

TRADITION

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THE NEW MORALITY UNDER RELIGIOUS AUSPICES

That the Western world finds itself in the midst of a continuing moral crisis is a self-evident fact which needs no documentation. Completely appropriate to our contemporary situation is the plaint of R. Haninah of Sepphoris: "Zimri was only one in his generation, and because of him 24,000 of Israel died — and we have so many Zimris in our generation!"¹ The traditional moral restraints that have prevailed for centuries in Western civilization are crumbling, and Jews are not the least of those affected by the moral and spiritual rootlessness of our generation. Indeed, we probably feel the consequences of this massive displacement even more than do others, for the fulcrum of Jewish life and continuity has always been the family, and it is the family that is the first victim of moral delinquency.²

Nevertheless, for the sake of perspective it is good to remember that such anti-moral impulses are not new in history. The statement of R. Haninah itself is indicative of moral laxity in third century Palestine. There is considerable truth in a recent assertion that there is a *permanent* revolution against traditional Jewish sexual morality, but that the style and form and intensity of the revolt change in different historical epochs.³

There are several strands discernible in the fabric of the current protest against traditional morality, that known as the New Morality. One of the most interesting aspects of this New Morality is the paradox of what is (by previously accepted standards) immoralism having its genesis in an excess of moral fervor. But this calls for some preliminary remarks.

In speaking of the New Morality, we must distinguish between two layers. One is that associated with the name of Hugh Heff-

ner, founder of that famous American institution known as the "Playboy Club." This profitable commercial enterprise is accompanied by the exposition of a totally immoral "philosophy," and made to appeal mostly to professional bachelors who prefer the pleasures of married life without any of the obligations and encumbrances that issue from the legal commitment called marriage. The major theme of this school is "play it cool," do not become involved. Indeed, its philosophy of sex is really a modern variant of ancient Gnostic anti-sexualism, in which, as Hans Jonas has shown,⁴ contempt for this physical world is expressed either by abusing sex or by abjuring it completely; both the disuse and misuse of sex are indicative of a fundamentally negative orientation to sex. The *Heffners* are essentially contemptuous of women, whom they regard as merely candidates for sexual exploitation. The casual relationship which they advocate is no relationship at all; it takes no account of the existential nature of sexuality, treating coitus as an episode rather than a means of the most profound personal communication. With this point of view we shall not deal at all in this paper, save to observe that Jewish opposition to this view is based not only on the grounds that it is exploitative, but that it is fundamentally anti-sexual.

It is the second form of the New Morality which is of much greater interest, if only because it is a more potent and serious adversary to the moral code to which religious Jews are committed. This interpretation emphasizes and cherishes the relationship-dimension of sexuality, the "sex community," and considers exploitation the original sin. Here we find a blending of the desire for maximum freedom from inherited moral codes together with a deep concern for personal sensitivities, for communication between persons as persons. It is this variety of the New Morality to which we shall henceforth refer by this name.

Underlying the particular sexological philosophy of the New Morality is the hedonistic ethos which is so integral to the entire modern experience. To enjoy, to derive pleasure, is not only the privilege but the duty of man. Not to have experienced a particular form of pleasure means to have tolerated a vacuum in one's life, to have failed in the human mission of tasting of every

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cup of joy passed at the banquet of life.

There are two significant elements that deserve our careful attention and caution us to think before dismissing the New Morality as nothing but sham immorality. First is the positive ethical moment: respect for the integrity and sensitivity of one's partner, his or her autonomous right to self-development and self-expression. As Jews we can have little argument with this principle. Its emphasis on not injuring anyone, on protecting the interests and integrity of the personality of the other, is something which needs constant reiteration in our depersonalized technopolitan society. It is not that we Jews have never heard of this idea before — it is ingrained in the very fibre of Judaism — but it never hurts to be reminded of our own moral obligations by the noble impulses that grace others. Those who are uncompromisingly committed to the moral code of the Halakhah know that the Halakhah, like any code of law, may inflict injury upon individuals.⁵ Such casualties are inevitable for the greater good to be attained by society (or, in our case, the Jewish people) as a whole. Nevertheless, it is our ethical duty to mitigate any such suffering which results from the practice of Halakhah. Such was the motivation of Jewish Talmudic scholars of all generations in their orientation to the problems of the *Agunah*, as one example. It behooves us to rise to new levels of moral courage to discover genuine halakhic remedies for similar and new problems that afflict our particular generation.

Yet, for all its nobility, this major premise of the New Morality threatens to undermine the whole structure of morality as we know it, and to destroy the family as the fundamental collective unit upon which society is based. The negative rule of not-hurting-anyone else is bound to become the sole normative criterion for all legal codes in the Western world. Thus, adultery and homosexuality will be legally permitted where both parties consent — and are of the age of consent — and no third party is injured thereby. And what becomes legally permissible tends to become the moral norm as well for society at large.

The second element is one to which we referred earlier. The New Morality is of one piece with the rest of contemporary nihilism which, as has recently been suggested,⁶ is a moral pro-

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test against a hypocritical society. The modern's sense of justice is outraged. By what right do we dare to frustrate the emotional and physiological expression of a human being because of some abstract code of sexual inhibitions, when untrammelled sexual expression would injure no one? Where is the fairness in imposing a double standard in sexual morality which disadvantages women? How can society demand of its younger members that they abide by a code which is honored by their elders more in the public pieties they utter than in the private lives they lead? An extreme skepticism is thus combined with a zealous moral perfectionism to produce the New Morality: a nihilistic immorality powered by a pathological moral impulse, which is in turn doubtlessly abetted by the primitive libidinal desire to throw off all inhibiting factors and accept all allies in this self-liberating campaign.

It is the presence of these two moral aspects that commend the New Morality as worthier of our attention than a merely mindless moral laxity that happens to be vocal in its self-assertion. Indeed, it is largely this consideration, plus some inevitable sociological factors, that have not only introduced the problems raised by the New Morality to serious religious leadership, but in many cases forced the representatives of old and established religious traditions radically to revise their inherited codes and, in effect, to incorporate a good deal of the New Morality into their stated church policies and to search out theological justifications for these changes.

It is one such effort that stands out as particularly important in its integrity and openness. It is a major endeavor by an official Christian body to come to grips with the New Morality, both theoretically and practically, and to listen sympathetically to the criticism of the established moral traditions of the Western world. The Christian statement to which I refer is an authoritative document, *Sex and Morality*, cogently formulated and responsibly presented in October 1966 as the Report by the Working Party to the British Council of Churches. It is deserving of serious attention and criticism by Jews concerned with society's changing moral patterns with which we are confronted and which will, no doubt, profoundly affect our own community.

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This paper is such an attempt at evaluating this particular Christian accommodation from a traditional Jewish point of view.

There are certain features of this report that speak highly in its favor. It is certainly not propaganda. It sets out to understand, not condemn. It is a thoughtful and analytic document, distinguished by a refreshing open-mindedness. It states its conviction that many questions do not admit of any precise "answer."⁷ Now that is all to the good and deserves commendation — although one recalls, in reading the Report, what Lionel Trilling once said: "Some people are so open-minded their brains fall out . . ." One may add — even if the brains remain in, the moral walls may collapse.

As Jews, from a purely parochial point of view, there are certain parts of this Report that we can warmly applaud. Thus, its rejection of early Christian anti-sexual attitudes, especially in the Augustinian tradition, brings it close to the classical Jewish view; similarly, its acceptance of human nature as a complex psycho-physical unity rather than as a bifurcated being in which body and spirit are locked in eternal strife. But this is vitiated by certain typical Christian lapses from objective scholarship, as when it credits Jesus with ending "the fatal dualism of flesh and spirit."⁸ We shall even have to exercise a greater measure of Jewish charity and forgive its offensiveness when it unthinkingly repeats some of the old Christian canards, comparing the Pharisees unfavorably with Jesus. Thus the invidious comparison of Jesus' moral teachings "with the 'code-morality' of the Pharisees, and also his concentration on motives and ideals of character rather than on external conformity."⁹ Such pejorative over-simplifications for the purposes of confessional self-gratulation are not only unjust, they also are unenlightening. Obviously the authors were ignorant of the "Pharisee" principle that in many ways immoral thoughts are worse than immoral acts;¹⁰ of the blessing to be recited after the first conjugal act; of the Kabbalists' insistence upon pure thoughts during the act of coitus; of the Talmud's enjoining a man from marrying his bride without first seeing her, lest he discover her to be unattractive to him and thus violate the commandment

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"Thou shalt love thy neighbor as thyself."¹¹ So must we forgive such coarse statement as the Report's reference to "restrictive or crude moral rules found in the Old Testament."¹²

Having willingly excused these minor points, we cannot in good conscience fail to accuse the authors of *Sex and Morality* of a more serious charge: that of being mealy-mouthed. At the crucial point in the development of their thesis, they lose their courage. Daring analysis gives way to a failure of nerve disguised as pious liberalism. They want to please everybody, and succeed in satisfying nobody. Only a few examples, among many that can be offered in evidence, will suffice.

On the question of moral rules, we are told: "It is *possible* to make motive and character the primary subject of moral judgment, while *also* giving great weight to the value of a sound moral code . . . It *may be held* that the rules of abstinence before marriage and fidelity within it" are universally valid.¹³ Is this the reaction of a great historical religion to the moral dilemmas of an age? Is it not possible to find a middle ground between authoritarian *ex cathedra* pronouncements and the pitifully detached conjecture of the professor of comparative religion?

Or note the hesitancy and the diffidence in the following apologetics as the authors genuflect before the gods of cultural relativism: "We cannot imagine any circumstances in which it would be right to tolerate *all forms* of homicide. If this is so, there need be no inconsistency in claiming that certain rulings concerned with sexual conduct represent permanent moral insights, without being committed to a belief in the fixity of moral rules in general."¹⁴ The circumlocution reflects a lack of conviction, a fatal flaw in a document of this kind.¹⁵

But if this be considered primarily a stylistic or literary criticism, which it is not, let us point to the two major conceptual items that disqualify the conclusions of this Report from consideration by Judaism as an adequate religious conception of sex morality.

Its first decisive weakness is that it is fundamentally not a religious document at all; it is stamped throughout by a capitulation to a secular humanism. Quite plainly, one looks in vain

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in this Report for God — the God who demands and judges as well as the One Who benevolently rewards His children who entertain good, especially liberal, intentions. Thus, some members of the group of authors would like to leave individual moral issues to personal decisions, adding that “. . . the liberty claimed is compatible with a responsible attitude to *society at large*.”¹⁶ Now it certainly is noble to feel responsible to society at large, but is there no God in the world to whom man ought feel responsible? Does not religion consider that society itself must answer to Him? Or has the British Council of Churches in effect signed His obituary?

The humanistic bias of the Report is evident in the utilitarian criterion for moral action. Whether “free love” between adults is moral or not depends, according to the authors, on whether it “involves . . . damage to the individual or to society.”¹⁷ Not surprisingly, the Report holds that “the knowledge of contraception should not be withheld from minors and the unmarried.”¹⁸

What has happened, apparently, is that the authors have accepted the truly *ethical* element in the New Morality, the emphasis on personality and personal relationships, and this has been declared sufficient unto itself in its rejection of the rest of normative *morality*.¹⁹ This is, in essence, the acceptance of situational ethics or contextual morality: when the general norm threatens to thwart my personality — its unfolding, its development, its integrity — then I lay aside the law as inapplicable to me in my particular situation. But who is to determine whether my reluctance to accept the moral rule issues from the autonomy of my person or the satisfaction of my passion? Obviously, no law, whether divine or human, is relevant here; and conscience is notoriously fallible when convenient rationalizations are easily available.

It is here that the Report fails as a religious document. It confuses humanistic existentialism expressed in religious vocabulary with an authentic religious stand. It has de-theocentrized all of life, and particularly sexual morality. The religious Jew cannot accept this. With all our concern for man and society, the goal of life is holiness, and the reason for this is

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imitatio dei: "Ye shall be holy, for I the Lord your God am holy."²⁰ Certainly, *bios* is inadequate, and we must strive for *humanum*; but *humanum* alone is insufficient without *divinum*: "Thou shalt love thy neighbor as thyself, *I am the Lord*." That is why we can and ought feel profound sympathy (to use the two cases cited in the Report) with the young man who wants intercourse with an "understanding woman" in order to allay his anxieties about his potency, or with a woman married to a near-impotent or homosexual husband who craves "occasional satisfaction, without complications, outside marriage."²¹ But we can never condone such *actions* as anything less than corrupt and polluting. It is only by cutting themselves off from their theistic roots and adopting an exaggerated anthropocentric morality that the authors can suspend their judgment in such cases and, to compound the injury, add the piddling afterthought that "the phrase 'without complications' overlooks the fact that intercourse can lead to all sorts of complications."²² (This is, in effect, a gesture of approval to *Lady Chatterly's Lover*.) Judaism, however, has declared such unchastity — for that is certainly what it is — so grave an offense that one should rather submit to death than violate it, even if one needs it for therapeutic reasons.²³

This capitulation by theologians to non-theistic interpretations of moral modes is not confined to theoretical expositions such as those in *Sex and Morality*. In a less sophisticated but more immediate manner, this tergiversation of the clerics came forcibly to public attention during 1967-68 in widely publicized stands taken by the Jewish and Protestant counselors to Columbia University students on the controversy surrounding a male student and a Barnard coed, both unmarried, who, in defiance of university regulations (in the polemics hardly anyone mentioned the violation of moral standards), shared an off-campus apartment. This convenient system has become known as "The Arrangement," and its virtues extolled widely as enabling participants to find "meaning in life," to reject the "hypocrisy of their parents," and to pay better attention to their studies. (The writer, being a square over the age of thirty, is both culturally and chronologically disqualified from commenting frank-

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ly on these profound arguments.) The reaction of the Jewish chaplain is, though trivial and of no importance in itself, interesting as a pathological symptom of how far far-out liberalism has gone. "The crucial question," the press reported his sage observation, "is not that students are living together, but whether or not the relationship is meaningful and worthwhile." Here again we find a secularized moralism leading to immoralism: "Meaningfulness" excuses all else. (But what does "meaningful" mean? And "worthwhile" to whom? To two 18-year-olds overcome in a moment of passion? To yesterday's high school students breathing their first air of freedom? To their parents? To their future happiness?)

There is a psychological underside to this "rabbinic endorsement" for the campus' enthusiasm for an end to rules and inhibitions. "The Israelites knew that idolatry is insubstantial and empty; but they worshipped the idols in order to secure a dispensation for their public immorality."²⁴ When the ancient Israelite was overwhelmed by lust, he did not merely indulge his passions — his feeling of guilt would have been too great — but he declared himself a communicant in the idolatrous cult. He was therefore able to participate in the obscene rites respectably, that is, with "religious" sanction.

I suspect that this support by the chaplains, this ritualistic incantation of "meaningful personal relations," and this very high-minded excitement with a moral system that removes most moral prohibitions, are tranquilizers for a vestigial conscience aroused by an excess of non-restraint. They are a *hekhsher* for what one intuitively knows is *treif*. Non-morality becomes more palatable to one brought up in a religious atmosphere if it is presented as a New Morality. The chaplains have lent themselves to an unworthy task and, in the process, revealed the bankruptcy of the moral relativism showing underneath their ecclesiastical cloaks. Yet such endorsement is truly superfluous; no one on campus really cares what these religious counselors say. In a few short years, college students have by-passed the New Morality. "The Arrangement" is not a gesture of defiance, not the institutionalization of a revolutionary sexual ethics, but the practical consequence of a thorough-going indifference to

any and all moral considerations. This is perhaps the ultimate irony: religious folk giving up their most sacred principles in order to appeal to those who couldn't care less; stewards of great religious traditions performing a theological strip-tease for an audience that is probably amused, possibly entertained, but certainly not attracted; spiritual mentors, hurt to the quick by stinging criticisms of their hypocrisy, who try to come clean by throwing in the towel.

We now turn to a second Jewish criticism of this "religious" variety of the New Morality, namely, that it reveals an atavistic antinomianism. There is in this report a return to the Pauline polemic against the Law (Torah) via the uncertainties of situational ethics. To adopt two rules "which would, we believe, at present rule out *most* of the extra-marital intercourse which actually occurs,"²⁵ is in effect to abandon all rules. The statement that "love is the only rule imposed by Jesus" is an invitation to moral lawlessness sanctioned by good intentions. Such antinomianism is only too well known to Jews from the catastrophic chapter of Jewish history written by the pseudo-Messiahs, Sabbatai Zevi and Jacob Frank.

More recently, another group of Christian clerics demonstrated just how far down the road to sanctified, respectable degeneracy this principle of "love is the only rule" as an operative principle of ethics and morality can take us. Elsewhere,²⁶ I have presented what I believe is a valid Jewish reaction to the views announced by a group of ninety Episcopalian priests in New York in November 1967 on the problem of homosexuality. A large majority of the priests held that homosexual acts should not be dismissed as wrong *per se*.²⁷ Such acts "between two consenting adults should be judged by the same criterion as a heterosexual marriage — that is, whether it is intended to foster a permanent relationship of love." A homosexual relationship "can be as fulfilling or as destructive as heterosexual ones." I do not wish to repeat here the arguments against this view. What is of special importance, however, is that the clear and unequivocal Biblical abhorrence of *mishkav zakhur* is compromised on supposedly ethical grounds and with religious sanction. "Love, fulfillment, exploitative, meaningful" — the list

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itself sounds like a lexicon of emotionally charged terms drawn at random from the disparate sources of both Christian and psychologically-oriented agnostic circles. Logically, we must ask the next question: what moral depravities can *not* be excused by the sole criterion of "warm, meaningful human relations" or "fulfillment," the newest semantic heirs to "love?"

There cannot, of course, be a morality based on motives alone; there must be rules. Even the Karaites, who rejected the Halakhah, had to develop a halakhah of their own. So what the British Report attempts is to eat its cake and have it too. It demolishes the normative basis of morality, pushing "code-morality" out of the front door, and then invites it in by the back door. It wants all the advantages of a halakhic approach without a Halakhah. Thus, its remarkable plea for living by the rules without having rules: ". . . every action, no matter how private, has some repercussions on society sooner or later. Thus, it can be argued that even an engaged couple are doing a disservice to society if they 'anticipate marriage' . . . To weaken the rule may well encourage free sexual intercourse between the unmarried, and ultimately increase the incidence of promiscuity and adultery."²⁸ Despite all the polite hesitation and the courteous restraint, the rationalizations do not come off. A young man in a situation of temptation, were he confronted by such an argument, would simply shrug his shoulders and say, "So what?" And indeed, in terms of the Report itself, So what? — and why not?

Jewish morality would, for better or worse, offer no hesitation. Its verdict is clear: no excuse for a man to have "intercourse with his betrothed in the home of his father-in-law." The first blessing at the Jewish ceremony speaks of the prohibition for engaged couples to engage in sexual intercourse (and *erusin* is far more binding than "engagement"). Perhaps this is a rule that is widely violated. But the validity of a moral principle is not determined by a vote. There is a world of difference between morals and mores.

What conclusions can we draw from this Report? Its analysis is, I believe, invaluable; its solutions, such as they are, are almost valueless. This Report, if accepted, will signify the building of

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the church's moral edifice on shifting sands which will ultimately bring the whole structure down. Jeremiah's complaint, in Lamentations 2:14, seems disturbingly and hauntingly relevant.

For us Jews, life will become more difficult, in the realm of sexual morality as in everything else. The problems affecting the non-Jewish community affect us with equal poignancy. The originator of the unfortunately accurate maxim, "wie es sich christelt, so judelt sich," was not Heine but R. Judah he-Hasid of medieval Germany. And his statement (*Ke'minhag ha-notzrim ken minhag ha-Yehudim*) was made specifically about sexual matters.

If this Report should ultimately become the policy of most of Protestantism, and if the avant-garde liberals in the Catholic Church should gain sufficient momentum, and if, as seems likely at the time of this writing, some Jewish groups too should declare for major "revisions" of the Jewish moral code, it is quite conceivable that religious Jews will be left alone, as they were in the ancient past, alone to proclaim the Word of God to an unredeemed world in matters of marriage and morality. Unquestionably this will increasingly polarize the Jewish community, accelerating the centrifugal forces which will make the assimilationists even more aggressive in rejecting Jewishness, and intensifying the centripetal currents which will force the segregationists to withdraw even more apprehensively, and with greater justification, from the general society and turn their backs on the world in an attempt to preserve what precious little is left to us of a sacred and magnificent tradition. It will make more difficult than ever before the attempt to remain in and with the world and yet keep our ideals and principles intact.

No matter what new strains will be imposed on the Jewish community as a result of this religiously sponsored permissiveness, and no matter what approaches may emerge in order to keep the two — Judaism and general society — from flying apart, committed Jews will have to bear a great burden. It is a double burden: to keep alive and whole the Jewish heritage of personal and public morality, and to keep challenging the conscience of the Western world until it shall have passed through this period of doubt and darkness. One can only hope that the

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Christian churches, heretofore the guardians of the moral heritage common to the great monotheistic religions of the West, will reconsider what appears to be their imminent capitulation to a triumphant moral nihilism which may yet bring down all of civilization.

FOOTNOTES

1. J. T. *Taanit* 3:4.
2. See Saadia, *Emunot Ve'deot*, 3:1, who considers the rational basis of the Bible's moral prohibitions the preservation of the family structure. Cf. *Yoma* 9a.
3. Monfred Harris, "Reflections on the Sexual Revolution," *Conservative Judaism* (Spring 1966), p. 4.
4. Hans Jonas, *The Gnostic Religion*, pp. 270-277.
5. Maimonides, *Guide for the Perplexed*, 3:34; see R. Isaac Arama, *Akedat Yitzchak*, No. 43.
6. Prof. Michael Polanyi, in the interview in *Psychology Today*, May 1968.
7. *Sex and Morality*, p. 54.
8. *Ibid.*, p. 44.
9. *Ibid.*, p. 19.
10. *Yoma* 29a.
11. *Kiddushin* 41a.
12. *Sex and Morality*, p. 20.
13. *Ibid.*, p. 27; italics are mine.
14. *Ibid.*, p. 20; italics are mine.
15. Traditional Jewish writers on sexual conduct were aware of changing customs and mores, and yet unabashedly reaffirmed "the fixity of moral rules." Cf., for instance, the opening paragraph of that classic little volume, "*Chupat Chatanim*," by R. Raphael Meldola (1754-1828), who was university-trained and *au courant* with the worldly thinking of his time.
16. *Sex and Morality*, p. 29; italics are mine.
17. *Ibid.*, p. 30.
18. *Ibid.*, p. 58.
19. I am arbitrarily distinguishing between *ethics* and *morality* by considering the former as consisting primarily of man-to-man relationships which are only derivatively offenses against God, whereas the latter is primarily a sin against God, but one which requires the participation of another person.
20. *Lev.* 19:1.
21. *Sex and Morality*, p. 60.

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22. *Ibid.*
23. *Sanhedrin* 75a; Maimonides, *Hil. Yesodei ha-Torah* 5:9.
24. *Sanhedrin* 63b.
25. *Sex and Morality*, p. 55; italics are mine.
26. "The New Dispensation on Homosexuality," in *Jewish Life* (Jan.-Feb. 1968); and see the correspondence on this in the May-June 1968 issue.
27. Since then a leading Catholic theologian, Charles Curran, is reported to have taken a similar position (*N. Y. Post*, May 1, 1968).
28. *Sex and Morality*, p. 31.