

THE UNIVERSITY OF CHICAGO

A DIFFERENT PATH TO JEWISH MODERNITY: COUNTER-ENLIGHTENMENT
RESPONSES OF PHILOSOPHIES OF HALAKHAH TO GERMAN IDEALISM IN THE
TWENTIETH CENTURY

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Abstract

My dissertation, titled “A Different Path to Jewish Modernity: Counter-Enlightenment Responses of Philosophies of Halakhah to German Idealism in the Twentieth Century,” explores the complex interplay between modern philosophical concepts and the lived experience of halakhic Judaism within its own theological and conceptual framework, culminating in the Jewish Lebenswelt. I delve into the translatability and adaptability of these modern philosophical concepts, particularly in the realm of twentieth-century philosophies of *halakhah*. I establish a methodological approach that goes beyond mere translatability to consider “analogous adaptability,” employing David Tracy’s “analogical imagination” concept. I analyze how post-enlightenment Jewish philosophy accommodated Kantian ideas and often modified traditional Jewish thought, or halakhah, in favor of the Kantian principle of the autonomy of thought, theoretical and practical (ethical) reason. I then show how, in contrast, twentieth-century Jewish philosophers of halakhah, influenced by German Christian theologians such as Karl Barth and Emil Brunner and the political theology of Carl Schmitt, defended traditional Jewish practices and integrated them into modern discourse. The dissertation also illuminates hermeneutical language’s role, particularly from *kabbalah*, in shaping the conceptual horizons of twentieth-century rabbinic and halakhic philosophy.

An epilogue concludes the dissertation, tracing a contemporary shift in non-liberal halakhic Jewish thought. This shift is from an ethical discourse, centered and rooted in halakhah, to a pseudo-halakhic discourse prioritizing eschatological myth. The messianic political-theological, which finds its intellectual home amongst right-wing religious-nationalist Jews living in the modern state of Israel, is an example of a radical change from the intellectual milieu

and halakhic and theological concerns that engaged traditional rabbinic thought concerns that engaged traditional rabbinic Judaism and focus presented in my dissertation.

Jedes wesentliche Fragen muß sich, jedesmal wenn es ursprünglicher fragt, von Grund aus wandeln.

Every essential question must fundamentally change every time it is asked more originally.

Martin Heidegger, *Beiträge zur Philosophie*

Chapter 1: “The Query of Queries,” Jewish Authenticity in a Post-Enlightenment World

Martin Buber recounts a tale from one of the Hassidic masters and shares the story of Rabbi Zusya of Hanipol on his deathbed, overwhelmed with tears:

“Before his death, Rabbi Zusya said ‘In the coming world, they will not ask me: “Why were you not Moses?”’ They will ask me: “Why were you not Zusya?””¹

Buber labels this tale “The Query of Queries.” Indeed, the quest for authenticity, the striving to find and understand oneself in the context of modernity and the post-Enlightenment cosmopolitan intellectual culture, could not be more pressing. When one operates in a cognitive culture that values intellectual autonomy and honors alternative conceptions of the good (*summa bonum*) frames of reference, the search for being and understanding “just Zusya” becomes eminently more difficult. The subject matter of this dissertation is the question of Jewish authenticity in the context of German-educated orthodox Jewry in the twentieth century. Just like Zusya, Jewish thinkers who were exposed to modes of thought that *prima facie* challenged the ontological foundations of rabbinic traditions (just like Moses in the context of Zusya), strived to make sense of their own identity and relevance to their culture and religious horizons. Jewish thinkers who were exposed to new Post-Enlightenment trends in philosophy nonetheless strived to define themselves not in terms of those new philosophical movements but rather as

¹ Buber, Martin. *Tales of the Hasidim*. New York: Schocken Books, 1991. p. 196.

representatives of their own cultural and religious traditions. They were nonetheless in fact heavily influenced by non-Jewish religious thought and theology, but nonetheless continued to represent their work as a quest for the authentic voice of Jewish tradition. Thinkers such as Rabbi J.B. Soloveitchik, who had intimate knowledge of neo-Kantian German philosophy and non-Jewish forms of religious thought and theology, were trying to stay true to their religious way of life and modes of thinking while, at the same time, attentive to developments in philosophical and theological discourse beyond the precincts of traditional Jewish thought. How does one find their “Zusya” in this world? How can an individual be authentic to their religious self as well open to the conception of the self advanced by post-Enlightenment philosophy and theology? This dissertation explores the perspectives of halakhic Jewish thinkers as they grappled, each in their own way, with their own version of this “Query of Queries.”

Max Weber, in *The Protestant Ethic and the Spirit of Capitalism*,² suggests that it is a particular Christian conception of ethics that led to the birth of capitalism. The link that Weber draws between a cultural phenomenon and a specific religious view and lifestyle has been accepted by modern scholars. Weber attempts to show not only how cultural phenomena are formed, but more importantly, how they are tied to religious forms of thought and what happens when they diverge from the religious concept. However, what happens when we encounter a different religious different conception of religious authenticity? Will other expressions of religiosity develop a different response or conceptualization of various cultural phenomena? Going back to Buber’s tale, I ask: What in responding and accommodating modern cultural would Zusya look like?

² Weber, Max, and Stephen Kalberg. *The Protestant Ethic and the Spirit of Capitalism*. New York: Oxford University Press, 2011.

The subject of this dissertation revolves around the interaction of diverse religious discourses, focusing particularly on the adaptation and integration of non-Jewish concepts into traditional rabbinic thought. At the heart of this exploration is the use of Talal Asad's framework of translatability and untranslatability of secular ideas into orthodox religious patterns of thought and practice, which provides a foundation for understanding the dynamics of the intellectual interactions considered in this dissertation.

Talal Asad, a prominent voice in religious studies and a critic of Western secularism,³ has extensively examined the repercussions of the Western Reformation. His foundational inquiry began with the 1993 publication *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*.⁴ This exploration deepened with *Formations of the Secular: Christianity, Islam, Modernity*,⁵ which focused on relegating religion to the private domain as a facet of broader secularization challenges. Asad views secularism as an ideology where the state supersedes identities rooted in class, gender, and religion, promoting a unified public experience. He critically observes that a secular state's claim to tolerance is contingent upon its manipulation of power and fear, arguing that the law's intent is not to abolish violence but to regulate it. According to Asad, the public domain is inherently shaped by power dynamics, making the liberal ideal of free debate inherently unequal due to pre-existing limits. It is important to note that while Asad's framework of analyzing the modes of cultural translation, I will not limit my purview to secular philosophies but also to German Protestant thought, which in its own

³ Assad speaks of secularism, whereas this dissertation will consider both secular neo-Kantian philosophy and German dialectical theology.

⁴ Asad, Talal. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore: Johns Hopkins University Press, 1993.

⁵ Asad, Talal. *Formations of the Secular: Christianity, Islam, Modernity*. Stanford, Calif.: Stanford University Press, 2003.

distinctive way responded to what they regarded to be the ultimate bankruptcy of post-Enlightenment liberalism.

Asad addresses the concept of cultural translation in his essay, “The Concept of Cultural Translation in British Social Anthropology,”⁶ which lays the groundwork for his subsequent argument in *Secular Translations*.⁷ Asad argues, disagreeing with Clifford Geertz, against a dichotomy between religious beliefs and practices, especially within Islamic and medieval Catholic contexts. He challenges the notion of authoritative discourse as purely symbolic, advocating instead for an understanding of discourse as intimately connected to bodily and emotional experiences and practices. He also critiques Ernest Gellner’s anthropological perspective for placing the researcher in a privileged position, capable of deciphering the “true” meaning of cultural practices without engaging in meaningful dialogue with the subjects of study. Asad is concerned with how power dynamics influence the process of cultural translation, suggesting that such translation is deeply entangled with power structures at various levels. Unlike some postcolonial theorists who see the potential for positive decentering in the interaction with the Other, Asad underscores the inherent power imbalances in these encounters. His work aligns more closely with scholars who focus on the tangible impacts of power relations, critiquing the abstraction seen in some postcolonial thought.

According to Asad, the assertion that the core values of classical liberalism and secularism are derived from Christian traditions overlooks the significant differences between contemporary interpretations of equality and those from medieval Christianity. This argument

⁶ Asad, Talal. “The Concept of Cultural Translation in British Social Anthropology”, in, Clifford, James, George E. Marcus, Kim Fortun, and School of American Research. *Writing Culture: The Poetics and Politics of Ethnography*. 25th anniversary ed. with a foreword by Kim Fortun. Berkeley, Calif.: University of California Press, 2010. p. 142.

⁷ Asad, Talal. *Secular Translations: Nation-State, Modern Self, and Calculative Reason*. New York: Columbia University Press, 2018.

misses the mark, especially when considering Jürgen Habermas's viewpoint that the Christian idea of *imago Dei*—the belief that humans are made in the image of God—translates into a political principle advocating for equal treatment of all individuals. This perspective fails to recognize the fundamental shift in meaning. To adapt the concept of humans being created in God's image for secular use, it must be stripped of the notion, heavily emphasized by Protestant theologians, that humanity's fall from grace made humans inherently flawed and only redeemable through divine intervention. This concept then must be recontextualized within a framework where human rights and dignity are seen as universal and inherent, completely detached from any religious or divine justification. Such a transformation to a secular viewpoint would have been alien to medieval Christians, who believed that justification in life came through a divinely granted grace—a concept that is equally alien to the secular mindset of modern times.⁸ Asad points to the problem of translating religious language separating other religious forms interacting with Western cultural phenomena, as well as the paradox of Western cultural phenomena themselves drawing from Christian notions and language.

Asad's ideas on translatability and untranslatability stem from his work on secularism and the anthropology of religion. The primary concern in his model is the ability (or inability) to translate secular concepts into religious discourse and vice versa. It is a complex interplay that extends beyond mere language and semantics, confronting the conceptual gaps that separate distinct intellectual and cultural spheres.

In a recent publication, *Secular Translations: Nation-State, Modern Self, and Calculative Reason*,⁹ Asad elaborates on his three-part Ruth Benedict lecture series at Columbia University

⁸ Asad, Talal. *Secular Translations: Nation-State, Modern Self, and Calculative Reason*. New York: Columbia University Press, 2018. p. 16.

⁹ Asad, Talal. *Secular Translations: Nation-State, Modern Self, and Calculative Reason*. New York: Columbia University Press, 2018.

in 2017. The book unpacks three distinct yet interrelated themes: the constructs of the nation-state, the idea of the modern self, and the nature of calculative reasoning. The third section of this review provides an in-depth analysis of each theme.

Asad's approach to cultural translation and power is nuanced, recognizing both the constitutive and repressive functions of power. He seeks to highlight the disparities between Western and non-Western histories and experiences, focusing on the tangible mechanisms of power in cross-linguistic interactions. He points out the vulnerability of non-Western languages and cultures to the dominating influence of Western languages, particularly English, and the capitalist forces that shape knowledge, lifestyles, and language itself.

This perspective sheds light on the complexities of cultural translation, where asymmetries between languages reflect broader inequalities in global power dynamics. Asad emphasizes the transformative impact of industrial capitalism on non-Western societies, urging a critical examination of the translation process that recognizes these disparities. His work calls attention to the nuanced and often problematic nature of translating experiences and concepts across cultural and linguistic boundaries, highlighting the need for a more equitable and dialogic approach to cultural translation.

Asad highlights the influence of power dynamics in the process of cultural translation, especially between Western societies and those of what used to be called the Third World.¹⁰ He points out that Western dominance often skews translations in a way that aligns Third World societies with Western perspectives, a phenomenon he terms "the inequality of languages." This inequality underscores how cultural translations are not merely about linguistic or cultural exchange but are deeply entangled with power disparities.

¹⁰ Asad, Talal. *Secular Translations*. p. 34.

In his critique, Asad once again contrasts his approach with that of Clifford Geertz, advocating a translation process that does not shy away from the discomfort or challenge of integrating “foreign” concepts into one’s own language. Instead of simplifying complex ideas to make them more palatable, Asad suggests that the process of translation should confront and explore these complexities, potentially leading to a reevaluation of one’s own preconceptions and categories. In other words, he sees cultural translation as a chance to engage with the unfamiliar in a way that broadens understanding and prompts introspection. He believes that a deeper comprehension of Western culture, beyond viewing it as a monolithic ideology, is crucial for anthropologists to appreciate the nuances of cultures entering or resisting modernity.

Moreover, Asad emphasizes the transformative potential of translation, challenging translators to reconsider the limitations of their language and to strive for a translation that remains faithful to the spirit of the original. He warns against the dangers of subversion for its own sake, arguing that while challenging established norms can be valuable, indiscriminate subversion risks undermining meaningful cultural exchange and understanding. He advocates instead a balance between fidelity to the original and critical engagement with one’s own cultural biases and assumptions. He distinguishes his stance from other diasporic intellectuals by prioritizing the integrity of everyday value systems and traditions, even amidst the complexities and indeterminacies of cultural exchange.

Asad champions a thoughtful approach to cultural translation that respects the original while critically engaging with and potentially transforming the translator’s own cultural assumptions. This approach, rooted in an understanding of power dynamics and the importance of genuine cultural dialogue, seeks to enrich both the source and the target cultures through a process of deep, reflective engagement.

Asad critiques the notion of cultural translation when it is approached from a position of dominance, suggesting that such a stance often leads to the diminishment of the religious and traditional values of colonially dominated peoples. He advocates for cultural translators to embrace humility and a genuine willingness to engage with and be transformed by the traditions of those they study, even to the extent of risking their own perspectives or ways of life.

Asad delves into the interconnectedness of the nation-state, individual identity in the modern era, and the nature of rational thought, themes he has extensively explored throughout his career. These essays, emanating from his Ruth Benedict Lectures at Columbia University in 2017, employ the concept of translation to link disparate themes, with introductions and epilogues that elucidate his stance on the practice of translation itself.

Asad draws on thinkers like Habermas, Jakobson, Benjamin, Sanneh, and Wittgenstein to argue against the notion of translation as a mere quest for linguistic equivalence, suggesting instead that understanding a language—or a way of life—requires immersion in its daily practices and contexts. This approach challenges the simplistic view of translation, emphasizing the complex, unpredictable nature of language and its integral role in shaping human experience. In the book's first chapter, "Secular Equality and Religious Language," Asad examines the complex relationship between the concepts of equality and secularism, challenging the assertion by some Western scholars that secularism and its associated values originate from Christian thought. He argues that this perspective inherently excludes those outside the Christian tradition and various forms of Christianity itself, illustrating the semantic gaps between Christian and liberal notions of equality. Asad traces liberalism's evolution from a revolutionary movement to its current association with capitalist interests and state power, highlighting the inherent contradictions in liberal claims of promoting equality while perpetuating economic and social

disparities. Asad critiques the application of liberal ideals, including human rights, which he argues can lead to authoritarian practices under the guise of secular nationalism. He points to the discriminatory policies of European states, which extend the principle of equality selectively, often excluding non-European citizens under the pretext of their affiliation with “illiberal religions.” This critique exposes the fractures within liberalism’s claims of universality and equality, revealing the deep-seated inequalities embedded within secular liberal democracies.

Asad also critiques the ideal of secularism, as it is purported to manifest absolute impartiality towards citizens, juxtaposing it against the starkly non-neutral realities observed in the political agendas of figures like Margaret Thatcher and Hillary Clinton. Their shared vision of equality,¹¹ framed as the right to compete, essentially legitimizes inequality under the guise of difference. This concept is mirrored in today’s meritocracy myth and the belief in a free-market system that supposedly awards merit justly

Asad also interrogates Jürgen Habermas’s notion of postsecularism, which suggests that the equality dilemma could be addressed by integrating religious discourse into secular public discussions. According to Habermas, if religious ideas can be translated into a language understandable to all, including non-believers, they adhere to the liberal principle of equality. However, Asad argues that Habermas’s perspective, limited to an informal public sphere and neglecting formal decision-making bodies like parliaments, merely expands the domain of liberal politics without addressing the deeper issues.

Further, Asad disputes the feasibility of translating religious language into secular terms, drawing from Wittgenstein’s view of language as a reflection of life. This linguistic behavior

¹¹ Asad, Talal. *Secular Translations*. p. 41.

showcases diverse ways of engaging with the world, suggesting that liturgical languages, due to their unique cultural and religious contexts, are inherently untranslatable.

The second chapter of Asad's work focuses on the untranslatability of the Qur'an, contrasting with Christian theologian Lamin Sanneh's view that Christianity's growth was facilitated by its scripture's translatability into various languages, fostering modernity and cultural pluralism. Asad argues against this, noting the extensive history of Qur'anic translation and interpretation across languages, emphasizing that the challenge lies not in the Arabic language's divinity but in the ritualistic context of its use in Islamic prayer, which considers the act of enunciation a transcendental experience.

In Islam, the distinction between public and private selves is not as pronounced as in Western secularism, allowing for a more personal and unregulated engagement with scripture. This aspect challenges both state authority and capitalist norms, as the act of translation involves not only the transmission of language but also its profound impact on the believer's identity and moral cultivation. Asad uses examples from Islamic history, including the work of the twelfth-century philosopher Al-Ghazālī, to illustrate how Islamic ritual practices, particularly Qur'anic enunciation, contribute to the development of the human self. He highlights the interconnected yet distinct traditions around the Eastern Mediterranean, drawing parallels with the ancient Greek concept of *paideia*, or the cultivation of the self, to underline the diverse and rich practices of learning and moral development in Islamic tradition.

Asad also critiques the process of learning and behavior shaping known as ritualization, which involves both correction and repetition. This concept, although present in both Christianity and Islam, takes a unique form in Islam. Al-Ghazālī, while drawing on classical ideas from the Eastern Mediterranean, diverges significantly from Aristotle's notion of the self. Instead of

centering the self around thought, Al-Ghazālī views self-formation as an ongoing journey of orienting oneself towards God, a process that spans one’s entire life and blurs the lines between religious and secular spheres. In contrast to individualistic traditions, Islam emphasizes the communal and generational transmission of practical knowledge and bodily discipline.

This translation of Qur’anic language into human life aims not just for communication but for the molding of the body and mind together, challenging the distinction between private and public selves. This leads to Asad’s examination of how the translation of Qur’anic principles into daily life contrasts sharply with the numerical translations used by modern states and capitalist economies to achieve control and efficiency.

Asad approaches cultural translation with caution, aligning himself with Derrida’s view that translation is both essential and inherently limited. Unlike Derrida and Spivak, Asad doesn’t explicitly address whether cultural translation should occur but critiques the secular translation of cultural symbols. He agrees with Wittgenstein that not all aspects of life require interpretation or translation, pointing out the problematic nature of replacing one set of meanings with another.

The closing chapter of his book delves into the language of numbers, highlighting how numerical data facilitates modern state control over citizens and threatens all forms of life. Asad explores the concept of the “mask,” tracing its evolution from a literal mask to a metaphor for the persona in modern secular thought, underscoring the autonomous, self-interested view of the self in contemporary society. This perception necessitates a translation or interpretation of the mask, complicating anthropologists’ efforts to understand ritual and culture as merely spaces filled with signs to be decoded. Asad argues that culture and religion are not just collections of signs but inherited practices aimed at developing a specific kind of subjectivity, challenging the sharp division between the private self and its public facade—a division rooted in Renaissance Europe

and contributing to the modern state's surveillance and control mechanisms. The use of statistical and numerical methods by states and corporations exemplifies the transformation of social realities into abstract data, enabling control and manipulation, as seen in the evolution of mutual aid societies into the profit-driven insurance industry. Asad warns of the dangers inherent in treating statistical analysis as an objective representation of social reality, underscoring the limitations and potential harms of this approach to understanding and managing social issues.

Asad's critical perspective on the advancements of modern science, technology, and industry suggests that these developments, built on mathematical calculation and secular reason, are leading humanity towards potentially catastrophic outcomes like climate change, environmental destruction, and nuclear conflict.

Asad concludes by questioning secular reason's foundational belief in humanity's endless capacity for problem-solving, contrasting it with ancient wisdom that accepted human limitations and failures. Despite its scientific triumphs, secular reason has also ushered in an era of unparalleled uncertainty. While numerical analyses and probability theory attempt to mitigate uncertainties, they cannot fully predict or prevent disasters. This belief in the total knowability and controllability of the world hinders the development of new linguistic frameworks necessary, as Assad contends, to avert looming disasters. Although Asad does not specify what this new language should entail, he underscores the need for a language capable of fully capturing our collective existence. His acknowledgment of failure and uncertainty might seem pessimistic, yet Asad, true to his anthropological roots, holds onto the potential for humanity to forge a language that can safeguard both human and non-human planetary life.

Inspired by Edward Said's notion of "contrapuntal," the relationship between colonizer and colonized is seen as a complex interplay, where control is elusive, and sovereignty

intertwined with the imposition of meaning. Said's concept of hybridity underscores the impossibility of a monocultural translation theory in the face of subjects' diverse influences. Talal Asad connects these discussions to Western secularism, critiquing the narrow focus on culture by some cultural anthropologists and postcolonial scholars for failing to engage deeply with the concept of the Other. He argues against the idea that religious commitment precludes a critical stance towards subject formation, challenging the secular assumptions held by scholars like Edward Said and Clifford Geertz. Asad's critique extends to the modern Enlightenment notion of critique as an abstract, universal concept, suggesting that it overlooks the influence of the mysterious Others in shaping subjectivity.

The discourse also explores the concept of the Other, inspired by Jacques Lacan's "mystical Others," foundational for subject development. This leads to a pivotal question: Can subjectivity emerge in the absence of the Other? This query divides the Other into tangible entities and the enigmatic "mysterious Other," challenging the Enlightenment's self-awareness paradigm and positing subjectivity as shaped by an external gaze.

In this context, Asad critiques the postcolonial secular deconstructionist approach, exemplified in the Rushdie affair, for assimilating Western liberal ideals at odds with Muslim experiences. He argues that the simplification of cultural translation and the dismissal of Muslim tradition fail to acknowledge the complexities and responsibilities inherent in navigating between cultures. Asad's reflections on Wittgenstein's language game theory highlight the hermeneutic transformation of human sensibility in translation. This approach stresses that while beliefs might be conveyed, the practices deeply embedded in a believer's experience often remain untranslated. Asad's engagement with Wittgenstein and Foucault shapes his understanding of faith and subjectivation, emphasizing the relational and practice-based nature of belief systems.

The notion of the Qur'an's "nontranslatability" underscores Asad's critique of epistemological violence in Western attempts to translate sacred Islamic texts, viewing such efforts as symptomatic of a broader imperialistic tendency in Western secular thought. He argues for deeper engagement with the transformative potential of translation, which involves understanding and participating in the source culture's language-game.

Asad's work on secularism, particularly in "Formations of the Secular: Christianity, Islam, Modernity,"¹² offers a profound critique of the commonly accepted narratives about secularism. Asad challenges the notion that secularism is a simple separation of church and state, arguing instead that it is a complex cultural and political construct that shapes modern societies in profound ways. He explores how secularism has been translated across different historical and geographical contexts, particularly focusing on its impacts on Christian and Islamic societies. Asad suggests that secularism is not a neutral or universal concept but is deeply intertwined with the power dynamics of colonialism and modernity. His analysis extends to how secular and religious identities are constructed and how these constructs influence moral, legal, and political authority in contemporary societies. Through his examination of secular translations, Asad invites readers to rethink the binaries of religious/secular and East/West, arguing for a more nuanced understanding of how societies negotiate their ethical and political orientations in the shadow of secularism.

One specific example that Asad discusses to illustrate his critique of secularism involves the legal transformations in Egypt in the late nineteenth and early twentieth centuries. Asad examines how British colonial rule and its imposition of European legal systems on Egypt

¹² Asad, Talal. *Formations of the Secular: Christianity, Islam, Modernity*. Stanford, Calif.: Stanford University Press, 2003.

represented a form of secular translation. This process was not merely about replacing Islamic law with European law but involved redefining what law itself meant within the societal context.

Under British influence, Egyptian law began to distinguish between “secular” and “religious” domains in ways that were foreign to Islamic legal traditions. For instance, personal status law (governing marriage, divorce, and inheritance) remained under the jurisdiction of Islamic courts, while other areas of law were systematically secularized and brought under the purview of newly established civil courts. This division reflected the secularist idea that religion should be a private matter, separate from the public and rational domain of the state.

Asad points out that this reconfiguration did not merely transplant Western legal principles into Egyptian society but fundamentally transformed the structure of authority, the definition of morality, and the nature of community bonds. It represented a secular translation in the sense that it reinterpreted Islamic legal and ethical concepts through a secular framework, which in turn reshaped Egyptian society’s understanding of itself and its legal traditions. This example demonstrates Asad’s broader argument that secularism is not a neutral backdrop to modernity but an active force that reconfigures societies in profound and often contested ways.

Applying Asad’s method, or at least his mode of critique on the interplay between Jewish Orthodoxy and Christianity in the twentieth century, I seek to demonstrate how the indirect discourse between Jewish and Protestant figures plays out. In the case of Rabbi J.B. Soloveitchik, for example, I present a form of secular translation in his work, which is influenced by Karl Barth’s theological critique of post-Enlightenment liberal humanism and select currents in German philosophy from Kierkegaard’s proto- Existentialism to Phenomenology. The use of Asad’s secular translation takes the notion of secularity beyond the dichotomy between religious and nonreligious, extending it to be both external and internal to a given religious system. Thus,

when Soloveitchik uses concepts such as dialectics, I show first that it stems from his reading of the dialectical theologians and then how he “translates” it into a Jewish form of dialectics to use in the Jewish context.

For this reason, I find it necessary to compose another methodological framework, which bridges the gap between secularity and religion, using them as conceptual frames. The heuristic value of my research lies not merely in the translatability of concepts but also as refracted through what David Tracy calls the “analogical imagination,” their adaptability. Asad pointed out the paradox that lies in the phenomena of religion in a secular society, but by drawing upon David Tracy’s “analogical imagination,” a theoretical approach for the interpretation of religious texts and concepts, the dissertation will examine the possibility of “analogous adaptability” within the Jewish context. Tracy’s framework, initially developed within the Christian theological context, focuses on the analogical relations between different concepts and realities, providing a way to navigate and bridge the gap between diverse intellectual and cultural domains.

The second part of the title for this chapter is “Jewish Authenticity in a Post-Enlightenment World.” Indeed, as seen with Asad, it becomes complicated for religious and secular cultures of knowledge to grapple with the multiplicity of alternative cognitive systems of knowledge and the need to translate these notions for the adequate use of cross-religious notions. Tracy, in the second part of his theological trilogy,¹³ “The Analogical Imagination: Christian Theology and the Culture of Pluralism,” addresses the question of pluralism in Christian theology. Pluralism, in the religious context, as opposed to universal knowledge, I would like to

¹³ Tracy, David. *The Analogical Imagination: Christian Theology and the Culture of Pluralism*. New York: Crossroad, 1981.

suggest, is the affirmation of a claim by articulating a genuine claim of religion to the truth.¹⁴ For philosophical theologians like Tracy, approaching the study of religion, and specifically Christian theology, it is possible to lead with pluralism, taking into account the truth values other spheres of knowledge might hold. Tracy notes that a true conversation can only occur when the question is allowed to be asked by the from the perspective of the inquiring subject.¹⁵ In his case, the subject matter is that of Christianity, which has allowed the question to be asked since its inception. Throughout the history of the religion, it has assumed a plurality of ideas, which has enabled it to develop into what it is today. However, the claim I make does not extend that far in the intellectual past of Christianity. I merely point to the course of the history of philosophy in the modern age, showing the link between religion and state, religion and secularity, and prominent notions such as ethics and morality, some of the aspects of which will be explored in chapters two and three. In the case of Judaism, specifically the subject of neo-orthodox Judaism in the modern age, there is a case of universal knowledge rather than pluralism. Unlike the notion of pluralism, the phenomenon of universal knowledge, which I will define as holding ideas as philosophically, metaphysically, and scientifically true, and at the same time, affirming one's faith premise when it comes into question. Such will be the case, as presented in chapters two and four of his book.

In chapter three, Tracy begins to outline the mechanism of analogical imagination. He follows his meticulous approach by initially providing a comprehensive overview of the concept of "classics." The classics are a crucial notion for Tracy, and to stress the point made earlier, it is possible for Tracy to speak of plurality because of the notion of classics. Subsequently, in chapter four, he urges systematic theologians to perceive their discipline through the lens of

¹⁴ Tracy, David. *The Analogical Imagination*. p. IX.

¹⁵ Tracy, David. *The Analogical Imagination*. p. 101.

hermeneutics when engaging with a specific type of classic text: religious classics. While classics in general represent a normative aspect of cultural understanding, religious classics, in particular, encompass a normative dimension that entails a claim to truth as the unveiling and veiling of reality's entirety through the force of wholeness.¹⁶ Tracy's examination of classics, both in general and within the realm of religious texts, offers valuable insights into how systematic theology can maintain its public relevance without being absorbed into fundamental theology. However, for the focus of this dissertation, I want to draw attention to a seemingly minor aspect of Tracy's analysis: his deliberate differentiation between classics in general and religious classics in particular. Tracy acknowledges that systematic theologians concentrate on interpreting a specific category of classic works. Why is this seemingly obvious point significant? Tracy posits that genuine dialogue serves as the model for successful hermeneutical engagements. Yet, unlike his nuanced treatment of classics, Tracy does not differentiate between various types of hermeneutical dialogues. I approach this observation not as a criticism but as an opportunity for a specific form of ecumenical discourse with his ideas. Tracy's hermeneutical encounters center on the interaction between contemporary systematic theologians and religious classics within their own tradition. However, he also devotes considerable attention in *The Analogical Imagination* to different types of religious classics, such as those focused on manifestation, proclamation, and action. Furthermore, Tracy brings various types of systematic theologians—namely, analogical and dialectical—together in conversation. While he applauds the diversity of theological perspectives, he does not appear to critically examine the nature of the dialogue he facilitates or entertain alternative methods of dialogue for reconciling divergent theological viewpoints.

¹⁶ Tracy, David. *The Analogical Imagination*. p. 108, 163.

Tracy acknowledges the existence of various forms of classical religious expression competing for the attention and commitment of systematic theologians. He argues that each expression follows a similar pattern of development. Initially, there is a phase of “intensification” where an individual delves deeply into the specifics of their own circumstances, gaining insight and comprehension. This is followed by a phase of “distanciation,” during which the individual steps back from their personal experience to articulate it to others. Despite the structural similarity of these experiences, the phase of “intensification” ultimately leads to different outcomes, resulting in distinct religious expressions following the phases of “distanciation.” Tracy explains: “When the process of intensifying particularity leads to a profound sense of participation, the resulting religious expression is termed ‘manifestation.’ Conversely, when the intensification of particularity leads to a profound sense of nonparticipation, the resulting religious expression is termed ‘proclamation.’”¹⁷ Expressions of “manifestation” in religion often involve visual imagery, while “proclamation” is closely associated with the sense of hearing. Vision, in this context, is linked to intuition, representing the direct participation and communion of the mind with the surrounding reality. On the other hand, hearing is connected to an encounter with something beyond direct availability or similarity to the mind, often involving communication. Consequently, Tracy’s association of manifestation with an analogical approach to theology and proclamation with a dialectical approach is understandable.

The title of Tracy’s work does not suggest a dismissal of dialectical theology in his exploration of systematic theology captured in *The Analogical Imagination*. Rather, Tracy views both analogy and dialectic as indispensable elements of authentic Christian systematic theology.

¹⁷ Tracy, David. *The Analogical Imagination*. p. 203.

This is an important point for the purpose of this dissertation since there are many materials and parallels I draw from the dialectic theological movement. He vehemently critiques any deviations from St. Thomas' analogy of being that lead to anti-dialectical perspectives. However, Tracy ultimately asserts that Christian systematic theology inherently leans towards analogy. He perceives dialectic not as an opposing force but as an integral part of analogical theology. Dialectical religious classics, focusing on confrontation and proclamation, lack inherent substance and rely on an existing analogical framework for their negations to hold significance. Even prominent figures like Karl Barth, often associated with dialectical theology, shifted towards articulating a new theological language of analogy, evident in his development of the "analogy of grace" in *Church Dogmatics*.¹⁸ Tracy acknowledges that without the ongoing influence of the negative, analogical concepts risk collapsing into false harmony or sterile compromise. Nevertheless, the purpose of dialectical negations is to pave the way for the emergence of fresh analogical languages.

The prophetic element depends on the priestly counterpart. The Protestant principle finds its foundation in Catholic substance. Dialectic lacks significance without analogy. Proclamation lacks direction or purpose without manifestation. What is essential is the incorporation of both analogy and dialectic within an analogical imagination capable of embracing the entire theological spectrum. Tracy regards the conversational model as crucial in this context, extending beyond the hermeneutical dialogue between a systematic theologian and classical religious texts. Within systematic theology, dialogue is necessary to prevent the analogical and dialectical traditions of Christianity from drifting too far apart. Tracy suggests that navigating

¹⁸ c.f. Barth Karl. *Church Dogmatics*. Edited by G. W. Bromiley and T. F. Torrance. New York: Charles Scribner's Sons, 1936. Part II, pp. 519,575.

between these extremes is best achieved by employing an analogical imagination, which prioritizes analogy while recognizing the importance of dialectic, grounded in a faithful interpretation of the Christ event and an awareness of the theologian's historical context. In essence, Tracy advocates for a unified hermeneutical approach that combines analogy and dialectic. However, he does not envision this unity as a rigid or simplistic agreement; instead, it is a dynamic and ongoing process. Dialectic serves to challenge analogy whenever it risks oversimplification, reminding us of the importance of maintaining the tension between similarity-in-difference and similarity itself. Thus, Tracy's analogical imagination positions dialectical theology as a complementary yet essential component in the service of a broader analogical approach to theology.

To bring it back to the Jewish context, if in the Christian tradition the dialectic needs the analogical, here I argue that we keep the analogical and replace the imagination (which derives from Tracy's Christian "classics") with adaptability.

The concept of "analogous adaptability" takes the methodological framework a step further, suggesting that it is not merely a question of translating external concepts into a system of thought but adapting them in a way that allows for internal justification. This process is not a mere borrowing or imposition of foreign ideas but involves organic integration, where the adopted concepts are given a new home and meaning within the existing system. This dissertation will delve into how figures in the Jewish anti-liberal tradition have managed to do so, providing deeper understanding of the intellectual dynamics and mechanisms at work. In conclusion, this dissertation will explore the complexity of religious discourse, its interaction with external concepts, and the transformative processes involved in these intellectual exchanges. Focusing on Jewish religious thought and its interaction with secular ideas, the

research will shed light on the intricate dynamics of religious adaptation, providing a richer understanding of the dialogical nature of religious thought and the creative processes that drive its evolution.

The term “anti-liberalism” represents a broad spectrum of political ideologies that fundamentally oppose the principles of liberalism. Rooted in a critique of liberal values such as individual rights, free markets, and democratic institutions, anti-liberalism has manifested in various forms throughout history. This dissertation explores the philosophical underpinnings of anti-liberal thought, its historical evolution, and its manifestation in the context of German-Jewish thought, religion, and political theology.

Before delving into the complexities of anti-liberalism, it is crucial to clarify the foundations of liberal thought. Liberalism, as a political philosophy, champions individual rights, free markets, and democratic institutions. However, it has been criticized for its emphasis on individualism at the expense of community and tradition, its tendency to create economic inequalities, and its promotion of a particular form of rationality that downplays other forms of knowledge and understanding.¹⁹

Anti-liberalism, as the term suggests, is a reaction against these perceived weaknesses of liberalism. It tends to favor a more communitarian, tradition-based approach to social organization, often combined with a skepticism or outright rejection of the free market and democratic institutions. Anti-liberal ideologies argue that the pursuit of individual liberties often leads to social fragmentation, moral decay, and economic instability.²⁰

¹⁹ An extensive discussion on this topic can be found in, Rawls, John. *A Theory of Justice*. Original edition. Cambridge, Mass.: Belknap Press of Harvard University Press, 1971.

²⁰ Huntington, Samuel P. *The Clash of Civilizations and the Remaking of World Order*. New York: Simon & Schuster, 1996.

The historical evolution of anti-liberal thought has been marked by distinct eras and movements, each characterized by its own set of ideological tenets. In the nineteenth century, for instance, the Romantic movement in Europe was deeply anti-liberal, reacting against the Enlightenment's rationalism and advocating for a return to emotion, tradition, and nature.²¹

However, perhaps the most influential era for anti-liberal thought was the first half of the twentieth century. During this period, anti-liberalism found expression in the rise of totalitarian regimes across Europe, such as Fascism in Italy, National Socialism in Germany, and Stalinism in the Soviet Union. These regimes were marked by their rejection of liberal democracy and individual rights, their emphasis on collectivism and state control, and their use of propaganda and violence to suppress dissent.²²

The nexus of German-Jewish thought, religion, and political theology provides a unique lens through which to view anti-liberalism. Some of the most influential figures within this intellectual tradition, such as Franz Rosenzweig, Martin Buber, and Leo Strauss, grappled with the tension between liberalism and anti-liberalism in their work.

Rosenzweig, for example, critiqued the liberal emphasis on individual autonomy and rationality, arguing that it undermines the communal and faith-based aspects of human life.²³ Similarly, Buber criticized the individualistic and utilitarian aspects of liberal thought, advocating instead for a more communitarian and relational approach to ethics and politics.²⁴ Strauss, on the other hand, saw in the liberal tradition a dangerous relativism and nihilism, and

²¹ Berlin, Isaiah, and Henry Hardy. *The Crooked Timber of Humanity: Chapters in the History of Ideas*. London: John Murray, 1990.

²² Arendt, Hannah. *The Origins of Totalitarianism*. [1st ed.]. New York: Harcourt, Brace, 1951.

²³ Rosenzweig, Franz, Barbara E. Galli, and American Council of Learned Societies. *The Star of Redemption*. Madison, Wis.: University of Wisconsin Press, 2005.

²⁴ Buber, Martin, and Ronald Gregor Smith. *I and Thou* (with a postscript by the author added). 2d ed. New York: Scribner, 1958.

instead advocated for a return to classical political philosophy.²⁵ Anti-liberalism, as a multifaceted intellectual tradition, provides a critical perspective on the dominant paradigms of liberal thought. Its roots in German-Jewish thought, religion, and political theology highlight the complexity and richness of this tradition, as well as its enduring significance.

Leo Strauss's relationship with German political theorist Carl Schmitt played a significant role in shaping his anti-liberal views. Schmitt, a controversial figure due to his involvement with the Nazi regime, is best known for his theories on the concept of the political, sovereignty, and decisionism.²⁶

Strauss's engagement with Schmitt's ideas is apparent in their correspondence during the 1930s, particularly around Schmitt's *The Concept of the Political*. In his critique, Strauss argued that Schmitt's decisionism, which prioritizes the sovereign's decision in the state of exception, inherently leads to nihilism by negating any higher principles or morals.²⁷

Yet, paradoxically, Strauss found in Schmitt's political theology an antidote to the relativism and nihilism he perceived in liberal modernity. Schmitt's grounding of politics in the theological allowed for the reintroduction of absolute values into the political sphere, a move that Strauss found appealing given his critique of liberal moral relativism.

However, Strauss's anti-liberalism also diverged from Schmitt's in significant ways. While Schmitt was willing to endorse authoritarianism to counteract the perceived deficiencies of liberalism, Strauss was more circumspect. He advocated for a return to classical political

²⁵ Strauss, Leo, and Charles R. Walgreen Foundation for the Study of American Institutions. *Natural Right and History*. Chicago: University of Chicago Press, 1953.

²⁶ Schmitt, Carl. *The Concept of the Political*. Expanded ed. Chicago: University of Chicago Press, 2007.

²⁷ Strauss, Leo, and Michael Zank. *Leo Strauss: The Early Writings, 1921-1932*. Albany, N.Y.: State University of New York Press, 2002.

philosophy as a means of revitalizing political thought and countering the corrosive effects of modernity.²⁸

The anti-liberal tradition can also be understood as a response to German idealism, particularly the philosophies of Immanuel Kant and Georg Wilhelm Friedrich Hegel. German idealism posited a universal and rationalist framework for understanding the world, emphasizing progress, freedom, and the development of the individual within a rational, orderly universe. Anti-liberal thinkers, however, critiqued this idealistic framework for its neglect of historical and cultural contingency, its overemphasis on rationality, and its disregard for communal and traditional forms of life.²⁹ They saw in the grand narratives of German idealism a dangerous hubris and a neglect of the human need for belonging, tradition, and faith.

In conclusion, anti-liberalism, as manifested in the thought of Strauss and in response to German idealism, provides a rich and complex critique of liberal assumptions. Its emphasis on the importance of tradition, community, and faith serves as a valuable counterpoint to the individualistic and rationalistic tendencies of liberal thought.

The dialectical theological movement, rooted in early twentieth-century Protestant theology, provides a unique perspective on anti-liberal thought. Centered around figures like Barth, Emil Brunner, and Friedrich Gogarten, dialectical theology arose as a critique of the liberal theological tradition, which attempted to reconcile Christian faith with the modern Enlightenment values of reason, progress, and individual autonomy.³⁰

The dialectical theologians argued that this liberal theological project was fundamentally misguided. They contended that God, as wholly other, cannot be accessed through human reason

²⁸ Strauss, Leo. *Natural Right and History*.

²⁹ Scruton, Roger. *The Soul of the World*. Princeton, NJ: Princeton University Press, 2014.

³⁰ Barth, Karl. *Der Römerbrief*. [10. Abdruck der neuen Bearbeitung]. Zürich: EVZ-Verlag, 1967.

or moral effort. Instead, God is revealed dialectically in the tension between divine transcendence and human finitude. This radical critique of human capacity and emphasis on divine sovereignty represented a clear break from the optimism of liberal theology.³¹ The dialectical theological movement, therefore, can be viewed as an anti-liberal movement within the context of Christian thought. It rejects the liberal emphasis on human autonomy, rationality, and progress, instead highlighting human finitude, dependence, and the need for divine grace.

This theological critique of liberalism carries political implications as well. By challenging liberal faith in human progress and rationality, dialectical theology suggests a different vision of social and political life—one that acknowledges the limitations of human effort and the necessity of divine intervention. This theological anti-liberalism parallels the political anti-liberalism of figures like Schmitt and Strauss, providing a religious counterpart to their secular critiques.³² Anti-liberalism is a multifaceted intellectual tradition, grounded in diverse philosophical, political, and religious contexts. Its critiques of liberal thought—from the individualism and rationalism of German idealism to the progressivism and humanism of liberal theology—offer a valuable counterpoint to the dominant paradigms of modern thought. As such, understanding anti-liberalism in its various manifestations is crucial for a comprehensive understanding of modern intellectual history.

In the context of Jewish non-liberal thought, as outlined above, chapter two of this dissertation will focus on the link between the dialectic theologians and Rabbi Dr. Joseph B. Soloveitchik. Despite the many references and focus on Soloveitchik in this dissertation, I would like to stress that this dissertation is not about Soloveitchik. Rather, it explores the phenomena of

³¹ Brunner, Emil. *The Mediator: A Study of the Central Doctrine of the Christian Faith*. London: Lutterworth, 1924.

³² McCarthy, Michael H. *The Political Humanism of Hannah Arendt*. London: Lexington Books, 2009.

religious anti-liberalism through the prism of Soloveitchik's thought. Rabbi Soloveitchik is presented as a continuous case study throughout this dissertation and is a conduit for the religious German-Jewish, and more importantly, German-educated religious Jewish figures.

Over the years, most of the research on Soloveitchik has been conducted by either his students or intellectual progeny. In 1963, Soloveitchik was recognized as one of the three American thinkers who were most influential in Jewish thought.³³ This was despite the fact that none of his major works were published from 1944 to 1964. Eugene Borowitz, a Jewish Reform leader, and Soloveitchik's contemporary, notes that Rabbi Soloveitchik lectured the content of whole manuscripts and yet, did not publish anything.³⁴ The emergence in the 1980s of Soloveitchik's *The Halakhic Mind*,³⁵ which is considered by many to be his deepest philosophical work, of course changed that perception.³⁶

David Shatz has edited and published many of Soloveitchik's works and written numerous articles and books dedicated to his work.³⁷ Shatz's publications has been instrumental in understanding the work and context of Rabbi Soloveitchik within Jewish tradition. Others, like Lawrence Kaplan, have noted the significance of Soloveitchik's thought in the general philosophy of religion.³⁸ Finally, Alan Brill and this author have noted the Christian influence on

³³ Noveck, Simon. *Great Jewish Thinkers of the Twentieth Century: Edited with Introductory Essays*. [Washington]: B'nai B'rith, Dept. of Adult Jewish Education, 1963.

³⁴ Borowitz, Eugene B. *Choices in Modern Jewish Thought: A Partisan Guide*. 2nd ed. West Orange, N.J.: Behrman House, 1995. p. 220.

³⁵ Soloveitchik, Joseph Dov. *The Halakhic Mind: An Essay on Jewish Tradition and Modern Thought*. Ardmore, PA: New York: Seth Press; Free Press, 1986.

³⁶ For example Jonathan Sacks' extensive analysis of the work in Sacks, Jonathan. "Rabbi J. B. Soloveitchik's Early Epistemology: A Review of 'The Halakhic Mind.'" *Tradition: A Journal of Orthodox Jewish Thought* 23, no. 3 (1988): 75–87. <http://www.jstor.org/stable/23261204>.

³⁷ For example, Shatz, David. *Jewish Thought in Dialogue: Essays on Thinkers, Theologies, and Moral Theories*. Boston: Academic Studies Press, 2009.

³⁸ Kaplan, Lawrence. "The Religious Philosophy of Rabbi Joseph Soloveitchik." *Tradition: A Journal of Orthodox Jewish Thought* 14, no. 2 (1973): 43–64. <http://www.jstor.org/stable/23257361>.

Soloveitchik.³⁹ Chapter two will expand on this notion and show the significance of Soloveitchik in the context of philosophy and the philosophy of religion.

On the subject of Soloveitchik's role in the world of philosophy, Arnold Davidson, wrote in an email to David Shatz:⁴⁰

That the Rav is one of the greatest Jewish thinkers of the twentieth-century is evident to anyone who opens one of his books. That the Rav is one of the greatest philosophical minds of the twentieth-century is no doubt not as evident, in part because his primary readers are not philosophers as such, in part because his philosophical analyses are inseparable from his articulation of Jewish religious experience. Who else, besides the Rav, could refer to Kant's categorical schemata in a discussion of Abraham, introduce Max Scheler while analyzing the halakhic view of repentance, move in a single footnote from *Genesis Rabbah* and Maimonides to Hume, Kant, Kierkegaard and Anselm of Canterbury, or discuss together halakhic thinking and N-valued logic? In each case the Rav remains faithful to both the rigors of philosophical examination and the richness and complexity of Jewish *masorah* [tradition]. From within Judaism, he provides a philosophical perspective that helps us to make sense of and give new depth to who we are and what we do. For those outside of the Jewish tradition he allows them to come closer to the specificity and force of Jewish experience and practice in a way that replaces superficial stereotypes with philosophical profundity.⁴¹

Davidson notes the dual nature of Soloveitchik, being true to both his halakhic-oriented thought and life, and his education in the German philosophical tradition. The question that begs to be asked is this: Is there a Jewish philosophy that can engage in direct dialogue with general philosophy? In the context of Soloveitchik, who has so much knowledge and adeptly weaves

³⁹ Alan Brill, "Triumph Without Battle: A Dialectical Approach to Culture in the Thought of Rabbi J.B. Soloveitchik," in *Rabbi in the New World: The Influence of Rabbi J. B. Soloveitchik on Culture, Education and Jewish Thought* [Hebrew], ed. Avinoam Rosenak and Naftali Rothenberg (Jerusalem, 2010), pp. 118–44; Dov Schwartz, *From Phenomenology to Existentialism*, vol. 2 of *The Philosophy of Rabbi Joseph B. Soloveitchik*, trans. Batya Stein (Boston, 2013); and D. J. Cohen, "Between the Sacred and the Profane: Jewish Dialectics in Soloveitchik's Writings and Dialectic Theology," *Judaica Petropolitana* 7 (Jan. 2017): pp. 34–49.

⁴⁰ Full disclosure, Professor Arnold Davidson serves on the committee of this dissertation. My thanks to him for many hours of conversation and insightful dialogue on the legacy and philosophical significance of Soloveitchik.

⁴¹ This email is cited by David Shatz in an article about Davidson and Soloveitchik. Shatz, David. "Rabbi Joseph B. Soloveitchik and Western Culture: An Enigmatic Dialogue", *Critical Inquiry* 2019 45:2, pp. 507–508.

Jewish thought with general thought, one must assume that there is a philosophy of halakhah or a Jewish philosophy that also has value for general thought. In a nutshell, this is what this dissertation is about. It attempts to show the borders, as well as the shared notions, between Jewish non-liberal thought and seemingly external notions, mainly borrowed from Protestant Christianity.

To that end, chapter two traces the roots of anti-liberal thought in the early twentieth century and explores the intersection with Jewish thinkers. It opens with the seminal concepts used by Schmitt, which influenced both Barth and Peterson, providing a medium to understand the reservations about liberalism. Here, liberalism represents modernity, the religious-theological, and the philosophical crisis of modernity. This part of the chapter functions as an introduction to a similar process occurring in the neo-orthodox Jewish world. While stemming from the Christian political-theological conundrum, the crisis of modernity nevertheless influenced a similar process in the Jewish world. My focus is distinctly *not* on the classic liberal streams of the philosophical discourse in Jewish thought (Buber, Rosenzweig, Hermann Cohen, etc.) but rather on the non-liberal streams. Next, I demonstrate the influence of figures such as Barth on Soloveitchik and the dialectic theological movement of the 1920s. The chapter concludes with an overview of halakhah and the limitations of “Jewish” dialectics. The application of the dialectic mode mentioned above, per Soloveitchik, finds its expression in *imitatio Dei*, which is effectively ethics. Thus, ethics intersect with non-liberal, halakhic Jewish thought, and the aforementioned Christian political-theological crisis. Ethics can be understood more broadly in politics (e.g., Schmitt).

The third chapter explores the function of the ethical categories in non-liberal, halakhic, neo-orthodox Jewish discourse. The chapter focuses on the rise of ethical discourse at the end of

the nineteenth century, demonstrating that ethical discourse is inherently an apologia. In this chapter, I discuss how and where ethics are evoked in the halakhic-philosophical sphere, concluding that while ethics and halakhah may be compatible, they are not synonymous. This lack of symmetry is an example of how external categories are used in an ostensibly internal discourse, such as halakhah, resulting in a non-organic philosophical language applied to halakhic discourse.

This fourth and final chapter picks up from where the previous one ends. Chapter three approaches ethics and halakhah from the perspective of a traditional-halakhic mindset. It concluded with the assertion that while ethics and halakhah might be somewhat compatible, halakhah *qua* ethics is limited. Moreover, it is also limited philosophically, since the scope of halakhah is contained in its modes of discourse. Even if halakhah can operate autonomously—either through its internal mode of operating in the *homo religiosus* world or through its internal logic—it is still forced to operate within its constraints, namely ethics. Chapter four seeks to expand the philosophical discourse in neo-orthodox Judaism and halakhically-oriented Jewish thought beyond the constraints of halakhah. Soloveitchik employs kabbalistic terms as a secondary tool in his psychological-phenomenological halakhic analysis. I show that using kabbalah is a philosophical tool rather than an internal mode of discourse.

Concluding the fourth chapter is an epilogue to the dissertation, which traces a contemporary shift in non-liberal Jewish-halakhic thought. This shift moves from an ethical discourse, centered and rooted in halakhah, to a pseudo-halakhic discourse prioritizing an eschatological myth. The messianic political-theological, which finds its intellectual home among Jews living in the modern state of Israel, is an example of a radical change from the intellectual milieu and philosophical concerns presented in my dissertation.

My dissertation presents the challenges of the translatability of religious concepts and metaphoric images in modern thought and also illuminates the hermeneutical language drawn from kabbalah, which inflected the conceptual horizons of rabbinic philosophy in the second half of the twentieth century. The conceptual heuristic framework developed in the dissertation, shifting from a *translatability* of concepts towards their manifestation as *adaptable*, is illustrated through the lense of modern rabbinic philosophy and its influences from non-liberal thought.⁴²

As mentioned above, Tracy quoted Hans-Georg Gadamer as saying that a conversation, a true conversation, can happen only when the participants allow the question to be asked. That is, when we all comprehend the stakes involved and are willing to engage in the hermeneutical task of sifting through the concepts and notions of modern Jewish thought. Let us then permit the “Query of Queries”⁴³ to be asked.

⁴² This concept was developed from David Tracy’s “analogical imagination” alongside Talal Asad’s translatability of concepts. In the Jewish context, this will create what I refer to as “analogous adaptability.” In so doing, I extend the methodological framework beyond that of Asad, just as figures in the Jewish antiliberal tradition can adapt external concepts into their system of thought while providing an internal justification, thus going beyond mere translatability.

⁴³ Buber, Martin. *Tales of the Hasidim*. New York: Schocken Books, 1991. p. 196.

Chapter 2: Between the Sacred and the Profane; The Roots of Jewish Anti-Liberalism and Jewish-Christian Adaptation

In this chapter, I explore the roots of anti-liberal thought in the German-Jewish world by tying together four strands, as detailed below, to show how Jewish neo-orthodoxy is inextricably linked to Christian anti-liberalism.

First, I analyze the discourse between Leo Strauss and Julius Gutmann regarding Jewish philosophy or, as coined by Strauss, the philosophy of law.¹ According to Strauss,² Judaism (or religious thought at large) cannot be incorporated into modern rationalism or philosophy. His notions of law, informed by his studies on medieval philosophy, also informed his ideas regarding liberal democracy. Alongside other scholars who immigrated to the United States in the 1930s,³ Leo Strauss played a significant role in transforming political theory into an academic discipline. His work was deeply informed by the complexities of the interaction between intellectuals and politics, as well as between scholarly discourse and public debate.

¹ Despite this dissertation dealing with orthodox and halakhic Judaism, here I do not mean the philosophy of law as a synonym for the philosophy of halakhah. When approaching questions relating to Judaism and culture (as Guttmann and Strauss do), it is crucial to tackle them from the standpoint of philosophy and culture. Once the problematics of the relationship between Judaism and philosophy are established, we can address the questions from the perspective of halakhah. This will be expanded upon in chapter three.

² Strauss, Leo. *Philosophy and Law: Contributions to the Understanding of Maimonides and His Predecessors*. Albany: State University of New York Press, 1995.

³ Several prominent scholars who immigrated to the United States in the 1930s played significant roles in transforming political theory into an academic discipline. Key figures from the Frankfurt School included Max Horkheimer, Theodor W. Adorno, Herbert Marcuse, and Erich Fromm. These scholars introduced a critical approach to understanding society, culture, and politics, significantly influencing American intellectual life. Another key figure was Hannah Arendt, whose analysis of totalitarianism and emphasis on citizen participation provided new perspectives on political theory. Leo Strauss, with his focus on classical political philosophy and critique of modernity, also reshaped the field. c.f. Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment*, trans. John Cumming (New York: Herder and Herder, 1972); Martin Jay, *The Dialectical Imagination: A History of the Frankfurt School and the Institute of Social Research, 1923-1950* (Boston: Little, Brown, 1973); Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace, 1951); Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953).

Strauss argued that the crisis of modernity was intrinsically linked to a crisis in modern political philosophy, indicating a causal relationship and, therefore, a direct correspondence. He found it curious that a cultural crisis could primarily stem from one academic field, challenging the notion that political philosophy is inherently an academic endeavor, especially since many leading political philosophers were not academicians. Despite this, political philosophy had become academic over time, which highlighted the need for solutions to these emerging challenges.⁴

Understanding Strauss's perspective is crucial for both appreciating his impact on political theory and performing a critical analysis of the field today. Strauss and his fellow émigrés were uniquely aware of these challenges and their broader implications, shaping their work to both contextualize and intellectualize these issues, thereby emphasizing the disconnect between political theory and real-world politics.

Strauss's intellectual admiration of Carl Schmitt's work is not surprising, given Strauss's ideas about law and religion. Strauss and Schmitt, though divergent in their philosophical orientations, shared several intellectual concerns, notably a critique of liberalism—Strauss arguing that it fails to provide a substantive common good, leading to moral relativism, and Schmitt criticizing its emphasis on individual rights, which he believed resulted in political decision-making paralysis. Both thinkers underscored the primacy of the political in human life;

⁴ Leo Strauss identified several challenges associated with the crisis of modernity and the crisis in modern political philosophy. These challenges include the loss of moral and ethical foundations due to a shift away from classical natural right and virtue, the rise of historicism and relativism eroding universal truths, the dominance of scientism and technocratic governance overshadowing ethical considerations, the decline of meaningful public discourse, and the crisis of authority and legitimacy stemming from the breakdown of traditional sources of guidance like religion and classical philosophy. Strauss argued that addressing these issues required a revival of classical philosophical principles and re-engagement with fundamental political questions. For a broader discussion, see Thomas L. Pangle, *Leo Strauss: An Introduction to His Thought and Intellectual Legacy* (Baltimore: Johns Hopkins University Press, 2006).

Strauss focused on the state's role in achieving the good life through philosophical inquiry, while Schmitt highlighted politics as inherently conflictual, defined by the distinction between friend and enemy. Their mutual advocacy for revisiting classical texts suggests a belief in enduring insights from ancient sources on modern dilemmas. Additionally, they both engaged with the themes of law and exception—Schmitt with his notion of the sovereign who decides in times of exception and Strauss through his exploration of law's adaptation to community needs. Overall, their works present a critical examination of modernity and its discontents, questioning the Enlightenment's impact on Western civilization and proposing a reevaluation of traditional structures and ways of thinking.

After outlining this link between Strauss, Schmitt, and Jewish thought as law, I analyze Schmitt's critique of Christian influence on the emergence of liberal democracy in the Weimar Republic as well as the overall political theological question. I also discuss the related disenchantment and dissatisfaction with modernity and modern rationalism, primarily from the standpoint of the Protestant thinkers of the dialectic theological movement.

What follows the introduction to non-liberal Christian thought is the core of the chapter focusing on Jewish neo-orthodoxy. Having presented the ties between Christian anti-liberalism and (orthodox) Jewish thought centered on law, I show the Jewish affinity to the dialectical theological movement. I also highlight the two religious systems' shared notions of anti-liberalism, each discretely contained within its own religious system—a common ground. (In a way, this is the true meaning of anti-liberalism: a philosophical system with defined borders and a limited desire to share its knowledge or practices).⁵ Next, I illustrate this shared concept of anti-liberalism as it appears in Jewish thought through the writings of Joseph. B. Soloveitchik, a

⁵ See discussion regarding pluralism and universal knowledge in chapter one.

German-Jewish orthodox rabbi who was a Jewish legal scholar and was also trained in the German philosophical tradition.⁶ The chapter ends by opening a new discussion about Jewish thought and moral philosophy that I take up in the next chapter.

Strauss and Gutmann on the Philosophy of Law

The foundation of the conversation between Gutmann and Strauss hinges on the fact that for Gutmann, religion and reason are equivocal. Strauss, on the other hand, saw the challenges with identifying the religious sphere with reason. Gutmann, fully indoctrinated into the Kantian mode of thinking, speaks of “religious consciousness” through which he views the medieval intellectualist notion of revelation.⁷ In Gutmann’s anachronistic characterization of medieval religiosity, there is nothing that cannot be philosophized. His theory of religion, then, becomes a point of inquiry for philosophy.

Strauss critiques Gutmann’s methodology and shows how, in an Aristotelian fashion, the philosopher is also a political being. As such, while philosophy is free to ask anything, the philosopher is not—they are bound to the authority of the law. Revelation, with a specific and focused starting point, then becomes a question of faith, not a philosophical object. Faith, according to Strauss, is a political duty.⁸ We can thus present Maimonides, on whom Strauss (and, following him, Gutmann) bases his argumentation, as an example of a devout politician—

⁶ Soloveitchik wrote his Ph.D. thesis at the Friedrich Wilhelm University in Berlin, (today, Humboldt-Universität zu Berlin) on the epistemology and metaphysics of Hermann Cohen. Contrary to the common error in many biographies stating that he earned his degree in 1931, he actually completed his oral doctor’s examination on July 24, 1930. However, he did not receive his doctorate until December 19, 1932, having requested an extension to expand his thesis further. Marc B. Shapiro confirmed this timeline through documents found in the University of Berlin archives. See, “Marc B. Shapiro - Responses to Comments and Elaborations on Previous Posts”. seforimblog.com. November 7, 2007.

⁷ Guttmann, Julius. “Philosophie der Religion oder Philosophie des Gesetzes?” The Israel Academy of Sciences and Humanities (1974), p.5

⁸ Ibid, pp. 17-22.

asking philosophical questions but uncritically accepting, and not inquiring into, the origins of the Divine or the purpose of law.

The concept of political theology encompasses the crisis of modernity and the tension between the religion of reason and the religion of the Church.⁹ Various thinkers of the German Enlightenment considered the political-theological question, i.e., the relation between the modern state and church, in eschatological terms.¹⁰ The end, achieved with modernity's humanism and reason, is finally fully manifested given the scientific and cultural advancements following the First World War. They conceptualized the scriptural discourse about the Kingdom of God into modernity.

However, others¹¹ saw a danger in modernity's praise of reason, and identification of the Church with the political sphere, in order to constitute the Kingdom of Heaven on earth.¹² While

⁹ For a wider context on the tension between religion and modernity, see Van Til, Cornelius. *The New Modernism: An Appraisal of the Theology of Barth and Brunner*. Philadelphia: The Presbyterian and Reformed Publishing Company, 1947.

¹⁰ Chief among these thinkers is Carl Schmitt. Others include figures like Erik Peterson. For a more detailed discussion of the topic, see Schmidt, Christoph. "The Return of the katechon: Giorgio Agamben Contra Erik Peterson" in *The Journal of Religion* 94 (2) 2014.

¹¹ While Carl Schmitt is a prominent figure associated with this concept, several other thinkers have also engaged with the idea of the katechon in the context of modernity's crisis and the tension between reason and religious tradition. These include Jacob Taubes, a Jewish philosopher and scholar of religion, who critically engaged with political theology and the concept of the katechon, especially in dialogue with Schmitt (cf., Taubes, Jacob. *The Political Theology of Paul*. Stanford University Press, 2004); Erik Peterson, a theologian who critiqued the theological foundations of political theology and the use of eschatological concepts in political theory (cf., Peterson, Erik. *Theological Tractates*. Stanford University Press, 2011); Giorgio Agamben, an Italian philosopher who has written extensively on the state of exception, the katechon, and their implications for modern political thought (cf., Agamben, Giorgio. *State of Exception*. University of Chicago Press, 2005); Hans Blumenberg, a philosopher who explored the tensions between secularization and religious thought in modernity, indirectly addressing the implications of eschatological restraint (cf., Blumenberg, Hans. *The Legitimacy of the Modern Age*. MIT Press, 1983); and Reinhart Koselleck, a historian who examined the role of eschatological and apocalyptic thinking in shaping modern historical consciousness and political theory (cf., Koselleck, Reinhart. *Futures Past: On the Semantics of Historical Time*. Columbia University Press, 2004).

¹² That is, while figures such as Carl Schmitt accepted the criticism of modernity, they still called for a clarification of the relationship between religion and the state.

these anti-modernity thinkers opposed the eschatological spirit of this discourse, they employed a set of eschatological notions to negate it. This is the concept and figure of the katechon.¹³

The Katechon in Political-Theological Discourse

Let's turn now to three responses to this crisis of modernity: those of Carl Schmitt, Karl Barth, and (more peripherally for the purposes of this chapter) Erik Peterson. All are concerned with the impact of modernity on the political-theological problem. However, their concerns and their methods of approaching this problem differ. Schmitt is concerned with the connection between theology and political sovereignty, which modernity did not, and could not, yet separate. Barth has the same concern, but unlike Schmitt, he is interested in the future of theology and not politics. Peterson, strongly influenced by Schmitt and familiar with Barth's work, seeks to eliminate the possibility of a political theology.

The shared methods and views on the relations between the political and the theological spheres point to an apocalyptic approach to the political-theological question. Often, the method to discuss the interplay between these spheres refers to the figure mentioned by Paul in 2 Thessalonians 2:6–7, the katechon: “6: And now you know what is holding him back, so that he may be revealed at the proper time. 7: For the secret power of lawlessness is already at work; but the one who now holds it back will continue to do so ‘til he is taken out of the way.”

Schmitt and his contemporaries placed the appearance of this figure into a positive political context; according to Paul, the katechon is conditional upon removing something or someone that restrains him, which prevents him from being fully manifested. I use the term “positive” although

¹³ Meaning from Greek *ὁ κατέχων*, “the one who withholds.” See also, Schmidt, Christoph. “The Return of the Katechon: Giorgio Agamben Contra Erik Peterson”. pp. 182-184.

Paul is referring to the Antichrist; the katechon is used by Paul to solve the problem of the connection between the political and the theological.

The concept of the katechon does not appear in Schmitt's writings before the winter of 1941–42, when Schmitt turns from an offensive politics of *Grossraum* to a defensive position, once the *Wehrmacht* ran into difficulties on the eastern front. The concept was already part of Schmitt's notion of the Reich and his intellectual trajectory of the eschatological tradition that encompasses the Reich as katechon.¹⁴

The concept of the katechon in Schmitt's work can also be traced to his friendship with the (then) Protestant thinker Erik Peterson. Throughout the letters they exchanged, it is clear that the notion of the katechon in Schmitt's political-eschatological thought is rooted in Protestant theology.¹⁵ However, Schmitt's interpretation of the katechon is different from Peterson's, and, as Gross argues, has no actual theological basis.¹⁶

In 1942, the katechon became the conservative instance acting as *Aufhalter*, or delayer, "that/who which withholds," against the Allies, whom Schmitt characterized as liberal-capitalist "accelerators." The katechon will thus bring the eschatological end, instead of a stable political entity which is restrained by the *Aufhalter*.¹⁷ And of course, the katechon cannot be separated from its counter-figure, the Antichrist. Pointing to Schmitt's view of modernity as secularization¹⁸ and to Schmitt's friend-enemy constellation,¹⁹ Gross argues that the katechon is, in its essence, an

¹⁴ Gross, Raphael. *Carl Schmitt and the Jews: The "Jewish Question," the Holocaust, and German Legal Theory*. Madison: University of Wisconsin Press, 2007. pp. 170-173.

¹⁵ See letter exchange presented in Nichtweiss, Barbara. *Erik Peterson: Neue Sicht Auf Leben Und Werk*. Freiburg: Herder, 1992. 30 November 1924, p.727. Schmitt expresses his disagreements with Peterson in some of these letters

¹⁶ Gross, Raphael. *Carl Schmitt and the Jews*. pp. 166-168.

¹⁷ Gross, Raphael. *Carl Schmitt and the Jews*. pp. 170-171.

¹⁸ Gross, Raphael. *Carl Schmitt and the Jews*. pp. 175-176.

¹⁹ Gross discusses Schmitt's intellectual history and his reception of Hegel's definition of the enemy. Namely, that between enemies, hate is itself undifferentiated and free of all personality.

antisemitic construct based on a Christian view of history. The figure of the assimilated Jew is the ultimate enemy and is seen as the internal enemy of Christianity. The enemy is the other who is more familiar than the stranger, and as the accelerator, against whom Schmitt's katechon, the *Aufhalter*, is the true struggle according to Schmitt.²⁰ The goal of the katechon is as much to unmask the internal enemy—the invisible assimilated Jew—as it is to combat him.

Beyond Schmitt's use of the katechon in regard to Jews, he also employs this notion as a response to secular modernity. The scholarly discourse on Schmitt's intellectual history to attribute the notion of the katechon to both the early stages of his thought and its later, fully developed form in his political.²¹ Meuter shows that the notion of the katechon is evident in Schmitt's earlier writings, though not mentioned explicitly. Though in this dissertation I trace the katechon throughout Schmitt's writings, I write in accordance with Meuter's analysis of Schmitt, concurring that the katechon is part of Schmitt's response to the crisis of modernity. I shall also show mutual influences in using the implications of the katechon as Barth's, Peterson's, and Schmitt's response to modernity.

In his *Nomos of the Earth*, Schmitt presents the historical importance within Christianity of the katechon and the idea of the katechonic restrainer that allows for a Roman-centered (i.e., Catholic) Christianity, and that “meant the historical power to restrain the appearance of the Antichrist and the end of the present eon” (which comes with the appearance of the Antichrist).²² For Schmitt and other eschatological political-theological thinkers, the katechon represents the intellectualization of the ancient Christianum Imperium, with all its police and military powers to

²⁰ Gross, Raphael. *Carl Schmitt and the Jews*. pp. 180-184.

²¹ Meuter, Günter. *Der katechon: Zu Carl Schmitts Fundamentalistischer Kritik Der Zeit*. Berlin: Duncker & Humblot, 1994.

²² Schmitt, Carl. *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*. Trans. by G. L. Ulmen. New York: Telos Press, 2003. pp. 59-60.

enforce ethics. This entails a force that withholds the kingdom to come and emphasizes the gap between the divine-theological and the political. In the political-theological discourse, katechon is used to denote a state that lacks salvation or final manifestation, or a sort of anti-eschatological view of the state. It is, for the most part, a temporal entity with the sole purpose of maintaining balance and, at times, moderating and withholding man from sin.

The Crisis of Modernity and the *Eschaton*

Kant, in his *Religion Within the Boundaries of Mere Reason*, describes the relationship between a human as an autonomous subject and a Christian notion of the kingdom of God: “We have good reason to say, however, that ‘the kingdom of God is come unto us’ once the principle of the gradual transition of ecclesiastical faith to the universal religion of reason, and so to a divine ethical state on earth, has become general and has also gained somewhere a public foothold, even though the actual establishment of this state is still infinitely removed from us.”²³

Thus, the fulfillment of the kingdom of God (i.e., the religion of the Church) on earth is enabled on the grounds of a social-universal autonomy based on reason. Kant sees the religion of reason as a desired outcome of modernity, nearly in the sense of political salvation.²⁴ Later on,

²³ Kant, Immanuel, *Religion Within the Boundaries of Mere Reason*, Book III, Part VII.

²⁴ Kant extensively addresses the tension between the ideal and the real in political life through his concept of "practical belief" or "practical faith" (*praktischer Glaube*). This concept is crucial for understanding how Kant envisions the realization of a just society, which often stands in contrast to the imperfect reality of human affairs. Kant's idea of practical belief is rooted in his moral philosophy, particularly in his works such as the "Critique of Practical Reason" and "Groundwork of the Metaphysics of Morals." Here, practical belief refers to the rational hope or commitment to act as if the ideals of morality and justice can be achieved, despite the empirical evidence of human shortcomings and the imperfections of existing political institutions. In the "Critique of Practical Reason," Kant states, "Practical reason must therefore assume the possibility of the highest good, and this on moral grounds. For this reason, practical reason does not only allow us to assume the possibility of its object, but it compels us to do so" (cf. Kant, Immanuel, and Mary J. Gregor. *Critique of Practical Reason*. Cambridge; New York: Cambridge University Press, 1997. p. 144)

Max Weber in his *Wissenschaft als Beruf*, shows that over-rationality could lead to a crisis in modern society because it sanctifies science and reason but cannot grant meaning to the lives of modern society.²⁵ He argues that the disenchantment of the world will lead to the revival of religion while simultaneously devaluing democracy and liberal values.²⁶ Karl Barth's Protestant theology can be seen as answering Weber's fears regarding political liberalism by discussing the issue of Church religion, contrary to Kant's "religion of reason."²⁷ Barth, in his commentary on Paul's letter to the Romans, emphasizes the gap between human finitude and the infinite Divine. He is wary of any possibility that involves God taking part in the human political sphere. Barth argues that such a theology would simply collapse.²⁸

This notion of political salvation through practical reason might be traced to Lessing's 1780 *The Education of The Human Race*. There, he correlates the political and the theological, suggesting that the ideal society finds its full manifestation when Christian eschatology comes to pass:

No! It will come! It will assuredly come! The time of the perfecting, when man, the more convinced his understanding feels itself of an ever better Future, will nevertheless not be necessitated to borrow motives of action from his Future; for he will do the Right because it is right, not because arbitrary rewards are annexed thereto, which formerly were intended simply to fix and strengthen his unsteady gaze in recognizing the inner, better, rewards of

²⁵ By "Modernity," I understand not only the crisis of religion in the face of reason, but also secularity. This is essentially Weber's argument. See Weber, Max. "Science as a Vocation." In: *From Max Weber: Essays in Sociology*, edited by H.H. Gerth and C. Wright Mills, Oxford University Press, 1946, pp. 129-156.

²⁶ In reference to Weber's admonition of the return to religion and the abandonment of liberal and democratic values, this phenomenon is occurring today in the modern state of Israel.

²⁷ That is to say that Kant's intention was that the "Church religion" would be translated into the rational language of autonomy and lead to the "religion of reason".

²⁸ At the end of this dissertation, I include an epilogue discussing the outcome of involving theological concepts in the modern state of Israel. Interestingly, Karl Barth argues for the separation of the theological sphere from the modern state for the sake of theology itself. In the messianic modern Jewish context, this is precisely what is happening; reverting to theological language by certain groups of national-Zionist Jewish figures also means they lose something in the process. In this case, they abandon halakhic principles in favor of their newfound theology. The collapse of theology Barth warns us about is not sudden but occurs in stages. When orthodox Jewish thinkers, such as those mentioned above, abandon halakhic principles, we are witnessing a collapse of Jewish theology.

well-doing. It will assuredly come! The time of a new eternal Gospel, which is promised us in the Primer of the New Testament itself! ²⁹

Basing his arguments on Joachim of Fiore's Trinitarian model of history, Lessing sees the fulfillment of a political utopia in the kingdom of the Holy Spirit.³⁰ This utopia is the ultimate enlightenment, freeing humanity through the use of reason. Thus, enlightenment for Lessing is a utopian political theology that aspires to create a homology between the political and the theological through reason. This goes against the pre-modern classic Augustinian separation between the kingdom of heaven and the kingdom of men. And so, modernity is the striving to identify politics with theology and the cancelation of this separation, moving towards a third entity that serves as a manifestation of the historical *eschaton*. Placing modernity in such a context has dire implications for both the political sphere and the theological. Identifying a potential completion of the two united spheres, the theological and the political, with the ideals of modernity and enlightenment could endanger the very essence of political sovereignty and the theological sphere.

Carl Schmitt's Analogy between Politics and Theology

Carl Schmitt's *Political Theology* addresses the crisis of modernity in light of the disenchantment with reason and the return to religion.³¹ In this book, he expresses the fullness of the crisis that befell the liberal modern society of the 1920s. Similarly to Barth, he seeks to separate the political sphere from the theological. Schmitt wants this separation for the sake of the political

²⁹Lessing, Gotthold Ephraim. "The Education of The Human Race". Section 85-86. In *Literary and Philosophical Essays. Vol. XXXII. The Harvard Classics*. New York: P.F. Collier & Son, 1909–14; Bartleby.com, 2001.

³⁰ Manuel, Frank E., and Fritzie P. Manuel. *Utopian Thought in the Western World*. Cambridge, Mass.: Belknap Press, 1979. pp. 56-58.

³¹ Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. Trans. and ed. by Tracy B.Strong and George Schwab. Chicago: University of Chicago Press, 2005.

sphere, not out of theological concerns. Schmitt, through his understanding of the crisis of modernity, erred on the side of reason.³² According to Schmitt, for the political sphere, which is associated with reason, to maintain its integrity, it must be built on its own grounds; otherwise, it would lose its legitimacy. Schmitt is not interested in theologizing the political sphere; he strives to eliminate the presence and identification of the political theology that characterized the post-Enlightenment discourse.

Contrary to his predecessors, Schmitt no longer identifies the state through the lens of the kingdom of heaven but rather through the difference between the state and the Divine. There exists an eschatological element here as well. While Schmitt seeks to separate the state from the idea that modern rationality is the fulfillment of the kingdom of heaven on earth, he cannot elude the fact that he appropriates apocalyptic notions into his political view of sovereignty. I shall return to this contentious point later in the chapter.

The significance of Schmitt's *Political Theology* is not only that it identifies a crisis of modernity and religion but also that it marks the beginning of modernity's self-critique through understanding its theological and conceptual roots. This means that the political-theological question has major implications in contemporary discourse as well.

In seeking to separate the political and the theological, Schmitt breaks the identification of modernity as a utopian unity between the political and the theological. As such, the state, according to Schmitt, is viewed through the gap and the difference between these two concepts. He attempts to define their relations to the state through analogies, such as the political-theological analogy between the sovereignty of God and that of the king.

³² Though Schmitt acknowledges that "all significant concepts of the modern theory of the state are secularized theological concepts" (*Political Theology*, p.36), and so it is different from enlightenment rationalism, which he critiques.

Thus, Schmitt sets forth a sharp distinction between these two spheres, the political and the theological—the state and the kingdom of heaven—in order to understand each domain according to its unique mechanism. A state, according to Schmitt, can no longer be founded on the concept of loving one’s neighbor, or at the expense of the life of the enemy; the state must identify its enemies and defeat them.³³ According to Schmitt, mixing the theological and the political would yield a humanistic ideology, which, along with liberalism and equality, would eventually cancel the concept of evil and the enemy, which for Schmitt are vital for the political existence. However, these concepts are crucial for a redefinition of the political, separated from the theological. This is because the political is a consequence of the exception,³⁴ where the sovereign identifies the enemy and suspends the law in order to fight him.

However, Schmitt is not only concerned with the separation between the political and the theological itself. He is interested in the political implications of such a separation; hence, the concept of the political is a crucial development in his thought, and he continues to analogize the political and theological.

In his book, *Concept of the Political*, he articulates the notion of a private sphere versus the public sphere. The private is equivalent to the theological, the public to the political. This is illustrated in a footnote where Schmitt argues that the Christian commandment to love one’s enemy (from the Sermon on the Mount) is, in fact, applicable only to the private sphere and not to the political-public sphere.³⁵ Thus, the Church, while belonging to the theological sphere, operates at the public level based on the political concept of fighting an enemy and not loving one’s enemy.

³³ Schmitt, Carl. *The Concept of the Political*. pp. 25-27.

³⁴ An emergency or State of Exception (*Ausnahmezustand*) serves as the ultimate test of political authority, revealing the true holders of power. It determines who is genuinely sovereign within a state.

³⁵ Schmitt, Carl. *The Concept of the Political*. note. 9, pp. 28-29.

This means that Schmitt's concept of the political, which is based on the exception, cannot truly contain any exception, such as concept of loving one's enemy. As Schmitt notes:

The often quoted "Love your enemies" (cf. Matt. 5:44; Luke 6:27) ... no mention is made of the political enemy. Never in the thousand-year struggle between Christians and Moslems did it occur to a Christian to surrender rather than defend Europe out of love towards the Saracens or Turks. The enemy in the political sense need not be hated personally, and in the private sphere only does it make sense to love one's enemy, i.e. one's adversary.³⁶

In the aforementioned footnote, Schmitt emphasizes this difference: "A private enemy is a person who hates us, whereas a public enemy is a person who fights against us."³⁷ Schmitt's cancelation of the concept of 'loving one's enemy' as a political-public concept is similar to his treatment of the concept of the sovereign. Allegedly, the sovereign is analogous to the sovereignty of God; however, we see that the sovereign is he who identifies the enemy and acts accordingly. While the sovereign in the political-public sphere has an enemy, which is crucial for his self-definition as a sovereign, the sovereign-God in the theological-private sphere calls for loving the enemy, thus turning him into a friend. This for Schmitt is the danger in modernity's identification of the political and the theological. By canceling the concept of the enemy and annihilating the distinction between friend and enemy, modernity poses the greatest threat to the existence of the political.

Thus, to present an alternative to modernity's apocalyptic- *eschatological* mode of thought, which strives to identify political theology with one-another, Schmitt brings forth the katechon. This figure symbolizes, for Schmitt, the state that comes after the modern state (that which Lessing and his predecessors view as utopian). That is to say, a state that does not view itself as the final manifestation or the final stage of a theological-historical development. The goal of such a state is

³⁶ Schmitt, Carl. *The Concept of the Political*. p. 29.

³⁷ Schmitt, Carl. *The Concept of the Political*. note. 9, p. 29.

to suspend or prevent any consequence caused by eschatological ideology, especially the modern political theology style of Lessing. And so, while it symbolizes the lack of salvation, or its suspension, it relates to salvation only in a negative form. The purpose of the state is merely to maintain security and ensure order.

Karl Barth

Schmitt's political theology matches the trend led by the dialectic theology movement of the 1920s. Like Schmitt, the dialectic theology movement thinkers critique the identification of the political with the theological in modernity. But unlike Schmitt, for them, this identification creates a false political sphere and leads to a form of idolatry in the theological sphere:

Wherever the qualitative distinction between men and the final Omega [i.e., God] is overlooked or misunderstood, that fetishism is bound to appear in which God is experienced in...His creative ability – Family, Nation, State, Church, Fatherland. And so the 'No-God' is set up, idols are erected... God is given up.³⁸

In light of my previous comment on Schmitt about analogizing God and the sovereign, Barth also rejects any attempt to turn the created subject into God.

By living to ourselves we serve the 'no-God'...first we heard the promise: *ye shall be as God*...first mankind is exalted, and then men obscure the distance between God and man...this secret identification of ourselves with God carries with it our isolation from Him...the 'No-God' is avenged by its success.³⁹

In this passage, Barth expresses his view on the identification of man with God. Modernity in the form of a utopian political-theology seen in Lessing and Kant, which homologizes between the divine reign and the human, is bound to collapse into itself. This according to Barth is the beginning of idolatry, when it succeeds, it fails.

³⁸ Barth, Karl. *The Epistle to the Romans*. Trans. and ed. by Edwyn C. Hoskyns. London; New York: Oxford University Press, 1933, pp. 50-51.

³⁹ Barth, Karl. *The Epistle to the Romans*. pp. 44-45.

As mentioned above, the katechon for Schmitt serves as a neutralizing force to the eschatological-utopian political theology modernity represents. And so, for Schmitt, the only way to escape the outcome of modernity is to strive for an autonomous political sphere with a self-defining concept that differs from theology. From this political standpoint, Barth and Peterson not only acknowledge this Schmittian position but also strive for the self-definition of the Church, the theological sphere. And so the question is: How does the separation of Church and state, the Church's salvation from the shackles of the political, affect the relation of the theological to the public sphere? Thus, we can see two models of reacting to modernity based on Schmitt's use of the katechon.

While Barth sharply distinguishes between the political and the theological, he urges faithful Christians to intervene in the public-political sphere. And if the state does not maintain its duty to its citizens, they must oppose the state. I employ the term katechon here as well because it represents a negation of an ideal form. For Barth, the state might be a necessity insofar as the state serves as a protector of order and from sin. It is the duty of the members of the covenantal community, the theological, to make sure the political upholds its obligations. Peterson, like Barth and Schmitt, separates the two spheres, but he goes further than either of them. The state and the Church are so conflicted that the legitimacy of the state is questioned. In what follows, I will develop these points and show the role of the katechon as a response to modernity.

Generally, this political-theological alternative to modernity, based on the katechon, enables various political options ranging from canceling the foundations of modernity discussed earlier, to a redefinition of a theological obligation to the ideas of freedom, reason, etc. It is possible to characterize these positions based on their stance and take on Paul's words from the Epistle to

the Romans, 13:1: “Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.”

Barth’s commentary on this verse (Romans, 13:1) shows the role of the state: It is a divine arrangement, and its authority is granted by God. The state has a legitimate status insofar as it assumes its role as protecting from sin and maintaining order.⁴⁰ And so, that conditions the state’s legitimacy and one’s obedience and adherence to its laws. Once the state goes against its “divine appointment,” the citizens have an obligation to intervene in the political sphere from a theological perspective, i.e., from being part of a covenantal community, the Church.

In his essay ‘Church and State,’ Barth examines the connection between the service of God in a Christian life and the political service of God.⁴¹ That is, the relation between the divine justification of a human regime and the way humans perceive this justification and employ it in their political lives. Though Barth’s consideration is theological in nature, he also expresses political considerations. Barth argued that the Protestant manifestations of pietism and liberalism are equally guilty of promoting a false division between divine and human justice (i.e., politics). Pietism gives priority to God’s justification but conceives of it in a wholly spiritual way, completely indifferent to the struggle for human justice in society. Barth contended that this view has a far too negative understanding of the state.⁴² Enlightenment liberalism reverses this error, according to Barth, resulting in a problematic view that reduces the question of divine justice to the political sphere, thus separating it from God. How, then, could the state assume its role as a savior and a protector from sin and disorder?

⁴⁰ Barth, Karl. *The Epistle to the Romans*. pp. 482-485.

⁴¹ Barth, Karl. *Community, State and Church: Three Essays*. trans. and ed. by Will Herberg. Gloucester, Mass: P. Smith, 1968. p. 101.

⁴² This view is also compatible with his commentary on the verse from Romans 13:1 in *The Epistle to the Romans* (pp. 482-485).

Thus, Barth begins to search for the state from a theological perspective. He argues that, in order to avoid sin and disorder, we must return to the scriptures.⁴³ Barth provides a detailed commentary on what could often be considered a foundational verse regarding the state in the New Testament. I do not mean Romans 13:1 but rather the encounter between Jesus and Pilate. These verses (appearing in various places in the New Testament), according to Barth, not only provide a metaphysical account of the state but also discuss what the divine role of the state is, the failure of the state to fulfill this role, and how the divine still intervenes through the state and provides a divine justification through Jesus. In the encounter, Pilate, whose power “comes from above,” fails to enact the justice that his role requires of him, but as he fails to do so, he becomes a servant of the greater divine justification accomplished by the death of Jesus.

Barth locates the state within angelic powers (*exousia*):

“which exercise, in and above the rest of creation, a certain independence, and in this independence have a certain superior dignity, task, and function, and exert a certain real influence.”⁴⁴

The state has been endowed with a power from above, but it is constantly threatened by the temptation of demonization, turning itself to the absolute, rather than the absoluteness of God.⁴⁵ And yet, the state often falls into such temptations. However, according to Barth, though the state might not view it as such, it still belongs to God. Even while giving in to the temptation to become absolute, the Divine still accomplishes His purpose. In Pilate’s failure to establish mundane justice, he serves a greater divine justice.

According to Barth, the encounter between Jesus and Pilate shows that the state itself can only be considered a divine construct. The state does not belong to the order of creation, while the

⁴³ Barth, Karl. *Community, State and Church: Three Essays*. p. 106.

⁴⁴ Barth, Karl. *Community, State and Church: Three Essays*. p. 115.

⁴⁵ Barth, Karl. *Community, State and Church: Three Essays*. p. 107.

Church belongs to the order of grace. In encountering Christ as the state, Pilate has figured for all states, and as seen, he nevertheless fulfills the Divine will. Because of this, Barth argues that the state belongs not to the order of creation but to the order of grace:

“...we cannot say that the legal administration of the State ‘has nothing to do with the order of Redemption’; that here we have been moving in the realm of the first and not of the second articles of Creed. No, Pontius Pilate now belongs not only to the Creed but to its second article in particular!”⁴⁶

If God and Jesus have full command over all realms, then the state must have a positive role in the Divine’s dealings with humanity. For Barth, every force in the world, even those fallen into the temptation of making themselves absolute, belongs “originally and ultimately to Jesus Christ.” While the state has a task to “serve the person and the work of Jesus Christ and therefore the justification of the sinner,” its location under the lordship of Jesus is not contingent on its faithful execution of this task.⁴⁷ Thus, no state, for Barth, no matter how corrupt, can finally and unequivocally achieve its own demonic desires. In the end, all states and powers will be under God’s dominion.

Barth’s radical eschatological conception of the state is problematic for any state aspiring to have full dominion. As such, it could deny the Church its freedom or demand worship of anything other than God, or even itself. However, according to Barth, the Church can never deny the state its existence, as this would be denying not only the state but also the state as such, including the future Kingdom of God, which is a state itself. That said, there is a gap between the state, the Church; and the Kingdom of God; the Church cannot deny the state because it is in itself not a final entity (note the katechonian notion here). And as Barth says:

“Of one thing in the New Testament there can be no doubt: namely, that the description of the order of the new age is that of a political order. ... The Church

⁴⁶ Barth, Karl. *Community, State and Church: Three Essays*. p. 114.

⁴⁷ Barth, Karl. *Community, State and Church: Three Essays*. p. 118.

sees its future and its hope, not in any heavenly image of its own existence but in the real heavenly State.”⁴⁸

Barth argues that the Church stands in this world as citizens of this real heavenly State, which is the Kingdom of God, but because of its status the Church must be in service to the mundane state. The state is deserving of this service not because of its own moral uprightness but because it falls under the ultimate authority of Christ. Since the Church consists of citizens of Christ’s Kingdom to come, its relationship to all temporal states is characterized by service through mediation on the one hand and by not belonging to this realm on the other. Barth presents a dialectical relation between the Church and the current state. For example, in its prayers, the Church reminds both itself and the state that God’s rule through Jesus Christ has the final word. The Church is reminded that it is not called to be the state.

As mentioned earlier, the state has a duty toward the Church. The state’s obligation is not to hand over its power to the Church but to safeguard the Church’s freedom to practice. For Barth, the main view of the Church’s role in its own life, as well as in its service to the state and society, is that of a witness: to be a witness to the actions of God manifested in Christ. However, the Church, like the state, could fail at its task when it shifts its sole purpose from the singular Word of God and devotes itself to even laudable temporal goals by becoming a self-governing powerful Church. That is to say, the Church cannot seek political power of its own, as that is given by God to the state. However, as Barth argues, the Church must resist a demonic state. Thus, Barth speaks of a form of mutual political responsibility. The Church must resist an all-powerful state and always derive its guidance from its adherence to the Word of God, not from political commitments.

⁴⁸ Barth, Karl. *Community, State and Church: Three Essays*. p. 124.

The Church resists the state when the state denies itself by seeking to allegedly speak the Word of God, thus aspiring to become the Church. As Barth put it:

“The State would be denying its own existence if it wished to become a Church. And the Church on its side, for its own sake, or rather, for the sake of its mission, can never wish that the State should cease to be the State. For it can never become a true Church. If it were insane enough to attempt this, it could only become an idolatrous Church. And, on the other hand, the Church would be denying its own existence if it wished to become a State and to establish law by force, when it should be preaching justification.”⁴⁹

In other words, through witnessing the preaching of divine justification, the Church is able to truly critique the idolatrous, demonic state.

Thus, we see how Barth not only can distinguish and separate the roles of Church and state, but that these different roles are a consequence of not being fully manifested in the world. Each entity has separate tasks, both related to the future coming of the Kingdom of God. The Church cannot leave the state to its own devices because, as present citizens of the coming Kingdom, it acknowledges what the state cannot. Barth holds that only the Church knows the real role of the state:

“... every State, even the worst and most perverse, possesses its imperishable destiny in the fact that it will one day contribute to the glory of the heavenly Jerusalem.”⁵⁰

Both entities, being not fully manifested, are but one stage toward the Kingdom to come. The Church must maintain the state’s true role for it to be able to mutually reach the Kingdom to come. While the state has some legitimacy, there is a limit to it. Barth identifies what we might call a katechonic gap between the state and the Church. This is a delicate relationship that places a responsibility on the theological sphere to guard the state, on the one hand, but on the other, however, it could lead to a total denial of the state by the Church. Such a view could be found in Erik Peterson’s work.

⁴⁹ Barth, Karl. *Community, State and Church: Three Essays*. p. 132.

⁵⁰ Barth, Karl. *Community, State and Church: Three Essays*. p. 125.

Erik Peterson

Barth represents a prominent Protestant view of the political-theological problem and is willing, in a way, to subordinate the Church to the state. Peterson, on the other hand, completely backs away from modernity as Barth and Schmitt understood it, namely, the separation and yet relation between the theological and the political. Peterson retreats from both positions toward a radical separation and his notion of modernity. Peterson, after his conversion to Catholicism from Protestantism in 1930, became a harsh critic of Barth because the latter did not fully recognize the power of the Church and its dogma, according to Peterson.⁵¹

Peterson describes the Church's status in modernity as an exodus, searching for the *true* Kingdom to come:

“...the Church lives...between heaven and earth...and this determines its nature. The marks of the Church are conditioned by the fact that Christians have left the earthly Jerusalem behind them, and have no...city upon the earth, follow Abraham's example and seek a city which is to come, whose builder is God.”⁵²

Peterson, in the passage above, echoes the ‘Epistle to the Hebrews’ 13:14: “For here have we no continuing city, but we seek one to come” and Hebrews 11:8-10

“By faith Abraham, when he was called to go out into a place which he should after receive for an inheritance, obeyed; and he went out, not knowing whither he went. By faith he sojourned in the land of promise, as in a strange country, dwelling in tabernacles with Isaac and Jacob, the heirs with him of the same promise.”

However, as mentioned above, the Church's nature is determined by its current status, in heaven or on earth. Unlike the exodus described in the ‘Epistle to the Hebrews,’ the Church in the

⁵¹ Peterson, Erik. *Theological Tractates*. ed, and trans. by Michael J. Hollerich. Stanford, California: Stanford University Press, 2011. p. xi-xii.

⁵² Peterson, Erik. *The Angels and the Liturgy*. trans. by Ronald Walls. New York: Herder and Herder, 1964. p. viii.

crisis of modernity must undertake its own exodus. While the Church and the state operate separately, they react to one another, analogically:

“As the secular *ecclesia* is an assembly of the full citizens of an earthly city, met to carry out juridical acts, so we could define the Christian *ecclesia* by analogy as the assembly of full citizens of the heavenly city, met to carry out specific liturgical acts also.”⁵³

The Church in this analogy negates and cancels every other eschatology because Christ has already been revealed and rules the Kingdom of Heaven. While Peterson provides this radical interpretation to eschatological modernity in the style of Lessing, he stays between Schmitt and Barth. While he critiques Schmitt’s political totalitarianism, he adopts his analogical view of the Church and the state.⁵⁴ Despite Peterson being an ardent critic of the Dialectic Theology movement, he accepted Barth’s concept of Church citizenship.⁵⁵

Peterson’s view is that the Kingdom of God was proclaimed with Jesus. However, it could not have achieved its final form because not everyone came to faith in Christ.⁵⁶ Hence, history has not yet fully manifested itself. According to Peterson, history accrues between the currently existing humanity and the return of Christ. Humanity is bound to an eschatological struggle because Christ has already been revealed. Hence, the Church’s role, through liturgy and martyrdom, is to bring about the end of history through Christ.⁵⁷

⁵³ Peterson, Erik. *The Angels and the Liturgy*. pp. ix-x.

⁵⁴ Peterson’s critique of Schmitt is presented in his essay “Monotheism as a Political Problem,” (1935) which shows that Jews, Christians, and others grant legitimacy to earthly monarchy by paralleling it with the monotheistic belief in one divinity in heaven. Peterson deems this political theology incompatible with Christianity, which later on caused him to declare the “end” of political theology. (Erik Peterson. “Monotheism as a Political Problem.” in *Theological Tractates*. Ed. and trans. by Michael J. Hollerich. Stanford, California: Stanford University Press, 2011. pp. 68-105).

⁵⁵ Peterson, Erik. *Theological Tractates*. pp. xii-xiv. and Alf Christophersen. “Erik Peterson’s concept of eschatology,” in *Modern Interpretations of Romans: Tracking Their Hermeneutical/Theological Trajectory*. Eds Cristina Grenholm and Daniel Patte. London; New York: Bloomsbury T&T Clark, 2013. pp. 145-149.

⁵⁶ Peterson is rereading the history of modernity through the Epistles of Paul.

⁵⁷ Christophersen, Alf. “Erik Peterson’s concept of eschatology.” pp. 150-152.

The deciding point of orientation is the concept of the history of salvation in the Epistle to the Romans, or, as Peterson put it, its history of revelation. The purpose of history is developed from its foundation in the revelation of God. Only then history is granted a purpose, through Christ. After Christ's proclamation of the Kingdom of God and His death on the cross, history can only be conceived from its end point. So, while history could have ended through Christ and it was withheld (the element of the katechon), a new era arose, one which needs to come to full completion.

In his commentary on the Epistle to the Corinthians I, Peterson argues that: "Christians are the generation which exist where the aeons meet, namely this aeon and its end with the future aeon and its beginning."⁵⁸ The cosmological age loses its force for history by virtue of the next. What is decisive is not the fixation of eschatology on the individual, but on the entire cosmos. Humanity is represented in the Church. Christianity appears as a political factor. The eschatologically limited time between the first coming of Christ and His return manifests into existence. The new age, in the *Kairos*, takes over from the wrong perspective-age of this world. The political power ruling the world is stripped of its influence and broken by Christian eschatology. Hence, Peterson argues that the manifestation of the current age can only be achieved through the previous one. That is to say, the eternal city, the higher Jerusalem, is reflected in the earthly one, and the latter represents the higher city, the city of Heaven. This is what Peterson calls the eschatological reverse, which defines the role of the Church and the political sphere in modernity:

"One half of *Ekklesia* is on earth, and while the other half is in Heaven, the city of God is not in Heaven yet. Only after the end of days will...the heavenly city descend on earth. In its spatial separation of polis and *Ekklesia*, the spatial separation, which is signified by the opposition of heaven and earth, the eschatological reverse, is now expressed well".⁵⁹

⁵⁸ From Peterson's commentary on the First Epistle to the Corinthians "*Der erste Brief an die Korinther*." Translated by Alf Christophersen in "Erik Peterson's Concept of Eschatology," p. 153.

⁵⁹ From Peterson's "*Ekklesia: Studien zum altchristlichen Kirchenbegriff*." Translated by Alf Christophersen in "Erik Peterson's Concept of Eschatology," p. 150-151.

Through this notion of eschatological reverse, we see a total negation of the eschatological modernity seen in Lessing. The Church cannot be completed with the unification of the ideas of enlightenment (i.e., reason, political-theological identification, etc.) and the theological; they are, by virtue of the revelation of Christ, separated. The final eschatological stage cannot be manifested as such. The katechon, though different from that seen in Barth and Schmitt, is evident here as well.

While for Schmitt and Barth, the katechon represented an eschatological impossibility with different degrees of Church-state involvement, for Peterson it is more radical. He shows that the Kingdom of Heaven already came; as Barth said, the state rules by virtue of God (alluding to Romans 13:1). However, reading the Epistle to the Hebrews, Peterson shows that the earthly state cannot be completed without the heavenly, and that the city of God is represented by the earthly city. They both withhold the end, and the end is achieved through the earthly Church's acts, similar to Barth's divine-civic affiliation. Thus, while the two spheres are separated, the negation is so great, like Heaven and earth they depend on one another to reach the full manifestation.

Throughout this section, I drew the borders of a particular scholarly debate. I have attempted to show an aspect of the political-theological discourse in the Weimar period as responding to the crisis of modernity. I have shown a direct line between Lessing's concepts of enlightenment and the eschatological outcomes that derive from them. I alluded briefly to Kant, showing a far more radical approach with the connection of reason and religion. Understanding the relation between modernity, reason, and religion, along with the eschatological notions these two thinkers present, the political-theological question arises. I have shown the use of katechonic

elements that are first seen in Schmitt's treatment of modernity, and his influence on Peterson and Barth.

Carl Schmitt, Karl Barth, and Erik Peterson all presented a negative response to these eschatological outcomes of modernity. They all, similarly but uniquely, have shown political and theological problems arising from the idea that the kingdom of heaven on earth could be achieved with the ideals of enlightenment. Not only can the eschatological process not be completed, but it also withholds the end; it is what prevents it from happening—the katechon. For Schmitt, this is a central notion. Acknowledging the danger in political theology in modernity, he strives to separate the two spheres. And so, he seeks a self-defining concept for the political sphere. Such a state, founded on this concept of the political, is a manifestation of the katechonic concept, as it negates the eschatological elements of the development of theology.

Barth, similar to Schmitt, strives to separate the political and the theological, but for the sake of theology. Identifying theology with the political is idolatrous, as the state is not always ideal. It cannot be the eschatological completion in modernity. The Church serves as a katechonic barrier, acknowledging that it has no legitimacy without God, and that they are very separated from one another. The state, in its current form, cannot be the final stage, and the Church constantly supervises it.

While Erik Peterson was a harsh critic of both Schmitt and Barth, here I did not focus on his criticism but rather on his notion of history and eschatology. For him, the end nearly came: Christ assumed His crown in the Kingdom of Heaven, but the earthly kingdom, the modern state, while reflected in heaven, is not completed. There is a strong critique of the current state, and it is in itself the katechonic element. Not only does it imitate Heaven, but the roles are reversed. In a

way, Peterson calls for a revolt against the earthly regime, which is part of his critique of Schmitt's totalitarianism.

These three models, which respond to the political-theological question in modernity, all use a form of political-theological relation that withholds the end or completely negates it.

The philosophical trajectory showing the eschatological utopia with modernity, which I have drawn between Lessing, Kant, and Weber, could be expanded to include Hegel, Ernst Bloch, and even Martin Buber. The responses against such a modern utopia could go beyond Schmitt, Barth, and Peterson, to include other figures of the Dialectic Theology movement, such as Friedrich Gogarten, Paul Tillich, and other Protestant theologians. The political-theological discourse and its problems with modernity are not yet completed, as evidenced by postmodern thinkers such as Jacob Taubes, Alain Badiou, and Giorgio Agamben, who, like Schmitt, Barth, and Peterson, all read Paul's Epistles to reach a political-theological outcome in modernity. The crisis of modernity has not yet been resolved.

Perhaps we must now return to another figure who influenced Schmitt: The young Leo Strauss, in his notes on *Concept of the Political*, pointed out that Schmitt's defense of the political against liberalism remained locked within the premises of liberalism itself. Schmitt sought to uphold the political as a distinctive and autonomous human domain, as opposed to liberalism's attempted reduction of the political to other interests, primarily economic. However, in so doing, Schmitt was buying into the characteristic liberal way of thinking, which divides (horizontally, as it were) the human situation into different realms of culture, thus denying or suppressing the hierarchical nature of human ordering. To truly defend the political would be to reject this understanding utterly—for to confine the political to one distinctive or independent realm of culture is to sell it short and to confirm at least a large part of the liberal diminishment

of the political. The political must instead be reaffirmed as total, as fundamental, and potentially transforming all else in the human situation.

Schmitt's articulation of the political as merely one independent, autonomous domain of human activity in the earlier versions of *Concept of the Political* had the disadvantage of confining the implication of the friend/enemy distinction to foreign policy, to wars between nations.⁶⁰ But once the political is understood as fundamental, then relations within the state must also be defined by the fundamental notion of enmity, of mortal conflict with the enemy. Thus, in later versions of *Concept of the Political*, Schmitt was able to speak of the "internal enemy, and ultimately to speak of the "natural enemy"—the enemy who is against whatsoever is of God.

Strauss's critique of *Concept of the Political* forced Schmitt to bring out into the open the faith-based or theological character of his thought. Strauss had argued that, in concealing the moral intent behind his affirmation of the political, Schmitt risked collapsing into the kind of individualism that he abominated in liberalism—if fighting is valued regardless of what is being fought for, then the choice of commitments becomes a matter of individual, private decision. In order to overcome this difficulty, according to Meier, in the 1933 edition of *Concept of the Political*, Schmitt was more explicit as to the "theological presuppositions" of his thinking. Thus, we have a direct link between Carl Schmitt and the anti-liberal political-theological discourse. In the next section I will continue exploring this narrative, but from a traditional Jewish perspective.

⁶⁰ Meier, Heinrich. *Carl Schmitt & Leo Strauss: The Hidden Dialogue: Including Strauss's Notes on Schmitt's Concept of the Political & Three Letters from Strauss to Schmitt*. Chicago: University of Chicago Press, 1995. p. 21.

The Jewish Perspective

Jewish thought was revived as a modern phenomenon once Jews attempted to integrate into German Protestant society following the emancipation across Europe. Part of that revival required that Jewish thought adapt to the current mode of thought. Consequently, due to a wide range of cultural and political reasons, traditional Judaism was alienated in the process. Jewish neo-orthodoxy found a different path into the intellectual and political discourse of modernity. The emergence of *Wissenschaft des Judentums*, the scientific study of Judaism, stimulated various Jewish responses to contemporary philosophical thought. Jews were forced to think and reevaluate their tradition, given their newly gained and continuously shifting social status. Philosophical thought, external to the Jewish tradition, asserted many things to which Jews could now respond to philosophically. These responses vary from one another in the way they are obligated by tradition and philosophical capacity. For example, some responses discussed the role of Jewish revelation or the status of halakhah, the Jewish law, in the face of modernity and social integration, or as direct responses to individual continental thinkers such as Kant and Hegel.⁶¹ Other responses worked from within the tradition and aimed to resolve historical and Jewish textual issues.

One example of a Jewish response to Western philosophy is Joseph B. Soloveitchik. His writings are a mixture of philosophy and Jewish thought. It is interesting to see how Western philosophy is integrated into Judaism so that it might be impossible to distinguish the two, which is often not the case with earlier Jewish responses.⁶² Soloveitchik writes from within the Jewish

⁶¹ Greenberg, Gershon. *Modern Jewish Thinkers: From Mendelssohn to Rosenzweig*. Brighton, Mass.: Academic Studies Press, 2011. pp. 19-24.

⁶² Earlier responses often referred explicitly to a philosophical issue that has implications on Judaism. However, that is not always the case. For example, Nahum Krochmal discusses Jewish dialectics, which

tradition: a philosophical dialectic thinker who is fully committed to halakhah and traditional Jewish thought. His writings influenced the contemporary discourse on modern Jewish theology and religious ethics, especially within modern Jewish neo-orthodoxy of the twentieth century.⁶³ His dialectic methodology highlights crucial issues in the relations of philosophy and theology. Nevertheless, a closer reading of some of his writings reveals an interesting relation and resemblance to critical notions in Protestant theology. Soloveitchik is familiar with others in the same milieu, such as Kierkegaard, and often refers to them. This is especially true regarding the dialectic theology of Karl Barth and Emil Brunner, which is the topic of this section.

The primacy of dialectics in the dialectic theology movement and the resemblance to certain aspects in Soloveitchik's thought raise some questions regarding the role and place of dialectics in Judaism and the boundaries between philosophy and Judaism for someone who seems to work explicitly from within the Jewish tradition.

This section presents a close reading of Soloveitchik's writings with particular attention to similar themes in Barth and Brunner.⁶⁴ It focuses on the different stages of Soloveitchik's

might be a possible response to Hegel, but it is not explicit. It might be the case that Kromchal's dialectics are stand-alone and an internal Jewish notion for him. Regardless, it is clear he discusses philosophy, Jewish or non. In those cases, it is clear to distinguish between the Jewish premises of such a thinker and his philosophical premises. In Soloveitchik's case, it is not always clear what is "Jewish" in his writings and what is philosophical. This raises questions as to the role of philosophical inquiries in Soloveitchik's writings, especially if we are to accept his categorization as working from within the tradition. Are philosophy and Jewish thought interchangeable? What are the relations between philosophy and (Jewish) theology? I cannot claim to answer those questions in this paper, but I attempt to set some of the boundaries for such a discussion.

⁶³ Greenberg, Gershon. pp. 482-484.

⁶⁴ Although dialectical theology is presented in many writings of the scholars of this movement, in this paper I chose to focus mostly on Barth's *Church Dogmatics* (Barth, Karl. *Church Dogmatics*. New York, 1936-1988.) and Brunner's *The Divine Imperative* and *Dogmatics* (Brunner Emil, *The Divine Imperative*, 1947; *Dogmatics Vol. III: The Christian Doctrine of Creation and Redemption*, 1979). I will not present Soloveitchik's intellectual development and the changes in the use of dialectics throughout his writings, as it is beyond the scope of this paper. This topic calls for a separate discussion. This paper focuses on the possible implications and limits of using dialectics in Judaism.

dialectical thought in an attempt to understand what is Jewish in the use of dialectics, why Soloveitchik uses dialectics, and the limits of this method for Soloveitchik and perhaps for Jewish studies as well. I conclude that Soloveitchik uses dialectics primarily in the ethical context, as it aims to give a phenomenological account of human-religious experiences. However, his thought has a theological dimension that does not involve dialectics, as this dimension does not discuss human experiences. For Soloveitchik, humans cannot partake in things beyond the dialectical tension mode. Furthermore, though a more detailed analysis is required in order to provide a more thorough account of Soloveitchik's particular mode of dialectics, it is enough to determine the main difference between him and the dialectic theology movement. That is, while the latter sought to resolve the conflict of faith in modernity with the third stage of dialectics, reconciliation, Judaism, according to Soloveitchik, cannot do this. Dialectics, according to Soloveitchik, is limited to the first two stages, and reconciliation is an epistemological impossibility in Judaism. Judaism uses dialectics primarily to describe the mode of human existence and its conflicted nature without the final stage. There is no reconciliation, according to Judaism. Thus, we could distinguish between dialectic theology and Soloveitchik's use of dialectics—dialectic ethics.

Dialectic Theology: Goals and Definitions

The dialectic theology movement of the 1920s, led intellectually by Brunner and Barth, protested against the view that Christianity is part of the ethical and social domain. The movement identified a tension between faith and modernity. In their view, the person of faith lives in dialectic relationship with the world. The movement described the dialectical relationship in ethical, theological, and social-phenomenological terms. Scholars of this movement vary in how they describe the dialectic tension, but generally, they all sought to

defend faith from the forces of modernity. To achieve this goal, they placed faith outside of society, creating a dichotomy between faith as a private domain and the liberal public culture.⁶⁵ The disenchantment of the modern world, alongside trends of secularization, emphasized the gap between the Divinity and the world, which is highlighted through the theological revolt of dialectical theology against liberalism. This tension is illustrated through how their portrayal of the world in opposition to the fallen world and divine transcendence. The outlines of this thought are known as dialectical theology or the theology of crisis.

The next section will present key themes in dialectic theology, which are also central for Soloveitchik. The outline of dialectic theology regarding creation in both Barth and Brunner describes the natural man as primarily concerned with aesthetics and knowledge.⁶⁶ This person stands in contrast to his creation in God's image, receiving responsibility, and then attaining dignity.⁶⁷ They are redeemed only through creating a covenantal community that has faith. Faith, in turn, is received through the transforming force of revelation, in which man acknowledges his created-in-God's-image status. God's image is responsible for social order, and thus the covenant's people stand in a dialectical relationship with natural people. Redemption is the final stage of this dialectical move, enabled through one's acknowledgment of his divine image and thus being able to create a true covenantal community. Thus, the dialectical tension between faith

⁶⁵ Robinson, James M., and Jürgen Moltmann. *The Beginnings of Dialectic Theology*. Richmond: John Knox Press, 1968. pp. 9-25.

⁶⁶ The differences between Barth and Brunner, which are relevant to this paper, are illustrated below.

⁶⁷ This paper focuses on the doctrine of creation because it sets the grounds for a discussion about human nature and its dialectical-conflicted nature. However, it is possible to discuss other aspects of human life in relation to dialectic theology in Soloveitchik's work (such as the relations of halakhah and ethics). This is especially true regarding Brunner, who emphasized work and duty as the peak of Christian ethics. I argue that, in Soloveitchik's case, halakhah is mainly an ethical category that poses an answer to the conflicted man, not to resolve it, but rather to assist in living through it. For Brunner, there are also major theological implications (Brunner, *The Divine Imperative*, 191, 320-329). There he discusses the relation to God and its implications on Christian humanism, individuality, and relation with others.

and modernity is resolved. As illustrated below, Soloveitchik shares many views with this movement but does not enable the final stage of the dialectical mode of existence: reconciliation.

Brunner focuses on showing how revelation is greater than any personal experience of the *homo religiosus*. He presents the natural person as one who, while seeking meaning in the despair of an unredeemed existence,⁶⁸ changes their perspective to accept revelation, where only God grants order and meaning to the world. Barth, on the other hand, framed his thought in opposition to the forces of society. He presents the gap between God and man as so great that only revelation can provide religious knowledge. For him, the natural person requires a redemptive act of faith based on personal humility and submission.⁶⁹

Brunner's social philosophy describes a social world where man must live in a dialectical relation to the world by attaining dignity (i.e., by living, creating, and ruling the world) and religious humility, which balances one's existence.⁷⁰ The primary mode of existence for an individual is loneliness. In order to go beyond loneliness and be able to express their inner state, one must be married. Through marriage as a social and religious activity, the individual constitutes a relation to the world, which is reconciled with a covenantal society.

⁶⁸ See, Robinson, James M. *The Beginnings of Dialectic Theology*. p. 14. This view was common in the religious-existential thought of the time and not unique to Brunner.

⁶⁹ While other scholars could have influenced Soloveichik, Reinhold Niebuhr sought to change the secular-liberal society, and make it acknowledge humility and revelation due to humanity's limits. Given his prominence in U.S.'s religiosity and advocacy for the dialectic theology movement, it is possible that he had some influence on Soloveichik. Barth drew the distinction between majestic man and the covenantal from Dietrich Bonhoeffer (Barth, *Church Dogmatics*, § 41, 194-195). Soloveichik's doctoral dissertation's topic was Hermann Cohen's work, and he was familiar with the works of Cohen's student, Barth, and at times cites him

⁷⁰ Soloveichik will call this 'self-defeat' a term he often uses in regard to the inability of man to achieve full victory, and hence reconciliation. The only possible resolution available to man is to acknowledge his limits and contract his ambitions.

Barth discusses one's commitment to the covenantal community to attain revelation and holds similar views to Brunner on marriage and loneliness. Barth rejects Brunner's view on society. He argues that the distance between God and man is so great that only revelation and the way of faith can help individuals escape their despair and vanity. The articulation of many of these ideas influenced Soloveitchik's dialectical thought. The intention here is to present some of Barth's and Brunner's ideas in Soloveitchik's "The Lonely Man of Faith"⁷¹ in an attempt to understand Soloveitchik's use of dialectics and its implications for Judaism.

Soloveitchik as a Dialectic Theologian?

In "The Lonely Man of Faith," Soloveitchik analyzes the first two chapters of Genesis to emphasize the conflicted nature of humanity. He aims, in part, to describe the human-religious experience in modernity. He identifies two human types: the first Adam, the 'majestic man,' who employs his creative faculties to master his environment, and the second Adam, the 'covenantal man,' who surrenders himself in submission to his Lord. Soloveitchik describes how the man of faith integrates both forces. The first chapter of Genesis describes the first Adam as created alongside Eve, and they are given the mandate to subdue nature and transform the world into a domain for their power and sovereignty. The first Adam is a majestic man who approaches the world and relationships, even with the Divine, in functional and pragmatic terms. The first Adam, created in God's image, fulfills this seemingly 'secular' mandate by conquering the universe and employing knowledge, technology, and cultural institutions. The human community

⁷¹ Soloveitchik, J. B. "The Lonely Man of Faith." p. 7.

described in Genesis I is utilitarian, where man and woman join together, like the male and female of other animals, to further the telos of their species.⁷²

In the second chapter of Genesis, the second Adam represents the lonely man of faith, bringing a redemptive interpretation to the meaning of existence. The second Adam does not subdue the garden, but rather tills it and preserves it. The words introduce this type of human being, “It is not good for man to be alone,” Through his sacrifice, he gains companionship and relief from his existential loneliness—this covenantal community requires the participation of the Divine.⁷³

While Soloveitchik draws much of his conceptions from Jewish sources, the dialectic theology scholars, concerned with faith in the face of modernity, inspired his thought framework. It seems that Soloveitchik’s basic view—that God alone, through one’s relation to Him, grants meaning to a confused world and the different creative capabilities of humanity—comes from Brunner, while the tension between modern society and the covenantal community comes from Barth, as Soloveitchik states in ‘The Lonely Man of Faith:

“...community of interests, forged by the indomitable desire for success and triumph and ... the ‘I’ and the ‘thou’ who collaborate in order to further their interests. A newcomer, upon joining the community, ceases to be the anonymous ‘he’ and turns into a knowable, communicative ‘thou.’ The second is a community of commitments born in distress and defeat and comprises three participants: ‘I, thou, and He,’ the He in whom all being is rooted and in whom everything finds its rehabilitation and, consequently, redemption.⁷⁴

In this quote, Soloveitchik describes the advantage of the community of faith, who, unlike the first Adam, receive order and meaning through their relation to God. Brunner presents

⁷² Soloveitchik, J. B. “The Lonely Man of Faith”. pp. 12-20,

⁷³ Ibid, 21-24.

⁷⁴ Soloveitchik, J. B. “The Lonely Man of Faith”. p. 46.

a similar view: through a relation to God, one is granted order and meaning. The opposite is no more than an interested relationship with God, and using one's God-given abilities to his ends hoping to achieve autonomy of reason without God (from the English translation of *Das Gebot und die Ordnungen*: The Commandment and Orders, translated as *The Divine Imperative*):

But it is the creator who has given us reason... it is not the absolute, but the relation with the absolute... man has been created by God in a way that he is never complete in himself, he is only complete through his relation to God... when man refuses to respond through faith, the relative self-end and autonomy of the reason... man desires to be as God.⁷⁵

Barth, in section § 41 of *Church Dogmatics*, on creation and covenant, presents a detailed analysis of the two accounts of the creation of man in Genesis I-II (Genesis 1:26-28 and Genesis 2:7-8, 15-17).⁷⁶ Barth's analysis discusses the differences between the two Adams in a way that resembles Soloveitchik's. However, Barth takes the discussion to possible implications for man's relation to God, while focusing on the different names of God mentioned in the biblical source in each account. Brunner has a complementary discussion regarding the different creative forces man possesses.⁷⁷

Soloveitchik appears to draw from Barth the general outline of a dual account of human creation and from Brunner the implications for human existence and typology. This analysis is oriented toward an understanding of the nature of humanity. The main difference is the creation of man out of dust versus creating man in God's image. Soloveitchik and Barth note the

⁷⁵ Brunner, Emil. *The Divine Imperative*. p. 486.

⁷⁶ Barth, Karl. *Church Dogmatics*, § 41. Edited by G. W. Bromiley and T. F. Torrance. New York. pp. 223-239.

⁷⁷ Brunner, Emil. *Dogmatics Vol. III: The Christian Doctrine of Creation and Redemption*. Translated and edited by Olive Wyon. Philadelphia: The Westminster Press. pp. 30, 56-57. In this dissertation, I quote several passages from these sources, but the creative force of humanity as deriving from God and its implications is the main theme in *The Christian Doctrine of Creation and Redemption*. *Dogmatik II: Die christliche Lehre von Schöpfung und Erlösung*. 1950, English translation 1952 = *The Christian Doctrine of Creation and Redemption*.

distinction between the triumphant and majestic man, and the covenantal man.⁷⁸ Although early rabbinic sources are aware of the two accounts of creation, the Babylonian Talmud's focus is mostly on the relation between man and woman and not the implications for human nature.⁷⁹

This speaks to the relationship between Soloveitchik and Barth on this matter. In contrast, rabbinic sources discuss the implications of the two accounts of creation on the relations between man and woman. Soloveitchik, like Barth, understands these accounts to say something about human nature and how a person acts in the world. According to them, these accounts discuss two conflicting forces that man must deal with, and the role that faith and acknowledging God plays in it. These issues will be further elaborated below.

The notion of 'God's image' (*Imago Dei* in Brunner)⁸⁰ has a significant meaning in the dialectic theology movement and in Soloveitchik's work, which has a similar implication:

"... to be 'man,' to be himself... to discover his identity which is bound up with his humanity...' For thou made him a little lower than angels and has crowned him with glory and honor.'⁸¹ Man is an honorable being.'⁸²

That is, the self-acceptance of man's creative abilities derives from God, who enables one to attain dignity.

And as Brunner notes:

⁷⁸ Barth, Karl. *Church Dogmatics*. p. 237.

⁷⁹ Tractate Berachot 61a and Tractate Ketubot 8a.

⁸⁰ Although Brunner uses the Latin term *Imago Dei* for 'image of God,' implying certain notions of Christian theology, he discusses the different uses of the biblical terms and the implications to each account of creation, namely 'tzelem Elohim' (צלם אלהים)= image and 'demut' (דמות)= form.

⁸¹ In my opinion, this translation of the psalmists verse fails to show the significance of man's limitation in comparison to God. The Hebrew verse more closely resembles Brunner's view:

'ותחסרהו מעט מאלהים וכבוד והדר תעטרהו' (Psalms 8:6), "man is limited and a little lower than God," This language is very apparent in Brunner, who shows the contrast to God, rather than to angels.

⁸² Soloveitchik, J. B. "The Lonely Man of Faith". p. 14.

“The free self, capable of self-determination, belongs to the original constitution of man as created by God... God wills my freedom... because He wills to glorify Himself... and give Himself to His creatures... man has only limited freedom because he is responsible, but he has freedom only so can he be responsible. Thus... man’s nature [is] ... ‘made in the image of God’...”⁸³

Similarly, Soloveitchik and Brunner share a view of dignity derived from the image of God:

“The capability of man to know is one aspect of... ‘being made in the image of God’ which constitutes the nature of man... gives him the consciousness of possessing particular dignity and special destiny. For this reason alone, science could be in the service of God... ‘replenish the earth and subdue it’... God gave this permission... man’s responsibility... He gave the capacity to make use of it.”⁸⁴

Soloveitchik’s view of God’s image implies that man’s creative force is a manifestation of God and includes the mandate to use knowledge. The same notions appear in Brunner’s work, as illustrated above. According to Soloveitchik and Brunner, man created in God’s image has a creative power derived directly from God, and the right use of it grants dignity:

“Only the man who... discovers therapeutic techniques and saves lives is blessed with dignity... Adam the first is trying to carry out the mandate entrusted to him by his Maker, who, at dawn of the sixth mysterious day of creation, addressed Himself to man and summoned him to ‘fill the earth and subdue it’... Thus, in sum, we have obtained the following triple equation: humanity = dignity = responsibility = majesty.”⁸⁵

While the notion of dignity and its implications for human nature are inspired by Brunner, the tension between the salvation of the majestic person and the helplessness of the natural person comes from Barth.⁸⁶ According to Soloveitchik, the natural community is founded

⁸³ Brunner, Emil. *Dogmatics Vol. III: The Christian Doctrine of Creation and Redemption*. pp. 56-56.

⁸⁴ Ibid, p. 30.

⁸⁵ Soloveitchik, J. B. “The Lonely Man of Faith”. pp. 17-20.

⁸⁶ Barth, Karl, *Church Dogmatics*, § 60 “The Pride and Fall of Man”, pp. 376, 465-467. There, Barth discusses the balance needed between personal humility and the ability to achieve salvation. Essentially, one must be aware of himself (as God is) and respect that—only then would be worthy of salvation. In other words, a conflicted aspect of existence is present in both God and man. The helpless natural man is majestic because he lives according to the Lutheran decree of being in need of salvation, thus maintaining

on the individual's helplessness; this is similar to Brunner's notion that individuals need to live in a community to succeed. Brunner uses Robinson Crusoe as a negative example, arguing that humanity must live in a community of faith, alongside non-believers, to form ethical and valid social values:

"... the relation between the individual and the community is not a philosophical, but a theological problem... 'individual' and the 'community' – appear to be... two kinds of sin... in the Christian faith, the individual is so defined that he cannot be imagined apart from the community, and the community that it cannot be imagined without the individual... I do not mean the... reflection that Robinson Crusoe... is an abstraction which would not occur in real life... what I do mean is this: that the individual as such [i.e., Robinson Crusoe] does not and cannot exist at all... the very conception of the individual implies and includes that of the community."⁸⁷

A similar notion of the wholeness of the individual appears in Soloveitchik's work. While Brunner further implies that the notion of the individual includes the community, Soloveitchik's individual is completed on his own terms, and his full fulfillment is in the community:

"To the thinkers of the Age of Reason, man posed no problem. He was for them an understandable, simple affair... They saw man in his glory but failed to see him in his tragic plight. They considered the individual ontologically perfect and existentially adequate. They admitted only that he was functionally handicapped even though he could, like Robinson Crusoe, surmount this difficulty, too. If the individual is ontologically complete, even perfect, then the experience of loneliness must be alien to him, since loneliness is nothing but the act of questioning one's own ontological legitimacy, worth, and reasonableness."⁸⁸

This similarity provides additional support for the influence of Brunner's social anthropology on Soloveitchik's work.⁸⁹ If so, it appears that the dialectical theology movement,

the natural order in which humanity needs God to be saved. Brunner and Soloveitchik both need a community to succeed (or, in Protestant terms, to achieve salvation).

⁸⁷ Brunner, Emil. *The Divine Imperative*. pp. 294-295.

⁸⁸ Soloveitchik, J. B. "The Lonely Man of Faith". pp. 30-31.

⁸⁹ Brunner, Emil. *The Divine Imperative*. pp. 294-295.

especially as put forward by Brunner and Barth, influenced Soloveitchik's views.⁹⁰ Barth's and Soloveitchik's opening postulates are similar. Humanity without God lives in a constant struggle in a conflicted dialectical relation to the self and the world. Barth's solution is to place God outside one's ontological existence and find reconciliation in faith through marriage. Similarly, Brunner reconciles individuality and community with faith and marriage.

To Soloveitchik, halakhic actions do not resolve the dialectical nature of the religious experience. Moreover, he argues that even in a religious community, one cannot lose his dialectic consciousness.⁹¹ Barth and Brunner take the dialectical nature of humanity to the next level, namely Christian theology;⁹² Soloveitchik, however, has reservations about further uses of dialectics in Judaism. In Judaism, dialectics do not ascend to the third stage: reconciliation. Soloveitchik employs dialectics when the topic is the human experience and its ethical implications. When he discusses themes that relate directly to God, he uses connotations of harmony, in contrast to dialectics.⁹³ This is because it goes beyond the turbulent ontological existence of humanity. Hence, Soloveitchik distinguishes between halakhah, which is meant to

⁹⁰ More passages require a thorough comparison with Soloveitchik's writings and Protestant theology. This paper presents some key terms of dialectic theology. For Soloveitchik, the comparison ends at the description of human nature and is meant to show that the use of dialectics primarily emphasizes the human condition and mode of existence in the world.

⁹¹ Soloveitchik, J. B. "The Lonely Man of Faith". p. 56.

⁹² Brunner understands that this human feature implies the Christian doctrine of the First Sin. This derives from one's overlooking his responsibility in acknowledging his human limits on the one hand, and his freedom on the other. Brunner seems to place the capability of sin with the first Adam, the natural man, while the second Adam acknowledges his limited God-given freedom (Emil Brunner, *The Christian Doctrine of Creation and Redemption*, pp. 91-93).

⁹³ By 'harmonized,' I mean that while dialectic issues are described in a conflicted manner, here there is no other option. There is an ultimate ability to describe reality in unified terms. This is often the case when Soloveitchik discusses topics related to God, such as prayer.

assist man in dealing with his conflicted-dialectic nature, and divine-related topics, which are not discussed in dialectic terms.⁹⁴

Reconciliation and the Limitations of Jewish Dialectics

As discussed earlier, Jewish dialectics are limited to human experience; however, their uses, roles, and limits in Judaism have not been clearly articulated. Turning to Soloveitchik's "Majesty and Humility" (1978) sheds some light on this matter. On the limitation of dialectics, Soloveitchik notes:

"Judaic dialectic, unlike the Hegelian, is irreconcilable and hence interminable. Judaism accepted a dialectic move, consisting only of thesis and antithesis. The third Hegelian stage that of reconciliation is missing. The conflict is final, almost absolute. Only God knows how to reconcile; we do not. Complete reconciliation is an eschatological vision. To Hegel, man and his history were just abstract ideas; in the world of abstractions, synthesis is conceivable. To Judaism, man has always been and still is a living reality, or may I say a tragic living reality. In the world of realities, the harmony of opposites is an impossibility."⁹⁵

While Soloveitchik accepts dialectics when they describe the human religious experience, he argues that there is no third stage in Jewish dialectics. Here, he differs sharply from the scholars of the dialectic theology movement, who go beyond human experience and ethical implications towards theological assertions. Man, according to Soloveitchik, is bound to his limitations and cannot reconcile his conflicted nature to find true harmony, which Soloveitchik

⁹⁴ I do not use the term 'theology' because that could take different meanings in Soloveitchik's writings. However, it is often the case that when Soloveitchik discusses a topic that relates to God or man's relation to God, such as prayer or his halakhic response to suffering, the dialectic tension disappears. Note that the dialectic tension does not resolve itself but is simply not present. I will not present an example of such an analysis because it is not the topic of this paper; a more detailed typology of Soloveitchik's dialectics is required for that. This paper seeks to delineate the limits of Jewish dialectics, not to describe its full scope.

⁹⁵ Soloveitchik, Joseph B. "Majesty and Humility." *Tradition: A Journal of Orthodox Jewish Thought*. (Spring 1978). Vol. 17, No. 2. p. 25.

applies to Divine issues. Reconciliation does not apply to a Jewish system of thought according to Soloveitchik:

“Man, confused, kneels in prayer, petitioning God, who has burdened him with this dialectic, to guide him and to enlighten him. The halakhah is concerned with this dilemma and tries to help the Jewish person of faith in such critical moments. The halakhah, of course, did not discover the synthesis, since the latter does not exist. It did, however, find a way to enable man to respond to both calls.”⁹⁶

The ability to reconcile is beyond halakhah; the ethical commands man is obliged by God to perform. While man must deal with day-to-day dilemmas through and with halakhah, the experience cannot go beyond the conflicted dialectic mode embedded in existence. Halakhah poses a solution to immediate problems, and while it might be of a divine origin, it is for humanity.⁹⁷ To achieve full victory, and implicitly the ability to reconcile, is to become like God because reconciliation, as a victory, means to partake in creation:

“Underlying the ethics of victory is the mystical doctrine that creation is incomplete. God purposely left one aspect of creation unfinished in order to involve man in a creative gesture and to give him the opportunity to become both co-creator and king. The individual who is not engaged in the creative gesture can never be king; only a creator may lay claim to kingship and sovereignty. The creative gesture aims at the control and domination of a hostile environment. Under victory, we understand the subjection of nature to the needs of man and the establishment of a true and just society and equitable economic order.”⁹⁸

From the outline of halakhah's limitations and the meaning of reconciliation, Soloveitchik turns to a description of what it means to be truly obliged to halakhah and why one cannot reconcile. To Soloveitchik, reconciliation is the ultimate victory. The need for victory

⁹⁶ Ibid, p. 26.

⁹⁷ In this sense, it is possible to understand the Midrash about the Oven of Akhnai, and Rabbi Eliezer's response: “It (the Torah) is not in the sky” in another way: Halakhah, as a God-given construct, is for man and situated in the day-to-day human dealings in the world. It cannot go beyond the human world because if it were, it would no longer be halakhah.

⁹⁸ Soloveitchik B. Joseph. “Majesty and Humility.” p. 34.

frustrates humanity because man will never achieve real victory due to his finite nature. The notion of *tzimtzum*, the doctrine of God's contraction has significant meaning in Soloveitchik's dialectics because it establishes the foundations of *Imitatio Dei*, a crucial concept for understanding the limits of Jewish dialectics. Man's ultimate goal is to acknowledge his defeat and seek to imitate God's contraction in bringing the finite world into existence by practicing self-defeat:

“Let me ask the following question: Is this Lurianic doctrine of *tzimtzum* just a Kabbalistic mystery, without any moral relevance for us, or is it the very foundation of our morality? If God withdrew, and creation is a result of His withdrawal, then, guided by the principle of *Imitatio Dei*, we are called upon to do the same. Jewish ethics, then, requires man, in certain situations, to withdraw. Man must not always be the victor. From time to time, triumph should turn into defeat. Man, in Judaism, was created for both victory and defeat—he is both king and saint. He must know how to fight for victory and also how to suffer defeat. The modern man is frustrated and perplexed because he cannot take defeat. He is utterly incapable of retreating humbly. Modern man boasts quite often that he has never lost a war. He forgets that defeat is built into the very structure of victory, that there is, in fact, no total victory; man is finite, so is his victory. Whatever is finite, is imperfect; so is man's triumph.”⁹⁹

The notion of *tzimtzum* calls for self-defeat; it forces humanity to acknowledge its limitations.

It is the guiding principle of *Imitatio Dei* that prevents Judaism from ascending to the third stage of dialectics. Reconciliation is not just impossible; it is immoral and would miss the point of halakhah, the Jewish law. As seen above, Soloveitchik understands halakhah as a tool that assists man in his day-to-day conflicts and crises in the world. As such, it is the foundation of Jewish ethics because they are part of the ontological existence. If one goes beyond his

⁹⁹ Ibid, pp. 35-36.

conflicted human nature, he attempts to go beyond his ontological existence and hence loses the need for halakhah, and thus, revealed morality.

In the final footnote of “Majesty and Humility,” Soloveitchik mentions that Abraham found victory in defeat—his son Isaac was returned to him. Moses did not achieve such a victory, as he was denied entry to the land of Canaan, despite following the same formula of obedience to God and self-defeat.¹⁰⁰ Soloveitchik concludes that God’s ways are not intelligible to men. However, if the goal of self-defeat is *Imitatio Dei*, we can understand at least one thing: one aspect of God that man should, or rather must follow, is self-defeat as deriving from *tzimtzum*. There are ways of God that are intelligible to humanity, at least for readers of the Hebrew Bible. Abraham’s victory is not a reward for his goodwill or obedience to God because God needed Isaac (this echoes Kierkegaard’s “Knight of Faith”). Furthermore, for God’s unintelligible-to-humanity reasons, he did not need Moses to enter the Promised Land.¹⁰¹

Soloveitchik’s mentioning of Moses sheds light on another notion—dignity, or *kavod* (כבוד), which is related to another aspect of reconciliation, or being like God. Moses asks God, “Now show me your glory,” and God responds, “you cannot see my face, for no man may see me and live.” (Exodus 33:18-20).¹⁰² Moses requests to see God’s dignity and is refused because this aspect is not accessible to humanity; the penalty for such an act is death. However, if we understand Soloveitchik correctly, “death” is not merely a penalty inflicted by God. It is a

¹⁰⁰ Ibid, footnote 21. p. 37.

¹⁰¹ The ethical way to live according to Soloveitchik’s formula is through self-defeat and halakhic obedience. In this example, Moses did exactly what God required from him, but unlike Abraham, he was not rewarded. To Soloveitchik, the goal of Judaism is not victory; it is ethical obedience and submission to God’s will. The only way one can fulfill the *Imitatio Dei* ideal is through retreat. Self-defeat is what God teaches man through His own contraction.

¹⁰² The Hebrew text uses the term *Kavod* “הָרָאִינִי נָא אֶת כְּבוֹדְךָ”, which Soloveitchik refers to when articulating the notion of dignity in his “The Lonely Man of Faith”.

change in one's ontological status. Following Soloveitchik, I argue that if Moses were able to reconcile, he would become God-like. One finds dignity not only in acknowledging his abilities and using them in the world but also in knowing one's limits and practicing self-defeat. According to the principle of *Imitatio Dei*, Moses can follow solely what is known and accessible to him. Therefore, if Moses had seen God's dignity,¹⁰³ according to *Imitatio Dei* and the aforementioned primacy of human dignity, Moses would die like *a man* because he would no longer have *his* dignity, but God's.¹⁰⁴ Hence, man must retain his form of dignity, along with the recognition of his limitations and the practice of self-defeat, as the foundation of Jewish religious experience. This argument illustrates another gap between Protestant theologians and Soloveitchik. If, according to Soloveitchik, reconciliation is to become like God, then it might imply the Christian doctrine of the incarnation. That is to say, the ability to reconcile is not possible in Judaism because Judaism is part of mere ontological existence and is manifested through halakhah. To reconcile, one must go beyond the boundaries of ontology, which is impossible in Judaism. At this point, Soloveitchik and the dialectic theologians separate, in transgressing the limits of humanity man and thinning the borders between it and God.

What is Jewish about dialectics, and what is the dialectical nature of Judaism? If we deal with the first two stages, thesis and antithesis, dialectics describe humanity's religious experience in the face of modernity and the role of halakhah. Nevertheless, when we reach the final third stage, there is nothing Jewish in the full scale of a dialectic move—the third stage is beyond

¹⁰³ By 'seeing,' I mean understanding and acknowledging this form of dignity. As seen above, attaining dignity is through acknowledging and acting in accordance with the origins of this form of living. Understanding and acting according to God's dignity might have the transforming force, according to Soloveitchik, if we accept this interpretation of the dangers of victory and reconciliation.

¹⁰⁴ This is because man's dignity is based on the aspect of the doctrine of *tzimtzum* accessible to humanity, which calls for self-defeat.

mere hubris to attempt achieving; it is impossible. Moreover, to reconcile is to become like God, but this aspect is not accessible to humanity, and hence, it is beyond humanity.

If Soloveitchik does not accept the final dialectical stage, why does he use the first two stages as presented in comparison to Barth and Brunner? I argue that the first two stages describe the condition of humanity and provide an understanding of halakhah's role. The final reconciliatory stage simply goes against the logic and system of halakhah. It misses the point of Judaism, the eternally conflicted human existential nature, and the asymptotic ideal concept of *Imitation Dei*. Reconciliation is problematic from a phenomenological and behavioral perspective because while one falsely attempts to reconcile, he presumably ceases to act like a human and instead acts like God. This requires a different objective in acting in the world and acquiring knowledge. Moreover, for Soloveitchik, the third stage is not possible from an ontological perspective. The analysis of Moses's encounter with God and his request to know God's dignity, in Soloveitchikian terms, demonstrates that reconciliation is not accessible to humanity, which cannot achieve final victory. The self-defeat is not only a moral act or merely obeying God but also a metaphysical realization that humanity cannot go beyond it. As such, reconciliation is an ontological impossibility.

However, understanding the limitations of dialectics in Judaism enables us to distinguish between two types of dialectics. The scholars of the dialectical theology movement can use dialectics to its full scale, with particular applications to Christian theology, which reconciles human experience in the world. Soloveitchik, on the other hand, accepts dialectics as long as they describe the human religious *experience*. This leads him to the understanding of the role of dialectics in halakhah and ethics. I argue that there is a difference between "dialectic theology," which includes the final stage of dialectics, as in Brunner and Barth, and "dialectical ethics," as

Soloveitchik finds dialectical in Judaism. The following section presents an example of how Soloveitchik still holds a dialectical tension when dealing with issues at the core of his philosophy—ethics and halakhah.

Chapter 3: Halakhic Morality; Translations of Jewish Ethics

This chapter develops the conceptualization of ethics as understood through halakhah. Here I ask: why is halakhah often considered to be compatible with philosophical conceptions of ethics, and what is ethical about halakhah? In chapter two, I discussed the Christian anti-liberal roots of neo-orthodox Jewish thought; this chapter will focus on halakhah and ethics, particularly as examined by German idealism and its influence. The concept of Jewish Orthodoxy did not exist before the nineteenth century. The term and religious posture called Orthodox is in dialectic response to Reform Judaism. Hence, to speak of neo-orthodox Judaism is something of a misnomer. The dialectic moment giving birth to a conception of orthodox Judaism is crucial, for it emerged in response to the advocates of adjusting and accommodating Judaism to modern culture, especially under the tutelage of the German Aufklärung and Bildungskultur. In short, there is an apologetic moment to orthodox—or “Torah-true”—conceptions of a distinctive halakhic ethics. The scholarly intervention I offer here is to trace the discourse regarding halakhah and ethics and to explore the limits of halakhah vis-à-vis the philosophic, post-Kantian categories of ethics and morality.¹ I discuss the limits of the halakhic discourse, which still attempts to transcend its bounds, versus the categories of ethics which, according to some modern orthodox thinkers, are synonymous with halakhah (despite halakhah’s contained borders.) I conclude the chapter with a discussion about the ethical components of halakhah and separate the categories of ethics and morality in the fashion of Pierre Hadot and Paul Ricoeur,

¹ See Mendes-Flohr, Paul R., and Reinhartz, Jehuda. *The Jew in the Modern World*. 3rd ed. New York: Oxford University Press, 2011; and Hirsch, Samson Raphael. *Igrot Tsafon: The Nineteen Letters on Judaism*. Edited by Jacob Breuer and Bernard Drachman. New York: P. Feldheim, 1960.

using this notion to explain why halakhah is indeed compatible with ethics and morality per Jewish neo-orthodoxy.

The purpose of this chapter is to open halakhic discourse to a wider philosophical discussion by examining a range of ethical theories. I argue that in the second half of the twentieth century, receptions of ethics, as represented in the ethical philosophy of figures such as Pierre Hadot and Paul Ricoeur, enable us to present a better understanding of the ethical components of halakhah. Recent studies conducted on Jewish ethics vis-à-vis halakhah have been produced from a historical point of view, such as the work of Benny Brown.

To begin, it is vital to understand the character of the Soloveitchikian model of halakhah. While this will be addressed throughout this chapter, here I set the parameters for the discourse to follow. As was illustrated in the previous chapter of this dissertation, Soloveitchik was strongly influenced by the philosophical views of the dialectical theological thinkers. However, his use of dialectics has limitations, and there exist notions he was not able to accept, or rather, to transfer them into his Jewish framework. For one, Soloveitchik explicitly rejected the concept of death, which was inherently required for the theological crisis that Protestant theologians were attempting to rationalize.²

Soloveitchik's halakhic approach, when compared with any other "external" approaches, is that halakhah is incompatible with a completely transcendental element to itself. The person of halakhah works only with the ontic existence. If halakhah operates in the ontological sphere, then when he deals with halakhah his entire existence is ethics and morality, since that is the main concern of the ontic world. The halakhic person cannot rise to the full extent of the theological-dialectical model (and reach an *aufheben*, or reconcile his negations), and nor should he. Even

² See for example Reinhold Niebuhr's notion on the matter, R Soloveitchik referenced him in his *Halakhic Man*. 4-3 בתוך "תלפיות גיליון א כרך 676 [Hebrew] p. 676. 1944.

though he does not have the philosophical frame of reference to reconcile, halakhah limits and grounds him in the halakhic context. To attempt to go beyond that is to deviate from the natural concepts of halakhah.^h

This can be explained by using the kabbalistic model of the emanation into the world.³ The person of halakhah begins from the world of *atzilut*, or the world of emanation, where it all begins, and his purpose is to ground halakhah in the world of *asiya*, the ontic reality in which halakhah operates, separate from the metaphysical concepts with which the halakhic person began. Soloveitchik restricts the halakhic person to the world of being by means of Maimonides' first halakhic commandment, namely that one must know God. Since knowing the Divine is only available through God's negative attributes and God's modes of action in the ontological world, there is no other reality for the person of halakhah, beyond the world which is the essence of ethics and morality.

Soloveitchik notes that the halakhic person strives to turn the infinite into finite. This is another point where Soloveitchik deviates from the neo-Kantian tradition. Heidegger comments, "There is something in the categorical imperative which exceeds the finite being."⁴ There is an element in neo-Kantian thought which sees the ethical as a means to transcend the infinite. Thus, for Heidegger, the ethical can only come into play in a finite being. This is also the foundation on which Levinas describes the uniqueness of human experience, in which one is met with a moral obligation upon encountering the other.⁵ Interestingly, Soloveitchik takes a similar position

³ I refer here to the kabbalistic model as accepted by Chabad, since this is Soloveitchik's frame of work. See Elliot R. Wolfson, "Eternal Duration and Temporal Comprehension: The Influence of Ḥabad on Joseph B. Soloveitchik" pp. 95–238 in *The Value of the Particular: Lessons from Judaism and the Modern Jewish Experience*, Brill, 2015.

⁴ "A Discussion Between Ernst Cassirer and Martin Heidegger," ed. Nino Languilli, *The Existentialist Tradition*, Garden City: Doubleday, 1971, p. 195.

⁵ See, for example, Levinas, Emmanuel, *Emmanuel Levinas: Basic Philosophical Writings*. Indiana University Press, 1996, p. 30.

regarding the person of halakhah, who operates within the finite world with a sole moral and ethical obligation.

While the Protestant mission with Jewish interaction was to “save the Jews,”⁶ they also gained a deeper insight into Jewish thought and learning. They characterized the “Jewish problem” and its origins as stemming from the Talmud, for example, by slandering the Talmud and Jews in a pamphlet sent out in Berlin in May 1892 entitled “Talmud-Auszug” (Talmud Excerpt.) In response, the orthodox rabbinical authorities in Berlin from the *Rabbinerseminar für das orthodoxe Judenthum* published a response that described the ethical foundations of the Shulkhan Arukh. Thus, establishing (not for the first time however) Judaism in general, and halakhah in particular, as not only coexisting with ethical and moral norms, but also highlighting the ethical and moral norms embedded within halakhah.

Here, key questions arise: Is the usage of the external terms “ethics” and “morality” applicable to a Jewish framework? Or is this striving to find parallels with a Jewish way of life a mere anachronism?⁷ Can ethics then serve as a case study for the border between Judaism and Western thought?

Soloveitchik once again uses the notion of tzimtzum, the contraction of the infinite Divine, to make space for the creation of the world. The divine words, “Make me a tabernacle [a home] so that I can dwell within them [the Israelites]”⁸ reveals the concept of tzimtzum, of God’s desire to contract Himself into the world. But the finitude that the halakhic person practices has nothing to do with metaphysical elements; his existence is bound to the here and

⁶ Wiese, Christian, and Susannah Heschel. *Challenging Colonial Discourse: Jewish Studies and Protestant Theology in Wilhelmine Germany*. Leiden; Boston: Brill, 2005.

⁷ Here I refer to things which structure a traditional Jewish way of life such as halakhah, but not limited to it.

⁸ Exodus 25:8.

now through halakhah, a practical and legal finitude that grounds the halakhic person, who holds an infinite perspective, in the finite nature of halakhah.

Halakhah is, in itself, a constricted corpus which, similarly to tzimtzum, grants a quantified measure for each commandment.⁹ While the person of halakhah acts in a limited world—the embodiment of the principle of tzimtzum—halakhah also constricts itself, providing a measure for each mitzvah.¹⁰ Thus, the essence of halakhah is law and ordinance. These legalistic chains provide the religious person with the ability to unite the two conflicting elements fighting for dominance in the religious nature—the first being but a small part of the vast natural creation, and the second being a mere step away from Divinity.¹¹ Halakhah grounds oneself in concrete reality; moreover, it forces the religious person to homogenize the two natures. Rather than solving the dialectic tension, he is forced to live with this inherent conflict.¹²

While it is clear that halakhah works in the ontological sphere, ethics has its own mode of discourse. When speaking of ethics—the Greek term which refers to one’s character—we must also discuss its application in halakhic terminology. Words that are used in the *Beit Midrash*, the Jewish religious study hall, often possess multiple layers of meaning that do not necessarily coincide with formalist definitions of terms. The Hebrew word often used to translate the term “ethics” is *musar* (מוֹסֵר). In the Hebrew Bible the word denotes the might and wrath of

⁹ Later in this chapter, I will discuss the approach that halakhah contains everything, and that no topic can be voided of halakhah.

¹⁰ Just as the metaphysical tzimtzum has been performed through the sephirah of Gevurah, leading to the divine light manifesting itself in the physical-realistic world, halakhah does the same—limits the person of halakhah in its ideal realm (See Tanya, Igeret HaKodesh epistle 10.)

¹¹ Soloveitchik, Joseph Dov, and Lawrence Kaplan. *Halakhic Man*. First paperback edition. Philadelphia, PA: Jewish Publication Society, 1991. There Soloveitchik characterizes the two different elements as stemming from Psalms 8:4 and 8:6.

¹² See my previous remark regarding the inability for aufheben in this constellation of halachic Judaism.

God,¹³ and the suffering one can incur. In modern rabbinic literature, the term *musar* also refers to the various demands made of a Jewish person has and the traits one needs to develop when facing God in prayer, learning, or even in one's daily dealings with a fellow Jew.¹⁴ The other Hebrew alternatives that are often used synonymously with “ethics” or “morality,” are *tzedek* (צֶדֶק meaning “righteousness” or “justice”) and *derekh eretz* (דֶּרֶךְ אֶרֶץ or “appropriate behavior.”)¹⁵ Both of these terms carry significant weight beyond their literal meaning.

Despite this ambiguity regarding the pinpointing of ethics in the Jewish tradition, the traditional, orthodox Jewish ethos is that halakhah is all-encompassing. Furthermore, the teachings of Judaism, beyond that of formal halakhah, also reflect an ethical dimension. Thus, in the context of modern Jewish thought, both traditionalist and liberal Jewish thinkers strove to show Judaism's ethical compatibility. While Jewish traditions contain explicitly ethical teachings, my assertion is that looking for an *ethical dimension* in Judaism is a modern phenomenon. It is a response to a German philosophical discourse stemming from the ethical idealism Kant has developed.

Toward the end of the nineteenth century, alongside political manifestations of antisemitism, a scholarly anti-Jewish school was established in Germany. Figures such as Franz Delitzsch and Julius Wellhausen argued that Judaism is merely a reflection of ancient Near

¹³ According to Deuteronomy 11:2” וַיִּדְעֻם הַיּוֹם כִּי לֹא אֶת-בְּנֵיכֶם אֲשֶׁר לֹא-יָדְעוּ וְאֲשֶׁר לֹא-רָאוּ אֶת-מוֹסַר ה' אֱלֹהֵיכֶם” “And know ye this day; for I speak not with your children that have not known, and that have not seen the **chastisement** of the LORD your God” (bold is mine, indicating my own biblical translation, as opposed to the modern translation of *musar* as “ethics.”)

¹⁴ *Mesillat Yesharim* (literally “The Path of the Upright”) is often described as the “Shulkhan Arukh of *musar*.” But the tome does not attend to ethics per se. Instead, it discusses the different traits one needs to possess in order to ascend towards a higher state of being and thus become closer to God. While some of the traits might be ethical in nature, it is an individual effort alone, and therefore not an ethical enterprise in the normative sense.

¹⁵ These terms could also be used as ethical super maxims rather than simply inadequate synonymous for the terms “ethics” or “morality.”

Eastern morality.¹⁶ In response to various ideological attacks on Judaism, which were centered on the lack of a moral core in Judaism, Moritz Lazarus wrote an apologetic book on behalf of Jewish communities in London, Paris, and Germany, focused on the fifteen ethical and moral principles of Judaism.¹⁷ Later, a more detailed version of this book was published by Lazarus in 1898, titled *Die Ethik des Judenthums* (The Ethics of Judaism).¹⁸ Lazarus's work presents the compatibility of rabbinic writings with Kantian ethics. Following the publication of Lazarus's book, there have been attempts to homogenize Judaism with the universal categories of Kantian ethics. There were, of course, critiques of the attempt to match rabbinical values with general ethics. One such critique was from Hermann Cohen,¹⁹ who argued that autonomous ethics (in the style of Kant) stems only from humanity. That is, unlike ethics which stems from religious values arising from a divine source, autonomous ethics can only be a human category. Hermann Cohen's critique was general, arguing against Lazarus's framework, without referring to specific rabbinical works Lazarus mentioned.

In the introduction to the second volume of *Die Ethik des Judenthums*,²⁰ there appears a sentence which might be Moritz Lazarus's response to Hermann Cohen's critique. Lazarus says

¹⁶ Despite Franz Delitzsch's known efforts to protect the Jewish community from antisemitism, our focus here is *theological* antisemitism. Theological antisemitism has played a significant role in structuring the discourse around legitimizing or delegitimizing Jews (see Gerdmar, Anders. *Roots of Theological Anti-Semitism: German Biblical Interpretation and the Jews, from Herder and Semler to Kittel and Bultmann*. Boston: Brill, 2009.)

¹⁷ Lazarus, Moritz. *Fünfzehn Grundsätze der jüdischen Sittenlehre*, 1883.

¹⁸ Lazarus, Moritz. *Die Ethik des Judenthums*, Frankfurt am Main: J. Kauffmann, 1899.

¹⁹ Cohen's book review was published in 1899 MGWJ v.43, and was also included in Cohen's *Jüdische Schriften* at Cohen, Hermann, Bruno Strauss, and Berlin Akademie für die Wissenschaft des Judentums. *Jüdische Schriften: mit Einer Einleitung Von Franz Rosenzweig*. Berlin: C. A. Schwetschke, 1924. III pp. 1-35.

²⁰ Posthumously published and edited by Jakob Winter and August Wünsche, J. Kauffmann in Frankfurt, 1911. Lazarus, Moritz. *Die Ethik Des Judenthums: Dargestellt Von Prof. Dr. M. Lazarus*. Frankfurt a.M.: J. Kauffmann, 1911.

there, “Erst durch Kant lernt man die Rabinnen besser verstehen,”²¹ which translates as “Only through Kant can we better understand the rabbis.” Julius Guttman, in his 1908 book *Kant und das Judentum*,²² posits that Kantian autonomous ethics characterize of Jewish ethics.²³ The Zeitgeist across the Jewish intellectual world, whether liberal or orthodox, guided many Jewish thinkers of the late nineteenth century. One of its contributions was the view that Jewish ethics are superior to general ethics, and the greatest attestation to this claim was the resemblance and affinity to Jewish sources they found in Kant’s ethics.²⁴

One of Lazarus’ proofs for the notion of autonomous ethics in Judaism comes from one of the earliest discussions of good and evil in the Hebrew Bible. Genesis 3:22 reads, **וַיֹּאמֶר יְהוָה הִנֵּה הָאָדָם הָיָה כְּאֶחָד מִכָּל הַדְּבָרִים הַטֹּב וְרָע וְעָתָה אֶפְרֹשׁ יָדוֹ וְלָקַח גַּם מִעֵץ הַחַיִּים וְאָכַל וְתִי לְעֹלָם:**

This translates as, “And God יהוה said, ‘Now that humankind has become like any of us, knowing good and bad, what if one should stretch out a hand and take also from the tree of life and eat, and live forever!’”²⁵ One of the earliest commentators to the Torah, Onkelus (80-12 BCE,) interpreted the above verse in the following way:

וַיֹּאמֶר יְיָ אֱלֹהִים הֵא אָדָם הָיָה יְחִידִי בְּעֹלָמָא מִנֵּה לְמִידַע טַב וּבִישׁ וּכְעַן דִּילְמָא יוֹשִׁיט יָדָה וְיִסַּב אֶף מֵאֵילָן חַיָּיָא וְיִכּוּל וְיִחַי לְעֹלָם:

²¹ Lazarus, Moritz. *Die Ethik Des Judenthums: Dargestellt von Prof. Dr. M. Lazarus*. Frankfurt a.M.: J. Kauffmann, 1911, p. XLI.

²² Guttman, Julius. *Kant und das Judentum*. Leipzig 1908 (Vortrag vor der Hauptversammlung der Gesellschaft für die Förderung der Wissenschaft des Judentums im Dezember 1907).

²³ This assessment is made by Guttman through his analysis of a Talmudic reading. Guttman, Julius, Shaul Esh, Samuel Hugo Bergman, and Nathan Rotenstreich. *Dat U-mada ‘: Kovets Ma’amarim Ve-hartsa’ot*. Yerushalayim: Hotsa’at sefarim ‘al-shem Y.L. Magnes, ha-Universitah ha-‘Ivrit, 1955. Jerusalem 1955. p. 226. (Hebrew)

²⁴ See Urbach, Efraim Elimelech. *Hazal: Pirke Emunot Ve-de’ot*. Jerusalem: Hotsa’at sefarim ‘al-shem Y. L. Magnes, ha-Universitah ha-‘Ivrit, 1969. pp. 279-301.

²⁵ Genesis 3.22. JPS Translation. <https://www.sefaria.org.il/Genesis.3.22?lang=en&with=all&lang2=en>

This translates as “Adonoy Elohim said, ‘Behold, the man has become like one of us [unique]. It is for [him] to know [what is] good and [what is] evil. Now he must be prevented from reaching out his hand and also taking from the Tree of Life and eat [from it] and live forever.’”

To Lazarus, this interpretation denotes the ability for deep ethical contemplation, as one can autonomously reach the concepts of good and evil.²⁶ Viewing Onkelus in his own context leads to understanding his translation as merely seeking to steer the reader away from anthropomorphizing God. The emphasis of the translation is “humankind has become like one of us.” Lazarus, on the other hand, seeks to make a *derashah* out of a *derashah*.²⁷ But is Lazarus merely attempting to force his reading onto the text so that it is compatible with the Kantian concept of autonomous ethics, or is there an actual tradition of viewing Jewish law and compatible with ethics and morality?

The Mishnah, in tractate *Ethics of Our Fathers*, includes a saying attributed to the Tana Ben Bag Bag: “Ben Bag Bag said: Turn it over, and [again] turn it over, for all is therein.”²⁸ The notion that all is encompassed within the Torah aligns with the opening of the Midrash in *Bereshit Rabbah*, which teaches that God created the world by looking first in the Torah.²⁹ These two teachings express the theological idea that the Torah is, in one way or another, a tool for deciphering the world. However, it is still unclear what kind of knowledge about the world can

²⁶ Lazarus, Moritz. *Die Ethik Des Judenthums: Dargestellt von Prof. Dr. M. Lazarus*. Frankfurt a.M.: J. Kauffmann, 1911. p. 100.

²⁷ The Hebrew mode of exegetical interpretation of the Torah is called *derashah*, from the Hebrew root דרש.

²⁸ כֵּן בָּג בָּג אָמַר, הִפֹּךְ בָּהּ וְהִפֹּךְ בָּהּ, דְּכֵלָּא בָּהּ, English translation by Dr. Joshua Kulp Tractate *Ethics of our Fathers* 5: 22. https://www.sefaria.org.il/Pirkei_Avot.5?lang=bi&with=all&lang2=en <accessed 07/12/2022>.

²⁹ Bereshit Rabbah. 1:1.

be found in the Torah. Is it mere theoretical knowledge about the world or perhaps a practical guide? Can one find all the answers and fulfill their desire for knowledge by studying Torah?

The questions that arise from the Mishnaic era text remain unanswered until two major schools of Jewish theology emerge in the Middle Ages: philosophical rationalism and kabbalah. According to Maimonides, the champion of the school of Jewish rational philosophy, the Torah is the highest intellectual outcome of Moses' prophecy. As such, the Torah includes what Maimonides calls *maaseh bereshit*, or physics, and metaphysics, or *maaseh merkavah*. The truths that the Torah can reveal are not explicitly written in the Torah, but rather may be found in the way it is written, so that anyone who attains a high intellectual rank can understand the hidden meanings of the Torah. By contrast, those who do not have the proper training will understand the basic and revealed layer of the Torah, and no more. The method of reading the Torah through proper intellectual and behavioral training is laid out in Maimonides's *Guide of the Perplexed*.³⁰ Accordingly, in his work, the Commentary on the Mishnah and the Mishnah in question, Maimonides says that "for all is therein" (דכולא בה) implying that indeed, the more one studies and learns the Torah, the more they will find that all is within it. They can reveal it through the proper intellectual lenses.³¹ One should note however, that according to this rationalistic view, the Torah does not have explicit information on everything that exists in the world; rather, it contains rules and serves as a general guide to attain them with the proper training.³²

A second major school of interpretation of the notion of "all is therein" is expressed by Nachmanides. In his introduction to the commentary on the Torah (Pentateuch) says that all is

³⁰ Pines, Shlomo, and Strauss, Leo. *The Guide of the Perplexed*. Chicago: University of Chicago Press, 1963.

³¹ Touger, Eliyahu. *Pirkei Avot: With the Rambam's Commentary*. New York; Jerusalem: Moznaim Pub. Corp., 1994. pp. 5, 22.

³² For more on Maimonides' method see Shlomo Pines, and Leo Strauss. *The Guide of the Perplexed*. Chicago: University of Chicago Press, 1963. Part 3, 52.

learned from the Torah—the divine secrets including the chain of emanation, knowledge of the natural world, and the fate of humankind.³³ Nachmanides relies on the teaching in the Talmud that “Fifty gates of understanding were created in the world, and all of them were given to Moses, except for one.”³⁴ According to Nachmanides, each gate encompasses a different kind of knowledge over a specific type of being (e.g., plants, birds, the heavenly spheres, etc.) Through these gates of understanding, one can learn everything about the world; however, Nachmanides, like Maimonides, also notes that nothing is said explicitly in the Torah and that extracting the knowledge requires special modes of exegeting the text. The kabbalistic exegetical method includes different modes of interpretation, such as Gematria, whereby each letter in the Hebrew alphabet is assigned a numerical value. Each mode of interpretation requires the correct training in order to decode the Torah—not dissimilar to Maimonides.³⁵

The notion of “for all is therein” (דכולא בה) has developed into a more substantial claim based on the phrase found in the Babylonian Talmud, Taanit 9a, “Is there anything that is written in the Writings that is not alluded to in the Torah?” (מי איפא מידי דכתיבי בכתובי דלא רמיזי באורייתא)³⁶

³³ Perushe Ha-Ramban Al HaTorah. Yerushalayim: Mosad ha-Rav Kuk, 2005. p. 5.

³⁴ Babylonian Talmud, Tractate Rosh Hashanah, 21b. William Davidson translation. Online access https://www.sefaria.org.il/Rosh_Hashanah.21b.11?lang=he&with=all&lang2=he <accessed 07/12/2022>.

³⁵ The kabbalistic notion of the endless modes of interpreting the Torah continued to develop throughout the Middle Ages and had a significant influence on later mystical doctrines portrayed by the “Besht” (Israel ben Eliezer, the Baal Shem Tov, 1760) and that of the Vilna Gaon (Elijah ben Solomon Zalman, 1797). For a detailed account of the theosophical and infinite dimensions of the text of the Torah in kabbalah, see Scholem, Gershom. “On the Meaning of the Torah in Jewish Mysticism” in *On the Kabbalah and Its Symbolism*. New York: Schocken Books, 1996. pp. 32-86., and Hartman, Geoffrey H., and Sanford Budick. *Midrash and Literature*. New Haven, Conn.: Yale University Press, 1986. Particularly the chapter by Moshe Idel “Infinities of Torah in Kabbalah/”

³⁶ Babylonian Talmud, Tractate Taanit, 9a. William Davidson translation. Online access <https://www.sefaria.org.il/Taanit.9a.6?lang=bi&with=all&lang2=en> <accessed 08/12/2022>.

The paraphrase used to enhance the notion of “for all is therein” (דכולא בה) is “ליכא מידי דלא רמיזא” (there is nothing that is not alluded to in the Torah).³⁷

As discussed previously, German-Jewish reflections on “Jewish ethics” were largely a response to Kant’s concept of ethics as governed by practical reason, and accordingly the idea that the truest service—indeed, the only genuine service—to God (“Dienst Gottes,” in Kant’s words) is determined by autonomous reason. Hence, Kant spoke of “religion within the bounds of reason alone.” This was clearly a challenge to Judaism as grounded in heteronomous laws of the Torah. Kant himself, and the milieu which followed him, expressly dismissed Judaism as a

³⁷ For a detailed analysis on the concept of “דכולא בה” and the sources of the paraphrase “ליכא מידי דלא רמיזא” see Benjamin Brown. “The Daat Torah Doctrine: Three Stages,” in *Jerusalem Studies in Jewish Thought* 19, *The Path of the Spirit: The Eliezer Schweid Jubilee Volume: Volume Two*. pp.537-600, 2005. According to Brown, the first appearance of the paraphrase “ליכא מידי דלא רמיזא באורייתא” (there is nothing that is not alluded to in the Torah), is by the Italian rabbi, Menahem Azariah da Fano (the Rema MiPano, Hebrew: רמ"ע מפאנו 1620), in his *Maamar HaNefesh* (part 7, chapter 3). By the eighteenth century, this phrase was already in use in a halakhic context (see for example the responsa by the Galician rabbi, Jacob ben Joseph Reischer, in his *Shevut Yaakov*, part 1, question 24). There are earlier expressions of the notion that all is within the Torah, for example, the Midrash in *Genesis Rabbah* 20:3:

פילוסופוס אחד בקש לידע לכמה הנחש מוליד, פיון שרצה אותם מתעסקין זה עם זה, נטלו ונתנו בחבית והיה מספיק להם מזונות עד שילדו, פיון שעלו הזקנים לרומי, שאל את רבן גמליאל אמר לו לכמה הנחש מוליד, ולא יכול להשיבו, ונתפרקמו פניו, פגע בו רבי יהושע ופניו חולנית, אמר לו כמה פניו חולנית, אמר לו שאלה אחת נשאלתי ולא יכלתי להשיבו, אמר לו מה היא, אמר לכמה נחש מוליד, אמר לו לשבע שנים, אמר לו מנא לה, אמר לו הכלב סיה טמאה ומוליד לחמישים יום, ובהמה טמאה יולדת לשנים עשר חודש, וכתוב ארור אתה מכל הבהמה ומכל חית השדה, וכשם שהבהמה ארוורה מן הסיה שבועה, כך נחש ארוור מהבהמה שבועה. כמפני רמשא סלק נאמר ליה, התחיל מטיח ראשו לפתל, אמר כל מה שעמלתי שבע שנים בא זה והושיטו לי בקנה אחד.

A certain philosopher wished to know after what period of time a serpent bears. When he saw them copulating, he took them and placed them in a barrel and fed them until they bore. When the Sages visited Rome, he asked them how long it takes a serpent to bear. R. Gamaliel turned pale [with shame] and could not answer him. R. Joshua, meeting him and seeing his face wan, asked him, ‘Why is your face wan?’ ‘I was asked a question,’ replied he, ‘and I could not answer it.’ ‘And what is it?’ ‘After how long does a serpent bear?’ ‘After seven years,’ he told him. ‘How do you know that?’ he inquired? ‘Because the dog, which is a wild beast, 6 bears at fifty days, while it is written, “More cursed art thou than all cattle, and than all beasts of the field”: hence just as the cattle are seven times more accursed than the beast, so is the serpent seven times more accursed than the cattle.’ At eventide he [R. Gamaliel] went and told it to him [the philosopher], who began to beat his head against the wall [in grief], crying out, ‘All that for which I toiled seven years, this man has come and offered to me on the end of a cane.’

Midrash Rabbah translated under the editorship of H. Freedman and Maurice Simon. London & Bournemouth: Soncino Press, 1939-195. pp. 161-163.

The purpose of this chapter is to show how the discourse of Kantian Ethics became acceptable as a rabbinical matter. That is to say, that ethics is not only compatible with Judaism, but it is at the core of its texts and practices.

“statutory religion.”³⁸ Thus, Soloveitchik, as a Torah-adherent Jew, responded to such criticism by showing how the Jewish-legal model of service to God (mirroring Kant’s *Dienst Gottes*) goes hand in hand with ethics. In the next section of this chapter, I offer an example of how the notion of “for all is therein” (דכולא בה) is employed in a Jewish-halakhic context and grants Judaism with the ability to present an autonomous system of ethics. Through the use of halakhic norms and terminology, Rav Aharon Lichtenstein, a student of Soloveitchik, sheds some light on the problem in question. Hermann Cohen’s criticism of the notion of equating Judaism with Kantian ethics can be deepened through Lichtenstein’s treatment of the quandary of ethics and halakhah. While Hermann Cohen’s reservations were directed at Moritz Lazarus’ argument, as outlined above, which does not explicitly discuss the realm of halakhah, Lichtenstein’s treatment of ethics *vis-à-vis* Judaism goes beyond halakhah. The argument he presents begins with the premise of a universal ethical responsibility.

Moreover, through Rav Aharon Lichtenstein’s use of halakhah and its derivative system of values, a deployment of the distinction between ethics and morality is presented. That is, the means through which halakhah can be considered as an ethical status-action. So, while Jewish law might be heteronomous, since it is culturally and religiously specific, its moral injunctions nonetheless conform to—perhaps even exceed—the moral values prized by the educated German public.

Another category related to ethics and morality is the notion of *values*. While Kantian ethics are presented as universal, Jewish law and its mode of decision making are determined by a system of values. In this sense, we view Judaism as heteronomous, but only due to the system of values which are culturally specific. A system of values does not always negate a universal,

³⁸ According to Kant, contingent religious law is righteous when it serves as a means of fulfilling the moral law, and Judaism’s law is seen as service to law in itself.

rational, ethical system, but rather, it provides the possibility for various cultures to be compatible, if not fully immersed.³⁹

Rav Aharon Lichtenstein's writings on the relation of ethics and halakhah reveal an ambiguous view regarding the place of halakhah *vis-à-vis* an ethical and moral system.⁴⁰ At first glance, there is a place for an ethical system independent from halakhah. However, a close reading of Lichtenstein shows that, in fact, halakhah as a subordinating system has a very different form and language than ethics. In what follows, I will show that while the outcomes of a halakhic discourse might be similar to an ethical one, the discourse in itself is very different, stemming from an alternative value system.

Two Models of Halakhah

The question that must be addressed here is not simply "Does Judaism recognize an ethics independent of halakhah?" to which Lichtenstein offers an insightful response.⁴¹ Rather, I attempt to extend this inquiry by asking: Even if Judaism does recognize an ethical system independent of halakhah, how does halakhah differ from it? Lichtenstein argues that insofar as there might be an obligatory system separated from halakhah, it depends on how we define

³⁹ More on this topic is presented in the introduction to this dissertation (chapter one) where I present the methodological framework of "analogous adaptability."

⁴⁰ Lichtenstein, Aharon. "Does Jewish Tradition Recognize an Ethic Independent of Halakha?" in *Leaves of Faith*, volume 2. Jersey City, NJ: KTAV Pub. House, 2004. pp. 33-56. And, Aharon Lichtenstein. *Halakhah Ve'Halakhim Ke'Oshiot Musar: Hirhurim Makshavti'im Ve'Chinuchi'im*. in Arachim Be'mivkhan Milchamah: Musar U'Milchamah Be'Rei Ha'Yehadut. Har Etzion 1985. pp. 13-17 (Hebrew), "*Halakhah and Manners as Moral and Ethical Foundations*", published in a memorial collection titled *Values in War: Ethics and War in Judaism*, D.C.) Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. Edited by Ziegler, Reuven. Jersey City, NJ: Alon Shevut, Israel: KTAV ; Yeshivat Har Etzion, 2003. Aharon Lichtenstein. "Individual Rights in Halakha" (based on a lecture given at the Thirteenth Annual American-Israeli Dialogue in July 1977, which was devoted to "The Rights of the Individual Under Halakhic, American, and Israeli Law.) Har-Etzion Web page <<http://etzion.org.il/vbm/english/archive/halak70/02halak.html>> (accessed:11.30.2015.) Lichtenstein, Aharon. "K'vod Ha'Beriyot". *Mahanayim* vol.5, 1993. pp. 8-15, (Hebrew.)

⁴¹ Lichtenstein, Aharon. "Does Jewish Tradition Recognize an Ethic Independent of Halakha?" in Institute for Judaism and Contemporary Thought and Marvin Fox. *Modern Jewish Ethics, Theory and Practice*. Columbus: Ohio State University Press, 1975. pp. 62-88.

“halakhah” and “ethics”. In another essay,⁴² he suggests two models of halakhah and rejects them both in favor of a more inclusive approach. His first model proposes that if halakhah does not rule on an issue, then the outcome of *d’var ha’reshut* (that which is not obligatory, but permissible) simply does not matter. The second suggests that there is no case in which there is no halakhic ruling; hence *d’var ha’reshut* does not really exist:

“The core of the dispute is only in the case of D’var Ha’Reshut. It is either the case for those who do not acknowledge an independent moral system and they face situations that halakhah does not provide an answer...or we must say that there is no such case of D’var Ha’Reshut, and everything could be found in halakhah. And so it is the case that either D’var Ha’Reshut does not exist, or that conceptually it simply means ‘do as you wish in those cases’ ...but the truth is, that both premises are not accepted as they do not understand the essence of D’var Ha’Reshut.”⁴³

For Lichtenstein, halakhah consists not only of formal “dos and do nots” but also of ethical guidelines that close the gap between *d’var ha’reshut*. However, while those guidelines are not halakhic per se,⁴⁴ they emerge out of a halakhic mode of thinking and argumentation. Value-oriented guidelines such as *lefnim me’shurat ha’din* or the verse that is often associated with it, *ve’asitah ha’yashar ve’ha’tov*,⁴⁵ result at times in actions that seem moral. This is the extent to which Lichtenstein is willing to go regarding halakhah *qua* ethics.⁴⁶

⁴² Lichtenstein, Aharon. *Halakhah Ve’Halakhim Ke’Oshiot Musar: Hirhurim Makshavti’im Ve’Chinuchi’im*. p. 15.

⁴³ Ibid. The article does not have an English source, so I provided my own translation of this passage.

⁴⁴ Lichtenstein, Aharon. *Halakhah Ve’Halakhim Ke’Oshiot Musar: Hirhurim Makshavti’im Ve’Chinuchi’im*. pp. 16-21. Lichtenstein provides a complex explanation of the halakhic nature of *d’var ha’reshut*. While he is unwilling to call it external ethical values, he refers to it as “halakhic loopholes” and finds internal guidelines to fill those gaps based on his reading of Nahmanides’s commentary on Leviticus 19:6 (Naval Be’Reshut Ha’Torah.)

⁴⁵ Do what is right and good, according to Deuteronomy 6:18.

⁴⁶ Lichtenstein, Aharon. “Does Jewish Tradition Recognize an Ethic Independent of Halakha?” in Institute for Judaism and Contemporary Thought and Marvin Fox. *Modern Jewish Ethics, Theory and Practice*. Columbus: Ohio State University Press, 1975. pp. 62-88. While Lichtenstein presents both

Lichtenstein's Morality as Integrated Into Halakhah?

As presented thus far, Lichtenstein attempts to include both ethics and halakhah without losing any component of either. However, one must remember that he works primarily within the modern Orthodox Jewish context.⁴⁷ As such, his concerns about ethics are addressed from the perspective of a rabbinic discourse stipulated in halakhah. For this reason, I place Lichtenstein in a discourse with two extreme approaches regarding the relations of halakhah and ethics: Levinas and Leibowitz. These two figures emphasize the difference between ethics and halakhah, and thus clarify Lichtenstein's position. Following this, I will show how Lichtenstein's view of ethics is ultimately in the service of halakhah.

Leibowitz, in a collection of essays discussing Judaism, humanism, and society,⁴⁸ sees any focus on humanity, as opposed to man's ultimate duty to God, as a form of idolatry. Hence, ethics—or universalism, as Lichtenstein would put it—is an external category to Judaism. Levinas, on the other hand, argues that religiosity without ethics is empty, because the access to God is only through the face of the other, and that ethics precedes Judaism.⁴⁹ That is, Leibowitz argues for halakhah without ethics, whereas Levinas argues for ethics without halakhah.

approaches mentioned above, he argues that the relations between ethics and halakhah depend on our definitions of halakhah and ethics. While there are different concepts of ethics and, so as not to fall into moral relativism as Lichtenstein admonishes, I will focus on the concept of halakhah that argues for including an ethical component in the shape of the aforementioned guidelines.

⁴⁷ For Lichtenstein, what is at stake throughout his dealings with the questions arising from the relations between ethics and halakhah is the integrity of the Jewish tradition. This is not to say that he is unfamiliar with other works on ethics and religion. Here is the place to mention that his doctoral dissertation was written on the English philosopher of the Cambridge Platonist School, Henry More. Lichtenstein shows More's shift in focus from questions regarding religion and rationality, to the relations between religion and morality and ethics See: Lichtenstein, Aharon. *Henry More: The Rational Theology of a Cambridge Platonist*. Cambridge, MA: Harvard University Press, 1962. pp. 206-208.

⁴⁸ Leibowitz, Yeshayahu. *Judaism, Human Values, and the Jewish State*. Edited and translated by Eliezer Goldman. Cambridge, MA: Harvard University Press, 1992.

⁴⁹ Levinas, Emmanuel. *Difficult Freedom: Essays on Judaism*. Baltimore: Johns Hopkins University Press, 1990. pp. 3-26, 54-58, 142-145, 269-272.

Lichtenstein presents a more ambiguous relationship between these two values—Judaism steeped in particularity as an ultimate duty to God and universalism.⁵⁰

Lichtenstein identifies three different levels of responsibility to humanity: universal duty as a human, a particular duty as a Jew, and one's duties as a "Ben Torah."⁵¹ Through discussing these levels of responsibility, Lichtenstein emphasizes the primacy of humanity in the world. To truly be a full, creative human being *and* a Jew with Torah as a central part of one's life, one must first acknowledge that there is a basic stage of being a human. Lichtenstein is careful to note that the well-being of a person is an important component in a Jew's life. One must work for his own psychological health, if not for his duty to God.⁵² So, while there is a duty to guard God's creation, humanity is part of it, and it is crucial to acknowledge oneself before being able to fully adhere to God's laws. Following the analysis of the importance of one's well-being, Lichtenstein argues that universality is a primordial level to Torah, and, in a way, a base for the revealed divine law. While this view might not be radical in itself, as it is explicated from rabbinic sources, its implications for the nature of halakhah and ethics in Lichtenstein's analysis could be radical.

Torah is based upon the primordial universal values that humanity was obliged to follow before Sinai. Lichtenstein argues that everything demanded of humanity universally does not

⁵⁰ Lichtenstein, throughout his lectures, treats the notion of universalism/ethics in various ways. While it may not always be the same, it implies ethics, humanism, the wellbeing of a human (as opposed to his ultimate duty to God,) and universalism, always in the context of a tension regarding Judaism: external/internal, ethics/halakhah, universalism/particularism, well-being/duty to God, etc. Throughout this paper, I use the term universalism interchangeably with ethics and the other aforementioned terms.

⁵¹ Ziegler, Reuven, and Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. 2nd ed. Jersey City, NJ: Alon Shevut, Israel: KTAV; Yeshivat Har Etzion, 2003. p. 1.

⁵² Ziegler, Reuven, and Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. 2nd ed. Jersey City, NJ: Alon Shevut, Israel: KTAV; Yeshivat Har Etzion, 2003. pp.12-15.

contradict the Torah; it comes in addition to it.⁵³ Once Jews—Israelites—accepted the covenantal law, universalism was integrated into that covenant and, I argue, turned universalism into a Jewish system of values. Here, we see an interesting integration between Leibowitz and Levinas. While Lichtenstein, similarly to Levinas, views universalism or ethics as preceding the Torah, it does not contradict it;⁵⁴ universal values are integrated into the covenantal divine law and become part of the Torah. However, we could also identify Leibowitz’s view in which ethics is an external category to Judaism. This is because, according to Lichtenstein, ethics becomes part of the covenantal Torah, and so its values are not external, but rather *internal* to Judaism. However, unlike Leibowitz, Lichtenstein considers one’s well-being as a duty that comes alongside, or even before, one’s duty to God as a balancing force.⁵⁵ This is a crucial observation. I argue that, in fact, ethics in Judaism for Lichtenstein is in the service of halakhah. Thus, Lichtenstein is like a soft version of Leibowitz—broadening halakhic concepts to include internal moral reasoning, rather than integrating ethics. Leibowitz would not need to broaden halakhah, because halakhah serves only halakhic purposes; anything else would be a form of idolatry. Hence, it is helpful to think about Lichtenstein’s understanding of ethics in relation to Levinas as well; for Lichtenstein, something clearly lacks from the elemental halakhic discourse that Leibowitz represents. Otherwise, Lichtenstein would not repeatedly emphasize this ambiguity in halakhah, or argue for a distinctive halakhic-ethical position: “We must be careful not to lose this foundational rule ‘great is the value of human dignity, *K’vod Ha’Beriyot*’. When we do not face a positive or negative halakhic commandment, we must put in mind this great

⁵³ Ziegler, Reuven, and Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. 2nd ed. Jersey City, NJ: Alon Shevut, Israel: KTAV; Yeshivat Har Etzion, 2003. pp. 20-22.

⁵⁴ There are, of course, differences between Levinas’ perception of ethics and Lichtenstein’s, given that Lichtenstein begins his analysis from Torah sources and Levinas maps his ethics onto the Torah.

⁵⁵ Ziegler, Reuven, and Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. 2nd ed. Jersey City, NJ: Alon Shevut, Israel: KTAV; Yeshivat Har Etzion, 2003. pp. 25-26.

value ... not from a secular-humanist articulation of it. We must insist on *our* [emphasis is mine, D.C.] position of *K'vod Ha'Beriyot* in its various manifestations.”⁵⁶

In the passage above, Lichtenstein expresses his frustration that the principle of human dignity is not used more often in halakhic discourse. He also acknowledges that it is a meta-halakhic issue and that halakhah on its own could be considered lacking when it comes to human dignity. Daniel Sperber expands on this, noting that the principle of human dignity is often not considered a halakhic principle because it is usually appropriated by those who believe in human dignity alone, and not halakhah.⁵⁷ Sperber and Lichtenstein both seek to reintroduce this principle as a more obligatory value that would become a halakhic concept. They both want to turn this seemingly ethical and secular concept into a more definitive halakhic principle. They acknowledge that *k'vod ha'beriyot* has different modes of manifestation than ethics. I would add that *k'vod ha'beriyot* is manifested differently than ethics because the two concepts possess different rationales and premises.

Let us return to my argument that, according to Lichtenstein, universalism is integrated into Judaism. Based on Sperber's observations, there is another piece of evidence that supports my claim. Lichtenstein, in *By His Light*,⁵⁸ argues that ideally, everything is to be done for *avodat Ha'Shem*, in the service of God. If one lives according to work ethics and self-improvement, thus leading a universal life, it should all be *le'shem shamayim*, for the sake of God. Similarly, if everything is done in the service of God, then another aspect of the Jewish law is merely an integrated system of universal values. Such is the case of *k'vod ha'beriyot*, a seemingly ethical

⁵⁶ Lévinas *K'vod Ha'Beriyot*. In “Mahanayim” p. 15. 1993. My own translation.

⁵⁷ Sperber, Daniel. *Darkah Shel Halakhah: Keri'at Nashim Ba-Torah : Peraqim Bi-mediniyut Pesiqah*. Yerushalayim: Hotsa'at Re'uven Mas, 2007. (Hebrew.) pp. 83-84.

⁵⁸ Ziegler, Reuven, and Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. 2nd ed. Jersey City, NJ: Alon Shevut, Israel: KTAV; Yeshivat Har Etzion, 2003. pp. 27-28.

value, in fact being a halakhic one. *K'vod ha'beriyot*, being one of the examples presented to show that halakhah is, in fact, ethical, actually falls under Lichtenstein's categorization of *avodat Ha'Shem* or *le'shem shamayim*. I aim to point towards a distinction between ethics, being guided through the language of rights, and halakhah, as guided through the language of duties to God.⁵⁹

Lichtenstein's distinction between obligatory and non-obligatory actions puts in doubt whether universalism is a category to which a Jew could relate.⁶⁰ Once a universal action⁶¹ is commanded by God, the Torah appropriates it. Thus, the action becomes obligatory. Yet Lichtenstein argues that morality is not subordinated to religiosity. He recognizes that one could be "frum" and be a non-moral person, so morality cannot be a condition to religiosity.⁶² Therefore, morality and religiosity are still two different categories. While this is not Leibowitz's definitive distinction between ethics and halakhah, neither is it Levinas's subordination of halakhah/Judaism to ethics.

However, if we were to view halakhah as having an ethical component, it would be a limited notion of ethics. If so, is it possible to have an ethical system, or to define a system as such, if it is detached from its cause and working in the service of another? Namely, can ethics be in the service of God, and not its original vocation—the human other? And if so, can it still be

⁵⁹ Lichtenstein, Aharon. "Individual Rights in Halakha". This lecture was presented at the Thirteenth Annual American-Israeli Dialogue in July 1977, which was devoted to "The Rights of the Individual under Halakhic, American and Israeli Law." It was published in "Congress Monthly" 45:4-8, 13, March/April 1978.

⁶⁰ Ziegler, Reuven, and Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. 2nd ed. Jersey City, NJ: Alon Shevut, Israel: KTAV; Yeshivat Har Etzion, 2003. pp.104-105.

⁶¹ Analogical to non-obligatory.

⁶² Ziegler, Reuven, and Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. 2nd ed. Jersey City, NJ: Alon Shevut, Israel: KTAV; Yeshivat Har Etzion, 2003. pp. 113-117.

deemed ethical?⁶³ I argue that in this instance, ethics is no longer functioning as ethics, but something else entirely.

The view that ethics is placed in the service of God, even as an addition to being a human and a Jew, is problematic for the concept of ethics as well as for halakhah. Otherwise, the ethical Jew would be serving himself or the other and *not* God, as Leibowitz observes. In the ethical view, if one would perform acts of kindness on behalf of God's commandment, he is initially serving God without any responsibility to the other. In order to maintain halakhic and ethical integrity as two distinct concepts, they must have a distinct conceptual difference. So far, Lichtenstein's discussions of the various aspects of religious life presented in *By His Light* highlight the various aspects of a religious and ethical experience. However, they also raise a problem with the actuality of universalism in regard to halakhah; When halakhah acts "morally" it is a *halakhic* action, not a moral one.

Though Lichtenstein acknowledges that universalism preceded the Torah, once the Torah was given, morality—from a Jewish perspective—is granted a halakhic status. As such, there cannot be a conflict between halakhah and ethics because the latter is practically halakhah. What is left is to discuss the character and nature of the halakhic person in the same way as one would regard ethics, as a separate system. Additionally, Lichtenstein's view on the relation between halakhah and ethics seems, at first glance, to mediate between Leibowitz's and Levinas's views. While, like Levinas, Lichtenstein acknowledges that ethics (or universalism) came before halakhah, the obligation is reversed. It is not through the face of the other that one would reach God, but rather one needs to act morally as part of his *duty to* God.

⁶³ In the light of this question, one can better understand Levinas's position that access to God is only through the face of the other, i.e., through ethics. If we redirect the ethical duty from universalism (the face of the other) to the service of God alone, we lose the ethical component in universalism.

Accordingly, Leibowitz holds that there is no obligation other than to be in the service of God. And indeed, Lichtenstein appropriates universalism as a Jewish-halakhic value. Thus, similar to Leibowitz, Lichtenstein states from a Jewish perspective that ethics is an external category to Judaism. However, I will show in the next section of this chapter that Lichtenstein, in fact, identifies with Leibowitz's view on ethics, turning him to a "soft" Leibowitzian. I argue that ethics is a category not applicable to halakhah, and that the concern for "others" as deriving from *k'vod ha'beriyot* or similar halakhic guidelines is merely part of *avodat Ha'Shem*.

Individual Rights in Halakhah

Lichtenstein, in a lecture discussing individual rights in halakhah, argues that the term "rights" has no halakhic significance. The language of "rights" dominates legal and moral discourse, but not halakhic:

"The very formulation of our topic is non, perhaps even anti-halakhic in character. One can devote a conference to the analysis of the halakhic rights of the individual as one can dissect any legal minutiae. But to place them at the center of a dialogue intended to deal with the legal aspects of the individual's place in society—this is non-halakhic. 'Rights,' natural or other, are the current coin of Roman legists... They are not the lingua franca of the Torah or the Talmud, of Rabbi Akiva or the Rambam. The corresponding Hebrew term 'zekhut' [rights] appears in the Talmud; but ... it is clearly peripheral. The central halakhic categories, in this area as elsewhere, are 'mitzvah' and 'hiyuv'—commandment and obligation, the individual's duties rather than his prerogatives. Whether duties are defined as a function of rights or vice-versa—an important question in other respects—is, for our purposes, immaterial. What is important is the fact that, at the personal no less than at the collective level, the dominant note is normative rather than permissive."⁶⁴

⁶⁴ Lichtenstein, Aharon. "Individual Rights in Halakha". This lecture was presented at the Thirteenth Annual American-Israeli Dialogue in July 1977, which was devoted to "The Rights of the Individual under Halakhic, American and Israeli Law." It was published in "Congress Monthly" 45:4-8, 13, March/April 1978

Of course, halakhah recognizes the term “rights” in a legal context, such as the right to property. But even that right is restricted by a rabbinic guideline arguing that “Mine is mine, and yours is yours...this is a Sodom-type of character.”⁶⁵ The sages, while acknowledging the notion of ownership, seek to restrain the halakhic person lest he lose sight of what is important, namely, his service to God. Lichtenstein emphasizes this point:

“Halakhah is a form of bondage. It is more than that; indeed, the Rabbis insisted it was also a form of freedom. But it is not less. This bondage is grounded in two principles. It derives, in part, from the sheer metaphysical and existential chasm between man and God... one ought to be servant and the other master. It derives, equally, not only from what God is but.. from His role as creator, sustainer, and provider and from man’s corresponding position of dependence. ‘They are My servants whom I brought forth out of the land of Egypt.’ Whatever the basis, however, the reality should be clear. Halakhah speaks of human bondage.”⁶⁶

True, halakhah is a form of bondage. And yet, is it not the case that an ethical life—the presence and moral obligations—binds as well? Our point of departure, regarding the question of ethics and halakhah, was the assumption that ethics is compatible with halakhah. Of course, this assumption is embedded in the whole discussion to this point, and yet there is a fundamental difference between the two systems. The best way to examine the borders between ethics and halakhah is not to observe the end result but rather its guiding super-maxim. Such an inquiry would show that although in both cases, an individual’s “rights” are restricted in the face of the many, the others. For example, both halakhah and a functioning ethical society would condemn a man for stealing, but the reasons for their condemnation are different.

⁶⁵ Tractate Ethics of Our Fathers 5:10.

⁶⁶ Lichtenstein, Aharon. “Individual Rights in Halakha”. This lecture was presented at the Thirteenth Annual American-Israeli Dialogue in July 1977, which was devoted to “The Rights of the Individual under Halakhic, American and Israeli Law.” It was published in “Congress Monthly”45:4-8, 13, March/April 1978.

Maimonides, in his *Mishneh Torah*, states that: “Whenever a person steals property that is worth a *p'rutah* or more, he transgresses a negative commandment, as Exodus 20:13 states: ‘Do not steal.’”⁶⁷ For Maimonides, the reason for not stealing is simply because God commanded man not to do so. The rationale of such a restriction is, as Lichtenstein rightfully noted, due entirely to one’s subordination to the rules of the Torah, and hence to God. The ethical restriction on stealing, however, derives not from one’s obligation to a particular rule, but from one’s rights. The right to property is universal; thus, everyone has a right to own property, and one cannot assume ownership of a piece of property that is owned by another. This is because the other, owning the property, has a right to it. One cannot violate the other’s right in order to execute his own.⁶⁸ Hence, we see a fundamental gap between these two edicts that restrict one from stealing. The halakhic perspective would restrict a person because of his subordination to God’s commandments. The ethical perspective would restrict one for the sake of the rights of others.

Another case related to the issue of ownership, but from a different perspective, is the question of abortion. While the discourse of individuals rights, as Lichtenstein observes, is concerned with one’s ownership of his or her own body, halakhah shows a different angle.⁶⁹ The halakhic argumentation for and against abortion is not a cut-and-dried matter, and is concerned with different levels of exegetical problems. However, here I wish to show only the overarching halakhic principle. According to the Mishnah in Ohalot 7:6, aborting a fetus in utero is permitted,

⁶⁷ Moshe Ben Maimon, “Sefer Nezikin, Chapter One, Hilkhoh G’nevah,” in *Mishneh Torah*. Translation by the author of this paper.

⁶⁸ This is, of course, a very particular perspective on the rules of ownership and its moral grounds. While from a legal and moral point of view there are other issues that need to be addressed, this is not the concern of our inquiry here. Additionally, Lichtenstein himself mentions particular modes of ownership, and so I chose to remain within the boundaries he placed for this discussion.

⁶⁹ Ziegler, Reuven, and Aharon Lichtenstein. *By His Light: Character and Values in the Service of God*. 2nd ed. Jersey City, NJ: Alon Shevut, Israel: KTAV; Yeshivat Har Etzion. pp. 5-6.

whereas aborting a fetus already mostly born is prohibited: “If a woman suffers hard labor in travail, the child (fetus) must be cut up in her womb and brought out piecemeal, for her life takes precedence over its life. If its greater part has already come forth, it must not be touched, for the [claim of one] life cannot supersede [that of another] life.”⁷⁰

This Mishnah is considered a foundational text for any halakhic ruling on the question of abortion. The first case mentioned in the Mishnah permits killing the fetus because of the danger posed to the mother’s life.⁷¹ The second case already views the fetus as an entity equivalent to the mother. The Mishnah does not discuss different cases such as the various stages of pregnancy or special circumstances of the mother; those would be the focus only of later halakhic rulings. Additionally, the Talmud in tractate Sanhedrin 57.b mentions the view of Rabbi Yishmael, that a Ben-Noach⁷² who aborts a fetus has the legal status of a murderer. Maimonides systematizes this law in accordance with the view of Rabbi Yishmael’s⁷³ question, “Can there be any act which is permitted to a Jew and at the same time prohibited to a Noachide?”⁷⁴ Based on Maimonides’ ruling, it is possible to conclude that abortion with no other special circumstance is considered murder. Each life—that of the mother and that of the fetus—is considered as equal, thus offering each entity the chance to live.

Our concern here is not to examine a halakhic ruling on this complex matter on its own grounds, or to show its moral implications. Rather, let us turn to consider the difference between the halakhic approach on the one hand, and an ethical, ex-halakhic approach on the other. The full halakhic argument is not always definitive on the reason that abortion is prohibited, but

⁷⁰ sefaria.org.il/Mishnah_Oholot.7.6?lang=en Online source.

⁷¹ With the implication that the abortion of a fetus is prohibited without an external justification, such as saving the life of the mother.

⁷² Pre-covenantal, but subjected to the seven laws of B’nei Noach.

⁷³ Mishneh Torah, Hilkhhot Melakhim 9:4.

⁷⁴ The Babylonian Talmud, Tractate Chullin 33a.

consistently highlights the concern with taking one life over another. Many halakhic rulers (*poskim*) argue that prohibiting abortion is one aspect of the broader prohibition on murder.

As Lichtenstein notes, the primary *ethical* concern in such a case is for the mother, based on the assumption that her body belongs to her. However, halakhah is not bothered by the question of ownership, as the body does not belong to oneself, but to God. Hence, the halakhic discussion on abortion focuses on one's legal duty to God, specifically regarding the prohibition on murder, with no regard to one's right to his own body.

And yet, while the result of such a discussion might end similarly to the “individual right” mode, namely, aborting the fetus, the guiding maxim that leads to such a decision is different.⁷⁵ The halakhic position would permit abortion, not from the recognition that the mother has a right to her own body, but rather because the fetus is endangering her (in the second case of the Mishnah).⁷⁶ After presenting this brief halakhic discussion, Lichtenstein's remarks now fit well with the arguments presented so far on halakhic premises as having a different super-maxim:

“...the halakhic approach presented here appears rather stringent. This requires no apologetics. But it is worth making clear, certainly to those who, in seeking a humane approach, are liable to adopt slavishly an overly liberal attitude in this area, that from the perspective of the fetus and those concerned with its welfare, liberality in this direction comes at the expense of humanity, insofar as the caution of halakhah is tied to its intimate concern for the values of kindness and mercy. It is not only the honor of God which

⁷⁵ By guiding maxims, or super-maxims, I mean meta-concepts that direct actions. In the halakhic system, it would be the subordination to God, and in a moral system, it would be a concern with humanity, often in the form of rights.

⁷⁶ This issue is halakhically complex, as there are many individual variables that need to be taken into consideration. Likewise, other halakhic principles might come into play as well, such as different degrees of murder, the probability of the fetus to survive, the mother's own life, her spiritual and psychological well-being, etc. However, it is clear that each part of this halakhic equation is weighed in light of the halakhic principle of not to kill, and not the rights of each variable.

obligates us, regardless of the cost, to avoid what is prohibited and to obey the commands of the Almighty that are expressed in this halakhah.”⁷⁷

Halakhah is concerned not with one’s rights, but rather with one’s subordination to the halakhic system. Every halakhically derived action considers the law, which binds the members of the covenant. However, even when considering a more humane view, which in the case of abortion from a halakhic perspective would be hard to define,⁷⁸ one is still subordinated. This is because if halakhah is concerned with one’s duty (“Thou shalt not kill”) and not one’s right over her body, then the life of the fetus comes into the discussion. This is not a halakhic version of two rights that conflict, like in the property example, because it is the prohibition of killing that takes precedence in the halakhic discourse, not the right of one’s ownership of the body or even one’s *right* to live, but rather not killing someone because it is forbidden by halakhah. Once again, the language of subordination comes into play and the difference is emphasized between a halakhic decision and an ethical one.

K’vod Ha’Beriyot: For the Love of God or the Love of Man?

In this section, I will discuss a halakhic principle that is often considered an example of ethical views in halakhah. As with the previous examples, while the outcome might be similar and favorable from an ethical perspective, the halakhic-rabbinic consideration maintains the language of subordination to God as the sole issue of this concept.

⁷⁷ Lichtenstein, Aharon. “Abortion: A halakhic Perspective,” in *Tradition* issue 25 (1991), p.12.

⁷⁸ I say this because the halakhic perspective is considerably different from a “humane” or ethical consideration. Even if we consider only the *outcome* of such a perspective, be it in the favor of the mother or the fetus, Lichtenstein would still argue that the dual consideration (for the life of both the fetus and the mother life) is in itself “humane.” Halakhah is concerned with the foundation of one’s being, namely his or her life, not rights. All in all, it is simply a different system of deliberation than ethics.

As mentioned earlier, Lichtenstein places great emphasis on the notion of *k'vod ha'beriyot*, human dignity, as a halakhic obliging principle.⁷⁹ This principle is also used in the context of halakhic-ethical discourse to argue that indeed, halakhah operates similarly to an ethical system. However, I will show through rabbinic and biblical exegesis that, in fact, *k'vod ha'beriyot* is concerned with the dignity of the Divine rather than that of humans, thus preserving the language of halakhic subordination. As such, halakhic decisions deriving from the principle of *k'vod ha'beriyot* are but another aspect of subordination, and cannot be considered an ethical-right principle. Accordingly, the Midrash *Mekhilta De'Rabbi Ishmael*, in response to the biblical law that a thief pays a different fee for stealing a different animal, notes: “Rabbi Yochanan Ben Zakkai says: God has consideration for the dignity of human beings. For an ox, since it walked with its legs, the thief pays fivefold, for the lamb, since he had to carry it on his shoulders, he pays only fourfold.”⁸⁰

Rashi, using this verse from the *Mekhilta* on his commentary on Exodus 21:37, explains that the reason for the different fee is that the thief has a degree of shame for carrying the lamb on his shoulders. It is interesting to see how this concept of human dignity comes to play in the context of a criminal. This seemingly extreme situation makes the concept of human dignity a mandatory standard in “regular” circumstances. Nevertheless, the Torah sets this concept in the context of people who have committed sins and applies it to other cases as well, using the rule of *kal va'khomeh*.

⁷⁹ Lichtenstein, Aharon. *K'vod Ha'Beriyot*. p. 15. And in: Daniel Sperber. *Darkah Shel Halakhah: Keri'at Nashim Ba-Torah: Peraḳim Bi-Medinyut Pesikah*. pp. 83-84.

⁸⁰ Lauterbach, Jacob Zallel. *Mekhilta De'Rabbi Ishmael: A Critical Edition, Based on the Manuscripts and Early Editions*, English translation by Jacob Zallel Lauterbach. Philadelphia: Jewish Publication Society, 2004. pp. 416-417.

Deuteronomy 21:22-23 offers a similar case: “If someone guilty of a capital offense is put to death and their body is exposed on a pole, you must not leave the body hanging on the pole overnight. Be sure to bury it that same day, because anyone who is hung on a pole is under God’s curse. You must not desecrate the land the Lord your God is giving you as an inheritance.” The Torah rules that it is forbidden to leave a dead body overnight because it desecrates one’s dignity and is “under God’s curse.” Such too is the opinion of the Tosefta in Tractate Sanhedrin 9:7:

Rabbi Meir said: What means the Scripture: ‘for that which is hanged is a curse of God?’ It is as though there were two brothers, twins, who were like one another in appearance; one became king of the world, while the other went off and consorted with thieves. After a time the latter was captured and crucified on a cross, and all who came and went said, ‘it is like as though the king were crucified.’ Therefore it is said ‘because anyone who is hung on a pole is under God’s curse.’⁸¹

Rabbi Meir’s commentary on the verse in Deuteronomy provides an explanation for “God’s curse.” The Torah is not concerned with human dignity qua human, but rather, with human dignity that derives from the dignity of God. Thus, desecrating a human body is desecrating God’s dignity; hence one who does this “is under God’s curse.” Accordingly, the Seforno, in his commentary on this verse, observes the following:

Every separated material substance is called God. And of that type is the substance of the intellectual mind of a human which is called ‘the image of God’...And give that the desecration of the body is done after its death, it desecrates the intellectual human mind which, as mentioned, is a separated substance, hence it is God. This element does not leave the body after its death, and for that reason the scripture notes ‘it is under the curse

⁸¹ Tosefta, Tractate Sanhedrin 9:7. The English translation is my own.

of God,' for leaving the dead body overnight degrades the eternal substance which is God.⁸²

The Seforno notes that due to the death of the body, there is no human component that remains; hence there seems to be no motivation to maintain the human body's dignity. He argues that, in fact, the image of God is what remains, and this is the reason for maintaining human dignity even after death. This argument resembles the conclusion of the Midrash in *Genesis Rabbah*:

Ben 'Azzai said: 'This is the book of the descendants of Adam is a great principle of the Torah.' Rabbi Akiva said: But 'Thou shalt love thy neighbor as thyself' (Leviticus 19:18) is an even greater principle. Hence you must not say, since I have been put to shame, let my neighbor be put to shame. Rabbi Tanhuma said: If you do so, know whom you put to shame, for 'In the likeness of God made He him.'⁸³

The Midrash concludes that, in fact, one should love his neighbor, not because any utilitarian urge or fear that your rights would be overridden by the other's rights—"Hence you must not say, since I have been put to shame, let my neighbor be put to shame"—but rather as Rabbi Tanhuma argues, one must love his neighbor because he is created in the image of God. It is not because of love for one's neighbor that the principle of human dignity is maintained, but rather for the fact that he is created in God's image: that is what he loves in him. Leviticus 19:18 concludes, "Thou shalt love thy neighbor as thyself—for *I am the Lord your God*."

The halakhic use of the principle of human dignity is thus concerned for the sake of God's divine dignity rather than *human* dignity. Now while the derived action from this principle

⁸² Ovadia Seforno (1550.) Commentary on the Torah, Deuteronomy 21:22-23. English translation by author of this paper. Despite the Neo-Platonic elements in Seforno's commentary, it is clear that the reason is not the dignity of man (for none is left after the death of the body,) but rather that of God.

⁸³ Midrash Genesis Rabbah. Section 24, verse 7. English translation by the author of this paper.

would be similar to an ethical action, based on the analysis above, we see a difference in the super-maxim that guides the action, as a meta-consideration to halakhah. Alluding back to the example of abortion, it is noteworthy that there are cases in which, due to the principle of *k'vod ha'beriyot*, a woman is halakhically permitted to have an abortion.⁸⁴ But as seen, even that cannot be considered equivalent to an ethically derived maxim, but rather still true to the halakhic subordination maxim. The concept of *k'vod ha'beriyot* then has halakhic significance, but only in accordance with the analysis above that halakhah subordinates, rather than being concerned with the rights of humans. If so, human dignity is recognized as such insofar as it derives from the dignity of God; hence, it is no surprise that it has the halakhic force to override other halakhic rulings. As it is written in the Talmud, “Great is [the concept/value of] human dignity since it overrides a negative commandment of the Torah.”⁸⁵ But of course, it overrides the Torah since it *is* the foundation of the Torah, and it has the same driving force as halakhah—service to God.

The Jewish system of values, which is the driving force of halakhah, adheres to its own logic while remaining compatible with rational ethics. This point will be addressed in the sections below, but before it is further discussed, we need to understand the difference between ethics and morality in this Jewish-legal context and how they come into play as identity- and selfhood-defining concepts. The distinction Paul Ricoeur draws between ethics and morality helps to bridge the gap between culture- and value-specific ethical maxims and universal ones.

⁸⁴ Such is the ruling of the Khavot Yair in a case where having the child would have brought shame on the mother and her family. The reason given is “K’vod Ha’Beriyot.”

⁸⁵ The Babylonian Talmud, Tractate Berakhot 19b. Translation to English is my own.

According to Ricoeur, selfhood implies otherness to such an extent that selfhood and otherness cannot be separated.⁸⁶ The self implies a relation between the same and the other. This dialectic of the self and other contradicts Descartes' *cogito* ("I think, therefore I am") which posits a subject in the first person (an "I" or an ego) without reference to an other. Thus, the hermeneutics of the self differs from the philosophy of the *cogito*. The hermeneutics of the self reaches a different type of certainty than that of the philosophy of the *cogito*. While hermeneutics leads to an attestation (belief) of truth or certainty, the *cogito* asserts indubitable knowledge of truth or certainty. Ricoeur explains that attestation, as a form of belief, is not inferior to knowledge. Attestation expresses a different type of certainty. It is a testimony by the individual self, an assurance that the self believes in the truth or validity of something. Individual identity may be viewed as either sameness or selfhood. To be identical to someone in some quality or characteristic is to have the same quality or characteristic as that person. To be identical to something in some quality or characteristic is to have the same quality or characteristic as that thing. Identity may be viewed as either a state of being the same as someone or something, or as a state of being oneself or one thing and not another.

If someone or something is not the same as another person or thing, it may indicate that each has an individual identity. Selfhood may refer to an identity that belongs to an individual person or thing, and not another. Ricoeur explains that sameness is not selfhood. Sameness may denote a numerical identity, such as oneness or unity (as opposed to plurality). Sameness may also denote a qualitative identity such as a resemblance or similarity, an uninterrupted continuity, or a lack of variation and diversity. Selfhood, on the other hand, refers to the identity that

⁸⁶ Paul Ricoeur's *Oneself as Another* (1992) is based on the Gifford Lectures which he delivered at the University of Edinburgh in 1986. The lectures were titled "On Selfhood: The Question of Personal Identity." The lectures examine the meaning of personal identity and explore the relationship between identity and selfhood.

belongs to an individual self, and is not the same as the identity belonging to another individual. Selfhood may refer to the identity that belongs to oneself *and not* another. But selfhood may also refer to the identity that belongs to oneself *as* another. *Oneself as another* may be a mode of selfhood rather than sameness. The sameness of oneself as another may have an ambiguous relation to selfhood.

Narrative identity is characterized by the dialectic of sameness and selfhood. The identity of an individual or a character in a narrative is their narrative identity. A character in a narrative is an individual who may be re-identified as being the same. However, the narrative identity of the character also reveals a form of selfhood. Narrative identity defines a character or individual as an agent of action. Action theory describes an agent's capacity to act, while moral theory describes an agent's obligation to act. Thus, narrative theory can mediate between action theory and moral theory (between the actions of an individual and the ethics of the individual). Ricoeur views narration as a transition between description and prescription. A description is an account or representation of something, while a prescription is a direction for, or judgment about, something. Narrative theory includes evaluation of plot, action, character, theme, and method. To prescribe something as good or bad is different from describing it. To prescribe is to say what ought to be done; to describe is to say what is. The similarity or difference between prescription and description is revealed by the similarity or difference between judgments of value and judgments of fact. Ricoeur draws a distinction between ethics and morality by defining ethics as an aim for personal conduct while defining morality as the articulation of this aim in social norms. Morality is thus a limited form of ethics. Ricoeur also argues that the self-esteem which results from the aim to be ethical is more fundamental to the development of selfhood than the self-respect resulting from compliance with social norms.

The ethical aims of the individual must be subjected to moral norms, but respect for norms reaches its full meaning only when based on a respect for others. Thus, the self-respect gained by compliance with moral norms becomes respect for oneself as another. This is not moral solipsism but rather constitutes empathy and concern for others. Solitude is the term Ricoeur uses for this empathy and concern for others. Responsibility is a state of accountability for events or actions within a person's control. Responsibility may be accepted prospectively or retrospectively. A person may also accept responsibility for an ongoing action or present situation. Ricoeur explains that the dialectic of selfhood and sameness is seen in the assignment of responsibility, in that the self held to be responsible for an action or situation must be the same self imputed to be the agent of the action or situation. Thus, the moral identity of the self is defined by the same dialectic as the narrative identity of the self.

According to Ricoeur, the transition from the Same toward the Other is dialectically complementary to the transition from the Other toward the Same. Both of these modes of transition have an epistemological, as well as an ethical, dimension. For the individual self, the Same and the Other are each designated as agents of responsibility. The dialectic of Same and Other define the responsibility of the self, in that the acceptance of responsibility is an attestation of selfhood. Ricoeur's *Oneself as Another* is an illuminating examination of the meaning of personal identity. Ricoeur describes how selfhood is related to otherness, and how otherness belongs to the meaning of selfhood. He also describes how selfhood and otherness are related to ethical identity: "The dialectic of self and other may lead us to recognize that the self may refer to itself as not only itself, but as other than itself. This dialectic may be revealed as not only that of self and not-self, but as that of oneself as another, oneself and not another, another and not oneself, another as oneself. The dialectic of self and other may be dynamically changing."

Generalizability of Ethics and the Particularity of Halakhah

Above, Ricoeur has shown how to distinguish between the components of ethical and moral action. In what follows, I will show how such a distinction can work within a halakhic context.

Throughout his writings, Soloveitchik uses and discusses terms including “ethics,” “morality,” “halakhic morality,” and “ethical norms.” While each of these terms deserves a closer look and are sometimes used interchangeably, here I seek to disentangle the *source* of ethics as contrasted with the *content* of ethics in Soloveitchik’s thought. I argue that while these two things can be compatible with one another, this is not always the case when working within a halakhic framework. The universal nature of ethics demands that we at least *attempt* to understand the relation between the particularity of halakhah and the generalizability of ethics.

Soloveitchik operates within the realm of theological ethics, which from his point of view is akin to universal ethics. A key component in ethics, as understood by Kant, is the notion of freedom, which in turn is tied to rationality; the capacity of having rational thoughts enables the spontaneity of free-willed actions. Expanding this line of reasoning, we can argue that freedom is thus deduced from morality, and in turn, is necessary for humanity to be accountable for their actions and thus lead an ethical way of life.

The rabbinic tradition, which Soloveitchik draws upon, also has a concept of freedom. In the third century Mishnaic composition, *The Ethics of Our Fathers* 6:2, we find a teaching which exposes a Jewish understanding of freedom: “And it says, ‘And the tablets were the work of God, and the writing was the writing of God, graven upon the tablets’ (Exodus 32:16.) Read not haruth [graven] but heruth [freedom]. For there is no free man but one that occupies himself with the study of the Torah.” A person who occupies themselves with learning Torah (in the

broader sense including *derekh eretz*, for example, not only Jewish law) is a free person. Thus, they create a space for acting with free will and leading an ethical life. Soloveitchik's concept of ethics is rooted in both this third-century teaching and the Kantian concept of freedom.

In the next section, I will examine Soloveitchik's use of ethics in two ways. I will first question whether ethics can be compatible with halakhah and examine Soloveitchik's account of the creation and its moral implications in order to reach an understanding of the gap between the source of ethics and the content of ethics.⁸⁷ This illustrates the compatibility of the universality of ethics and halakhah. From there, I turn to Soloveitchik's reading of Maimonides's *Guide to the Perplexed* where I show that for Soloveitchik, there are particular ethical actions that are derived from a specific covenant with the Divine, meaning that the Torah offers us not only halakhic but also ethical content.⁸⁸

Universal Revelation as an Ethical Binder

Throughout his writings, Soloveitchik alludes repeatedly and in various forms to the creation of Adam and Eve in Genesis 1 and 2. While this account seems to derive from his familiarity with the dialectic theological movement of the 1920s, Soloveitchik provides a Jewish interpretation of this account. In analyzing these accounts, Soloveitchik concludes that the difference between the two accounts is due to Adam's transformation from *homo-natura* to *homo-persona*.⁸⁹ This transformation has ethical consequences. While Adam and Eve are still created in *Imago Dei* or *Tzelem Elohim*—"the image of God"—it is God's direct commandment

⁸⁷ Joseph B. Soloveitchik, *Family Redeemed: Essays On Family Relationships*, edited by David Shatz and Joel B. Wolowelsky. New York: Toras HoRav Foundation, 2000.

⁸⁸ Joseph B. Soloveitchik, *Maimonides: Between Philosophy and Halachah: Rabbi Joseph B. Soloveitchik's Lectures on the Guide of the Perplexed*, ed. by Lawrence J. Kaplan with Foreword by Dov Schwartz. Brooklyn: Ktav; Jerusalem: Urim Publications, 2016.

⁸⁹ Soloveitchik, Joseph B., "Adam and Eve" in *Family Redeemed: Essays on Family Relationships*. 2000. pp. 11-14.

that obliges them to an ethical life (Genesis 2:16) not the essential nature of their being. My claim here is that the source of ethics as derived from a divine commandment might outweigh the universality of the *homo-natura*, leading to a particular notion of obligatory ethics. By “particular obligatory ethics,” I refer to halakhah, since it does not, I argue, oblige the *homo-natura*.

Genesis 1:26-30 describes, according to Soloveitchik, the *homo-natura*. The human at this point is in a universal, natural state. He is part of nature, organic and unified with it. As Soloveitchik states:

The first chapter of Genesis... is concerned mainly not with man, but with the cosmos, organic as well as inorganic... Torah mentions the creation of man since the latter is a part of the universe... man... is not outside the cosmos, not alien to nature... Man is a child of Mother Nature as is the brute and the beast.... Indeed, the naturalistic formula of man—the conception of the human being as part of nature—was a truism among Chazal.⁹⁰

The naturalness of man is a Jewish philosophical premise according to Soloveitchik. However, while man in that state is still created in *Imago Dei*, he is not yet capable of practicing *Imitatio Dei*, a central theme for Soloveitchik because “Natural man is contrasted with God, the former’s transient existence with the eternity and omnipotence of the Creator.”⁹¹

Imitatio Dei for Soloveitchik is the core of ethic,s and when one lives ethically, he walks in the ways of God and imitates His ways. Though this does not follow directly from the quote above, Soloveitchik adds towards the end of that section: “Perhaps the central norm in our ethical

⁹⁰ Soloveitchik, Joseph B., “Adam and Eve” in *Family Redeemed: Essays on Family Relationships*. 2000. p. 6.

⁹¹ Soloveitchik, Joseph B., “Adam and Eve” in *Family Redeemed: Essays on Family Relationships*. 2000. p. 7.

system is related to *Imago Dei*... it is up to man to either realize or shake off the *Imago Dei*.”⁹²

So, while they have the capability to live ethically in the natural world, they do not yet have the Divine imperative and urge to do so. This is because: “...man and woman of whom chapter one speaks have not made as yet the momentous decision to turn a non-reflective, indistinctive existence into a self-conscious one.”⁹³

Man and woman, as described in the first chapter of Genesis, still require the properties to live and think ethically beyond their obligation to the natural world. To become self-conscious, they must no longer live as one with nature and must instead enter into a self-reflective existence. This renders clear Soloveitchik’s paradoxical assertion that the most ethical form of existence is man’s egocentrism.⁹⁴ That is, only when one is capable of thinking outside of oneself, in a reflective mode, he is then able to truly attune to the Divine, mimicking the Divine through an egocentric modality. This is the same Divine mode which sparked the overflow of *chesed*, resulting in the act of Creation.

What I like to emphasize about the *homo-natura* is that for Soloveitchik, while there is an inherent ethical capability emerging from man’s *Imago Dei*, he is not yet able to be obliged; this will require a transformation. I am not arguing that man is not an ethical being, but rather, that the source of the ethical commandment, the Divine imperative, adds something more to *Imitatio Dei*. The concept of *Imitatio Dei*, while central, envelops the potentiality of being, for he is “involved in the process of realization, in whom the element of distinctiveness is about to become reality.”⁹⁵

⁹² Ibid.

⁹³ Soloveitchik, Joseph B., “Adam and Eve” in *Family Redeemed: Essays on Family Relationships*. 2000. pp. 7-8.

⁹⁴ Soloveitchik, Joseph B., *Maimonides: Between Philosophy and Halachah*. 2016. pp. 200-202.

⁹⁵ Soloveitchik, Joseph B., “Adam and Eve” in *Family Redeemed: Essays on Family Relationships*. 2000. p. 8.

I argue that in order for the *Imago Dei* to be manifested into an actual ethical commitment of *Imitatio Dei*, man needs to “give birth to a *humanus*,”⁹⁶ a fully actualized human. This is the theme of Genesis chapter 2, where God calls to man and commands. The source of the ethical is found there. Chapter 2 of Genesis opens with a summary of the creation of the natural world. “Eleheh toledot haShamaim veHaAretz beHibaraam” (Genesis 2:4, “This is the account of the heavens and earth as they were created.”) But soon after, we realize a difference in the way Scripture refers to the Creator of this world. Soloveitchik points to the fact that in chapter 1, God was referred to as “Elohim,” and chapter 2 adds another name: “YHWH,” the tetragrammaton. The name “Elohim” corresponds well with Soloveitchik’s description of man in chapter 1, referring to him as *homo-natura*.

Indeed, man is part of nature and God is the might of the entirety of creation. “Elohim” conveys the notion of raw and natural power. Alluding back to man still being created in *Imago Dei*, it is interesting that Soloveitchik speaks of the nature of that same God: “the image of Elokim is found in the grandeur and might of the cosmic drama; the sanctuary of Elokim is nature.”⁹⁷ The *homo-natura* corresponds to this image of God. This all changes with the appearance of the tetragrammaton. Soloveitchik understands that through the name YHWH, God communicates directly with man, not through nature. Man no longer relates to God in a non-personal way; he becomes an “I,” manifesting as a *persona*. Chapter 2 is then concerned with man rebelling against nature, attempting to find and gain his individuality. Into this existential void God enters and commands him, placing upon him the duties of ethics.

⁹⁶ Ibid.

⁹⁷ Soloveitchik, Joseph B.. “Adam and Eve” in *Family Redeemed: Essays on Family Relationships*. 2000. p. 9. (The spelling Elokim in the quotation is a Jewish way to avoid writing or pronouncing the name of God.)

Note that chapter 2 does not refer to God solely as “YHWH,” but continues to use the name “Elohim.” The combination of “YHWH Elohim” reinforces my argument that the *homo-persona* does not cancel the *homo-natura*, but rather adds to it. Man is still part of nature, but he has a vocation, a calling from God—ethics. Ethics construes the form of Adam’s beingness in the world. If, in the primal state, Adam as part of nature strove to know and to understand and to make the most of his life before death, once he becomes a reflective Being, man finds his meaning in an ethical calling. I propose that this is the meaning of the primal *Imago Dei*, which even the *homo-natura* possesses, the urge to beat death and to know—to gain immortality and omniscience, second only to God, for “אֲנִי אֶמְרַתִּי אֱלֹהִים אַתֶּם וּבְנֵי עֲלִיוֹן כְּלֶכֶם” (Psalms 82:6) “I have taken you for divine beings, sons of the Most High, all of you.” While Soloveitchik does not say so explicitly, I wish to suggest that the ethical is actualized because of its source, the Divine.

The *homo-persona* is transformed by God’s calling to him in the form of “VaYetzav YHWH Elohim,” “and God commanded” (Genesis 2:16). This contrasts with the form seen earlier in Genesis, “Vayomer Elohim” (“and God said.”) A simple act of utterance grants ontological validity to the world, but Adam needs something more; his existential crisis is not solved through the ontological, but rather when given concrete substance in the form of ethics into beingness in *Imago Dei*. The direct divine call compels Adam and Eve to live in accordance with a “divine imperative.”⁹⁸ Hence, the source of the ethical is not only *Imago Dei*, but also the *Imitatio Dei*, set upon them when God commanded them.

While man has a universal-general disposition to ethics, he is not completed with this natural-universal form. A closer reading of Soloveitchik’s account of the creation shows his understanding that one needs an imperative to lead man away from a mere ontological existence.

⁹⁸ Soloveitchik, Joseph B.. “Adam and Eve,” in *Family Redeemed: Essays on Family Relationships*. 2000. p. 11-14.

A direct divine command compels man to live and think ethically and self-reflectively, a form that did not exist naturally in the beginning. Can this divine imperative be what the particular commandments of halakhah demand? Let us turn now to this question.

Covenantal Ethics and Particular Halachic Actions

Soloveitchik, in his reading of Maimonides's *Guide to the Perplexed*, presents a narrated interpretation of the *Guide*. He attempts to set Maimonides as an ethical thinker, while at the same time noting the discrepancies between his halakhic writings—the *Mishneh Torah* and the *Guide*—which Soloveitchik posits as a more philosophical version of the *Mishneh Torah*'s theologically-minded content. In so doing, Soloveitchik homologizes between the *Guide* and the *Mishneh Torah*. That is, the *Guide* provides philosophical tools to extrapolate ethical norms, and the *Mishneh Torah* provides concrete ethical actions. Soloveitchik's reading of Maimonides, I argue, leads us to the understanding that there are concrete ethical duties deriving from the Torah. For Soloveitchik, the source is the Divine, and the content encompasses all fields of life.

Let us examine the three prophetic stages: the first level is ethical-individual (or ethical-intellectual), the second is the prophetic moment, and the third is the public-ethical (teaching level), compelling the prophet to go out into the world and share that knowledge as an *ethical* maxim. Thus, the *Guide* is a prerequisite to the *Mishneh Torah*, insofar as it teaches a scientific method to know God, hence the ability to love God, leading the potential prophet to want to live ethically as a result of this cycle of increased knowledge of the Divine. The *Mishneh Torah* then provides explicit instruction to assist one in carrying out their ethical desire, which already has a strong philosophical-theological foundation.

Philosophy and prophecy for Soloveitchik both stem from the desire to know God, but prophecy adds the ability to comprehend Him. Prophecy is the intellectual component of

halakhah. The *Guide*'s motto, as Soloveitchik states, “וִיקְרָא בְּשֵׁם ה' אֱלֹהִים”⁹⁹ is then not an act bound in a temporal event, but rather a call which compels the prophet once he reaches a certain level of understanding.

Ethics, as Soloveitchik understands it, seems to be the desired deriving force for the Jewish halakhic person. Man has the capacity to look at the world and derive a desire to understand God, but God's attributes, per Maimonides, serve as the only available basis for this. Soloveitchik, strongly influenced by his reading of Maimonides, argues that one can know God through the world and that God is accessible, in contrast to the classic medieval view of divine knowledge as inaccessible. But there is a price to knowing God intellectually in this way – one is compelled to practice *Imitatio Dei*, and live an ethical life in the form of halakhah. In his reading of the *Guide*, Soloveitchik thus asserts humanity's desire to know something beyond itself, just as we saw earlier in his account of the Creation—this time through his reading of the *Guide*. Both lead him to the same conclusion: that man possesses a Divine imperative towards ethics.

Referring both to the account of the creation and to Soloveitchik's reading of the *Guide*, the entire world (as seen through the *Torah*) is a world of ethics. We can find this notion expressed elsewhere within Jewish Scripture and thought, and attempt to extrapolate Soloveitchik's likely interpretations of it.

In Psalms 89:3, the world is described as “*olam chesed yibaneh*” (“a world founded on *chesed*”). The entire world works through and with *chesed*. *Chesed*, I argue, can be interchanged with “ethics” inasmuch as both are all-encompassing ways of being. Just as ethics is a complete lifestyle, so in Psalms *chesed* is the complete world—the world from which Soloveitchik sees ethics as being derived. Moreover, for Soloveitchik we might reasonably (yet hypothetically)

⁹⁹ “and [Abraham] invoked there the name of יהוה, the Everlasting God.
sefaria.org.il/Genesis.21.33?lang=en&with=all&lang2=en

extrapolate that “אסתכל באוריינתא וברא עלמא”¹⁰⁰ (“The Divine, Blessed be He, looked in the Torah and created the world”) is not merely an obscure Midrashic teaching, but a call to an ethical command through looking at and understanding the world God created.

In this sense, the entire world is the Levinasian face of the other, where one assumes an ethical responsibility towards the other. Though first, as seen above, Adam must turn into an “I” to the divine “Thou.” This is a reciprocal process: a human who sees the world desires knowledge of God, leading one to seek more. God then meets this person, granting her prophetic insight, which then at the highest level —such as in the cases of Abraham and Moses—compels that person to become a teacher of ethical norms and actions. The Torah is the ultimate product. Thus, while one lives according to ethical norms, they all derive from the Torah. This is the third stage of prophecy, teaching, considered to be the ultimate stage of man’s ethical development.

Looking back at the universal state of Adam before God’s command to him in chapter 2, the first stage of prophecy can be equated with Adam in chapter 1. Man looks at the natural world, and seeks to *know*, but true knowledge beyond that of nature is ethical in content. The second prophetic stage is required for this: the prophetic-ecstatic, wherein God is revealed to the seeker of knowledge. We see this in His self-revelation as “YHWH-Elohim.” This offers man personal knowledge of God to which he can relate, but more so, it is an ethical call, enabling him to practice *Imitatio Dei*. Why is a third stage of prophecy necessary? What could be beyond revelation of God and an ethical call to man? I argue that Soloveitchik’s need to conceptualize a third stage stems from the impossibility of confining ethics to the interpersonal relationship with

¹⁰⁰ *Zohar, Parashat Teruma* (א,קס"א.) Though Soloveitchik did not refer to this saying explicitly, I think it encompasses his general direction in commentary on the *Guide*. Kaplan, Lawrence J., Dov Schwartz, and Yaakov Homnick. *Maimonides Between Philosophy and Halakhah: Rabbi Joseph B. Soloveitchik’s Lectures on the Guide of the Perplexed at the Bernard Revel Graduate School* (1950-51): Based on the Notes of Rabbi Gerald (Yaakov) Homnick. First edition. Brooklyn, NY: Urim Publications, 2016.

the Divine. A public is required, as we discovered earlier. Ethics are manifested through teaching (and continued personal praxis, of course), but only after man has connected fully with God—this is the egocentrism which Soloveitchik desires, as the fully developed stage of ethics.

Soloveitchik's simultaneous concern with the stages of prophecy in the *Guide* might not be coincidental. As discussed earlier, the second stage, the prophetic moment, is granted by the free will and *chesed* of God, endowing the prophet with true access to Divine understanding, leading him to the desire to teach—carrying the new ethical understanding to the public in the form of Torah. In this understanding, the *Mishneh Torah* is itself a product of second-stage prophecy and represents an iteration of third-stage prophecy.

Referring to the Zoharic quote in Teruma 161, Soloveitchik, in his explication of ethics through the Torah, reverses the saying “אסתכל באוריינתא וברא עלמא.” While God looks at the Torah and creates an ethically sustained world, man looks at the world and in it accesses the Torah and an understanding of the Divine. God, through the Torah, calls for one to look at the world and act ethically through this observation. According to Soloveitchik, when one acts ethically with the Torah as one's basis, one is driven to discover ethical truth in the form of halakhah.

Throughout this section, I have explored the relationship between the source of ethics and the content of ethics according to Soloveitchik. Since the source of ethics—the Divine, and His creation, man—are universal, so too the content of ethics might be at times universal. Jewish ethics is therefore not necessarily constrained to halakhah alone, but might be compatible with other forms of philosophy that account for the universals which halakhah takes as its basis. Halakhah, I argue, in the mode Soloveitchik describes it, is a form of lifelong ethical and intellectual endeavor.

The *source* of ethics as discussed in this paper is of central importance to my conclusions. We can summarize two concluding points of analysis resulting from Soloveitchik's exploration of the creation. Firstly, in Genesis 1, Adam has a general disposition towards ethics because of his creation in *Imago Dei*. This effectively means that Adam, before the covenant, could live an ethical life even without a Divine calling. However, this ability to act and live ethically does something more according to Soloveitchik: *Imago Dei* leaves Adam with a yearning for knowledge. In turn, this search for knowledge and individuality ends in a reflexive and individual modality of life after God's commandment. Secondly, God personally commands and addresses Adam. This places on Adam a divine imperative to act ethically. Adam now knows how to be an ethical human because he is called to ethical action by an ethical Divine. He is imbued with the potential for full human—i.e., ethical—development.

This brings both the form and content of the ethical together and places them in a new light. While Adam in the primal state, before God's direct calling, had some ethical-universal disposition, as he was part of nature, he did not yet have the full developmental scope. Per Soloveitchik, the Torah provides the divine imperative as well as the ethical disposition and yearning for knowledge. Whether it begins with looking at nature (per the Maimonidean prophet and Adam before him), with noticing God, or with engagement with the *Torah*, knowledge of the divine teaches and compels the Jew to live ethically. Thus, the source and content of the ethical merge through halakhah.

However, we must take into account that there are differences between the content of the ethical and its source. While in the context of halakhah they are one and the same, this is not the case in non-halakhic and/or non-Jewish systems. As seen in Soloveitchik's analysis of the account of the creation, Adam was ethical before the divine imperative, but only as part of

nature. Adam had a natural-ethical relationship with the world as nature, not a particular system which is divinely inspired with legal implications. Was he less ethical than a halakhic person? I argue that within that context, he was not. Halakhic ethical accountability per Soloveitchik requires a covenantal agreement: the Torah. The content of his ethical acts might have been limited, but only in comparison to what halakhah demands.

While ethics and halakhah behave in a similar way in praxis, the mode of authority is different. This is the kernel of Hermann Cohen's criticism that Judaism and Kantian ethics are not compatible, since the latter is universal and humanly autonomous. However, can halakhah also operate in this way and overcome Cohen's critique? While formally, halakhah is divinely inspired and its authority is religious rather than human, in reality, the way halakhah is conducted is in fact human derived and thus has a degree of autonomy.

The process and method of creating the halakhic corpus has been viewed by many as purely formalistic. I refer to halakhah as a *conceptual creation*,¹⁰¹ which consists of an ideal system and halakhic postulates. This, I argue, is the case in Soloveitchik's approach to halakhah. For Soloveitchik, halakhic postulates are similar to the Kantian ones, where it is an idea which has meaning only in the context of an ethical action. Similarly, the act of creation in halakhah contains a system of ideas which are meaningful within their own isolated context. For example, as seen above, the religious actions of observing the Shabbat gain meaning only through its halakhic framework. This conception of halakhah is very much a derivative of Hermann Cohen's epistemological idealism.¹⁰²

¹⁰¹ The term "conceptual Halakah" was coined, and its implications discussed, by Dov Schwartz in his article "עוד על תפיסת ההלכה של הרב יוסף דוב סלובייצ'יק: בין הקונספטואלי לתודעתי" in *דיני ישראל*, כרך ל', 2005, pp.155-178.

¹⁰² Kaplan, Lawrence, "Rabbi Joseph B. Soloveitchik's Philosophy of Halakhah," *The Jewish Law Annual* 7 (1988), pp. 139–9. This was also penned by Rabbi Soloveitchik himself in his *Halakhic Man*. See

For Soloveitchik, the principles of epistemological idealism are the mode to understand his halakhic idealism.¹⁰³ According to this view, idealism and epistemic halakhah create their own “objects of thought,” and as Hermann Cohen coined, it is an “objective reality” in the sense of creating the link between the concept of infinitesimals and natural science’s ability to represent reality. The world outside these modes of recognition is pale and unclear by comparison. Soloveitchik completes his halakhic idealism approach with a concept taken from the philosophy of science, where a scientific claim stems not from the observed world of the senses—on the contrary, it is the world of the senses which stimulates the scientist to develop an abstract conception of the world. In a similar way, halakhah is an abstraction, with no direct causative relation to the observed reality. This is the essence of learning culture in which Soloveitchik was immersed for his whole life, through his attempts to put it in metaphysical terms. “*Lamdanut*” (למדנות), translated as erudition or scholarliness, refers not only to traits of intellect in Jewish orthodox culture, but also a style of learning and a way of life. For Soloveitchik, this stems from the rabbinical school and family he comes from; the Brisker method is a reductionistic approach to the study of halakhah designed by Rabbi Chaim Soloveitchik of Brisk. The key points of this method are viewing halakhic and Talmudic discourses through conceptual paradigms, and through that deduce the halakhic ruling in each case.

For Soloveitchik, we might view his employment of the Brisker method in phenomenological terms. That is, the actual reality is the reality of the mind or consciousness, meaning real facts stem from what the mind deduces. To uncover or reveal reality, one must

Soloveitchik, Joseph Dov, and Lawrence Kaplan. *Halakhic Man*. First paperback edition. Philadelphia, PA: Jewish Publication Society, 1991.

¹⁰³ Soloveitchik showed this in his own dissertation work, *Das reine Denken und die Seinskonstituierung bei Hermann Cohen* (1933).

bracket the world of the senses and focus on the essence, which is the consciousness (or a recognition of essences. In Soloveitchikian terms, this means that the same mind seeks to know the abstract Divine and the meaning of divine actions. Soloveitchik's phenomenology is characterized as dialectical; he transcends Hermann Cohen's idealistic realism and enters the realm of his philosophical rivals, the conservative, anti-liberal dialectic theologians. This model of halakhic phenomenology suggests that the ideal paradigm of halakhah represents and directs the consciences towards the concepts of reality. Through this, halakhah matches or rather, reflects the human nature and remedies it (in the ethical and moral sense).

According to the model described above, the religious or halakhic consciousness, behaves in accordance with its own internal law. As such, halakhah is autonomous. Soloveitchik was perhaps influenced by another phenomenologist of religion, Max Scheler, whom he often cited in his writings. Scheler uses the term *Glaubensevidenz*, where the inner evidence of faith grants continuous meaning to the given religious system. That is, the laws and rules of the system are autonomous and consistent, and they behave similarly to any other human autonomous system.

Evidently, halakhah is internally autonomous, based on the universal principles of religious phenomenology. These principles are worked through the formalistic concepts of halakhah, which in turn create their inner consciousness, thus forming halakhic realism. The section that follows will present the view that not only can halakhah be autonomous through its own internal logic, but it is also sociologically determined based on human decision making. Thus, halakhah also behaves autonomously in the fashion that one expects of Hermann Cohen's ethical structure.

While the Soloveitchikian method ascribes concepts to halakhic language, conceptualizing halakhah is not always sufficient for the understanding of a halakhic case. Halakhic concepts might mean something else based on the context, and the employment of the concepts and ascribing meaning to them is often done based on a purely human consideration. That is to say, contrary to the Soloveitchikian method and the leading approach in the philosophy of halakhah, halakhic norms are often contextualized based on the concrete needs of the given person or community.¹⁰⁴ Ancselovits uses a colloquial example to demonstrate how concepts and terms must be placed in context. When one says that they love their spouse and love ice cream, evidently, they do not mean the same meaning or degree of “love.” Clearly, any attempt to identify the term “love” when it is directed at a spouse, with the same word used in reference to ice-cream, is wrong. When one declares that they love ice cream, they do not mean that they wish to live their lives in companionship with the object of that love, unlike the term “love” employed when directed at one’s spouse. Thus, we cannot define the meaning of a concept without understanding the context in which it is used. Of course, there are similarities, such as the similarities between a similar halakhic concept in different halakhic cases or rulings, but similarities do not imply an identical meaning.

The same principle is used in halakhah. The following case study will demonstrate how halakhic concepts do not always work. Instead, when one pays attention to the halakhic language, halakhah is conducted not through concepts but through human needs,¹⁰⁵ which are reflected through halakhic language.

¹⁰⁴ Ancselovits, Elisha. “Using Formalist Language Appropriately for Halakhic Decision-Making,” in *Maagalim* 5: pp. 157-184. (Hebrew)

¹⁰⁵ Human needs, in the context we are dealing with, reflect an ethical demand.

Among the many laws in the Shulchan Aruch, the codex of law universally accepted among traditional Jews, one section in particular seems removed from any potential to ascribe to it an ethical, moral, or value meaning: the laws of *niddah*. Formally, these laws originated as part of the many laws pertaining to the status of purity and impurity of people (all genders) seeking to partake in the rituals of the tabernacle and later the temples. Simply put, any discharge from one's body grants a level of impurity,¹⁰⁶ followed by a period of waiting for the discharge to stop, in order to bathe in a ritual bath (a *mikveh*) and be re-granted the status of "pure." The laws of purity and impurity which appear in the second part called "Yoreh De'ah",¹⁰⁷ are commonly known as "family purity." In short, they regulate the physical interactions between men and women (the context in Shulkhan Arukh and its commentators is mostly that of married—or to be wed—men and women), including intercourse and other forms of affection shown during and after the period of menstruation. Historically, the laws of family purity have been criticized and even rejected by liberal streams of Judaism, as they seem to degrade and mark women as "dirty" and "impure." While there are new trends in various liberal Jewish denominations towards reclaiming the practices of niddah,¹⁰⁸ formalistic concepts have not served the laws of purity well. Taken at face value, it is easy to disregard family purity laws as oriented at degrading women by seeing them, and only them, as impure since, traditionally, only the laws pertaining to women's menstruation have remained in the Jewish codex of law regarding the laws of purity

¹⁰⁶ While different forms of bodily discharges can, biblically, grant a status of impurity, the context most commonly discussed regarding purity laws, is genital discharges.

¹⁰⁷ The Shulchan Aruch consists of four parts, modeled and mapped onto the "Tur," the fourteenth century codex of law compiled by the RoSh (Rabbi Yaakov Ben Asher). The four parts are: *Orach Chayim*—pertaining to the laws of prayer and synagogue, Sabbath, and holidays; *Yoreh De'ah*—laws of kashrut, conversion, mourning, laws pertaining to Israel, and laws of family purity (niddah); *Even Ha'ezer*—laws of marriage and divorce; and *Choshen Mishpat*—laws of finance and damages (both personal and financial), and the laws of conducting a Jewish court.

¹⁰⁸ Such as the custom to mark various life cycle events, or even mournful events such as a miscarriage, with bathing in the mikveh.

and impurity. This was often the case when Rabbis of the nineteenth century Reform movement in Germany addressed this section of halakhah, generally dismissing the Mosaic laws pertaining to the body as “primitive” and irrelevant.¹⁰⁹

What I will present next attempts to demonstrate how conceptual halakhah cannot always explain halakhic rationale. Rather, when halakhah is considered through human lenses, a different meaning arises behind the traditional commandments. This process will be demonstrated through the analysis of a law which is part of the niddah law corpus, known as *dam chimud* or “blood of desire”.

One category of niddah which does not occur due to menstruation (the classic category of niddah), is a bride. Any woman who agrees to wed is automatically considered a niddah and requires a seven-day waiting period (at least) until she may marry. The formal halakhic rationale for this rule is the concept of *dam chimud*—a seemingly rare kind of menstruation stimulated by the excitement of the engagement to be married. Or that, at least, is the formal reason the halakhic thinkers provide.

This rule is one of many that prevent marriage from being a license for promiscuity. While at least formally, Jewish law forbids prostitution or casual relations, these prohibitions could theoretically be avoided by hasty marriages followed by immediate divorce. A number of laws are in place to ensure that two individuals marry with serious intent to create a permanent relationship. Some of these laws are as follows: It is forbidden to marry on the spur of the

¹⁰⁹ I stress the point about the nineteenth century Reform movement and the denominations which branched from it since the reform movement, after resettling in the United States and the modern State of Israel, reclaimed these laws as means to empower and celebrate womanhood. See for example, Goldman, Karla. “The Ambivalence of Reform Judaism: Kaufmann Kohler and the Ideal Jewish Woman.” *American Jewish History* 79, no. 4 (1990): pp. 477–99.

moment; instead, the couple must have a prior agreement constituting the general commitments for marriage.¹¹⁰ Another law, as mentioned above, is that once the engagement is announced, the bride is considered niddah and may not get married until she waits at least seven days.¹¹¹ Other laws pertain to having a *ketubah* (a form of “bill of rights” to which the husband commits in order to support his wife during their marriage and in the event of a divorce) and the prohibition to live together if they do not have one. These are but examples of checks and balances, to ensure a financial and stable marriage.

But this is only a partial explanation. Why, apart from the phenomenon of *dam chimud*, is the prohibition of getting married immediately after engagement expressed as a form of niddah impurity?

If we examine our explanation of the niddah prohibition itself, we will find that many aspects apply to a bride as well. Like a menstruating woman who is overcoming a physiological obstacle to pregnancy, a fiancée is overcoming a practical obstacle—the lack of a partner. While the road to getting engaged usually has an element of romance and anticipation of intimacy—hinted at in the term *dam chimud*,—like the married couple before intimacy, the engaged couple also needs time to develop a familial, amiable, non-romantic, and non-exploitative closeness before marrying. This law also guarantees that the bride will have to immerse after the engagement, clearly demonstrating that she is only purifying herself for her future husband. Another reason is the significance of the “seven clean days” as a symbol of private, individual spiritual preparation, ensuring that the joining of the two individuals into a family unit does not efface their individual identities (See chapter 159). A virgin bride is considered a niddah after her

¹¹⁰ Shulkhan Arukh, Even HaEzer, 26;4.

¹¹¹ Shulkhan Arukh, Yoreh De’ah, 192.

wedding night. Even though the hymeneal bleeding is not menstrual blood—and like other bleeding external to the cervix does not generally make a woman a niddah—there is a special stricture at the beginning of marriage. We may acknowledge that this separation immediately after their first contact is a difficult trial for the new couple. But it has the advantage of reminding the new husband and wife that while intimacy is an essential part of their relationship, they must learn from the very beginning to balance it with ordinary friendship and familiarity.

These explanations have nothing to do with the formal concept of niddah, and yet it is applied in the case of a new bride. The Talmud¹¹² originally used the concept of niddah to say something else, which has nothing to do with purity or impurity. In the case study above, the concept of niddah is introduced in order to create a mandatory gap between a to-be-wed couple, so that they can reflect on their decision and be granted the proper space of mind to do so.

Thus, even when we are not viewing halakhah through formalistic and conceptual lenses, a different consideration arises from the legal material. The sages in the Talmud applied a biblical-Mosaic mandate law to respond to a human need, that of providing space for a couple to be wed. The ethical dimension, mediated through the value-concept of the laws of niddah, demonstrates the autonomy which arises not only from the inner rational of the law but also from a more universal need. The same principle is demonstrated in the Mishnaic (tannaitic period) prohibition to eating *kitniyot*.¹¹³ In that case, the sages use the terms and concept of prohibiting leavened bread on the festival of Pesach (biblically known as *Chametz*, or *Se'or*), to include

¹¹² Babylonian Talmud, tractate Niddah 66a.

¹¹³ Often translated as legumes, or anything grain-like which is not grain.

other foods which are perhaps inferior to wheat, in order to preserve food justice and equality between the rich and the poor.¹¹⁴

Appendix: Torah as an Ethical Way of Life?

Pierre Hadot points us to a crucial understanding of the nature of ancient philosophy: that philosophy was and is, in its essence, a way of life. Through the quest for wisdom, one should be transformed, converted to an ethical way of living. He extends this understanding through his brief outlining of the history of philosophy. Hadot's implicit critique of "professional philosophers" is that they are completely removed from the original mode of philosophizing—philosophy as an ethical way of life.

With a glance towards Hadot, though conjoining theory with praxis, halakhah could perhaps give philosophy what it lost long ago. Halakhah does not stand alone. Soloveitchik, in his characteristic dualist pattern points to the two-fold nature of halakhah. It is conjoined not only to the intellectual endeavor, the *logos*, the attempt to understand and grant meaning, but also to *ethos*. This yearning is rewarded with the revelation of God "through our experiences."¹¹⁵ The result is that halakhic morality as a reconciliation force with intellectualism is granted.

Thus, halakhah, according to Soloveitchik, is more than "a way of life." It inherently requires both intellectual and practical aspects. The potential (and risk) of doing merely either/or does not exist within the halakhic life, rendering halakhah a complete ethical framework.

Philosophical-theoretical thought as a universal mode thinking is similar in this sense to halakhic theory, both sharing a primary foundation of unmoved natural laws (for the former, this

¹¹⁴ See Ancselovits, Elisha. "Liberté, Égalité, Fraternité: The Biblical and Tannaitic Roots of the Different Medieval Customs Regarding Legumes on Passover," *Maagalim* 19 (2017). (Hebrew) pp. 67-85.

¹¹⁵ Hadot, Pierre, and Arnold I. Davidson. *Philosophy as a Way of Life: Spiritual Exercises from Socrates to Foucault*. Oxford ; New York: Blackwell, 1995. p. 182.

is nature; for the latter, it is God). Theoretical contemplation alone is lacking in the same way “professional philosophers” lack the gist of philosophy—they lack completeness due to lack of praxis. Ethics, on the other hand, requires praxis. Not only does it require individual striving towards self-perfection, but also a community of thinkers and practitioners. For example, the manifestation of philosophy as ethics, and in turn halakhic morality, requires a teacher.

Soloveitchik rightly notes the potential relativism of this form of ethics, for there are as many styles of praxis-ethics as there are teachers and students. In the same way, ethics through its various schools of thought, being living philosophy, is shaped through them and is resultantly potentially multivalent, even if using the same source materials. Just as the Ancients *lived* philosophy, so halakhah is a similarly “high” form of theorized praxis—a way of life. *Am-HaAretz*, the one who does not “minister” (in the sense of “defer”) to *Talmidei Chachamim*, occupies the same space as the “professional philosopher” that Hadot critiques. While this professional philosopher might be full of intellectual rigor, he lacks the “personal style” (Soloveitchik) of praxis. He, arguably, is even worse than the “professional philosopher,” because not only does he experience halakhah in a lifeless way, he never truly understood the full meaning and purpose of halakhah. Halakhah calls for innovation, but how can one innovate without experiencing it in the flesh? Surely his intellectual-halakhic rigor lacks, as well as a result.

Reading Soloveitchik and Hadot side by side illuminates not only Soloveitchik’s Jewish understanding of ethics through halakhah (and halakhah -as-ethics?) but also Hadot’s critique of the “Christian way of life.” Could Soloveitchik’s halakhic morality be what Hadot perceived as lacking in the history of philosophy since the birth of Christianity? The “Christian way of life,” according to Hadot, surpasses the role of philosophy, replacing the latter with a monastic, overly-

rational way of being/living. Philosophy, understood in its purely intellectual sense (i.e., excluding the ethical dimension) is important in this context insofar as it is in the service of Theology—a point of disagreement with Soloveitchik’s thrust.

Several elements are presented in Hadot’s critique. A solitary life, removed from the real world, cannot aspire to be ethical but is instead suited for rational contemplation of philosophical truths. The implication here is that philosophy as a way of life cannot thrive in such an environment where theology is the primary science and philosophy takes but a secondary role. Ethics becomes a matter of theology: is good defined by what the gods say, or is good intrinsic? Is halakhah different in this sense?

Soloveitchik’s outline of “halakhic style”—a given in Jewish halakhic life and ethical praxis—shows a potential reconciliation of theology with philosophy. He understands that one cannot live alone, removed from the world—one must develop a personal halakhic style achieved only through learning from *Talmidei Chachamim* and enacting this knowledge through halakhic praxis. Thus, ultimately, halakhah requires a public; it is not suited for the interpersonal-intellectual contemplations of an *Am-HaAretz*. Not living an authentic halakhic way of life might not strictly be a deviation from the law, but it also does not elevate one to the highest levels of Torah life. Achieving *kedusha* (sanctity) is possible after both yearning for God, which is personal, but also requires the experience of God through the communal voice of halakhah.

While a philosophical way of life does not necessarily have theological aims (e.g., in the Jewish context, *kedusha*), philosophy *can* be a method of spiritual progress. Hadot states that it

requires a personal “conversion and transformation of the self.”¹¹⁶ What is the meaning of aspiring to kedusha if not that? To achieve kedusha requires one to practice and achieve humility; for Soloveitchik, this is the greatest transformation of oneself that is possible. This is because, in order to achieve humility, one must self-contract, and defeat oneself in the same manner of the divine tzimtzum. The same divine action leading to the creation of the world is required of each self, leading to individual radical transformation, which can only be achieved for Soloveitchik through halakhic philosophy and praxis.

Is halakhic morality compatible with the ancient philosophical way of life? I suspect that Soloveitchik would respond in the affirmative, claiming that philosophy exists for the sake of living an active, ethical Jewish life. “גדול תלמוד, שמביא לידי מעשה” (Babylonian Talmud, tractate Kidushin 40b) “The study of Torah is great, for it leads to practice/action/deeds” - it is not only that the study is great as an end in itself, but because it leads to an ethical way of life.

¹¹⁶ Hadot, Pierre, and Arnold I. Davidson. *Philosophy as a Way of Life: Spiritual Exercises from Socrates to Foucault*. Oxford ; New York: Blackwell, 1995. p. 265.

Chapter 4: Kabbalah and (Jewish) Philosophy; Dialectics Re-Imagined

The previous chapter approached the topic of ethics and halakhah from the perspective of a traditional halakhic mindset. It concluded with the assertion that ethics and halakhah, while somewhat compatible, are limited when considering halakhah as ethics. Furthermore, it is limited philosophically since the scope of halakhah is contained within its own modes of discourse. That is, even if halakhah can operate autonomously, as shown in the previous chapter, either through its internal mode of operating in the world of homo religiosus or through its internal logic, it is still forced to operate within its own constraints, namely ethics. This chapter seeks to expand the philosophical discourse in neo-orthodox Judaism and halakhic-oriented Jewish thought beyond the constraints of halakhah. Rabbi J.B. Soloveitchik employs kabbalistic terms as secondary tools in his psychological-phenomenological halakhic analysis. I argue that the usage of kabbalah is in fact a philosophical tool, rather than merely a secondary Jewish meaning-granting framework with a halakhic aim.

As seen in the previous chapters, Jewish neo-orthodox writers have transitioned from metaphysics to ethics. This is an outcome of the intellectual milieu by which they are influenced, and which directly and indirectly focused the discourse on ethics. In the twentieth century, phenomenology and existentialism took over, allowing for a revalorization of metaphysics, but not as ideational and conceptual speculation. Rather, it is grounded in experience and what may be called “spirituality.” Religious experience may thus be viewed as independent of divine revelation, or rather, revelation is affirmed as a gateway to religious experience. From this perspective, faith is radically reconstituted. Perhaps herein lies the significance of reintroducing kabbalistic categories. Thus, Soloveitchik tackles these two philosophical traditions through his

Jewish background, namely, ethics via halakhah, and metaphysics via kabbalah. This chapter shows how kabbalistic concepts are used in accordance with the zeitgeist mode of philosophical inquiry, phenomenology, and existentialism. Before analyzing the relationship between kabbalah and halakhah, there is first a need to analyze the nature and uses of kabbalah in modernity. Scholem sees kabbalah in its historical context; that is, the mystical experiences Judaism provides rise only from the historical symbolism the Jewish mystic sees.¹ While the philosopher (albeit, the medieval philosopher who is often contrasted to kabbalah, who looks for a single truth-value to reflect in every symbol) tends to interpret historically significant patterns as allegories representing general rational truths, the kabbalist identifies them as symbols. This is the historical perspective on kabbalah and the study of it. However, when we use kabbalah in a modern context, even in a halakhic modern context, the use of these symbols is different. Furthermore, philosophy's premise on the use of these symbols is no longer reduced to mere allegory. Instead, in modern discourse, these symbols are hermeneutical tools.

Regarding the use of symbols as hermeneutical guides inscribed with meaning, it might be helpful to turn to Paul Ricoeur. His analysis of symbols, having a phenomenological component, resonates with Soloveitchik's use of kabbalah in a halakhic context, as I will show in what follows.

As a philosopher, Ricoeur remains interested in speculation, or a systematic approach to thinking through problems (in this case, the problem of evil;² in our case, kabbalistic symbols). However, given that he sees philosophical inquiry as embedded in a historical tradition of meaning or hermeneutics, he believes that some topics must first be addressed within that tradition itself before they are 'elevated' to the level of abstract analysis. Before speculating

¹ See Scholem, Gershom. *Major Trends in Jewish Mysticism*. Schocken Books, 1995.

² See Ricoeur, Paul. *The Symbolism of Evil*. [1st ed.]. New York: Harper & Row, 1967.

about ‘what evil is,’ we must look at how evil has been discussed within specific historical cultures. We must examine a tradition’s myths: the stories we tell ourselves about evil. These myths, in turn, are narratives that string together smaller units of meaning, or symbols. These symbols are obviously related to hermeneutics, as they are what we interpret when we read myths (or kabbalah). For Ricoeur, however, they also have a phenomenological component: they connect us, almost immediately, to certain experiences in ourselves. This is the mystical component the kabbalist strives for through the symbol, not just an allegory; By symbol, Ricoeur does not mean that we see a symbol (x) and, running it through some translation software, figure out that it stands for something else (y).

The interpretation of symbols would then just be doing a ‘find/replace’ on the myths we read: wherever we see an x, we know that it’s really a y. Ricoeur associates this ‘find/replace’ function with allegory (though it transcends mere allegory). What he aims for when we think of symbols is a transition from textual interpretation to lived experience. So, when I encounter the symbol x, I don’t think y, but instead feel (this will become central for Soloveitchik) something different in my own lived experience. Symbols should ‘light up’ some aspect of that lived experience; otherwise, they’re dead symbols.

Ricoeur acknowledges a fundamental contingency in his project. That contingency arises from the fact that he has to start from within a certain historical tradition of symbolism. His happens to be Western, which he takes to be a kind of encounter between Greek philosophy and ancient Hebrew culture (through the use of biblical symbolism). He is not saying that all humans from every background must adhere to Western symbolism. Instead, he is trying to get from a historically situated position—the symbolism of evil in Western texts—to a broader understanding of the experiences those texts can evoke. It may seem odd that he places historical

contingency alongside a description of human experience, but his procedure is related to how he sees phenomenology and hermeneutics intersecting. Phenomenology's openness to meaning also opened it up to history, culture, and contingency. The 'bare evidence' of lived experience is made slightly less bare, as it comes to us dressed in historically and culturally influenced clothing. If we want to reach meaningful experience, we have to start with specific historical traditions and then try to go through them to reach something broader. In other words, we must start with symbols and go through myths before reaching abstract or universalizing speculation. Essentially, when we use kabbalistic or medieval knowledge in modern discourse, we must view them through hermeneutical and phenomenological lenses.

Symbols are manifestations of inner and hidden truths which cannot be fully expressed. For a kabbalist, a mystical symbol is like the tip of an iceberg, revealing only what is seen rather than the entire truth (similar to Hegelian perspectivism). While philosophers tended to ignore anything that could not be explained in allegorical terms, the Torah and Jewish literary corpus were full of symbolic meaning for the kabbalist. Halakhah, which tends to be straightforward and cannot be allegorized, was truly discussed by the philosophers. This was not the case with the kabbalists, where every halakhah was granted a world of symbolic meaning. Through halakhah, the mystical takes part in the ongoing act of creation, as every divine commandment in the Torah is granted a cosmic-divine status.

In such a view, the world the kabbalist sees is a panentheistic one: God is part of the world, and the world is part of God. In this sense, halakhah has a double function: on one level, it is part of the human world, applying itself to day-to-day dealings and enforcing a personal and

political order (ethical or topical). On the other hand, halakhah exists in a higher realm, which Soloveitchik calls the thematic level of halakhah.³

Two essays delve into Soloveitchik's attitude toward kabbalah and mysticism. In *Faith in Changing Times: On the Teachings of Joseph Dov Soloveitchik*, Rivka Horwitz's essay, "Rav Soloveitchik's Relationship to Religious Experience and to Mysticism"⁴ explores how Soloveitchik integrates mystical concepts and elements of religious experience into his broader theological framework. Horwitz demonstrates that Soloveitchik not only acknowledges the significance of mysticism but also employs its principles to enrich his philosophical and theological discourse. She highlights how Soloveitchik's thought is infused with mystical themes, showing a nuanced relationship between rational analysis and mystical experience. This integration allows Soloveitchik to address the profound and often ineffable aspects of religious life, bridging the gap between intellectual rigor and the spiritual depth of religious practice. In the same volume, Lawrence Kaplan's essay,⁵ "Ornamental?" evaluates the function and meaning of Soloveitchik's usage of mystical ideas. Kaplan investigates whether Soloveitchik's incorporation of kabbalistic motifs is merely decorative or plays a substantial role in his theological and philosophical framework. Kaplan sheds light on the depth and significance of mystical concepts in Soloveitchik's thought, offering insights into how these elements contribute to his broader religious and intellectual discourse. Shlomo Pick's essay "Rabbi Joseph

³ Soloveitchik, B. Joseph. *Out of the Whirlwind*, ed. David Shatz, Joel B. Wolowelsky, and Reuven Ziegler. Meotzar Harav/ Ktav, Jersey City, 2003. p. 127.

⁴ Horwitz, Rivka. "Yahaso shel Harav Soloveitchik le-Havaya Hadait ve-Mysterion." In *Emunah be-Zemanim Mishtanim Al Mishnato shel ha-Rav Yosef Dov Soloveitchik*. ed. Avi Sagi, 45–74. Jerusalem: Sifriyat Elinur, 1996. (Hebrew). Translated as: "Rav Soloveitchik's Relationship to Religious Experience and to Mysticism." *Faith in Changing Times: On the Teachings of Joseph Dov Soloveitchik*.

⁵ Kaplan, Lawrence. "Motivim Kabbalim be-Haguto shel Harav Soloveitchik" In *Emunah be-Zemanim Mishtanim Al Mishnato shel ha-Rav Yosef Dov Soloveitchik*. ed. Avi Sagi, 75–93. Jerusalem: Sifriyat Elinur, 1996. (Hebrew). Translated as: "Kabbalistic Motifs in the Thought of Rav Soloveitchik: Substantial or Ornamental?" *Faith in Changing Times: On the Teachings of Joseph Dov Soloveitchik*.

Soloveitchik and the Kabbalah,” explores Soloveitchik’s relationship with kabbalistic thought.⁶ Pick provides a detailed analysis of how Soloveitchik engages with kabbalistic concepts, examining their influence and integration into his broader theological and philosophical framework. Pick illuminates how kabbalistic ideas are woven into Soloveitchik’s intellectual legacy, highlighting their significance in his work. Finally, Elliot Wolfson’s essay, “Eternal Duration and Temporal Compresence: The Influence of Habad on Joseph B. Soloveitchik,”⁷ concludes that Soloveitchik had a serious engagement with Chabad thought. Wolfson provides an in-depth analysis of the ways in which Chabad philosophy influenced Soloveitchik’s ideas, particularly focusing on concepts of time and eternity. Wolfson highlights the significant impact that Chabad teachings had on Soloveitchik’s intellectual development and broader theological perspectives.

David Singer and Moshe Sokol, in their article “Joseph Soloveitchik: Lonely Man of Faith” published in *Modern Judaism*,⁸ argue that while *Halakhic Man* is often interpreted as heavily influenced by neo-Kantian philosophy, this view is simplistic. They assert that Soloveitchik employs Western thought to advance his own Jewish theological purposes, rather than allowing it to shape his fundamental views. Soloveitchik uses neo-Kantianism to enhance the appeal of Talmudism to a modern, secular audience, instead of reinterpreting Judaism through a neo-Kantian lens. Similarly, existentialist thought in *The Lonely Man of Faith* serves as a packaging device rather than a foundational influence. Michael Oppenheim, David D.

⁶ Pick, Shlomo Zev. “Soloveitchik ve-Ha-Kabbalah.” In *Manhigut Ruhanit be-Dor Tahapuhot*. Edited by Ephraim Kanarfogel and Dov Schwartz, 73–96. Jerusalem: Urim, 2018. (Hebrew). Translated as: “Rabbi Joseph Soloveitchik and Kabbalah.” *Spiritual Leadership in a Generation of Upheavals*.

⁷ Wolfson, Elliot. “Eternal Duration and Temporal Compresence: The Influence of Habad on Joseph B. Soloveitchik.” In *The Value of the Particular: Lessons from Judaism and the Modern Jewish Experience*. Edited by Michael Zank and Ingrid Anderson, 196–238. Leiden, The Netherlands: Brill, 2015.

⁸ Singer, David and Sokol, Moshe. “Joseph Soloveitchik: Lonely Man of Faith,” *Modern Judaism* 2 (1982): 227–72, esp. 232–33, 240–44.

Possen, and Lawrence Kaplan provide further analyses that support this perspective,⁹ emphasizing that Soloveitchik's primary use of Western philosophical ideas was to bolster and communicate his Jewish theological agenda rather than to adopt these philosophies uncritically. Kaplan, notes the shift in Soloveitchik's later works towards existentialist themes, yet underscores that Soloveitchik did not fully embrace these philosophical views, as seen in his critique of Kierkegaard's concept of the leap into the absurd in *The Lonely Man of Faith*.¹⁰ While these themes were demonstrated earlier in this dissertation, especially in how Soloveitchik uses philosophy to enhance Jewish concepts and vice versa, in this chapter, I continue this mode of thought, intending to show how Soloveitchik uses kabbalistic-influenced notions to challenge philosophical ideas.

Soloveitchik offers a theosophical response to the problem of evil in his essay "Halakhic Approach to Suffering." It is interesting to note that both Ricoeur and Soloveitchik use the problem of evil to discuss symbolism and human experience. Soloveitchik outlines two levels of halakhah, which coexist in a dialectic relation. Another interesting similarity between Ricoeur and Soloveitchik, is that their thought works in a pattern. Soloveitchik, the rabbinic Jewish scholar, thinks in dual terms—everything has an object and a subject (with no dialectic reconciliation). The Christian philosopher, Ricoeur, uses a model pattern of threes. There is much to say about the Hegelianism of both Soloveitchik (though he is a proclaimed neo-Kantian) and Ricoeur, but this is not the place. The reason I mention it is to stress my point of the

⁹ See Oppenheim, Michael. "Kierkegaard and Soloveitchik," *Judaism* 37 (1988): 29–40; and Posson, David D., "J.B. Soloveitchik: Between Neo-Kantianism and Kierkegaardian Existentialism," in *Kierkegaard's Influence on Theology, Tome III: Catholic and Jewish Theology*, ed. Jon Stewart (Burlington, VT: Ashgate, 2012), 189–210.

¹⁰ See Soloveitchik, B. Joseph, *The Lonely Man of Faith* (1965; reprint, New York: Doubleday, 2006), 101–101 note 1.

methodological similarities in the approach and uses of kabbalah (or ancient knowledge) in a modern phenomenological discourse.

The first level is the basic level of a Jew; obedient to the law, and attempting to understand it. This ‘topical halakhah’ is concerned with the cognitive substance of what to do and its inner logic that subordinates one’s will, which leads to halakhic action. The ‘thematic halakhah’ is the second, higher level. What matters here are not understanding or actions, but axiological experiences. That is, while people are concerned with understanding the applications and implications of the halakhah, there is a limit to what they can understand. The metaphysical status of the halakhah aims towards infinity (God, or the “אין-סוף”), and is situated beyond human comprehension; this is where halakhah acts as a kabbalistic symbol. This produces the will and desire to partake in the infinite, hence it orients out of experience. The interaction between the two actions is dynamic because there is a correlation between understanding and halakhic action—one does only what one knows. In this context, action is not motivated by a physical force, but by an internalized norm. This norm is part of the axiological experience; it is intuitive, aiming for the transcendent. Soloveitchik presents Shabbat as an example. While one must obey the laws of the Sabbath within its twenty-four-hour timeframe, there is a higher level that goes beyond the “dos and do nots”. On this level God sanctified this day, turning it from a technical matter of laws to a transcendent and metaphysical entity.

However, Soloveitchik addresses the problem of suffering exclusively at the lower level of halakhah. As a tangible reality, suffering exists within the physical world alone. Therefore, it is bound to topical halakhah. The metaphysics of thematic halakhah asserts that the experience of suffering represents the greatest good, the path to self-elevation. Suffering in the halakhic context is primarily a matter of dealing with personal loss and the human experience of facing

finitude. Soloveitchik uses the terms suffering and evil interchangeably. He aims for the identification of evil with finitude. If so, 'theodicy,' the justification of God in the face of evil, must have a metaphysical construction that provides an answer to both human experience (which is the goal of topical halakhah) and the nature of evil or suffering.

Thus, evil exists only from a human perspective because evil is identified with finitude and loss. The two levels of halakhah could be understood under the traditional, standard notion of halakhah: practice and its reasoning. The second level, though it does not involve reasoning or understanding but intuitions, is where he discusses metaphysics. However, Soloveitchik not only separates metaphysics and reason, but also axiological experiences and action.

In his *Fate and Destiny* Soloveitchik articulates this distinction.¹¹ The man of fate is thrown into the world, subjected to the forces of his environment. It is a passive existence where man is no more than an object. From this state he begins to rationalize his existence. His metaphysical inquiry into the nature of evil cannot be truly answered in this state. The man of destiny, however, although he is born as an object, chooses to live as a subject, understanding the goal of suffering—to elevate oneself. Accordingly, topical halakhah is related to the man of fate, while thematic halakhah correlates to the man of destiny. His analysis of the problem of evil implies that it can only be understood from a subjective-phenomenological point of view. It is an experience, not a reality. But at the same time, even though we cannot find an explanation for evil, it seems to be a necessity embedded in the finitude of humanity. It is man who chooses to view finitude as evil, but out of this recognition emerges the next stage in Soloveitchik's dialectical move—dignity. Dignity is understood by Soloveitchik as an ontological category; that is, the existential awareness in relating oneself to God. This is not merely a form of behavior, but

¹¹ Soloveitchik, B. Joseph. *Fate and Destiny: From Holocaust to the State of Israel*. Hoboken, N.J.: KTAV Publishing House, 2000.

the way one could go beyond one's finite and limited existence and acknowledge the infinite. Dignity, as the next dialectical stage, emerges out of the thematic level of halakhah. To put it in dialectical terms, the person of the topical halakhah is the object-thesis; elevated to the level of thematic halakhah, he becomes the subject-antithesis and dignity is the syntheses, where man is a different object, fully subordinated to infinity—God.

Soloveitchik's analysis of suffering can be viewed as a response to Job's final words, "dust and ashes." It is the final demeaning of the self in the face of the infinite; this is Job's realization after all his suffering. Thus, the ultimate response to suffering is the recognition that, within the finite nature of humanity, suffering is merely a tool that reminds us of our transience. The necessity of this realization is articulated in Soloveitchik's treatment of two levels of halakhah and suffering. There is objective evil and man suffers; humanity is required to fight it, but the ultimate evil is finitude. This notion of finitude is the opposite of God, or rather the lack of Him.

Here Soloveitchik is referring to the Lurianic kabbalistic doctrine of *tzimtzum*, where 'evil' is understood as simply the contraction of God. While the contraction of the infinite is the essence of evil, the human recognition of this results in evil as well. Suffering is a pale feature of evil (subjective pain compared to the lack of God). It is a reversed mode of the dialectics of suffering: God as good and infinite, His contraction is evil, as opposed to beginning the move from evil, the experience of suffering and the recognition of one's finitude, and then relating oneself to the infinite good and living in dignity which is the aim of Soloveitchik's dialectics. Unlike *Fate and Destiny*, where the higher level is of the subject, the man of destiny, here in the equivalent stage of the thematic halakhah, man is required to demean himself before the infinite, thus becoming an object subordinated to the infinite. However, only from the stance of a subject

(person of destiny), is he able to become once again an object and achieve dignity. Soloveitchik essentially describes a double dialectical movement, given the relation between the two types of people and the two levels of halakhah.

In Soloveitchik's essay "The Crisis of Human Finitude,"¹² he returns to explicitly discussing Job. While he continues his explanation on Job's functional suffering in *Fate and Destiny*, arguing that Job was egocentric and incapable of sympathy, it is now clear how suffering in the halakhic context elevated Job. Job, in his prosperity, was a full subject, concerned with his own wellbeing. In this dialectical system, it is necessary for a subject to be negated, turning into an object. Only then could Job learn to live in a dignified way. Job needed to defeat himself and to recognize his finite nature. Only after this self-defeat could Job truly pray in the face of God, not himself.

The two personalities outlined by Soloveitchik reveal an interesting dynamic between fate and destiny. Job, if we accept Soloveitchik's description of him as the religious philistine, could be identified with the man of fate. He was unaware of the internal dangers; his whole existence was ultimately external. The deemonic personality is aware of his unperfected existence. Thus, with his understanding of the absurdity of his finite existence, he decides to take action. He chooses to replace his imperfection with a full existential experience. This is nearly the man of destiny, acknowledging and accepting his reality despite his attempts to rule it.

However, he, like Job, is destined to fail. The man of destiny must elevate his subjective existence to an objective one. He must go beyond his halakhic-ethical approach to suffering and embrace his finitude. Therefore, fate and destiny are parallel to the religious philistine and

¹² Soloveitchik, B. Joseph. "The Crisis of Human Finitude." In *Out of the Whirlwind*, ed. David Shatz, Joel B. Wolowelsky, and Reuven Ziegler. Meotzar Harav/ Ktav, Jersey City, 2003. P. 151.

deemonic personality. The dynamic between them resembles the dynamic between topical and thematic halakhah. Although every dialectical stage ends with the recognition of one's finitude, they are not entirely the same: the person of fate is an object, and the person of destiny is the subject, as stated by Soloveitchik. The religious philistine is a subject in his own system (the prosperous Job), but an object in regard to the next stage of destiny; the deemonic personality is a subject that did not fully assume himself as finite. They both need to be balanced by the two levels of halakhah. That is to say, Job must be elevated to the level of consciousness of the ethical aspect of halakhah (and acknowledgment of his destined finitude) and the deemonic personality must be elevated beyond his ethical (but self-oriented) existence to the level of thematic halakhah. This would grant him the metaphysical tools that enable his subordination to the kabbalistic infinite, in contrast to his attempt to rule over it. In Soloveitchik, we find an attempt to form a theology of an ethical form of halakhah through two dimensions. While the first is a mere sense of duty, the second bears a phenomenological significance for one's experience. Soloveitchik's use of kabbalah is in the service of halakhah, which in turn is understood through modern phenomenological lenses, creating a unique Jewish hermeneutical method.

In Soloveitchik's work *Out of the Whirlwind*, he discusses the experience of Jewish mourning and grief through the lens of the Kabbalistic concept of *tzimtzum*. By using *tzimtzum* as a philosophical tool rather than a religious one, Soloveitchik demonstrates how this Kabbalistic notion can help explain the human experience and provide insight into the psychological and emotional dynamics of the grieving process.

Soloveitchik describes the experience of mourning as a form of *tzimtzum*, or contraction, as the mourner withdraws from everyday life and activities to focus on their grief and loss. Just

as God is said to have contracted Himself to create space for the world to exist, the mourner contracts their presence and participation in the world to create space for their sorrow and mourning. This contraction of the self is not merely a religious practice or ritual but rather a philosophical exploration of the human experience and the process of grief and healing. In this context, Soloveitchik uses the notion of *tzimtzum* to explore the psychological significance of the mourning process rather than focusing on its religious aspects. The mourner's withdrawal from the world is not just a religious practice but a philosophical exploration of the human experience of grief, loss, and healing.

By employing the concept of *tzimtzum* in this way, Soloveitchik demonstrates how Kabbalistic ideas can be used as philosophical tools for understanding and explaining human experiences. He shows that these concepts can provide a unique perspective on the human condition, transcending their religious origins and offering new ways of thinking about universal themes such as loss, grief, and healing.

Moreover, Soloveitchik's use of *tzimtzum* in *Out of the Whirlwind* highlights the flexibility and adaptability of Kabbalistic concepts, as they can be applied to various situations and experiences beyond their original religious context. This versatility demonstrates the potential of Kabbalistic ideas to contribute to a broader philosophical discourse and expand our understanding of the human experience.

Through his analysis of suffering, Soloveitchik argues that it is an exclusively human experience, linked to our existential awareness and the confrontation with the finitude of our existence. He contends that the halakhah addresses this issue by commanding us to make suffering meaningful, turning it into a foundation of our encounter with God. In this context, suffering not only intensifies our awareness of our finite existence but also opens up the spiritual

experience of loneliness, which ultimately leads to a renewed appreciation of life and a deepened connection with God.

Using the examples of Job and Kohelet, Soloveitchik demonstrates how two different personalities deal with suffering and crisis. The philistine personality, represented by Job, is utilitarian and self-preserving, reacting to misfortune by increasing external protection. On the other hand, the daemonic personality, represented by Kohelet, is ambitious and adventurous but ultimately fails to recognize the limitations of their pursuits. Soloveitchik argues that the proper response to suffering lies in a religious-metaphysical attitude that acknowledges our existential incompleteness and the need to turn to God.

Soloveitchik distinguishes between two frames of reference within which halakhah operates: topical and thematic. The former concerns humanity's existence in the world, while the latter pertains to a higher Being. He illustrates this distinction with the example of the Sabbath, which, from an ethical (topical) perspective, involves the suspension of work (*melakha*), and from a metaphysical (thematic) standpoint, relates to the sanctification of time.

In the thematic context, Judaism denies the existence of evil as an objective reality. Its metaphysics of morality refutes evil through the affirmation of a transcendent reality beyond impurity. Death is transcended and seen as the soul's liberation. The higher Being encompasses all, and its universal goodness is incompatible with ontological evil.¹³

However, the topical halakhah, which deals with concrete human life, must confront and address the reality of suffering. It does not theorize evil but rather handles it like an unwelcome guest. For Soloveitchik, suffering is approached ethically through three guiding principles: the

¹³ In this respect, there is a similarity to Augustine's view of evil as contingent and accidental.

undeniable tangibility of evil, the imperative to actively combat evil, and the need to overcome any losses in the fight against evil through faith.

Soloveitchik characterizes this approach as being governed by the preservation of human dignity, which he considers the most fundamental human trait. He differentiates between equanimity (which also fights evil and accepts fate with silent stoicism) and dignity (which uncovers the ethical and existential meaning of suffering). According to Soloveitchik, the Jewish conception of dignity is a dialectical category that fluctuates between humanity's conquering and expansive aspect ("replenish the earth and subdue it") and the humility with which one recoils at the pinnacle of greatness (Genesis 2). Restraint is essential for preventing dignity from devolving into arrogance—a propaedeutic of defeat. He illustrates this with the example of the Akeda, in which, at the zenith of his career, Abraham is ordered to surrender everything he has achieved, only for an angel to intervene at the last moment, allowing his extensive project to resume.

Out of the Whirlwind

The prevailing dialectic relationship in this chapter is between covenantal revelation and cosmic revelation, with faith associated with the former. Faith is life lived in accordance with the logic of a meta-historical revelation, which is incommensurable with and non-derivable from the natural order. Suffering arises only within this context. The precondition for a transcendental eruption of the covenant is provided by a religious experience that Soloveitchik characterizes phenomenologically as confrontation with infinity—similar to Heidegger's concept—which engenders feelings of desolation and insignificance, and rehabilitation of humanity through a mystical reunion with God, in which one transcends all that is conceivable within the natural order.

Suffering, as opposed to pain, is described as a uniquely human experience. Emerging from the disruptive contemplation of the abyss of our nothingness, it is a symptom of our existential awareness.¹⁴ Suffering is the sensation that our cherished existence is under threat, either absolutely (fear of death) or in quality.

Soloveitchik's essay "Halakhic Approach to Suffering" outlines a theosophical response to the problem of evil that intertwines philosophy and kabbalah. Soloveitchik presents a dynamic interaction between understanding and halakhic action by examining the two levels of halakhah. The first level, the topical halakhah, deals with obeying Jewish law and attempting to understand it, while the second, the thematic halakhah, focuses on axiological experiences and reaching toward the transcendent.

Soloveitchik's analysis of suffering is situated within the lower level of halakhah, as suffering exists in the physical world. However, he posits that the experience of suffering represents the greatest good and the path to self-elevation. In this context, suffering is linked to the human experience of facing finitude and personal loss, which, from a human perspective, is identified as evil.

By connecting the concepts of fate and destiny with the two levels of halakhah, Soloveitchik reveals a dialectical relationship between them. The topical halakhah relates to the man of fate, while the thematic halakhah correlates with the man of destiny. The ultimate response to suffering is to recognize that it is merely a tool to remind us of our transience and finitude.

In his analysis, Soloveitchik references the Lurianic kabbalah doctrine of *tzimtzum*, where evil is understood as the contraction of God. This notion suggests that suffering and evil

¹⁴ Soloveitchik, B. Joseph. *Out of the Whirlwind*. p. 123.

arise from the absence of God or the recognition of this absence. Consequently, Soloveitchik describes a double dialectical movement that relates to the two types of people and the two levels of halakhah.

Soloveitchik's dialectical analysis of the experience and metaphysics of suffering presents a unique perspective on the problem of evil, grounded in the halakhah. This approach integrates both philosophy and kabbalah, aiming to develop a Jewish theology that addresses the human experience of suffering and its role in elevating oneself towards the transcendent.

Within the thematic frame of reference (creation), theoretically, in a monotheistic religion, pain and evil are negated as absolute realities. Here, Soloveitchik shares the view of St. Augustine and Maimonides: evil is the illusion produced within a lesser degree of Being. Soloveitchik juxtaposes this with the empirical problem of suffering.

The Judaic dialectic, in contrast to the Hegelian dialectic, is characterized by irreconcilable and unending tension. In Jewish thought, dialectic movement is limited to the thesis and antithesis stages, as the third stage of reconciliation found in Hegel's philosophy is absent. This unresolved conflict is deemed final and almost absolute. Only God possesses the knowledge required to reconcile such tensions; thus, complete reconciliation remains an eschatological vision. Whereas Hegel perceives man and his history as abstract ideas within which synthesis is conceivable, Judaism views man as a living—and perhaps even tragically so—reality. Within this realm of tangible realities, the harmony of opposites is impossible.

Soloveitchik accepts dialectics insofar as they describe human religious experience but contends that Jewish dialectics do not advance to a third stage. This sets him apart from scholars within the dialectic theology movement, who extend their analysis beyond human experience and ethical implications to make theological claims. According to Soloveitchik, humans are

constrained by their limitations and cannot reconcile their conflicted natures to achieve true harmony. He applies this principle to divine matters, asserting that reconciliation is inapplicable to the Jewish system of thought.

Halakhah does not possess the capacity for reconciliation. Although it aids individuals in navigating day-to-day dilemmas, the experience remains confined to the conflicted dialectic mode inherent in existence. Halakhah offers solutions to immediate issues, but it cannot facilitate full victory or reconciliation, which would entail becoming like God and partaking in creation.

Soloveitchik's understanding of halakha's limitations and the nature of reconciliation leads him to explore the concept of obligation to halakhah and the reasons reconciliation is unattainable. In his view, reconciliation represents the ultimate victory, which humans cannot achieve due to their finite nature. The concept of *tzimtzum*, God's contraction, is central to Soloveitchik's dialectics as it lays the foundation for *Imitatio Dei*, a crucial aspect of understanding the limits of Jewish dialectics. The ultimate goal for humans is to recognize their defeat and imitate God's contraction, resulting in the creation of the finite world through the practice of self-defeat.

The principle of *Imitatio Dei* prevents Judaism from reaching the third stage of dialectics. Reconciliation is not only impossible but also immoral, as it would undermine the purpose of halakhah. Soloveitchik's perspective on halakhah is that it serves as a tool assisting individuals in managing daily conflicts and crises. Thus, it forms the basis of Jewish ethics, which are integral to ontological existence. Attempting to transcend this conflicted human nature would mean surpassing ontological existence, rendering the need for halakhah and revealed morality obsolete.

The inability to reconcile in Jewish thought is attributed to humanity's limitations and the inaccessibility of certain aspects of God's nature. Soloveitchik contends that dialectics can describe human religious experience and the role of halakhah in confronting modernity, but they cannot facilitate reconciliation. This unattainable third stage of dialectics transcends the limits of human ontology and is therefore impossible within Judaism.

While Soloveitchik adopts the first two stages of dialectics in relation to human experience and halakhah, he rejects the final reconciliatory stage on the grounds that it contradicts the logic and system of halakhah. This stage diverges from the essence of Judaism, which is rooted in the eternally conflicted human existential condition and the ideal of *Imitatio Dei*. Reconciliation, in Soloveitchik's view, is not only phenomenologically and behaviorally problematic but also ontological.

One significant Kabbalistic concept that resonates with Soloveitchik's dialectics is *tzimtzum*, the notion of God's contraction to create space for the finite world. This idea plays a crucial role in the understanding of *Imitatio Dei*, the human aspiration to imitate God. According to Soloveitchik, the practice of self-defeat is essential in acknowledging one's limitations and imitating God's contraction.

The notion of *tzimtzum*, originating from Kabbalistic thought, calls for self-defeat and forces humanity to acknowledge its limitations. It is through the incorporation of this Kabbalistic concept that Soloveitchik's phenomenological method gains a deeper understanding of the dialectical tensions inherent in human religious experience. By invoking *tzimtzum* and its implications for *Imitatio Dei*, Soloveitchik establishes the foundations for understanding the limitations of Jewish dialectics. Man's ultimate goal, according to Soloveitchik, is to

acknowledge defeat and seek to imitate God's contraction in bringing the finite world into existence by practicing self-defeat. This acknowledgment of human limitations forms the basis of Soloveitchik's dialectical ethics and underlines the role of halakhah in guiding human behavior within these constraints.

The use of Kabbalistic concepts in Soloveitchik's dialectical approach serves not only to enrich his phenomenological exploration but also to emphasize the inextricable link between Jewish mystical tradition and the broader framework of Jewish thought. According to the Kabbalistic principle of *Imitatio Dei*, Moses can follow solely what is known and accessible to him. Therefore, if Moses had seen God's dignity, he would have transcended his human limitations, which is an ontological impossibility in the context of Soloveitchik's dialectical approach. By integrating kabbalah into his dialectical method, Soloveitchik demonstrates that Kabbalistic ideas can provide valuable insights into the nature of human experience and the ethical imperatives that emerge from it.

The analysis of Soloveitchik's dialectical approach reveals the instrumental role of Kabbalistic concepts in his phenomenological method. By incorporating Kabbalistic ideas such as *tzimtzum* and *Imitatio Dei*, Soloveitchik is able to explore the limitations and boundaries of human religious experience in a manner that both enriches and deepens our understanding of Jewish thought. This incorporation of kabbalah highlights the inextricable link between Jewish mystical tradition and the broader framework of Jewish thought, demonstrating the relevance of Kabbalistic ideas in addressing the dialectical nature of Judaism.

Soloveitchik used Kabbalistic terms to confirm the dual nature of halakhah: on one hand, it is the practical work of God, and on the other, it has an existential aspect. In Sivan 5720, the Rabbi described this double nature of Torah study and redemption through love of Torah and

redemption of the soul. This is also printed in “Basod HaYachid VeHaYachad,” on page 4, letter 403, and with minor omissions at the end of “Divrei Hashkafa” (“Dofir’tzufim LaHalacha”). The beginning of the Rabbi’s approach is the recognition of an idea, and its end is the experience of reality. There is also a bit of mysticism in it. It starts with “cerebral magnitudes”, with an intellectual ascent, a strong dialectic that empowers and trusts oneself, that of a brave and intelligent free man. It ends with “cerebral smallness”, the envelopment of a child after its mother, which is all emotional, dependencies, in innocent addiction and seeking. This is the general idea.

Rabbi Shmuel Kafaholz describes the practical aspects of learning at the first stage (the Brisker learning style) as subjective and emotional. He then speaks about the religious value of learning as an objective tool without the dimension of Solomon’s Torah, an objective-intellectual tool. The heart is based on intellectual magnitudes. Faith also derives from the wise student’s faith in the truth that is revealed to him. When a person delves into the Torah of God and reveals its light and glory, the halahhic thought on all its growth, roots to tops, and enjoys when he enters into its essence and thus unites with the Torah giver. The vision of attachment is realized through the enjoyment of creation and innovation; it is the merging of the intellect with the divine idea that is manifested in the prints of halachot and rumors. “When a person understands and attaches himself with all his strength to the word of God, this is halachah, and in this, he is attached to Him in his Torah study, in which he and God’s will are one, as stated in the Zohar, and every law and halachah from the Holy Torah is literally as if it is his will.” These are the words that Rabbi Chaim, the man of Valozhin, spoke, the clear student of the great opposition, Vilna, in his book, *Nefesh HaChaim*, which reflects his worldview.

Soloveitchik's view on kabbalistic symbolism and the two dimensions of halakhah matches the way in which the relationship between kabbalah and halakhah was formed. That is, while kabbalah is subordinated to halakhah, it derives its meaning from the symbolic representations of the divine world. In this sense, it is separated but subordinated to the life of actions and duties in the world of actions, and for the most part, accepts its often minute details. This is the case in the various halakhic cases presented in the book of Bahir (12th century), but even in the seemingly halakhic contradictions the Zohar presents, Jacob Katz already demonstrated that it is not that kabbalah contradicts halakhah but rather draws upon a different (perhaps Ashkenazi) culture. This is to say that kabbalah, by not taking part in the halakhic intricacies and deliberations, views halakhah as a finished or given product. Moreover, the mystical meaning and kabbalistic symbols ascribed to this finished product thus reflect the affirmation of the cultural background (or cultural need) halakhah emerged from. Returning to Soloveitchik's dual dimension of halakhah, this now fits well with the above account of kabbalah and halakhah. While halakhah emerges out of a particular context, or perhaps to answer and provide a specific cultural need (if we take Soloveitchik's example of the laws of mourning), kabbalah then, is able to affirm this cultural need and elevate it to a higher dimension by ascribing to it a kabbalistic symbol.

The relationship between kabbalah and halakhah is intertwined with the way symbols are understood and their place in the hermeneutical circle. For a figure like Soloveitchik, halakhah is the product of Jewish life; everything else is infused with meaning through it. This is characteristic of a European culture, viewing halakhic deliberations as the heart of Jewish thinking. For a figure like Leon Ashkenazi, however, the reverse can be said. It is the kabbalistic

meaning which grants halakhic details their validity; the halakhic actions in turn, are then a byproduct of a kabbalistically infused action.

To delve further into the issue of philosophy and kabbalah by showing the need for the reintroduction of a Jewish perspective, the next section will broaden the scope of the problem. While in chapter two, we have seen how Jewish thinkers responded to Kantian philosophy through the paradigm of ethics, here we shall see how kabbalah now merits a response of its own.

The problem with Idealism and Judaism

Karl Leonhard Reinhold, a prominent German idealist, popularized Kant's philosophy, describing it as "the gospel of pure reason," aiming to settle the discord between reason and faith. The alignment of Kantian and post-Kantian idealism with Christianity or post-Christianity is not determined here. These philosophies, deeply interested in the rationality of history and the history of reason, carry forward Christianity's challenge of defining its relationship with its precursor, whether Judaism or its structural counterpart. Marcionism represents one viewpoint, suggesting Christianity is in direct opposition to Judaism, owing nothing to it.

Conversely, some opinions give ongoing significance to both Christianity and Judaism. Between these extremes, there is the supersessionist belief, which holds that Judaism should not only accept Christianity as its completion but should also cease to exist upon Christianity's advent. Central to idealist dialogues about Judaism is the notion that the Torah is fundamentally a law. Two thousand years ago, the Septuagint translated "Torah" as "nomos." Over time, what was once perceived as a natural law or a law emulating nature became, through Spinoza, a political framework, a remnant of a bygone state.

Kant perceived a specific aspect of this law—forbidding the portrayal of God – as sublime. However, he found no such sublimity in the rest of the Mosaic law. As the Torah was given by an external deity, it appeared heteronomous to Kant. For him, religion comprised the faith and hope underpinning morality, and since morality was autonomous, Judaism was more political than religious. However, the Jewish concept of an indescribable God was seen as perilous, as Judaism’s ideals could be misconstrued as moral. Purifying religion would necessitate “the euthanasia of Judaism” in both Christianity and Judaism. Kant was adamant that Jesus seemed to come directly from heaven, entirely independent of Judaism.

This perspective clarifies Fichte’s neo-Marcionism, which saw Judaism as misanthropic and favored only the Gospel of John. In contrast, Hegel and Schelling were supersessionists. For them, Christianity’s supersession of Judaism exemplified their understanding of sublation. While supersession is an abstract concept, idealist sublation discerns its primary applications in tangible, existing Judaism. Both Hegel and Schelling agreed with Kant’s perspective that Judaism posed a unique threat because it symbolized the phase just before salvation, where consciousness could become trapped, seemingly entranced by bondage disguised as liberty. But they differed from Kant’s understanding of freedom. Hegel believed Judaism lacked a communal bond with the Lord, which he considered vital for human actions to play a crucial role in God’s self-recognition in others, bridging the gap between infinity and finitude. This absence, according to Hegel, resulted in Judaism’s static nature for ages, making it provincial and barring it from history’s progression to the universality of absolute religion.

There is an interesting point regarding Hegel’s supersessionist view, namely, that if Judaism represents the stage which needs to be sublated, then Soloveitchik is completely adjusting the dialectic scheme. That is, Jewish dialectics without Christianity (see Habermas who

expands on that a great deal), and that the philosophical discourse is not only rooted in the religion, but also the actual question of the survival Judaism with the emergence of Christianity. So, the actual nature of German idealism gave an opening for Jewish thinkers to enter the philosophical stage on their own terms.

The influence of Lurianic Kabbalah on Christianity and German Idealism

Lurianic kabbalah, named after Rabbi Isaac Luria (1534–1572), marked a significant development in Jewish mysticism. Luria's teachings, primarily documented by his disciple Chaim Vital, introduced innovative concepts like *tzimtzum* (Divine contraction), *Shevirat HaKelim* (the shattering or breaking of the vessels), and *Tikkun Olam* (the restoration of the world). These ideas profoundly expanded the mystical understanding of creation, the nature of evil, and the role of humanity in the divine scheme. These ideas had a major influence on Christian theology, and subsequently on German idealism. In what follows, I will provide a brief overview of the points of interaction between Christianity, philosophy and kabbalah.

Lurianic Kabbalah and Christian Thought

The engagement of Christian scholars with Kabbalistic thought began before Luria, notably with Giovanni Pico della Mirandola in the fifteenth century. However, Lurianic ideas found a more significant resonance. Notable Christian Kabbalists, like Christian Knorr von Rosenroth in the seventeenth century, translated kabbalistic texts into Latin, making them accessible to the Christian intellectual community. The concept of *Tikkun Olam*,¹⁵ with its implication of human participation in the divine plan, paralleled Christian ideas of salvation and redemption. Furthermore, Luria's notion of *tzimtzum* offered a novel way to conceptualize the

¹⁵ See discussion in epilogue about the usage of this concept in contemporary discourse.

relationship between the transcendent God and the immanent world, which had been a central theological issue in Christianity.

The intricate web of influence that Lurianic kabbalah exerted on Christian theology, and later on the development of German idealism, requires a deeper exploration. This extended analysis will delve into more nuanced aspects of these influences, examining specific doctrinal parallels, philosophical adaptations, and the broader cultural and intellectual contexts that facilitated these interchanges.

Lurianic kabbalah's impact on Christian mysticism and theology extended beyond the superficial adoption of esoteric concepts. It provided a framework through which Christian theologians could reconceptualize key doctrines. For example, the Lurianic concept of *tzimtzum* was particularly influential in their rethinking of the nature of God's immanence and transcendence. This concept, which describes God's self-limitation to allow for the existence of a finite world, offered a novel approach to understanding the Incarnation in Christian theology—the idea of God becoming flesh in the person of Jesus.

Moreover, the Lurianic narrative of *Shevirat HaKelim* and *Tikkun Olam* resonated with the Christian narrative of fall and redemption. The notion of a cosmic restoration process had parallels in Christian eschatological beliefs, where the end of times is seen as a period of ultimate repair and reconciliation.

Influence on German Idealism

German idealism was significantly influenced by mystical and esoteric traditions, including kabbalah. Philosophers like Schelling, Hegel, and Jacobi were exposed to kabbalistic ideas, possibly mediated through earlier Christian kabbalists. Schelling's concept of the absolute

and Hegel's dialectical process bear resemblances to Lurianic themes of the God-world relationship and the dynamic process of Tikkun.

Schelling's philosophy, with its emphasis on the unity of opposites and the unfolding of the Absolute, mirrors Lurianic ideas of the breaking and repairing of the divine vessels. His notion of the Absolute as both immanent and transcendent reflects the Kabbalistic interplay between Ein Sof (the Infinite) and the emanated Sefirot. Schelling's *Philosophy of Nature*, where nature is seen as a visible spirit, and spirit as an invisible nature, echoes the Kabbalistic interplay between the physical and the spiritual. His later work, which focuses more explicitly on the idea of a self-revealing God, aligns closely with the Lurianic theme of divine emanation and withdrawal.

Initially critical of Jewish principles, Hegel, in his earlier theological manuscripts, develops a more sophisticated doctrine resembling an endeavor to systematically elucidate the fundamental allegories of the Lurianic kabbalah. Nonetheless, assessing the precise influence of kabbalistic ideology on Hegel poses challenges. Hegel briefly touches upon kabbalah in his *Lectures on the History of Philosophy and Religion*, employing terms such as Adam Kadmon to denote the "archetype of humanity." He also references the divine wisdom's hypostasis as "Chokma" and makes passing remarks regarding the doctrine of Sefirot, suggesting that nothing of the deity's essence can be conveyed "except through the medium of the sephiroth." However, Hegel's familiarity with Gnosticism is evident, while direct knowledge of kabbalah appears limited. It seems kabbalistic concepts indirectly reached Hegel, possibly through his predecessor Friedrich Schelling, who was influenced by Christian kabbalah, Swabian pietists, and thinkers like Jacob Boehme, all of whom disseminated kabbalistic insights into Christian intellectual circles.

Hegel posits that the origin, substance, purpose, and trajectory of the universe embody the realization of infinite knowledge, consciousness, or intellect. Analogous to the kabbalistic concept of Ein-sof, Hegel conceives of the absolute as absolute reason or idea, prevalent in various kabbalistic works like the Zohar. Like Ein-sof, Hegel's Absolute undergoes self-alienation, akin to the kabbalist's tzimtzum, necessitated by the realization that ideas, including the notion of "horse" or "kindness," are abstract without tangible manifestations. Consequently, both Ein-sof and Hegel's Absolute actualize themselves by negating and manifesting in the world, albeit illusory, yet integral to the Absolute.

For Hegel, as for kabbalists, the Absolute negates itself to engross in a finite, natural realm, initiating the return journey through the emergence of the World Spirit embodied in humanity. Hegel's World Spirit, akin to the kabbalist's Primordial Man, encompasses humanity's ideas and values, symbolizing the Absolute's development in history, analogous to the kabbalist's Sefirot. Hegel's dialectic mirrors the Lurianic Breaking of the Vessels, where original structures collapse, necessitating reorganization into broader schemas, echoing Hegel's dialectical reasoning, akin to kabbalistic notions of Sefirot, Shevirah, and Tikkun.

In Hegel's philosophy, the dialectic evolves through thought, life, and historical expressions, transcending into negative realms, culminating in "speculative reason," akin to kabbalistic Tikkun, where opposing concepts reconcile. Hegel's philosophy, devoid of the eroticism prominent in kabbalistic myths, prioritizes rational explanation for existence, epitomizing the fullest realization of Reason, Mind, or Spirit, akin to kabbalistic interpretations of Ein-sof. Though Hegel's philosophy leans towards rationality, expressing the "basic metaphor" under the aspect of Chochmah, echoing the struggle within kabbalah between

intellectual and volitional interpretations of Ein-sof and the world-creative process. Hegel discusses kabbalah alongside Gnosticism in his *Lectures on The History of Philosophy*.

Hegel's dialectical method, characterized by thesis, antithesis, and synthesis, can be viewed as a philosophical parallel to Luria's Tikkun process. The idea of history as a rational process towards freedom and self-realization resonates with the kabbalistic vision of history as a cosmic process of restoration and redemption. Hegel's dialectical process, where the unfolding of the Absolute Spirit is realized through history, can be viewed as a secular counterpart to the Lurianic process of Tikkun. The Hegelian synthesis, emerging from the tension between thesis and antithesis, mirrors the kabbalistic vision of a harmonious resolution emerging from cosmic disruption and fragmentation. Important for our purposes, Hegel's dialectical method, which sees the unfolding of the Absolute Spirit through a process of thesis, antithesis, and synthesis, parallels the Lurianic process of Tikkun. This comparison draws on the idea of a historical and cosmic process of restoration and redemption. This can be seen as a demythologized notion of the concept of tzimtzum. That is, the process of negation or cancelation of the negation makes the repeatability characteristic of logic possible. In this sense, God is the eternal essence, before the creation of the natural finite realm.

As seen in chapter two of this dissertation, Rabbi Joseph B. Soloveitchik employs, in his unique mode, the method of dialectics as well as the doctrine of tzimtzum. For him, Jewish dialectics is inseparable from the doctrine of tzimtzum, this results in a new understanding and function of dialectics. When examining how the concept of tzimtzum is presented, it is seen as directly drawn from Jewish sources, and serves a theological function. Soloveitchik does not diverge from the kabbalistic tradition of viewing tzimtzum as a mode of a desirable imitation of God. This aligns with the Talmudic teaching in Tractate Sotah 14a: "Rather, the meaning is that

one should follow the attributes of the Holy One, Blessed be He.”¹⁶ The notion of *tzimtzum* which Soloveitchik coins the term for following God in the manner of *imitatio dei*. The use of the Latin term by Soloveitchik is intentional. He could have used the classic Jewish terms which are displayed in the various doctrines discussing the Divine’s attribute, but he chose to employ a Latin-Christian term. By doing so, Soloveitchik links the doctrine of *tzimtzum* to the way he understands and employs dialectics. The usage of *tzimtzum* is not in the traditional kabbalistic sense but rather as a philosophical tool lending its conceptualization to Soloveitchik’s understanding of dialectics. As seen in chapter two, Jewish dialectics has a limitation necessitated by the Jewish nature of the sources they are drawn from. In classic Christian-oriented dialectics, there is a triple stage movement, and the notion of *tzimtzum* is used to explain the move between each stage. In Soloveitchik’s model it is used differently.

There is a philosophical tradition of incorporating the notion of *tzimtzum*, especially in the Hegelian mode of thought. Soloveitchik reintroduces *tzimtzum* not between the stages of dialectics, as a way to enable the cancelation of the object in each stage, but rather at the end. This change is not merely a Jewish technical one but is rooted in philosophical dialogue and has metaphysical ramifications. When Soloveitchik introduces *tzimtzum* at the end of the dialectical process, the human psyche is held in constant tension, moving in and out of the religious-philosophical conundrum. The tension, in the dialectical sense is not resolved because the notion of *tzimtzum* comes into play. One cannot resolve that tension because they are situated in the ontological world where a resolution, which requires divine *tzimtzum*, simply does not exist. When introducing *tzimtzum* at the end of the dialectical process, Soloveitchik shows that while

¹⁶ The William Davidson digital edition of the Koren Noé Talmud. Tractate Sotah 14a. Sefaria. Accessed March 5, 2024, https://sefaria.org.il/Sotah.14a.4?lang=bi&p2=Sotah.14a&ven2=William_Davidson_Edition_-_English&lang2=bi.

metaphysically, it occurs from top to bottom, in the classical sense of the infinite contracting itself into a finite space, when employed in the ontological sphere, from bottom to top, it creates an impossibility. This impossibility limits the advancement of the dialectical process and prevents the resolution between the thesis and antithesis.

The impossibility is due to the way Soloveitchik understands the notion of *tzimtzum*. For Hegel and his followers, it is a Christological notion; for Soloveitchik, *tzimtzum* is rooted in the Jewish tradition. This does not detract from the centrality of kabbalistic concepts in the history of philosophy. Even if Hegel's usage of a Jewish-kabbalistic oriented concept has entered the history of philosophy as a Christological idea, the concept can still be reclaimed through its own roots, and shift positions in Soloveitchik's employment.

The transmission of Lurianic Kabbalah into Christian and German philosophical thought was facilitated by a unique cultural and intellectual milieu. The Renaissance and the Enlightenment were periods marked by openness to cross-cultural and cross-religious dialogues. This environment enabled Christian scholars to study Jewish mystical texts, and later, allowed German philosophers to draw from a wide range of intellectual traditions, including Jewish mysticism. The Lurianic narrative, with its emphasis on the pre-creation phase, introduced pivotal concepts to the development of German idealism. Central to these is the dual nature of the divine essence, *ein sof*, recognized not just as a creative force but also as one possessing destructive capabilities.

This narrative introduced the concept of *tzimtzum*, or divine self-limitation, suggesting that for creation or revelation to occur, the Infinite must contract. This principle marks a departure from Neo-Platonic views, which consider creation and revelation as emanations from an all-positive source.

In the Lurianic view, the divine will dictates the form humanity should aspire to. Unlike Neo-Platonism, where this ideal is seen as perfect wisdom, Lurianic kabbalah identifies it as the supernal human (adam elyon). Initially, this form cannot fully embody divine negativity, leading to the shattering of the vessels (shevirat ha-kelim), an event understood as the origin of evil.

Furthermore, Lurianic kabbalah assigns a vital role to humanity. Humans are tasked not only with self-improvement and environmental betterment but also with elevating the supernal human form through acts of repair (tikkun), essential for the divine's complete self-realization.

This idea resonates in Jewish dialectics as used by Soloveitchik, who balances worldly improvement with divine contemplation. His interpretation of the mitzvot highlights this balance, intertwining practical actions with the spiritual process of Tikkun, serving both human and divine purposes.

Epilogue: From Ethics to Eschatology: Mapping Transitions in Jewish Thought and Practice at the Turn of the 21st Century

In the second chapter of this dissertation, I showed the link between Christian political theological discourse and non-liberal Jewish thought. This thread of non-liberal Jewish thought ran through the sentiment in parts of the German intellectual milieu that were weary and disappointed by the outcomes of enlightenment.

German Enlightenment, as conceived during the twentieth century, was, according to the thinkers presented in chapter two, devoid of genuine religiosity, having discarded its religious, intellectual, and philosophical roots in favor of a seemingly rational way of thought. Criticism of this led some German non-liberal thinkers, including Karl Barth, to construct a theology of dialectics. For others, such as Carl Schmitt, it led to the submission of the individual to the political entity and the acknowledgment that the political is a secularized theological notion. In the Jewish sphere, Soloveitchik was deeply influenced by the dialectical theological movement and adapted it using a Jewish vocabulary for a halakhically inclined audience.

In chapter three, I approached ethics and halakhah from the perspective of a traditional-halakhic mindset. I concluded that while ethics and halakhah might be somewhat compatible, halakhah qua ethics is limited; more so, halakhah qua ethics is also limited philosophically, since its scope is contained within its modes of discourse. Even if halakhah can operate autonomously—either through its internal mode of operating in the homo religiosus world or through its internal logic—it is still forced to operate within its constraints, namely ethics. Interestingly, the focus on ethics as a mode of discourse between Jewish and non-Jewish thinkers

was compelled by the emphasis on ethics in post-Kantian philosophy. Jewish thinkers were effectively forced to think of Judaism in ethical terms—a sort of apologetics.

In the later second half of the twentieth century, the pattern of Jewish thought in some orthodox neoliberal circles shifted. While the focus had been on ethics and morality in the halakhic context for over a century, shifts in the geo-political dynamics in the modern State of Israel, turned the discourse to issues of sovereignty, political theology, and messianism.

On the other side of this political-philosophical conundrum, voices emerged calling for a Judaism without the modern state of Israel, advocating for independent self-definition through values of ethics, human rights, and Jewish authenticity, distant from an eschatological worldview. Examples of this thinking can be seen in the anti-Zionist approach of Judith Butler,¹ who presents the problematics of the political violence of the modern state of Israel and critiques the claim of political Zionism to represent worldwide Jewry. Daniel Boyarin, in his 2023 tome,² drives a wedge between the identification of statehood and nationhood. He strives to show the legitimacy of a Jewish nationalism in the diaspora, devoid of a state. And finally, Shaul Magid, in his 2023 book,³ discusses the right for a Jewish identity existing in perpetual exile in light of, and in spite of, the political and intellectual roots of Zionism and Jewish self-definition.

The primary focus of the research presented in this dissertation has been the imponderables of translating philosophical concepts and metaphorical images into religious systems of knowledge, as exemplified by twentieth-century philosophies of halakhah. The research addresses the issues of translation, specifically concerning philosophically inflected

¹ Butler, Judith. *Parting Ways: Jewishness and the Critique of Zionism*. New York: Columbia University Press, 2012.

² Boyarin, Daniel. *The No-State Solution: A Jewish Manifesto*. New Haven ; London: Yale University Press, 2023.

³ Magid, Shaul. *The Necessity of Exile*. Ayin Press, 2023.

religious constructs and metaphorical imagery deployed by representative twentieth-century neo-orthodox German-Jewish thinkers. I focus on their lexical and conceptual formulations in light of the post-Kantian milieu in which they and their principal readership were educated, while also highlighting their interpretative lexicon drawn from kabbalah. I argue that this latter lexicon was decisive in shaping the conceptual and hermeneutic paradigms of rabbinic philosophy during the latter half of the twentieth century. This dissertation further proposes a heuristic framework to examine transitions from mere translatability to what may be called analogical adaptability.

The shift mentioned in the opening paragraph of this epilogue is characterized by the need to understand the profound shift in Jewish and halakhic thought from a halakhic-ethical discourse to a quasi-halakhic discourse dominated by eschatological visions. An essential aspect of my investigation is to discern the impact of this shift on halakhic decisions, as they move from established ethical maxims and internal halakhic reasoning to a more eschatological, indeed apocalyptic, worldview that emphasizes power. As such, we can identify a shift from the German-Jewish paradigm that was dominant from the end of the nineteenth century to the beginning of the second half of the twentieth century. The last several decades of the second millennium are characterized by a change in the horizon of Jewish national consciousness and religious identities.

Similarly, we increasingly witness the emergence of loosely formulated halakhic arguments based not on ethical maxims or even “classic” halakhic reasoning, but rather on eschatological politics. This Messianic, political-theological worldview finds its intellectual home mostly amongst a particular demographic subset of Jews living in the State of Israel—the religious-national right. And by “right,” I not only refer to the prevailing political distinction between right and left in the modern State of Israel, but also to denote that these halakhically

oriented Jewish thinkers are situated to the right of interpretative and prescriptive principles. They focus on new values that emphasize political power rather than the classic “path of the Torah.” For example, Rabbi Yitzhak Ginzburg’s 1998 book *Baruch Hagever*, published in memory of Baruch Goldstein several years after the Hebron massacre in 1994, praises Jewish power, domination, and ownership of the land—but Ginzburg elides mentioning classical Jewish values that have traditionally guided orthodox Jewry.

Rabbi Yisrael Meir ha-Kohen Kagan of Radun, known as the Chafetz Chaim, published *Mahane Yisrael* in 1881 as a guide for Jewish soldiers recruited into the Tzar’s army. The book is likely the first directed to a readership of Jewish soldiers and was later translated into English for Jewish soldiers who fought in both world wars. The Chafetz Chaim first outlines the various halakhic issues one might face during war or as military personnel. The second half of the book discusses the essence of Jewishness. He offers practical advice on conducting oneself ethically in war and warns that power and force should not be crowned as Jewish virtues.

In 1976, a modern and updated guide for Jewish soldiers, *Dinei Tzava U’Milhamah*, was published, specifically addressed to members of the IDF. The book surveys the various moral dilemmas a soldier might face, such as injustice in the violence of warfare and the following encounters with a civilian population. The authors, Rabbis Shlomo Min Hahar, Yehuda Isenberg, and Issachar Goalman, stress that fighting for the land of Israel and Jewish sovereignty supersedes and overrides all ethical and moral considerations. The Chafetz Chaim focused on the Jewish person as an individual, which makes blindness to moral injustice impossible, or at least unethical. However, *Dinei Tzava U’Milhamah*, while still explicitly addressing individuals, does so against the backdrop of the Jewish state, where moral issues are not necessarily marginalized

but are certainly considered within the perspective of statehood, rather than as worthy of independent consideration.

The emergence in the religious consciousness of the phrase the “right to the land of Israel”, in the words of Rabbi Yaakov Ariel, a prominent national religious leader, have turned the power and survival of the Jewish nation-state into a religious imperative. The shift from individuals and Jewish communities to a national sovereign entity has led to a change in focus regarding halakhic conduct and decision-making. Whereas ethical issues *were* the overarching focus of halakhic philosophical discourse (as illustrated in this dissertation,) messianic (as a Jewish eschatological term with a political theological aim) politics now set the agenda of halakhic deliberations.

A prominent eschatological notion is the concept of *Tikkun Olam* (תיקון עולם), literally meaning “repairing the world.” While this is not the place to go into its history, it is important to note that in the modern age, it has been associated with redemption.⁴ On October 7, 2023, over 250 hostages were taken by Hamas into Gaza during an unprecedented attack on Israeli soil. While most public opinion leans towards releasing the hostages at nearly any cost, prominent religious-Zionist rabbinical figures argue strongly against it. Rabbi Shlomo Aviner has even used the term “*Tikkun Olam*” to justify this stance.⁵ He quotes the Mishnah, “The captives are not redeemed for more than their actual monetary value, for the betterment of the world ואין מקריהין

⁴ See Cooper, Levi. “The Assimilation of Tikkun Olam.” *Jewish Political Studies Review* 25, no. 3/4 (2013): 10–42. Also, Jacobs, Jill. “The History of ‘Tikkun Olam’” *Zeek*. June 2007.

⁵ Rabbi Aviner is the Chair of Yeshivat Ateret Cohanim (Hebrew: עמותת עטרות כהנים), currently known as Ateret Yerushalayim. The Yeshiva is located in the Muslim quarter in the old city of Jerusalem. The Yeshiva and organization carrying its name, are involved in the Judaification of the old city. They acquire land in the Arab neighborhoods of East Jerusalem outside the Old City, often against local municipality and government policy. They operate mainly in the village of Silwan.

אֶת הַשְּׁבוּיִין, מִפְּנֵי תַקוּן הָעוֹלָם.”⁶ The notion of *Tikkun Olam* has traditionally been scarcely used in the context of hostage negotiation in the modern era. However, religious-Zionist rabbis appeal to it to justify and promote the alternative of military retaliation instead of adhering to the older halakhic principle of releasing hostages at all costs. In the modern age there have been several instances of hostage negotiations where rabbinical authorities were asked to rule on the matter; for example, in the case of the hostages rescued during the Entebbe raid in 1976. Rabbi Ovadia Yosef, the chief Rabbi at the time, ruled, together with other prominent rabbinical authorities (Rabbis Yosef Shalom Elyashiv, Shlomo Zalman Auerbach and Ben Zion Abba Shaul) that the state must endanger itself for the sake of releasing the hostages. They also addressed the issue of *Tikkun Olam* and ruled that it does not apply in the case of a modern sovereign state. Therefore, when figures like Shlomo Aviner deviate from the halakhic tradition, it signifies a significant shift in the focus of religious life. In the past, halakhic principles carried contextual weight and leaned towards morality and ethics (in the case of hostage release, promoting the safety and welfare of individuals and the public). Avner uses *Tikkun Olam* to ask individuals to sacrifice themselves for the sake of the (Jewish) world. The ethical ethos is now being replaced by the ethos of sacrifice, suggesting that the world order (*Tikkun Olam*) should not change due to an individual being taken hostage.

Rabbi Yaakov Yakir went further than Shlomo Aviner, stating that all hostages are part of the war effort and can be sacrificed for the sake of retaliation and warfare.⁷ These positions, which contravene international law as well as classic halakhic positions, attempt to justify the sacrifice of individuals for the state’s benefit. The interpretation of *Tikkun Olam*—a concept

⁶ https://www.sefaria.org.il/Mishnah_Gittin.4.6?lang=bi&with=all&lang2=en Also see Aviner, Shlomo. *Shut Sheilat Shlomo*. (HEBREW) Beit-El, Sifriyat Hava, 2006. p. 351.

⁷ Rabbi Yakir Yaakov, in a weekly pamphlet widespread in the religious-Zionist communities. <https://olam-katan.co.il/archives/12336>

often associated with the pursuit of justice and acts of kindness—as the sacrifice of the individual for the collective is contentious and considered an anomaly within Jewish thought. This interpretation reveals a unique perspective on the essence of the state and its citizens. According to the current ethos of religious Zionism, the ethos of sacrifice concerns not the self-sacrifice of the individual, but rather the obligation to sacrifice the individual for some greater collective. According to the hard-line religious nationalist right, it is preferable that “you should die for our country.”

This demonstrates that the transition from ethics to eschatology represents a shift from the individual to the community—from the defined and concrete (e.g., halakhah) to the amorphous and general.

In reference to Weber’s admonition, discussed in chapter two, regarding the return to religion and the abandonment of liberal and democratic values, we observe a similar phenomenon occurring today in modern Israel. This shift mirrors Weber’s concerns about over-rationality leading to a crisis in modern society, sanctifying science and reason but failing to provide meaning to people’s lives. Weber predicted that this disenchantment of the world would lead to a revival of religion and a decline in democratic and liberal values.

Karl Barth’s theological perspective offers a contrasting view, also discussed in chapter two. Barth argues for the separation of the theological sphere from the modern state, advocating that such a division is essential to preserving the integrity of theology. According to Barth, intertwining divine concepts with human political structures would inevitably lead to the collapse of theology’s true essence.

In the modern Jewish messianic context, Barth’s argument seems to find resonance. Certain groups in Israel are increasingly reverting to theological language, emphasizing religious

narratives and principles in public and political discourse. This movement toward integrating theological concepts within the state's framework illustrates the dynamic interplay between religion and modernity, echoing Weber's and Barth's insights. By adopting theological language, these groups underscore the tension between secular liberal values and religious resurgence, reflecting the complex and evolving landscape of modern Israel.

This stance represents a shift from the traditional focus on individual morality, exemplified by the Chafetz Chaim, who emphasized personal ethical conduct. Instead, *Dinei Tzava U'Milhamah* situates moral issues within the context of statehood, suggesting that individual ethical concerns are secondary to the imperatives of the Jewish state. Rabbi Yaakov Ariel, a prominent national religious leader, articulated this shift by asserting that the "right to the land of Israel" has transformed the survival of the Jewish nation-state into a religious imperative. This change reflects a broader trend within halakhic decision-making, where the priorities of messianic politics have begun to dominate over traditional ethical considerations.

This interpretation of *Tikkun Olam* significantly departs from past halakhic rulings. For example, during the 1976 Entebbe raid, prominent rabbinical authorities, including Rabbi Ovadia Yosef, ruled that the state must prioritize the release of hostages, even if it meant endangering itself. They argued that *Tikkun Olam* did not apply in the context of a modern sovereign state. In contrast, Rabbi Aviner's stance reflects a new ethos within religious Zionism, where the sacrifice of the individual for the collective good is emphasized over personal ethical considerations.

This transition from ethical to eschatological considerations marks a shift from the individual to the community, from the concrete to the abstract. As Israel navigates the complex interplay between religion and state, the insights of Weber and Barth offer valuable perspectives on the evolving landscape of modern Jewish thought. The age of eschatology, with its emphasis

on messianic politics and collective sacrifice, presents both challenges and opportunities for the future of Israeli and Jewish society.

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