely human affair but it is nonetheless answerable to shared, rational criteria of evaluation. Abraham famously challenged God, when he learned of God's impending judgment of Sodom and Gomorrah, "Shall not the Judge of all the earth deal justly?" (Gen. 18:25). The text assumes a natural apprehension of justice, which Abraham and God both share.[1] The significance and range of ethical naturalism in the Bible will be considered below.

The biblical literature has much to say about the ensemble of human excellences that constitute the best life for human beings. It ensconces its teaching in narratives, poetry, law, and wise sayings, examples of which we

will presently explore. It is concerned as well with the best ordering of society, of economic life, and of political matters. In none of these domains is its vision systematic or deductive. It is often suggestive and casuistic, asserted rather than explicitly argued. The Bible's style, although differing by genre, is typically laconic. It does not dwell, as Homer did, on the elaboration of pictorial detail, nor does it develop in its narratives reports of the psychological states of its characters.[2] One would love to know what Abraham and Isaac, for example, thought during their three-day trek to the mountain where Abraham would attempt to sacrifice his son. But we are told nothing; the lacunae are filled by later imaginative Jewish (and Christian) literatures.

The collection of, according to the traditional Jewish enumeration, 24 books that constitute the canonical scriptures came into being over a span of almost a millennium.[3] (Nor is the process by which some books were included in the canon and others excluded clear or easily datable.) The Bible's earliest constituent texts reflect, although probably do not derive from, a late Bronze Age Near-Eastern civilization. Its latest text, usually assumed to be the Book of Daniel, comes from a second-century BCE Hellenistic world for which the Bronze Age was a remote antiquity. The Bible expresses not only a stream of Israelite and Judean-Jewish creativity stretching over centuries, it also expresses a continual reworking of inherited textual materials, symbols, literary motifs, beliefs, and values; a history of intra-biblical development and commentary. It is as if the English-speaking world continued to rewrite and develop Shakespeare for twice the amount of time that has elapsed since the Elizabethan Age. Beyond this, the biblical literatures themselves represent a radical reworking and revolutionary challenge to earlier, non-literary forms of Israelite and Judean religion.[4] The Bible is a polemic against what came before, against an Israelite and Judean culture that was hardly distinguishable from the "pagan" cultures in whose orbit it lived. The remnants of that banished form of life are half-veiled in the biblical text and partially revealed by archaeology. An historical account of ethics has to take this development into account.

The world of biblical religion, as opposed to its Israelite–Judean precursor, comes into being in the so-called Axial Age, a term of art that comes not from the vocabulary of the archaeologist but from that of the philosopher and social theorist. The Axial Age refers to a set of developments in the major civilizations of the world – Greece, China, India, Persia, and Israel inter alia – with roughly overlapping features. It represents a major shift in beliefs, values, religious consciousness, social and political thought, as well as in the social structures and centers of authority that fomented and sustained these shifts. The term was coined by the German philosopher Karl Jaspers. Jaspers contrasted the Axial Age with its predecessor "mythical age." The Axial Age represents the triumph of "logos against mythos."

"Rationality and rationally clarified experience launched a struggle against the myth; a further struggle developed for the transcendence of the One God against non-existent demons, and finally an ethical rebellion took place against the unreal figures of the gods. Religion was rendered ethical, and the majesty of the deity thereby increased."[5]

In pre-Axial Age, "mythic" civilizations, there was a sense of a distinction between the mundane and trans-mundane spheres. Animistic forces or, where present, gods penetrated mundane experience. The forces and gods were distinguishable but not radically different from human beings. Shamans crisscrossed the realms; magicians influenced the trans-mundane to assist human beings in their quest for purely mundane goods such as health, fertility, victory, and survival. Society was typically organized in clan and tribal structures. Authority was traditional or charismatic. With the rise of the Axial Age, a new relationship between the mundane and what Jaspers called the trans-mundane occurs. The trans-mundane ceases to be a rather more charged version of the ordinary world of experience and becomes fully transcendent. There is now a "sharp disjunction" between worlds.[6] In Israel, for example, the God who earlier "moved about in the garden during the breezy time of day" (Gen. 3:8) became an inconceivably austere sovereign who speaks and the world comes into being (Gen. 1:3). The creation account that features this sovereign as its main character, Genesis chapter 1, although the most famous in the Bible, is only one of many. Other accounts, preserved as fragments rather than fully fleshed-out literary narratives, speak of that older conception of the deity. In texts such as Psalms 74:12–17 and 104:6–9, Isaiah 51:9–11, or Job 38:8–11 are preserved cultural memories of a more mythological God fighting primordial monsters and suppressing the forces of chaos.[7] This God is much closer to his Babylonian analogues than the God of Genesis, chapter 1. With the rise of an intellectual class, the literary prophets of the eighth century, God became fully transcendent rather than trans-mundane. The sixth-century anonymous prophet known as Deutero-Isaiah gives pointed expression to this sense of radical transcendence when he proclaims: "For My plans are not your plans, Nor are My ways your ways, declares the LORD. But as the heavens are high above the earth, So are My ways high above your ways" (Isa. 55:8–9).

The fully transcendent God is increasingly revealed through word, law, and the cognition of value rather than through adventitious experiential, especially visual, encounters.[8] No longer are archaic experiences of God, conveyed by such texts as Genesis 18:1–14 and 32:24–30, Exodus 4:24–26 and 33:23, Joshua 5:13–15, or Judges 6:11–23 and 13:2–24, possible. God comes increasingly to be conceived as pure spirit; without a body, there is nothing to see. Where there is something to see, it is not God but a mediated presence (Isaiah, chapter 6; Ezekiel, chapter 1). The experience of God, to the extent that it is possible, requires levels of mediation. In the popular

religious imagination, angels come into being as designated intermediaries. In earlier Israelite religion, as in some of the texts just cited, angels, divine messengers, are not stable entities. They have no fixed identity – God and His messengers are one and the same. In mature biblical religion God is distinct and radically unique. As God's transcendence grows, the "space" between the mundane and the transcendent is increasingly populated by a heavenly host. The religious imagination abhors a vacuum.

The challenge of the Axial Age, in all of the world civilizations, was to align the mundane order with the newly envisaged transcendent order.[9] Social and political life, once timelessly organized along traditional tribal and clan lines, became an intellectual and a practical problem. How can the social and political realm reflect the eternal order of transcendence? For Israel, this problem had two interrelated solutions. The first was found in the concept of covenant, the conceptualization of the relationship between the nation of Israel and its transcendent sovereign along juridical and moral lines.[10] The second was found in the reorganization of the social sphere under a divinely legitimated monarchy. In pre-Axial civilizations, deities were more powerful versions of humans but similar in nature. The totems or gods of the clan brought fertility, successful hunts or growing seasons, victory in battle, etc. The relationship between the group and its trans-mundane counterparts was natural, organic, and mutually beneficial. With the development of the Axial civilization, the social group – now orders of magnitude more complex than a clan-based or tribal society – becomes accountable to the god or, more precisely, to the eternal, transcendent values that the god represents. The higher order, in the Israelite case represented by terms such as justice (*mishpat*) and righteousness (*tzedek*), must be appropriately actualized in the mundane realm. God is now known as one who wills *tzedek* and *mishpat* for his people; who is approached through acts of *tzedek* and *mishpat*. The relationship between people and deity is no longer natural and organic but juridical and moral: they are linked to God through a deliberate acceptance of a mode of life in which *tzedek* and *mishpat*, which are willed by the divine, become operational.

The prophets, themselves ethicized and intellectualized descendants of earlier shamanic figures from Israelite–Judean religion, are the carriers of this consciousness of accountability. The prophets speak in the name of a universal God, uniquely revealed to (albeit frequently ignored by) Israel, and at the same time lord of all the world. As a mature, Axial Age phenomenon, prophecy arraigns the Israelite and Judean elites for their failures to instantiate *tzedek* and *mishpat* in the life of society and state.

Prophecy develops in tandem both with monarchy and with increasing disparities of wealth in society. Its terms of reference are grounded in covenant, both the presumptive nation-founding covenant of Sinai and the political-founding covenant of Zion, which established the legitimacy

of David and his descendants. As in the case of national existence per se, political rule is legitimate only if it accords with transcendent norms of justice and righteousness. The prophetic enterprise is oriented toward reminding the king that his authority is conditional on his fidelity to norms underwritten by a higher authority. The political is subsidiary to the moral and the juridical. There are evidences of a "political ethics" along the lines of realpolitik in the Bible but the dominate voice subordinates realist decision making to transcendent religious-ethical norms.[11] When kings follow *raison d'état*, they usually do what is evil in the eyes of the Lord.

Covenant establishes a set of moral referents in some ways reminiscent of the culture of constitutionalism in the modern West. (This should not be surprising in light of the fact that biblical covenantalism lies at the roots of Western constitutionalism.[12]) Constitutions, especially written ones such as the Constitution of the United States, appeal to some prior normativity such as natural right while also standing on their own voluntaristic, contractual character.[13] The covenant of God with Israel at Sinai reflects this dual foundation. In part, the covenant rests on the normative claims of the divine per se. God is that goodness that ought to be chosen.[14] There is something ineluctable about the claims God makes on us, in the Bible's view. Yet unlike the pure contemplation of the good in Plato, the Bible presents the human encounter with divinity as requiring choice, response, consent. There is a recognizable, practical picture of moral agency in the Sinai story. Israel is offered a choice. Perhaps not a fully free choice – a powerful God has just liberated her from bondage and brought her to a barren wilderness. Neither ingratitude nor abandonment is a desirable option. Nonetheless, the choice is real, if constrained – like most morally significant choices in life. Under these circumstances, Israel chose to bind herself to the One who showed her favor, who liberated her from slavery. Israel met God's offer of relationship with a rational response of gratitude and a pledge of fidelity (Exod. 19:7–8). The imperatives of biblical law are contextualized within a narrative that emphasizes consent, rather like the social contract tradition that it anticipates. The law is also tied to, in the sense of requiring and promoting, the virtues of gratitude, fidelity, and love. Law must not be seen in purely deontological terms, nor should it be framed solely by reference to heteronomous commands. The covenant entrains its own distinctive virtues.

Once articulated, both constitutions and covenants function as models for the subsequent guidance of practical reasoning. Constitutions generate their own traditions of moral wisdom and culture. Once on the scene, a constitution is neither a sheer piece of positive law nor a transparent symbol of natural law. It is its own inflected, particular order, both generative of positive law and dependent on deep, thematic sources of normativity.[15] So it is with the covenantal framework of the Hebrew Bible, expressed most paradigmatically in the Book of Deuteronomy, the leading covenantal text

in the Bible. Although Deuteronomy per se may only have come to light in the seventh century BCE, much of what becomes canonical scripture was recast to accord with it.[16] It shapes the subsequent "deuteronomic history" (the books of Joshua, Judges, Samuel, and Kings), and the prophets, particularly Jeremiah, but it also influenced the outlook of the other books of the Pentateuch. The Torah's modes of understanding human relations as well as the relation between the divine and the human were reframed along covenantal lines.[17]

Just as constitutions should not be read as codes of law but as frameworks for the development of a normative form of life, so too should biblical covenants. The concept of covenant is not comprised by a set of rules but by the aspiration to achieve a just ordering of communal life and an ideal of individual character. This dimension of the phenomenon of covenant mitigates somewhat the rule-oriented appearance of biblical legal texts. One must keep in mind the larger normative and aspirational context in which those texts inhere. The philosophical paradigm of an ethics of divine command does not quite suit the great number of "thou shalt" and "thou shalt not" statements of the Bible. Within a covenantal context such statements are less flat rules than they are occasions for enacting a form of life, which has been entered into for rational and defensible reasons. As H. L. A. Hart pointed out, legal systems not only command, they enable. Laws not only constrain liberty, they create opportunities for its exercise.[18] So too, the covenantal framework, although it contains rules, also opens possibilities for the growth of the soul, as it were. Laws – in later Judaism – become opportunities for the enactment of virtues such as fidelity, gratitude, and love, as well as an apparatus for the development of character.

The other device of Israel's Axial Age civilization for instantiating *tzedek* and *mishpat* in society is kingship. Kingship is also framed as a covenantal institution, along the lines of a constitutional monarchy. The Book of Deuteronomy absorbs and transforms earlier understandings of kingship inherited from the ancient Near East. Kings in Ugarit or Babylon were understood to have been adopted by the god (cf. Ps. 2:7), endowed with special judicial wisdom (cf. Ps. 72:1), charged with administering justice (Ps. 72:4), which ought to carry across their entire reign (cf. I Kings 10:9); they were as well to maintain the cult and temples (cf. I Kings, chapters 1–8) and lead the army personally to war (I Sam. 10:27–11:15).[19] In Deuteronomy, however, the king's role as the dispenser of justice is minimized – a professional, rationalized judiciary is to be set up "in each of your city gates" (Deut. 16:18). The powers of the king are tightly circumscribed (Deut. 17:14–20). He is subordinated to the Torah-constitution. Nor does he have any role vis-à-vis the religious cult. Individual Israelites are responsible for their religious lives (Deut. 16:11, 14). The king does not officiate at religious ceremonies or mediate divine grace. Deuteronomy thus represents

a sharp, utopian rejection of the prevailing royal ideology-theology of the ancient Near East, including that of earlier Israel. So sharp a break was never fully instituted, as numerous contradictions between Deuteronomy's program and the reports of kingship in the subsequent books of (deuteronomic!) history indicate. Nonetheless, we have here a tendency toward ethicizing and rationalizing the norms of society and state, as well as a tendency against reliance on charisma and political authority made sacred. The attempt of covenantal thinkers to subordinate political rule to the Torah-constitution grounds all subsequent attempts in the West to deconstruct what Ernst Cassirer called "the myth of the state."

Another significant achievement of the Axial Age was the ethicization of the cult. The Bible has an important strand of priestly writing (P), which appears in Genesis, the last sections of Exodus, all of Leviticus, and some of Numbers. P is heavy with ritual texts, typically focusing on purity, impurity, and sacrifice. Its dominant theme is the presence of God (*kavod*) in the midst of Israel and the consequences of that incursion of the sacred. The indwelling of God's *kavod* requires a shrine, initially the Tabernacle, the ritual achievement of purity, and expiatory sacrifices centered on the ritual use of blood. P reworks earlier Israelite and Judean popular religion, also under the impress of covenantal thought. Most significantly, P responds to the growing prophetic movement by modifying antique categories of purity and impurity along ethical lines. Some scholars refer to a priestly school that stresses holiness (H) in a moral cum ritual mode. Thus, a central text of Leviticus, the Holiness Code (Leviticus, chapters 17–26) seamlessly interweaves purely "ritual" with "moral" injunctions. This interdependence of the "religious" with the ethical becomes decisive and typical for subsequent Judaism. We shall explore this in the next section.

Alongside these processes of rationalization and ethicization evident in narrative, legal, prophetic, and ritual texts there is a relatively "secular" ancient Near Eastern tradition of wisdom (*ḥokhmah*). Wisdom – found in the books of Proverbs, Job, Ecclesiastes, several Psalms, and elsewhere – focuses on individual virtue, the development of appropriate habits and traits of character and their employment in successful action. Wisdom is an achievement of the unassisted human mind. Desirable traits and wise decisions can be acquired through the observation of nature; the best human patterns can be inferred from the patterns of the natural world. This tradition, which reflects a mode of inquiry and assertion common to several ancient Near Eastern cultures, especially Egypt, is thus significantly different from the deliverances of prophets or the revelation of divine law. In general, wisdom is worldly and success-oriented. The wise person achieves material prosperity and security in Proverbs. This easy equation of wisdom and merit is challenged, famously, by the Book of Job. The usefulness of wisdom overall is thrown into question by the Book of Ecclesiastes. Wisdom

cannot, therefore, be said to be a single coherent literary tradition. It is, nonetheless, marked off from other genres by its individual (vs. national) focus and by its relatively secular perspective. Given the antiquity of Egyptian wisdom texts (e.g. 1200–1100 BCE for the *Instruction of Amenemope*, which Proverbs resembles), sustained attention to *ḥokhmah* precedes the Axial Age.

With these considerations in mind, let us turn to some biblical texts that exemplify these various literary genres, that show the development of biblical thought in the direction of rationalization, and that indicate the Bible's manner of dealing with selected ethical problems.

Moral Realism and Divine Command

A key question for ethics in a theistic mode is the relation of God to value. Does God affirm a good, which is independent of him, and then command us to follow it because it is per se good? If the good is per se good and, crucially, accessible to human beings through moral reason, then God's command may be superfluous. Or is the good itself *constituted* by God's command; is something good because God *says so*?[20] This problem was famously raised by Plato in the *Euthyphro*, a dialogue between Socrates and the character for whom the dialogue was named. Socrates pointedly asks Euthyphro "Is what is holy holy because the gods approve it or do they approve it because it is holy?" (10a). Socrates wants to argue the latter point against Euthyphro, who wants to maintain a pure voluntarism or divine command ethics: x is holy or good because the god N wills it to be so. Euthyphro in effect claims that the good, the just, and the holy comprise the set of actions that the gods love. When we engage in acts that conform to what the gods desire then we engage in good, just, or holy acts. These values are contingent on extrinsic divine approval rather than on any qualities intrinsic to the acts. Socrates shows Euthyphro that his definition is incoherent. In a polytheistic context, the gods in fact differ in their appraisals of what is good, holy, or just; such differences lead to violent conflicts among the gods of myth. What one god considers just, another finds outrageous. Socrates tries to wean Euthyphro from his traditional piety toward a more transcendent, rational perspective – the kind of move we associate with the Axial Age. He wants to ground ethics in abstraction, to free ethics from the arbitrariness of saga and traditional authority.[21] Plato, in works such as the *Protagoras*, will later try to found a science of ethics that has an exactitude and a rational structure similar to mathematics. But here Socrates only gestures. He points toward a rational or natural goodness. Both gods and men delight in and defer to a perfection that is independent of, while rationally accessible to, them. The implications of this intuition, far from fully

fleshed out in the *Euthyphro*, become thematic for the *Republic*, with its Platonic theory of the Good as the form of forms.

These views suggest what contemporary philosophers (earlier philosophers called it natural law) call moral realism: the view that moral facts are facts about the world; that "values" exist in some way independently of those who make evaluative judgments. We needn't locate values in a reified Platonic realm of Forms. Realism claims, with greater metaphysical modesty, that fact and value are so mutually implicated that evaluation is intrinsic, not secondary, to description.[22] When we talk about value, moral and otherwise, then we are talking about matters available to all rational beings and at the same time in some manner independent of them. The *Euthyphro* raises the issue in a peculiar way: as a question of the status of value vis-à-vis gods and men. The possibility of moral realism – that value could be independent of the gods – raises theological problems for a traditional faith. For Plato, the Good takes on the role of God. For biblical monotheists, that is both appealing and problematic.

The dialogue between Abraham and God in Genesis, chapter 18 raises some of the same questions that Plato much later addressed, albeit in a non-philosophical, narrative form. God appears to Abraham in the form of three men who approach his camp by the "terebinths of Mamre." Abraham practices exemplary Near Eastern hospitality, hastening with his wife and servants to prepare a feast for them. (Later Jewish interpretation notes both the verbs indicating alacrity and the proximity of this pericope to the previous one in which Abraham was circumcised. His generous hospitality is made all the more vivid by having to overcome the pain of his recuperation. In this way, biblical stories become paradigmatic for subsequent Jewish virtue ethics.) The men/angels/God – note the instability of identity typical of pre-Axial Age reports of divine–human encounter – tell the aged and barren Sarah that she will have a child. She laughs at the news, as at an absurdity, and then dissembles in fear, telling God, when He asks, that she did not laugh (and therefore doubt Him). God replies tartly "You did laugh." But then God considers, in the subtle manner of biblical narrative, whether He ought to dissemble too, hiding from Abraham what He is considering with regard to the wicked cities of Sodom and Gomorrah.

> "Shall I hide from Abraham what I am about to do, since Abraham is about to become a great and populous nation and all the nations of the earth are to bless themselves by him? For I have singled him out, that he may instruct his children and his posterity to keep the way of the LORD by doing what is just and right, in order that the LORD may bring about for Abraham what He has promised him." (Gen. 18:17–19)

God's question may be genuine or it may be rhetorical. (Given who Abraham is going to be, how could I *not* tell him?) Abraham and his line are

uniquely destined to keep the way of the LORD, to do what is just and right. A significant demonstration of justice – the deserved punishment of the wicked inhabitants of Sodom and Gomorrah – should not be hidden from him. He should see how divine justice operates in the world, especially as he is to be the founder of a "great and populous nation."

Abraham, however, does not seem to need an object lesson in divine justice. He already grasps, in a natural and rational way, as it were, the concept of justice and its implications. "Abraham remained standing before the LORD. Abraham came forward and said 'Will you sweep away the innocent along with the guilty?' " (Gen. 18:22b–23). "Standing" here refers to the behavior of a litigant, entering a lawsuit to plead for justice. Abraham makes bold to confront "the Judge of all the earth" to "deal justly" (v. 25). He both asserts his claim to speak in the name of a justice to which God too is accountable, and apologizes for his temerity, for he is but "dust and ashes" (v. 27). Abraham poses a basic moral question to God: "Will you sweep away the innocent along with the guilty? What if there should be fifty innocent within the city?" (vv. 23–24a). The concept of justice rests on the idea of desert. Justice entails giving persons, indeed, giving all beings their due.[23] To punish the wicked, on a suitable definition of wickedness, is just; to punish the innocent is unjust. Abraham does not need God to tell him this. This basic insight into the workings of desert is natural or rational. To know persons is to know their value; personhood is a value-laden fact about the world. What Abraham has yet to learn is how his natural cognition of the value of persons fares when it is enlarged to comprise a political body (the city). As Leon Kass argues, this is a story about Abraham's education in political justice.[24]

Thus, Abraham goes farther. He asks "will you then wipe the place out and not forgive it for the sake of the innocent fifty who are in it? Far be it from you to do such a thing, to bring death upon the innocent as well as the guilty, so that innocent and guilty fare alike" (vv. 24b–25). Abraham is making a case about public justice. Individuals should get what they deserve, but the embeddedness of individuals in a common life complicates the logic of desert. Persons are not just individuals but social beings ensconced in a political context where the possibility of "moral man and immoral society" emerges. How does Abraham address this social fact? He argues that the putative presence of innocents should not only prevent the destruction of the city but spare the wicked as well. It would be unjust for the innocent to receive the same treatment as the guilty; but it would be unjust for the guilty, under the circumstances, to be punished at all. Why? Given Abraham's concept of collectivity, the innocents cannot be separated from the guilty. The intermingling of all in the city is ineluctable. Deserts cannot be apportioned in a selective way; it's all or nothing at all with bodies politic. This should preempt God's exaction of justice. Abraham is

not arguing that the innocent redeem the guilty; he is arguing rather that their presence complicates an otherwise just process of recompense.

Abraham then famously pushes God to withhold punishment if there were to be as few as 10 innocent people in the city. The sordid story that follows, illustrating the inhospitality and rapine of the inhabitants (Genesis, chapter 19), justifies God in destroying Sodom and Gomorrah. Presumably, God accepts Abraham's moral argument about the conditions of public justice. The facts of the case, however, allow that argument no traction. There are no innocents in the cities. After the destruction, Abraham "hurried to the place where he had stood before the LORD, and, looking down toward Sodom and Gomorrah and all the land of the Plain, he saw the smoke of the land rising like the smoke of a kiln" (Gen. 19: 27–28). Abraham accepts God's moral argument, as well.

Abraham may have a natural, rational, or moral realist apprehension of justice but he must discover its implications through application to actual cases. The story raises the issue of how justice in a public context differs from justice among private persons. Abraham's assumption, which is to say, the Bible's assumption in its earliest strata, is that groups are to be judged collectively. The social condition of human beings implies collective guilt (or innocence). The criteria by which collective guilt or innocence is determined are unclear. Some threshold of majoritarian and/or intergenerational wickedness must be crossed. This is clear in both versions of the Decalogue (Exod. 20:5; Deut. 5:9), which indicate that an impassioned God will visit "the guilt of the parents upon the children, upon the third and upon the fourth generations of those who reject" him. He will, as well, show "kindness to the thousandth generation of those who love" him. The guilt or innocence of parents is determinative of the deserts of their descendants. Belonging to a collectivity determines what one deserves – a view surely troubling to persons who live in an age that prizes individuality and valorizes autonomy. This view was, however, found wanting *within* the biblical literature itself. Already within the Pentateuch, Deuteronomy rejects it. "Parents shall not be put to death for children, nor children be put to death for parents: a person shall be put to death only for his own crime" (24:16). The prophet Ezekiel is even more forthcoming. He rejects the exiled Judeans' complaint that their ancestors were wicked but they are paying the price. Ezekiel condemns the consoling but pernicious saying, "the fathers have eaten sour grapes and the children's teeth are set on edge." He categorically asserts: "The person who sins, only he shall die" (Ezek. 18:4).[25] Here we see an Axial Age breakthrough toward a heightened concept of individuality, moral agency, and responsibility. The hold of the clan, of the collective, has been weakened. There is a theological corollary as well: the concept of repentance moves to the forefront. If one is now fully responsible for one's desert and cannot

explain it by reference to one's collective situation, then one needs to examine one's ways, repent, and return to God's path.

> Yet the House of Israel say, "The way of the Lord is unfair." Are My ways unfair, O House of Israel? It is your ways that are unfair! Be assured, O House of Israel, I will judge each one of you according to his ways – declares the LORD God. Repent and turn back from your transgressions; let them not be a stumbling block of guilt for you. Cast away all the transgressions by which you have offended, and get yourselves a new heart and a new spirit, that you may not die, O House of Israel. For it is not My desire that anyone shall die – declares the LORD God. Repent, therefore, and live! (Ezek. 18:29–32)

Interestingly, this bright-line delineation of personal responsibility is addressed to the collectivity, the "House of Israel." The balance between the "lonely man of faith" and the *ben berit*, the member of a covenanted community, remains labile in subsequent Judaism.

To return to where we began, this story seems to assume the reality and accessibility of independent and objective moral knowledge, available both to God and man. Its metaethics, as it were, is realist. Whether the idea that moral value is embedded in creation, available to Israelites and non-Israelites alike, rises to a theory of natural law is debatable. What is more certain is that pure positivism, whether that of Marvin Fox or Karl Barth, misreads the biblical text. Precisely where we might expect positivism to gain the most traction, in prophecy where God speaks and commands, we immediately encounter a problem. The eighth-century prophet Amos, for example, inveighs against Israel and Judah's gentile neighbors for their barbaric conduct in war against one another (Amos 1:3–2:3). Amos castigates non-Israelites for violating what are assumed to be generally accepted moral norms of conduct. The nations have neither been commanded by God (within the universe of the text) nor subject to the covenantal stipulations of biblical law. Yet they are expected to know the relevant moral norms, presumably on the basis of their own natural moral sense.[26]

This approach to moral realism short circuits the Euthyphro problem, to an extent. What differentiates it from Socrates' position is that, for the Bible, God has made the world as it is, so moral knowledge is still dependent on God, as His creation. (Wisdom, personified, in Proverbs 8:22 declares "The LORD created me at the beginning of His course, as the first of His works of old.") Once created, however, it takes on, like all created things, a life of its own. Moral knowledge or wisdom comes in an agonistic way to human beings. It is not exactly God's free gift – He did, after all, proscribe Adam and Eve from eating the fruit of the tree that bestows it. There is a Promethean aspect to humanity's reception of moral discernment. The serpent seduces Eve with the promise that were she to eat of the fruit of the Tree of Knowledge "your eyes will be opened and you will be like divine

beings who know good and bad" (Gen. 3:5). Moral knowledge mediates between humans and the divine; in being able to distinguish good from bad, humans become like God, who wrought order from chaos in creating the world and repeatedly determined that the world is good. (For example, "God said, 'Let there be light'; and there was light. God saw that the light was good, and God separated the light from the darkness" (Gen. 1:3–4).) Goodness comes from God, as does the ability to discern it. Value – although it has its remote source in God's creative act – is not presented by biblical texts as arbitrary, a product of mere fiat or divine whim. Even Job, who in the end must suspend his impassioned inquisition of God's apparent injustice, accepts God's will as bound by a higher, inscrutable justice rather than by no justice at all. The frame story of the book of Job sets forth a rationale for Job's suffering; Job will be tried so that God may demonstrate his merit. That may be cruel, but it is not senseless.

Value is embedded in nature qua creation. The knowledge of value and the capacity for evaluative judgment are primordial to human nature. They link the human to the divine. Out of this nexus arises the possibility of theomorphic action: man is to emulate God. Although radically distinct ontologically, God and the human may share such values as compassion, justice, fidelity, and generosity. Rabbinic Judaism, as we shall see in the next chapter, develops a virtue ethic, augmented by a legal framework, of imitatio dei. This is made fully systematic in the Middle Ages by Maimonides. That ethic is already established in the biblical literature, however, although not without complications and contradictions, as we shall now see.

Holiness, Goodness, and the Emulation of God

God proclaims, in one of the most oft-cited verses in the Bible: "You shall be holy, for I, the LORD your God, am holy" (Lev. 19:2). Can human beings emulate God; can they emulate God's holiness? God is holy, which as Rudolf Otto argued means "wholly Other," a *mysterium, tremendum et fascinans*, uncanny and often terrifying.[27] We typically think of holiness today in moral terms, roughly equivalent to saintly behavior, an extraordinary and consistent goodness. The Bible itself moves in that direction but it also contains something more discordant to modern ears – holiness as immense unpredictable power, which can wound and destroy as much as it can energize and vitalize.[28] In II Samuel 6:7, King David's servant, Uzzah, grabs the Ark of God as it was about to fall out of the cart carrying it up to Jerusalem and was instantly struck down, as if he had been hit by lightning. (Compare the narrative of Aaron's sons, who are eradicated by a burst of fire due to their unauthorized infringement on holy space in Lev. 10:1–2.) Holy things – things that belong to the divinity or are closely tied to His

being (e.g. his Name, Exod. 3:14–15) – hold the power of life or death; they must be kept separate from ordinary things. Hence, biblical law records a great deal of conceptualization and regulation of purity and impurity, conditions which either allow for the divine presence, holiness, to be in the midst of Israel or to remain aloof from it. The dichotomy of purity and impurity (*taharah* and *tumah*) is not the same as the dichotomy of holy or sacred (*kadosh*) and profane (*ḥol*). The former facilitates or retards the presence, status, or property of the latter.[29]

In Mesopotamian societies, impurity was thought to be occasioned by demons. Demonic activity, invasion, or possession rendered one impure. The Bible, whose texts reflect the ethicizing perspective of the Axial Age, virtually eliminates the role of demonic forces (as well as malevolent deities, Fate, or necessity – the other divine and meta-divine forces of the pagan world). As Jacob Milgrom puts it:

> The Priestly theology negates these premises. It posits the existence of the supreme God who contends neither with a higher realm nor with competing peers. The world of demons is abolished; there is no struggle with autonomous foes, because there are none. With the demise of the demons, only one creature remains with "demonic" power – the human being. Endowed with free will, human power is greater than any attributed to humans by pagan society. Not only can one defy God but, in Priestly imagery, one can drive God out of his sanctuary. In this respect, humans have replaced demons.[30]

Impurity in Israel is basically harmless for those subject to it. It prevents their entrance into the holy place, first the wilderness Tabernacle and then the Temple, but it does not harm them. Impurity follows organically or mechanically from certain contingent events, such as scale diseases of the skin, as well as comparable eruptions in fabrics or on the walls of houses (Leviticus, chapters 13–14), chronic genital flows (Leviticus, chapter 15), or touching a corpse. Persons or places that have these disorders must be separated until they pass (and appropriate sacrifices are brought) lest they prevent the holy from abiding within the people Israel and, eventually, its land. In this literature, there is a mechanical, almost karmic quality to this process. The divine is envisioned not as a personal, moral being but as an impersonal, amoral, purely energetic force. The symbolism which underlies the selection of impure conditions has to do with death. The impurity laws, in their entirety, have to do with the antipode to the life-giving force of divine holiness. They indicate that the force of life (semen, blood), which is dissipated in genital discharge, or the healthy intactness of the body, which is violated by wasting disease at its boundaries (scales, earlier erroneously translated as "leprosy"), is being vanquished by the pull of death. The restoration of sufferers from these conditions reenacts a creation-like victory of life over chaos, disorder, and death. "No wonder," Milgrom writes, "that

reddish substances, the surrogates of blood, are among the ingredients of the purificatory rites for scale-diseased and corpse-contaminated persons (Lev. 14:4; Num. 19:6). They symbolize the victory of the forces of life over death."[31]

Earlier generations of scholars, as well as Christian readers over the centuries, saw in the purity laws something primitive and alien, the very antithesis of ethics. That rabbinic Judaism developed and codified these laws into an even more elaborate system earned it an additional measure of scorn. Jesus' ethicizing teaching "not what goes into the mouth defiles a man, but what comes out of the mouth, this defiles a man" (Matt. 15:11) seemed to give the coup de grâce to the entire system of purity and impurity with respect to diet (*kashrut*), which remains at the core of Jewish practice and continues the logic of Leviticus' symbolism. Contemporary scholars are more understanding. The work of the anthropologist Mary Douglas, for example, established that purity and pollution rules cannot be radically divided from moral rules; there is no hard dichotomy between ritual and ethics, even when the rituals deal with the most foreign and inassimilable material. Analyzing the social function of Nuer pollution rules, Douglas shows how such rules can marshal "moral disapproval when it lags." "… when the sense of outrage is adequately equipped with practical sanctions in the social order, pollution is not likely to arise. Where, humanly speaking, the outrage is likely to go unpunished, pollution beliefs are likely to be called in to supplement the lack of other sanctions."[32] In Douglas's view, beliefs and practices related to purity and impurity are powerful adjuncts to the basic moral-normative dimensions of a given society. Typically, purity and impurity have to do with the intactness of categories and the disturbing presence of anomalies, particularly on the body. The body is thought to symbolize society as a whole; guarding the soundness of its boundaries (e.g. skin) is tantamount to guarding the uniqueness, solidarity, indeed, the holiness of the collective.[33]

The conceptual interweaving of purity and impurity, holiness, and ethics finds expression in the extension of *taharah* and *tumah* to moral matters per se. Ritual impurity, such as corpse defilement, is not sinful. But eventually the commission of grave sins such as murder (Num. 35:33–34), idolatry (Lev. 19:31; 20:1–3) or impermissible sexual acts (Lev. 18:24–30) is assimilated to the category of impurity; these sins are held to be "abominations" which defile those that commit them, the Land of Israel as a whole, and the sanctuary.[34] The accumulated impurity of such acts will result in the expulsion of the people from the Land. The Land, as a holy place, must be separated from polluting–defiling forces. The Holiness code, Leviticus chapters 17–26, shows precisely this intermingling of the ritual and the ethical, the extension of the penumbra of the purity–impurity dichotomy, as well as the complexity of biblical concepts of holiness.

The Holiness source or H represents, according to Israel Knohl, a priestly response to the ethically charged work of the prophets, especially of Isaiah.[35] Priestly theology per se reveals the marks of an Axial Age perspective. As already mentioned, the demonic had been banished and natural processes as well as human choices were thought to account for impurity. The God of priestly theology is remote, non-personal, and, according to Knohl, amoral. God is more like gravity or electromagnetism than father or judge. This reflects a high sense of transcendence, of macro-level cosmic order within which human significance is meager. The work of priests is to keep the energy flowing, as it were, to repair the breaches in the wall of purity such that God can remain connected to his sanctuary and endow his holy land and people with life. The God of H remains transcendent but is drawn into another paradigm: the God of the covenant, the God who enters into morally recognizable relations with human beings. Henceforth, holiness will have to do with more than the separation of sacred objects, persons, places, and times from the profane; it will have to do with moral life, with the quality of actions and intentions. Thus, Leviticus, chapter 19 applies considerations of holiness seamlessly to "moral" as well as to "ritual" matters. The whole range of Israelite life (and of Israelites – holiness is no longer the exclusive concern of priests) is drawn into a sacred register.

Leviticus, chapter 19 begins, as we have seen, with an injunction to *all* the Israelites to be holy, for God is holy. Immediately, a crucial "ritual" observance, the Sabbath, is linked to a "moral" one, revering father and mother (19:3). Injunctions as to the proper conduct of sacrifice (19:5–8) are juxtaposed with procedures for harvesting one's field so that produce remains for the benefit of "the poor and the stranger" (19:9–10). (These norms become foundational for the later, extensive Jewish concern with the welfare of marginal classes.) Stealing, deceptive commercial practices, fraud, retention of a worker's wages, mocking, taking advantage of or treating cruelly the deaf or the blind are related to the holiness of God. To deal falsely is equivalent to swearing falsely "by My name, profaning the name of your God" (19:12). The text is regularly punctuated with the reminder "I am the LORD" to underscore how much is at stake. God becomes an affected party in every human interaction. There is no conduct purely *inter homines*. Whether the implications of divine holiness are recognizably moral in modern terms ("Love your fellow as yourself: I am the LORD" 19:18) or rather alien to modern sensibilities ("You shall not make gashes in your flesh for the dead, or incise any marks on yourselves: I am the LORD" 19:27), correct action enables and protects God's presence in the world. Unholy action banishes it.

Later Jewish tradition took the significance of "be holy, for God is holy" to mean: be Godlike insofar as that is possible for human beings. Emulate the moral attributes of God such as compassion, forgiveness, patience, and

truthfulness. "It is comparable to the court of a king. What is the court's duty? To imitate the king!"[36] But it is questionable that this is precisely what emulative holiness means in Leviticus. The overtly moral notes are clear, but so is the distinctively ritual dimension. Taking holiness in its full ritual–moral/purity–impurity complexity, the text calls for Israel's separation from the practices of its pagan neighbors. Just as God is separate, so should Israel be separate – especially from the enduring temptations of paganism, real and notional, in its own midst. Later Judaism, of course, sensed this dimension very keenly. The rabbinic halakhic midrash to Leviticus, Sifra, interprets *kedoshim tihyu* (You shall be holy) as "Israel's behavior is different from that of other nations."[37] The practice of the distinctive stipulations of the covenant, the mitzvot, renders Israel distinct from the nations. By living according to the mitzvot, Israel brings holiness qua separation into the world and creates a space for the vitalizing power of God to make its presence felt.

On this view of holiness, not only are ritual and ethics thoroughly mixed and mutually supportive but God and ethics are inextricable – and not merely as a theology of the divine nature but as a strong claim as to the presence of God. Holy acts bring divine holiness into the world. Holiness, as a concept, is incoherent without the idea of divine presence. It is the idea of God's actual presence in the sanctuary which gives purity and impurity, and consequently holiness, traction. Absent these metaphysical beliefs, the system becomes wholly symbolic, a fading metaphor for values and significance more properly conceived at another ontic level.[38] Trying to keep some strong version of holiness, call it metaphysical holiness, alive against demythologizing and ethicizing trends remains a preoccupation of subsequent Judaism. We will encounter it again in Chapter 3 on medieval Jewish ethics and in Chapter 5 on modern Jewish ethics.

Agency, Free Will, and Responsibility

Human agency is central to the Bible. Theologically minded readers, such as Abraham Joshua Heschel and, before him, Leo Adler, have accordingly argued that the Bible is less about God than about man, less about theology in the sense of a doctrine of God than about a normative anthropology.[39] The commandments presume that ought implies can; that human beings can follow them. "Surely this Instruction [Torah], which I enjoin upon you this day, is not too baffling for you, nor is it beyond reach. It is not in the heavens, that you should say, 'Who among us can go up to the heavens and get it for us and impart it to us that we may observe it?' … No the thing is very close to you, in your mouth and in your heart, to observe it" (Deut. 30:11–14). Human beings are thought to be the authors of their

own deeds. They are responsible, within limits, for the consequences of their actions, thoughts, and desires; they are able to discern and choose the right path and ought to do so.

But how far do these very robust assumptions about moral agency go? Given the evolution of a heightened sense of individual agency and responsibility in the Axial Age, does Scripture show awareness of constraints on agency, such as ungovernable passions, mental illness, inadvertence, and, more theoretically, the problem of free will and determinism?[40] Biblical law and narrative recognize some of these constraints. Deuteronomy 19:4–5 recognizes the constraint of pure contingency: Two men are cutting wood and, by accident, the handle flies off the axe of one and kills the other. The survivor is not a murderer, but neither is he free from guilt. He has killed inadvertently and has to flee to a "city of refuge" where the family member of the deceased (the "blood avenger") is not allowed to hunt him down. I Samuel 1:12–19 recognizes that drunkenness, while shameful, would account for and excuse puzzling behavior. Extreme passion can lead to vicious behavior, such as rape (II Samuel, chapter 13). King David, although not his son Absalom, apparently excused Amnon's rapine because of his deranged emotions. (Absalom later had him murdered.) In each of these cases, the Bible acknowledges that we are not always in full control of ourselves. An adequate law and ethics needs to account for such constraints on agency. It needs to diminish responsibility for acts where constraints are in play.

But what if the constraints are not merely adventitious but structural? What if they are routinely built into the way things are such that responsibility is thrown radically into question? The conceptual problem of freedom in a putatively deterministic, fated cosmos does not come into clear focus until the Stoics. We should not, of course, expect a rigorous examination of it in the biblical literature. Nonetheless, the free will/determinism problem does make an appearance. This should not be surprising, as it grows out of the natural human awareness that sometimes action is more or less compelled, more or less restrained. As alluded to above, passions, drives, hunger, lust, as well as kings and commanders, friends, and God can compel us to act. One can naturally imagine a contrast between action under constraining conditions and action in a context of greater liberty. One need not be a philosopher to recognize oneself as a moral agent within these different orders of condition. There is no reason to doubt that biblical Israelites shared this moral imagination.

As we have seen, mature biblical religion rejects inter-generational punishment for misdeeds. Both Deuteronomy and Ezekiel assert that every individual accounts only for his or her own sins. That mature view increases moral agency and responsibility. Yet dissonant notes remain. Jeremiah, a reluctant prophet, is told "Before I created you in the womb, I selected

you; Before you were born, I consecrated you; I appointed you a prophet concerning the nations" (Jer. 1:5). The issue here is neither sin nor punishment but ranges of condition that limit freedom of choice. Jeremiah's choices in life were severely constrained, to say the least. Here something like fate enters the picture, a constraint on freedom of agency so deep as to be structural. (The more common case, however, is of the reluctant prophet who fears to accept his call. Consider Jonah, for example, who fled the divine charge to rebuke Nineveh and wound up in the belly of a "huge fish" for three days and three nights (Jon. 2:1). God's intentions for the prophet are irresistible. This also suggests an awareness of "metaphysical" constraints on moral agency.)

The problem of metaphysical or structural constraints on an agent's range of choice, and hence on his accountability and responsibility, is raised by the Exodus narrative of Moses and Pharaoh. In the course of telling Moses to go to Pharaoh and plead with him to let the Israelites go, God famously "hardens Pharaoh's heart" and constrains his choices. This immediately raises the moral conundrum, which gives the freedom/determinism problem its human significance, of whether God is punishing Pharaoh unjustly. If he cannot choose to let the Israelites go, in what sense is it just to punish him for his refusal?[41]

When God commissions Moses to go before Pharaoh and demand that he release Israel from bondage, God announces that:

> I will harden Pharaoh's heart, that I may multiply My signs and marvels in the land of Egypt. When Pharaoh does not heed you, I will lay My hand upon Egypt and deliver My ranks, My people the Israelites, from the land of Egypt with extraordinary chastisements. And the Egyptians shall know that I am the LORD … (Exod. 7:3–5)

God appears to deny Pharaoh freedom of choice; even if he wanted to repent, he would not be able to do so. He would not have, as contemporary philosophers say, liberty of indifference; that is, he would not be able to choose among possible options. He would be constrained to choose only one – refusal to let Israel go. Does this not count against God's justice? Furthermore, God intends to use Pharaoh, as Kant might put it, as a means rather than an end. God will make a display of Pharaoh so that the Egyptians will know who is really in charge. God has not only removed Pharaoh's freedom of choice; He has made Pharaoh an unwilling tool of divine pedagogy.

At first glance, the text seems innocent of the moral complications it engenders, as if the loss of Pharaoh's moral agency were not an issue. But that may not be the case. As the medieval Jewish exegetes noticed, the motif of heart-hardening is artfully arranged and the arrangement is no doubt

significant. It occurs precisely 20 times. Pharaoh hardens his own heart 10 times (Exod. 7:13, 14, 22; 8:11, 15, 28; 9:7, 34, 35; 13:15) and God hardens it (or announces He will harden it) another 10 (Exod. 4:21, 7:3, 9:12, 10:1, 20, 27; 11:10, 14:4, 8, 17). Crucially, God's hardening of Pharaoh's heart does not begin until the sixth plague. "For the first five plagues," Nahum Sarna writes, "the pharaoh's obduracy is a product of his own volition."[42] Even after the first instance where God directly stiffens Pharaoh's heart (9:12), we read that once again Pharaoh is responsible for hardening his own heart (9:34–35). Only afterwards does his agency decline. In this subtle narrative way, the writer seems to give us a clue to his awareness of the moral problem and to the solution for it. Pharaoh brought his calamity upon himself. Later Jewish exegetes will pick up this clue: having made himself guilty through his invidious choices, the hardening of Pharaoh's heart is not a prelude to his punishment, it *is* his punishment. He is the author of his own hopeless situation. Being unable to repent, to atone for one's deeds, to be trapped without possibility of release in a vicious way of life is its own punishment. It is a choice against life, in the sense of full human flourishing; it is a choice for death.

Pharaoh's is an extreme case where the constraint on desire, choice, and action is purely internal to the agent. More typically, constraint on agency comes in the form of difficult circumstances, some of them engineered by God, which circumscribe and limit one's range of choice. The fact that the Bible portrays God as a character, working behind the scenes to challenge human beings, need not dismay the skeptical reader. What is important here is not the cause of constraint but the reality of it and the challenge it poses to successful moral deliberation and choice. Biology (and God) has prevented Sarah or Rachel or Hannah from conceiving but what is really important is the quality of their understanding of, and response to, their hardship. Up against these discouraging situations, they show their mettle, anger, hope, despondency, impatience, or courage. Without internal, psychological depiction, the Bible nonetheless reveals the complexity of its characters, as well as their moral stature, virtues, and failures. The tense, intricate narrative of the competition between Jacob's wives, Leah and Rachel, for example, in Genesis, chapter 30, reveals in just a few strokes how human beings cope with the adversities of a "step-motherly nature." Rachel emerges as both petulant and pious, conflicted and joyous – the very model of a realistic human being. The Bible's portrayal of its characters, especially in Genesis, emphasizes their flawed humanity. They grope to do the right thing, the good thing, untutored by anything other than their own resources of experience and tradition, and occasionally by the illumination of the deity. Later tradition garbs these characters with the cloak of saintliness; the Bible covers them with rougher garments. It paints them in vivid, contrasting colors rather than the pastel hues of subsequent faith.[43]

The Bible's representation of human agency remains robust, perhaps unrealistically so. Contemporary cognitive neuroscience has brought the old philosophical problem of free will and determinism back into the intellectual spotlight. How can a complex physical system – the human brain – generate a realm of consciousness or experience which seems to float above the laws of physics, which govern physical systems? How could a gap arise between neurobiological matter, subject to the laws of physics, and consciousness, which seems from our internal, first personal perspective to be at least relatively independent of cause and effect considerations, at least of cause and effect considerations of a physical kind?[44] If it could be shown, as many contemporary physicalists think, that there is no gap, that the laws of physics govern mental phenomena all the way down to their chemical and electrical origins, then robust accounts of desire, choice, and agency look naïve. The Bible's metaphysics of morals, as it were, would be shown to be unrealistic. God's charge to Israel to keep His law, the prophets' ceaseless call to Israel to change its ways, and the Wisdom literature's prudential nostrums for how an Israelite should conduct him or herself would all be based on an overly sanguine assessment of human freedom. As one neuroscientist puts it, we don't have freedom of will, we have "freedom of won't."[45] That is, we cannot control the wellsprings of our intentionality. By the time thought, desire, and so on reach our conscious awareness, they have already been causally determined and we have already been set on a certain path by them. What we can do is filter, sort, censor, and defer some of these impulses and intentions. But the ability to do so may itself be biologically determined. Thus, on a neurobiological account, it's not that we could not walk in God's ways. It is that some would be constitutionally more able to do so than others. Some would have greater native ability to assess, evaluate, and respond relevantly than others. Just as some are able to do mathematics, paint, or learn languages better than others, so too deep biological factors might constrain moral intelligence and facility. We are much less the authors of our own deeds than we think. The Bible might speak well to the internal, first personal psychological framework within which we understand ourselves as ethical beings, but it would not speak at all to the underlying neurobiological conditions of which the psychological framework is a higher-order expression. Ignorant of the deep existence conditions which make moral psychology possible, a biblical understanding of human agency quickly reaches or overshoots its limits. On this view, the biblical emphasis on a strong version of agency and responsibility would severely circumscribe its relevance to the challenges of a twenty-first-century ethics.

A fuller account than can be offered here might further qualify the strength of moral agency and complicate the picture. We have already seen how the Bible presents responsible moral agency against a backdrop of constraint.

Consider another example of this. In Genesis 4:6–7, Cain is told by God, when he is disheartened that his offering was not accepted, "Why are you distressed, and why is your face fallen? Surely, if you do right, there is uplift. But if you do not do right sin couches at the door; its urge is toward you, yet you can be its master." Here we have a keen sense that wayward intentions and desires (personified as sin couching at the door) are native to us; their sway over us is almost ineluctable. We are constituted in a way that makes our aspiration to goodness fragile. Yet we are not powerless over its power; we can still choose to do right. Genesis, like Freud, in full recognition of the darkness within and around us would still give reason, however halting or thin, a role in our moral regeneration. We can, challenged though we are, still choose to do right. This hope, of course, does not answer the challenge of neurobiology. But it does show awareness of how recalcitrant the nature of our humanity is. That the Bible can grasp that and still come down on the side of hope for the possibility of moral regeneration, without naïveté, has had a profound impact on the history of Jewish ethics, as well as on the moral thought of the West.

Discernment and choice remain at the center of biblical ethics. The world, as a created order wrought from primordial chaos, is good. We are equipped to discern the good and to enact it. The value embedded in the world, qua creation, already limns the outlines of a best way of life for human beings. The world is so arranged that human beings can flourish within it if they follow this way. The way can be discerned. It is available to non-Israelites, through moral reason. Its most basic principle is one of respect, reciprocity, and limit: "Whoever sheds the blood of man, by man shall his blood be shed" (Gen. 9:6). (In subsequent Judaism, the best or morally appropriate life for non-Jews is elaborated on the basis of this and other postdiluvian verses. Non-Jews are thought to be in a covenant initiated by God with Noah. Their covenantal framework is called the Noaḥide Laws.[46]) For Israelites, however, the way of life acquires specificity and determination as it is progressively revealed by a concerned God who would adopt Israel as His special possession. But moral reason, choice, and agency do not drop out of the picture after God enters it. The way is broadly mapped by God's teaching and example, by the emulation of God's holiness – by fidelity to the relationship with God framed by the stipulations and spirit of the covenant – but Israelites have to discern it and choose it, both initially and continuously. (Note, for example, the prevalence of covenant renewal occasions in the Bible.[47]) The way is thus discovered and revealed, revealed and discovered yet again. Moral consciousness precedes the giving of the Torah. But the Torah gives further definition and determination to a primordial awareness of the good and the right. The Torah, once accepted, needs to be reaffirmed on the basis of a moral reason that has itself been educated and refined by

the Torah. The Torah both evokes and demands the continuous exertion of moral reason. And the Torah itself grows in the light of it.

The emphasis on agency, choice, and responsibility works in tandem with the basic trope of covenant. In a covenantal relationship, the parties retain their individual existence; they join their lives together, but they remain ontologically distinct. They appeal to the best in one another, transforming themselves in the direction of moral perfection, without shedding their distinctive personae. The world is not an illusion. Atman is not Brahman. Persons are real and durable. Time and space, history and land are realities that enable and constrain human action, the doing of which enacts God's goodness or drives it from the world. The bridge between the ultimate and the human is not notional, it is actionable. It requires constant attention, dedication, and assent. Thus, Deuteronomy thematizes choice:

> See, I set before you this day life and prosperity, death and adversity. For I command you this day, to love the LORD your God, to walk in His ways, and to keep His commandments, His laws, and His rules, that you may thrive and increase, and that the LORD your God may bless you in the land that you are about to enter and possess. But if your heart turns away and you give no heed, and are lured into the worship and service of other gods, I declare to you this day that you shall certainly perish; you shall not long endure on the soil that you are crossing the Jordan to enter and possess. I call heaven and earth to witness against you this day: I have put before you life and death, blessing and curse. Choose life – if you and your offspring would live – by loving the LORD your God, heeding His commands, and holding fast to Him. For thereby you shall have life and shall long endure upon the soil that the LORD swore to your ancestors, Abraham, Isaac, and Jacob to give to them. (Deut. 30:15–20)

Would the Israelite flourish because he follows the divine command qua command, that is, because he does God's will and is rewarded for doing so? Or would he flourish because the way of life which the text enjoins him to choose is intrinsically excellent? There is a tension here between two types of ground for a life in which one can "thrive and increase"; are they natural or revealed? The above text seems to come down hard on the side of revelation. If God did not desire that the Israelites "walk in His ways" and "keep His commandments" then there would be no advantage for them to do so. Another less encumbered way of life might be best for them. On this view, the law is simply positive. It has no intrinsic merit. The various incipient reasons that the Torah provides for observance, for example, the Decalogue's "Honor your father and your mother, that you may long endure on the land that the LORD your God is assigning to you" (Exod. 20:12), are meaningful only insofar as they please God. If God had decreed that you should dishonor your father and mother, then that would be the condition for long endurance upon the land. This form of pure voluntarism

had its advocates in subsequent Jewish thought, but the sounder tradition is the one that exemplifies the Axial Age orientation.[48] The gods of myth are capricious. The God of Israel, albeit ineradicably mysterious, is a god of justice whose ways can be known and emulated ("The Rock! His deeds are perfect, Yea, all His ways are just" Deut. 32:4.) His commandments, although not reducible to an ethics, can pass muster before the bar of moral reason.

Nonetheless, there is distance between the open-ended Socratic question of how one is to live (*Republic* 352d) and the biblical answer that one is to live by walking in God's ways, where those ways are seen through the prism of a law understood by the biblical authors to be heaven-sent. The Bible does not relax this tension. It invites rational inquiry into its ethics. The canonical text even contains traditions of purely prudential, international, and secularly oriented moral teachings in the form of the Wisdom literature. (For example, Prov. 4:20–23: "My son, listen to my speech; incline your ear to my words. Do not lose sight of them; keep them in your mind. They are life to him who finds them, healing for his whole body. More than all that you guard, guard your mind, for it is the source of life." Mind (literally, heart) as the source of life!) The Bible does not restrict appropriate moral life and correlative human flourishing to the recipients of a particular divine revelation. Nonetheless, it puts that revelation in the foreground of its vision of the good life for man. It remains for the inheritors of the biblical traditions of moral reason *and* of Greek ethics, the Jews of the Hellenistic world, to explore this tension and to build a theoretical bridge between its two poles.

Hebraism and Hellenism

The Jews of Alexandria, whose community dated from the founding of the city by Alexander the Great in 332 BCE, used the language of Greek thought to articulate, indeed, to theorize the ethics of Scripture. In their writings, something like a self-consciously philosophical ethics emerges. The opposition between "Hebraism" and "Hellenism" became a standard trope among Victorians – Matthew Arnold wrote a famous essay sensitively contrasting the two as competing but ultimately complementary worldviews – but ancient Greco-Jewish authors found more complementarity than competition.[49] Let us consider briefly how the *Letter of Aristeas* and Philo of Alexandria attempt to synthesize biblical and Hellenistic approaches to ethics.

The *Letter of Aristeas*, as it has come to be known, is a pseudepigraphic work claiming to have been written by a councilor and diplomat in the service of King Ptolemy II Philadelphus of Alexandria, who reigned from 285 to 247 BCE.[50] Aristeas is not Jewish, but is a friend of the Jews. The king

dispatches him on a mission to Jerusalem to ask the High Priest to send Jewish sages, "six from each tribe," to translate the Bible into Greek, so that it might take an honored place in the library of Alexandria. Aristeas recounts his diplomatic mission (including acting beneficently on behalf of some enslaved Jews in Ptolemaic Egypt before he leaves), his trip to Jerusalem, gift-giving and dialogue with the High Priest, and finally return to Alexandria. Much of the book is taken up by Aristeas' dialogue with the High Priest, Eleazar, and by the king's dialogue with the Jewish sages who have returned with Aristeas. The latter dialogues occur over the course of several days in the context of symposia, that is, philosophical banquets. The conversations between Aristeas and Eleazar, and between the king and the sages, are full of ethical considerations. It is here that biblical thought is framed in categories intelligible to Greeks. The book goes on to describe the translation of the Bible into Greek, known as the Septuagint, and its joyous acceptance by the Jewish community in a public reading reminiscent, perhaps deliberately, of the covenant renewal ceremonies of the Bible. For our purposes, however, the dialogues are most significant.

Unlike biblical literature, *Aristeas* propounds a distinctly philosophical ethics. The Law as a whole has a purpose: to inculcate monotheism (132).[51] The general principles of God's oneness, sovereignty, and omniscience – "principles of piety and justice"(131) – are made real in Jews' lives through deeds. The lawgiver, Moses, devised a code that would promote wise and temperate action. The Law follows the mean ("and that is the best course"), a clear reference to Aristotle (122). The other nations follow false gods, principally ancient worthies who have been foolishly divinized by their credulous followers. (Our author adopts here the theory of the origins of religion propounded by the Greek thinker Euhemerus.[52]) Moses, accordingly, had to keep the Jews from mingling "with any of the other nations, remaining pure in body and in spirit, emancipated from vain opinions, revering the one and mighty God above the whole of creation" (139). A basic purpose of the Law then is to separate the Jews from all others so that their contemplation of the One God and their just actions will not be corrupted. *Aristeas* explicates this theory with reference to the dietary laws, whose deepest purpose reinforces this ideal. "These laws have all been solemnly drawn up for the sake of justice, to promote holy contemplation and the perfecting of character" (144). Each prohibited animal has an allegorical meaning. Prohibited animals tend to exhibit especially violent traits. Hence by abstaining from eating carnivores, the lawgiver has taught the Jews "that they must be just and achieve nothing by violence, nor, confiding in their own strength, must they oppress others" (148). In addition to moral virtues such as gentleness and justice, the dietary laws also inculcate intellectual virtues. Eating only mammals that part the hoof and chew the cud "to thinking men clearly signifies memory." "For the chewing of the cud is nothing else than

recalling life and its subsistence, since life appears to subsist through taking food" (154).[53] The extensive use of allegory, a Hellenistic hermeneutic technique first used to adapt Homer to an age that no longer shared Homeric values, appears again in Philo. Later Judaism treats allegory with great caution in reaction to the heavy employment of it by the Church. (We will, however, see the use of allegoresis in the service of finding rational significance in the commandments again when we explore Maimonides in Chapter 3.)

The odd thing about this teaching is that the medium by which it is ostensibly given is at odds with its content. The High Priest here is expounding the meaning of the Law in general and *kashrut* in particular to the purported gentile author of the letter. The very premise of separation, which the Law aims to enhance, is subverted by the friendly philosophical exchange between appreciative gentile and philosophical Jew. Indeed, the text presents an almost utopian meeting of minds – a sympathetic gentile philosopher-monotheist for whom "Zeus" is just the Greek name for the One the Jews know as God, tolerant, expressive sage-like Jews, who are eager to expound their law in Hellenistic terms, a righteous philosopher king, eager to learn and greatly approving of the Jews' wisdom. Habermas could not have imagined a more ideal communication situation. This separation cum subversion intensifies as the text moves to the philosophical dialogue between the king and the sages. The dialogues take place over food, prepared by the royal court in accordance with the dietary requirements of the Jewish guests – a far cry from medieval prohibitions on commensality even if dietary specifications are satisfied.

As a sovereign, the king is a public person interested not only in how to be a good man but in how to be a good king. The sages, therefore, tailor their presentation of Jewish moral wisdom to the needs of political ethics. Insofar as all of the norms of the law "have been regulated with a view to justice and that nothing has been set down through Scripture heedlessly or in the spirit of myth" (168), the Law already has a political cast. Moses has given the constitution of an ideal society along the lines of Plato's fictional philosopher king. The sages basically counsel the king to imitate God (to act as Jews ideally seek to act). This means that he must practice patience, gentleness, and justice toward his subjects, "dealing with those who merit punishment more gently than they deserve" (188). He must, like God, set an example of righteousness for his people. He will by so doing "turn them from wickedness and bring them to repentance" (188). He must be impartial in speech, never arrogant or tyrannical. He must understand that all human beings share the same capacity for flourishing as for suffering. Once this truth is grasped, he will find himself in solidarity with others and find courage therein (197). Mutual respect reaches its apogee in the negative formulation of the golden rule: "Just as you do not wish evils to befall you,

but to participate in all that is good, so you should deal with those subject to you and with offenders, and you should admonish good men and true very gently, for God deals with all men with gentleness" (207).

The ethics of *Aristeas* is to some degree naturalistic, if by naturalism we mean something as capacious as one would find in the Stoics. God has made us and our world in a certain way: to seek Him, to be able to contemplate His power and wisdom, to live in light of truths about His nature, the upshot of which is that our souls should be well ordered, that we should seek the mean in all of our acts, and that we should have a great deal of fellow feeling for one another. This is not an outlook that depends heavily on revelation, but neither is it self-sufficiently secular in a modern sense. Consciousness of God's governance and judgment is fundamental to this outlook, but it rests at the level of a philosophical premise shared by both philosophical gentile and Jew. The emphasis is on the perspicacity and insight of the Lawgiver, Moses, not on the miraculous deliverance of a Law from heaven. Indeed, in *Aristeas*' account of the translation of the Bible the miracle story of 70 isolated sages translating the text in exact accord with one another, as reported by Philo and others, is missing. The only miracle in *Aristeas* is the extraordinarily high degree of friendship between Jew and Greek. Nonetheless, it is true that for *Aristeas*, as for other works of Greco-Jewish synthesis, the Torah remains superior to philosophy. The reconstruction of the Torah along the lines of a philosophical wisdom, however, qualifies this doctrinaire confidence.

Philo of Alexandria (c.20 BCE–50 CE) was a prolific author, whose many works were lost to Judaism but preserved by the Church. If a leading scholar of his work, Harry Austryn Wolfson, is correct, Philo is to be credited with inventing a tradition of religious philosophy that shaped the thought of the West down to its dismantling by another Jewish thinker, Spinoza.[54] Philo had an immense impact on Christianity but none on post-Hellenistic Judaism. Alexandrian Christian Fathers such as Origen and Clement learned from his work. Later, Eusebius and Jerome cite him and attest to his influence. Were it not for affinities between his thought and nascent Christianity, his work would have disappeared. The chief affinity is to be found in Philo's doctrine of the Logos, a mediating presence between the unknowable God, which Philo calls *To On*, The Existent One, and the ideas of God which we can entertain as earthbound yet soul-infused creatures.[55] Philo relies heavily on the concept of the Logos, which, in accord with the evolution of Platonism, is reified into something like a spiritual entity. The Logos is both conceived by mind and has independent extra-mental existence. In this Platonized Judaism, the Logos is a gift and expression of God's providence:

> To his chief messenger and most venerable Logos, the Father who engendered the universe has granted the singular gift, to stand between and separate the

creature from the Creator. This same Logos is both suppliant of ever anxiety-ridden mortality before the immortal and ambassador of the ruler to the subject. He glories in this gift and proudly describes it in these words, "And I stood between the Lord and you" (Deut. 5:5), neither unbegotten as God, nor begotten as you, but midway between the two extremes, serving as a pledge for both; to the Creator as assurance that the creature should never completely shake off the reins and rebel, choosing disorder rather than order; to the creature warranting his hopefulness that the gracious God will never disregard his own work. For I am an ambassador of peace to creation from the God who has determined to put down wars, who is ever the guardian of peace.[56]

In the order of ideas, the intelligible world, the Logos is the image of the essentially unknowable God. At the next level, the world of perception, the sensible world per se is the image of the Logos.[57] The Logos made flesh in John's Gospel expresses a similar, if more extreme, version of this process of hypostasis. Law, virtue, knowledge, and wisdom (the latter stage representing the Torah's supremacy over philosophy, however elevated) instantiate the work of the Logos.

Philo, like Plato, theorizes a highly dichotomized universe where the truly human, the rational soul derived from the divine and expressive of the Logos, is trapped in the material shell of the body. The goal of life is communion with the divine source, achieved through a rational mysticism structured by Jewish law and wisdom. The Bible is read allegorically as instruction on the journey of the soul back to its divine source. Some of the characters of the Bible are ancient heroes and villains, but they are also, more importantly, symbols of human experience and its possibilities. Sarah, who is a pure symbol not an actual person, is the virginal divine wisdom, the Logos, with whom Abraham, rising from the nescience and materiality of Haran, eventually mates.[58] Philo interprets God's call to Abraham to "go forth from your native land and from your father's house to the land that I will show you (Gen. 12:1)" as an allegory of spiritual growth. The soul is bidden to journey beyond body and sense perception ("native land"), as well as beyond speech ("father's house").

If then, my soul, a yearning comes upon you to inherit the divine goods, abandon not only your land, that is, the body, your kinsfolk, that is, the senses; your father's house (Gen. 12:1), that is, speech, but escape also your own self and stand aside from yourself, like persons possessed and corybants seized by Bacchic frenzy and carried away by some kind of prophetic inspiration. For it is the mind that is filled with the Deity and no longer in itself, but is agitated and maddened by a heavenly passion, drawn by the truly Existent and attracted upward to it, preceded by truth, which removes all obstacles in its path so that it may advance on a level highway – such a mind has the inheritance.[59]

The thorough, extreme application of allegory seems arbitrary to a modern reader but was standard fare in the Stoic circles of Hellenistic antiquity. Philo was not the first to apply the technique to Scripture but he was its most outstanding practitioner. Where Philo draws the line on allegory, however, is when its use would obliterate the observance of Jewish law. The Sabbath and holidays, for example, are understood symbolically but that does not dissolve their binding, normative character. Philo's extensive project of what rabbinic Judaism calls *ta'amei ha-mitzvot*, searching for "reasons for the commandments," disallows a rationality which would undermine the mitzvot themselves.[60]

Philo's sharp soul/body dualism undergirds his ethics. Abraham's journey provides a model for how the soul frees itself from the shackles of materiality and sensuality, rising to pure contemplation of the Logos. The intellectual and moral virtues prepare and enable the soul that seeks ultimate wisdom to reach its perfection. Moses' project of philosophic constitutionalism establishes an ethical–political order where the devotee of wisdom can lead a flourishing life. Israel, under the guidance of the eternally valid order of its philosopher king, shows humanity the ideal form of the Megalopolis – the great polity that unites the cosmos. Israel under the Torah is the model for the life which best accords with nature.

Philo does not scant revelation, although given his epistemology and metaphysics of the Logos, it is not quite clear how miraculous a process revelation is. Nonetheless, he is at pains to argue for the naturalness of the ethics and law of the Torah. Turning again to his allegory of Abraham:

> We are told next that "Abraham went forth as the Lord had spoken to him" (Gen. 12:4). This is the end celebrated by the best philosophers, to live in agreement with nature; and it is attained whenever the mind, having entered on the path of virtue, treads the track of right reason and follows God, mindful of his ordinances, and always and everywhere confirming them all both by word and deed. For "he went forth as the Lord spoke to him": The meaning of this is that as God speaks – and he speaks in a manner most admirable and praiseworthy – so the man of virtue does everything, blamelessly making straight his life-path, so that the actions of the sage differ in no way from the Divine words.[61]

The patriarchs, living before the time of Moses, perfectly exemplify the laws of nature. "For they were not pupils or disciples of others, nor were they instructed by tutors what to say or do: They were self-taught and were laws unto themselves, and clinging fondly to conformity with nature, and assuming nature itself to be, as indeed it is, the most venerable of statutes, their whole life was well ordered."[62] These laws are unwritten. Mosaic, that is, written law is comprised of detailed, special "copies" of the unwritten law. The Mosaic constitution and polity replicate, through statute, what

the patriarchs lived, in their untutored way, namely, a life conforming to the highest standards of natural normativity.

The Logos guides through right reason, exemplified to the greatest extent by Abraham and Moses. The positive laws of cities, in all of their diversity, originate from right reason but diverge from it in equal measure. Only the law of Israel, which is eternal, partakes fully in right reason, which accords with nature. Philo, in keeping with his Hellenistic reconstruction of Judaism, does not see the Lawgiver, Moses, fundamentally as a commander. Moses works by teaching and admonition, not by the application of external force and authority. The Law appeals to the Logos, the image of divine reason resident in each man. The epistemic element is primary. Although not wholly abandoning the foundational idea of covenant, these Hellenistic sources shift the emphasis from covenant to constitution, an intentional rational design for a polity in which human beings may flourish.

Space does not permit a detailed study of Philo's ethics. This brief survey should indicate, however, the extent to which he (and *Aristeas*) strove to present Jewish ethics as compatible with contemporary constructions of rationality. Nature and reason are not the sole grounds of Jewish ethics. Nonetheless, whatever has been disclosed to Israel by the Existent One must give an account (a *logos*, in the original non-metaphysical sense) of itself in which it renders itself intelligible before the bar of nature, reason, and civil virtue. This philosophical impulse was not shared by rabbinic Judaism, at least to so marked an extent. We will probe the possibilities and limits of a naturalistic and rational construction of Jewish ethics, as understood by the sages of midrash and Talmud, in the next chapter.

Notes

1   A sophisticated analysis of Abraham's argument with God as a possible example of a shared moral understanding is found in Michael J. Harris, *Divine Command Ethics: Jewish and Christian Perspectives* (London: Routledge Curzon, 2003), pp. 59–66. Harris postulates a range of nuanced positions from an utterly heteronymous divine command morality on the one hand to a Euthyphro-style normativity independent of God on the other. It is in the middle range of this polarity where the implicit moral grounding of biblical texts seems to lie. As analytically precise as Harris's typology is, one wonders whether it is *too* precise for the materials under consideration. His methodology raises, for me at least, a caution about the extent to which the full rigor of analytic philosophy can profitably be brought to bear on traditional Jewish texts. Compare Cyril Rodd, *Glimpses of a Strange Land: Studies in Old Testament Ethics* (Edinburgh: T&T Clark, 2001), p. 65: "But the writer of the story of Abraham and perhaps the aggrieved men of Judah whose questioning Ezekiel recorded, were sufficiently bold to posit an ethics to which even God had to submit, for if he did not he would have been guilty of injustice."

2   Erich Auerbach, *Mimesis: The Representation of Reality in Western Literature*, trans. Willard R. Trask (Princeton: Princeton University Press, 1953), Chapter 1.

3   The number 24 is arrived at as follows: five books constitute the Pentateuch; the Prophets – counting Samuel and Kings as one book each and the minor prophets, from Hosea to Malachi, as one book – comprise eight, plus 11 in the Writings.

4   Stephen Geller, "The Religion of the Bible," in Adele Berlin and Marc Zvi Brettler, eds, *The Jewish Study Bible* (New York: Oxford University Press, 2004), pp. 2021–2040. The schematic presentation of biblical religion which follows is based on that of my colleague, Prof. Geller, in this trenchant article. This presentation, in keeping with the historical perspective of this book, brackets out theological claims about revelation. This should not be taken to imply a disinterest in, or disregard for, this important issue. If I were writing a theology of Jewish ethics, rather than a history, I would have taken a different approach.

5   Karl Jaspers, *The Origin and Goal of History* (New Haven: Yale University Press, 1953), p. 3. For Jaspers, this profound global intellectual transformation came about as "consciousness became … conscious of itself, thinking became its own object" (p. 2). The immediacy and naïveté of the world of myth was irreparably broken. As a methodological note, I would add that the concept of the Axial Age is not per se explanatory; it is descriptive.

6   S. N. Eisenstadt, ed., *The Origins and Diversity of Axial Age Civilizations* (Albany: State University of New York Press, 1986), p. 3.

7   For the classic scholarly account of this process, see Jon Levenson, *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence* (Princeton: Princeton University Press, 1994).

8   On encounter with God on the most archaic understanding of the divine in the Hebrew Bible, see James L. Kugel, *The God of Old: Inside the Lost World of the Bible* (New York: The Free Press, 2003), Chapter 2.

9   Eisenstadt, *The Origins and Diversity of Axial Age Civilizations*, p. 8. For a general theory of normativity in the Axial Age vis-à-vis its predecessor epochs, see Eric Voegelin, *The New Science of Politics* (Chicago: University of Chicago Press, 1987), Chapter 2.

10 It is controversial whether the concept of covenant arises relatively late or relatively early in the history of the religion of Israel. Wellhausen thought it late; many but not all twentieth-century scholars, under the influence of the discovery of ancient Near Eastern treaty texts, thought it to be an early phenomenon. A contemporary exposition of the view that covenant becomes an organizing concept no earlier than literary prophecy may be found in Ernest W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Oxford University Press, 1988), p. 191.

11 See for example Saul's attempt to exercise rational discretion, against a divine command of total proscription, I Samuel 15:7–13.

12 See the four-volume work of Daniel J. Elazar, *The Covenant Tradition in Politics*, which systematically traces the influence of biblical covenanting on the political forms of the West. See also Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge, MA:

Harvard University Press, 2010) and Gordon Schochet, Fania Oz-Salzberger, and Meirav Jones, eds, *Political Hebraism: Judaic Sources in Early Modern Political Thought* (Jerusalem: Shalem Press, 2008).

13 In the case of the United States, the Constitution invokes the presumed right of the American people to form a "more perfect union." This assumes the legitimate foundation of that people, in the Declaration of Independence, under the laws of nature and nature's God.

14 Alan Mittleman, "The Durability of Goodness," in Jonathan Jacobs, ed., *Judaic Sources and Western Thought: Jerusalem's Enduring Presence* (Oxford: Oxford University Press, 2011).

15 William F. Harris II, *The Interpretable Constitution* (Baltimore: Johns Hopkins University Press, 1993), p. ix. For more on the parallels between covenant and constitution, see Alan Mittleman, *The Scepter Shall Not Depart from Judah*, Chapter 8.

16 The modern scholarly consensus is that the core of Deuteronomy is what was discovered in the Temple and promulgated by the seventh-century Judean monarch, Josiah, as presented in II Kings, chapters 22–23.

17 For the broad impact of Deuteronomy and its covenantal religion on biblical religion, see Geller, "The Religion of the Bible," pp. 2031–2033. For the ideal, utopian character of Deuteronomy per se and the attempts both to implement and scale back its most aspirational claims in the subsequent deuteronomistic literature, see Bernard M. Levinson, "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah," *Vetus Testamentum*, Vol. LI, No. 4 (2001), pp. 511–534.

18 H. L. A. Hart, *The Concept of Law* (Oxford: Oxford University Press, 1997), p. 39.

19 See Bernard M. Levinson, "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah."

20 A useful discussion of this topic, under the rubric of "divine commands or natural law," may be found in John Barton, *Ethics and the Old Testament* (Harrisburg: Trinity Press International, 1998), pp. 58–76. I agree with Barton's assessment that "The biblical writers often argue not from what God has declared or revealed, but from what is apparent on the basis of the nature of human life in society" (p. 61).

21 Lenn Goodman argues that the alleged dilemma in the *Euthyphro* is more apparent than real. The dialogue "hints at a complementarity of divine commands with human moral insights. Values are constitutive in ideas of divinity and monotheism affirms only goodness in God." See Lenn E. Goodman, "Ethics and God," *Philosophical Investigations*, Vol. 34, No. 2 (April 2011), pp. 135–150.

22 See, for example, Hilary Putnam, "Beyond the Fact/Value Dichotomy," in Hilary Putnam, *Realism with a Human Face* (Cambridge, MA: Harvard University Press, 1990), pp. 135–141, as well as in many of his later works.

23 For a philosophical account of justice shaped from biblical and rabbinic sources, see Lenn E. Goodman, *On Justice: An Essay in Jewish Philosophy* (Portland, OR: The Littman Library of Jewish Civilization, 2008). Goodman's scheme of justice involves the consideration of the deserts of all beings; being itself makes claims.

24 Leon Kass, in his close and subtle reading of this story, sees it as a divine instruction in political, as opposed to personal, justice. Abraham as a political founder requires an enlarged conception of public justice. See Leon Kass, *The Beginning of Wisdom: Reading Genesis* (New York: The Free Press, 2003), p. 321.

25 See also Jeremiah 31:29–30. The modern Jewish philosopher, Hermann Cohen, makes a great deal of Ezekiel's claim. He sees it as the first successful attempt to ground individual moral responsibility. See his magisterial *Religion of Reason out of the Sources of Judaism*, trans. Simon Kaplan (Atlanta: Scholars Press, 1995), p. 194.

26 See the argument of John Barton on behalf of a rudimentary natural law orientation to biblical ethics in his *Ethics and the Old Testament*, p. 62. The Amos text distinguishes between the sins of the nations, who have violated natural moral norms, and the sins of Israel and Judah, who have violated covenantal norms (Amos 2:4–16). This distinction lends weight to the thesis that biblical authors were aware of a pre- or meta-Sinaitic normativity that retained significant axiological consequences, at least for non-Israelites. For a sympathetic critique of Barton, see Cyril S. Rodd, *Glimpses of a Strange Land*, pp. 63–64. Rodd sees divine command, with its correlate of obedience, as the dominant note in "Old Testament" ethics but he does allow, although to a lesser extent than Barton, a role for something akin to natural law. The major work in the area of natural law and Judaism is David Novak, *Natural Law in Judaism*. This work is a sustained scholarly attempt to demonstrate the presence and significance of natural law thinking in biblical and subsequent Jewish thought.

27 Rudolf Otto, *The Idea of the Holy*, trans. John Harvey (Oxford: Oxford University Press, 1958).

28 Consider Exodus 33:17–23 as a text that moves in the direction of an ethicized conception of holiness. Moses asks to see God's tangible presence (*kavod*) but God tells him that no one can see His presence and live. He shelters Moses in a cleft in the rock of Mount Sinai and causes His goodness (*tuv*) to pass before him. Here "goodness" has some of the reified actuality of "presence" yet is not as dangerous or uncanny. For a study of holiness in the Pentateuch, see Baruch Schwartz, "Israel's Holiness: The Torah Traditions," in M. Poorthuis and J. Schwartz, eds, *Purity and Holiness* (Leiden: Brill, 2000). I am indebted to my colleague, Prof. Elsie Stern, for calling this article to my attention. It is unsettling to think that early Israelites had conceptions of God that placed the divine and the good in tension. What counts, I think, is not where these notions start out but where they arrive. Just as in the evolution of creation stories, the Bible records a process of maturation and refinement in Israel's understanding of God and goodness.

29 Path-breaking interpretive work on purity/impurity vis-à-vis holiness has been done by Prof. Jonathan Klawans. For an easily accessible précis of his work, see Jonathan Klawans, "Concepts on Purity in the Bible," in Berlin and Brettler, eds, *The Jewish Study Bible*, pp. 2041–2047.

30 Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics, A Continental Commentary* (Minneapolis: Fortress Press, 2004), p. 9. On the long development toward a sovereign, unopposed God see Jon Levenson, *Creation and the Persistence of Evil*.

31   Milgrom, *Leviticus*, p. 12.

32   Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London: Routledge, 1989), p. 132. Douglas offers a comprehensive table of the morally adjunctive functions of pollution, that is, purity and impurity beliefs, on p. 133.

33   Douglas, *Purity and Danger*, p. 52.

34   Klawans, Concepts of Purity in the Bible, p. 245.

35   Israel Knohl, *The Divine Symphony: The Bible's Many Voices* (Philadelphia: Jewish Publication Society, 2003), p. 63. Isaiah, for example, proclaimed that "The LORD of Hosts is exalted by judgment, the Holy God proved holy by retribution" (Isa. 5:16). The extension of divine holiness to moral activities (judging, making retribution) was a profound "conceptual revolution" for Knohl, which the priests could not resist. The prior isolation of holiness to purely ritual, purity/impurity matters left the priests and pious if ethically lax Israelites open to prophetic critique. These themes are developed at greater length in Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995). Knohl admits, however, that it is impossible to say who came first. Prophets such as Isaiah and Amos may have been inspired by the conceptual revolution within the priestly circle.

36   Sifra Kedoshim para. 1:1, cited in Milgrom, *Leviticus*, p. 219. Cf. *B. Shabbat* 133b for the locus classicus in rabbinic literature for imitatio dei.

37   Sifra Kedoshim para 1.1, in Milgrom, *Leviticus*, p. 219.

38   What is riding on the relationship of holiness to ethics? If holiness as a concept can resist reduction to ethics, without being contra-ethical, it can secure a place for religion. One way of doing this is Kierkegaard's "teleological suspension of the ethical." But that falls prey to a diminution of ethics, to the contra-ethical. A leading moral philosopher, the late Bernard Williams, argues that religion has no place in the mature ethical consciousness; to the extent that religion has to justify itself before ethics, it has lost any raison d'être as an independent force. Holiness, if it could be constituted as overlapping with but not reducible to ethics, would refute Williams's argument. See Williams, *Ethics and the Limits of Philosophy*, pp. 32–33. The modern Jewish philosophers Moritz Lazarus and Hermann Cohen, whom we will encounter in Chapter 5, try to do just this.

39   Leo Adler, *The Biblical View of Man*, trans. Daniel R. Schwartz (Jerusalem: Urim Publications, 2007), p. 6. Abraham Joshua Heschel, *God in Search of Man* (New York: Farrar, Strauss and Giroux, 1995) p. 412.

40   For a detailed discussion of the constraints upon action and thereby upon responsibility implied by ignorance, error, and passion, see David Daube, *The Deed and the Doer in the Bible*, ed. Calum Carmichael (West Conshohocken, PA: Templeton Foundation Press, 2008), Chapters 3–4.

41   This discussion draws from Alan Mittleman, "Free Choice and Determinism in Jewish Thought: An Overview," in Robert Pollack, ed., *Neuroscience and Free Will* (New York: Center for the Study of Science and Religion, Columbia University, 2009): http://www.columbia.edu/cu/cssr/ebook/FreeWill_eBook.pdf.

42   Nahum M. Sarna, *Exploring Exodus* (New York: Schocken Books, 1986), p. 65.

43   One scholar of ancient Jewish literature, Burton Visotzky, argues that the very gap between Genesis's disturbingly realistic portrayal of its protagonists and the

softer, more pious portrayals enshrined by later tradition is itself a stimulus to ethical reflection. How could such flawed characters become ethical exemplars to subsequent Judaism and Christianity? Ethical development, Visotzky claims, takes place in the attempt to address his conundrum. See his *Genesis of Ethics* (New York: Three Rivers Press, 1996).

44   Some philosophers have responded to this problem by reducing consciousness to an ensemble of structures and functions for which purely biological explanations can or likely will be given. Others have claimed that consciousness is a basic phenomenon, not reducible to phenomena explicable by the laws of physics. For an example of the latter view, see David J. Chalmers, "Facing up to the Problem of Consciousness," *Journal of Consciousness Studies*, Vol. 2, No. 3 (1995), pp. 200–219.

45   Michael Gazzaniga, *The Ethical Brain* (New York: Dana Press, 2005) p. 93.

46   The formulation of the Noaḥide laws occurs, inter alia, at *B. Sanhedrin* 56a. My equation of the "best" with the "morally appropriate" life for man was not casual. As far as I can see, the Bible does not entertain the skeptical point of view, which Plato attempts to defeat, that the best or most natural life for man is amoral or contra-moral. For a comprehensive study see David Novak, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noaḥide Laws* (New York: Edwin Mellen Press, 1983).

47   See Deuteronomy, chap. 27; Joshua, chap. 24; Nehemiah, chap. 9. The practice of public assembly and covenant renewal occurs later at Qumran. It is more difficult to locate in rabbinic Judaism. For a discussion, see Mittleman, *The Scepter Shall Not Depart from Judah*, Chapter 3.

48   A systematic discussion of the problem of whether the commandments are rationally perspicuous or arbitrary may be found in Isaac Heinemann, *Ta'amei Ha-Mitzvot be-Sifrut Yisrael* (Jerusalem: Jewish Agency, 1966). For a review of the arbitrary or irrational tradition in rabbinic thought, see pp. 22–25. This book has recently been translated into English, see Isaac Heinemann, *The Reasons for the Commandments in Jewish Thought: From the Bible to the Renaissance*, trans. Leonard Levin (Brighton, MA: Academic Studies Press, 2008).

49   For an analysis of those elements in Greek philosophical culture which enabled diaspora Jews to find common ground with Greek thought, see Harry Austryn Wolfson, *Philo*, Vol. I (Cambridge, MA: Harvard University Press, 1947), Chapter 1.

50   The weight of scholarly opinion dates the letter much later than Ptolemy's reign and ascribes it to Jewish provenance. See Moses Hadas, ed. and trans., *Aristeas to Philocrates (Letter of Aristeas)* (New York: Harper & Brothers, 1951). See Hadas' Introduction for a thorough discussion. Hadas dates its composition to 130 BCE.

51   All references in parentheses are to line numbers in the Hadas translation of *Aristeas*.

52   For the broader Jewish Hellenistic context, see Wolfson, *Philo*, Vol. I, p. 14.

53   For a comparable, albeit deeper treatment, see Philo, *De Specialibus Legibus* 4:103–115, cited in David Winston, ed. and trans., *Philo of Alexandria: The Contemplative Life, The Giants, and Selections* (New York: Paulist Press, 1981), pp. 282–284.

54   Wolfson, *Philo*, Vol. 1, pp. 155–163.
55   Samuel Sandmel, *Philo of Alexandria: An Introduction* (New York: Oxford University Press, 1979), p. 91.
56   From Philo's *Quis Rerum Divinarum Heres Sit* (205), cited in Winston, *Philo of Alexandria*, p. 94.
57   Winston, ed. and trans., *Philo of Alexandria*, p. 23.
58   Sandmel, *Philo of Alexandria*, p. 113ff. For texts, see Winston, ed. and trans., *Philo of Alexandria*, pp. 212, 215.
59   *Quis Rerum Divinarum Heres Sit* (68–70), cited in Winston, ed. and trans., *Philo of Alexandria*, p. 169.
60   Philo took a position between the literalists, non-philosophers who thought that allegory was unnecessary and did not regard the Torah as containing an inner, spiritual meaning, and extreme literalists. See Wolfson, *Philo*, Vol. I, pp. 55–77.
61   *De Migratione Abrahami* (127–130), cited in Winston, ed. and trans., *Philo of Alexandria*, p. 198.
62   *De Abrahamo* (2–6), cited in Winston, ed. and trans., *Philo of Alexandria*, p. 199.