*Jewish Religion
after
Theology*

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JEWISH RELIGION
after
THEOLOGY

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Preface

Is Jewish religion at all intelligible without theology? This question relates to both universal and particular aspects. A student of religions will ask: can we explain the religion phenomenon without theology? Is there any meaning to religion, at least in its monotheistic version, without God as its central, constitutive concept? From a particularistic perspective, can we understand the *lebenswelt* of Jewish religion if God is no longer its central element? These questions are not merely theoretical, but follow from the situation of the modern person living after the "death of God," after losing the primary innocence that is purportedly the foundation of the religious world. Modern individuals, who make their own lives the center of their being but nevertheless wish to remain loyal to a religious commitment, must face the problem of creating a religious life within this set of basic assumptions.

Since "the death of God," these questions have indeed become basic problems not only for the study of the religious phenomenon but also, and mainly, for believers. They find themselves at the eye of the storm, facing a cultural-religious legacy with a transcendent

God and a duty of obedience at its center confronting a modernist reflective experience where the protagonist is the individual.

This book offers an account of attempts to deal with this question in contemporary Jewish thought. It points to a post-theological trend that shifts the focus of the discussion from metaphysics to praxis and examines the possibilities of establishing a religious life centered on immanent-practical existence, with various chapters presenting different aspects of this shift.

First, I trace the manifestations of this shift in the work of contemporary Jewish thinkers who discussed it directly — Yeshayahu Leibowitz, Eliezer Goldman, Joseph B. Soloveitchik, and David Hartman. Each one offers a set of unique options for an immanent religious experience, centered on praxis and on a way of life rather than on a transcendent God. In this sense, this book continues and complements my *Tradition vs. Traditionalism: Contemporary Perspectives in Jewish Thought*.* Second, I reconsider basic issues of religious life through this perspective such as, for instance, the conditions for the development of a pluralistic world view within the context of a religious commitment in Chapter One, and the attitude to a flawed human reality in Chapter Seven. These chapters examine the borders of flexibility in Jewish religious life and lead to the conclusion that Halakhah, as a normative system perceived as conservative, allows for greater openness than the metaphysical theological perspective.

Although some of the chapters of the book have been published as separate articles and deal with specific issues, they are also part of a general argument presenting clearly and comprehensively the option of immanence in Jewish religious

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*   *Tradition vs. Traditionalism: Contemporary Perspectives in Jewish Thought*, trans. Batya Stein (Amsterdam-New York: Rodopi, 2008). Both these books appeared in one volume in Hebrew entitled *A Challenge: Returning to Tradition* (Tel Aviv: Hakibbutz Hameuchad, 2003).

life. This book will obviously fail to exhaust the subject. Indeed, it is only the beginning or, more precisely, it is an invitation to re-examine an option that has been neglected due to an overstated concern with theology and metaphysics. My general starting point is the approach developed by Wittgenstein, who is the book's latent hero. According to this view, we must focus on a given culture's actual "forms of life" and prefer them to theoretical statements, of which metaphysics and theology are only one part.

This book could not have been written without the enriching dialogue that I have been conducting for decades with my colleagues and my students at the Shalom Hartman Institute in Jerusalem and at Bar-Ilan University. I am deeply appreciative of the opportunity for our sustained discourse. Thanks to Dov Schwartz, who occupies the Nathalie and Isidore Friedman Chair for the Teaching of Rav Soloveitchik's Thought, for his help in funding the translation. As ever, I am grateful to my dear friend Batya Stein for her accomplished rendition of the text from Hebrew. Batya has been my longstanding partner, and her subtle and critical reading of my work resonates in her translation.

I have been greatly privileged to enjoy close contacts with three of this book's protagonists: Yeshayahu Leibowitz, Eliezer Goldman, and David Hartman. My encounter with them afforded me a glimpse into a complex world of commitment as it attains realization, above all, in real life, and their readiness to share this has been a moment of grace for me. I remember with longing my conversations with Eliezer Goldman, whose philosophy is only now becoming more widely available. Eliezer, who taught at the Department of Philosophy of Bar-Ilan University and was a member of Kibbutz Sdeh-Eliyahu, drew the connection between Yeshayahu Leibowitz and Joseph Soloveitchik, who was his teacher. David Hartman, who began as my teacher and

became my friend, taught me about commitment to values and beliefs accompanied by critical thought and a willing readiness to engage in their re-examination.

This book is devoted with love and appreciation, which did not blind my criticism, to the three thinkers I have known personally: Yeshayahu Leibowitz, Eliezer Goldman, and David Hartman, grateful for the privilege of our encounter and in deep appreciation of their contribution to my life.

ARE TOLERATION AND PLURALISM POSSIBLE IN JEWISH RELIGION?

JEWISH religion holds certain beliefs about the world that it takes to be true, including theoretical assumptions and practical obligations. The theoretical assumptions include premises about the Torah's divine origin and the explicit duty of observance incumbent on every Jew. Practical halakhic obligations extend to most if not all spheres of life and, by dint of the theoretical assumptions, compel all members of the Jewish collective. Given these circumstances, can Jewish religion endorse notions of toleration and pluralism toward Jews who do not observe the Torah and the commandments without losing its fundamental meaning?

Two preliminary remarks are in place here. First, a clear distinction is required between my concerns in this book and displays of toleration, or even pluralism, in Halakhah. The saying "these and these are words of the living God" (BT Eruvin 13b), for instance, is often used as proof of Halakhah's support for tolerant or pluralistic attitudes. But this is not necessarily the case, since Jewish religion acknowledges multiplicity only *within* the system. Halakhah and Jewish religion do not rest on

theoretical or empirical uniformity, and a diversified spectrum of thought and praxis indeed constitute Jewish religion as a culture of dispute.[1] Whatever is not part of the system, however, is not considered "words of the living God" but rather a deviation that the halakhic system will not necessarily tolerate and will certainly not approach in pluralistic terms.

The possibility of developing a tolerant and perhaps even pluralistic attitude toward non-Jews posed a fascinating challenge to Jewish tradition, but the difficulties raised by these questions are not comparable to the challenges posed by the attempt to apply these ideas to members of the Jewish collective. Gentiles are not compelled to observe the Torah and the commandments, whereas Jews are bound by these obligations by the very fact that they are Jews. In *Tolerance and the Jewish Tradition*, Alexander Altman reports the findings of a study on toleration and Jewish tradition and sums them up as ambivalent: "On the one hand, strictness in enforcing the religious discipline of the community, and on the other, a considerable measure of toleration towards the Gentiles."[2] When the other is wholly other, entirely beyond the borders of the Jewish community and Jewish culture, the potential threat to the core of identity is minimal. But when the other is inside a given society and culture, his or her very existence is a menace. No wonder, then, that Jewish tradition was tolerant of strangers.

Can Jewish believers adopt a tolerant or even a pluralistic stance toward non-observant members of the Jewish collective? Can Jewish tradition accept the other within itself, or must it reject these ideas? This is a vital issue, since it also determines the answer to the fundamental question: to what extent can Jewish believers open up to the outside world? Or, to what extent can they participate in a Western community that endorses notions of toleration and pluralism?

The following discussion will focus on the links between Jewish religion and ideas of toleration and pluralism, and less on the historical question of whether Jewish religion, as an actual historical-cultural phenomenon, displayed toleration toward deviants from halakhic norms or enabled pluralism. A preliminary conceptual analysis of toleration and pluralism is required here because in everyday language, and sometimes in philosophical terminology as well, these concepts appear as similar and sometimes as identical, although they actually represent different ideas.

Toleration and Pluralism

Toleration — Many scholars have pointed out that toleration is a paradoxical concept,[3] since it implies that we are willing to bear what we actually reject. Toleration, then, is built on a combination of two opposite trends. We oppose and reject the tolerated approach, but we also enable its existence. In Jay Newman's terms, this is a "split heart" stance.[4] This "paradoxical conclusion" of rejection and acceptance called toleration rests on several necessary and mutually related assumptions that explain one another.

First, the tolerated stance deviates from what is purportedly the right way. We will not say of a stance we consider worthy that we tolerate it, since we would not reject it in the first place.[5] The tolerant person, then, is neither a relativist nor a skeptic. Relativism and skepticism do not assume a truth-deviance relationship, since they do not support any outlook and thus cannot justify its rejection either.[6] Neither one reflects the paradox of tolerance or the split heart.[7]

Evidence of the essential role of the truth-deviation relationship within the toleration idea is the historical context that

fostered the growth of toleration. The idea of toleration was born in a culture that assumed an objective truth and a monopolistic perception of values, and was neither skeptical nor relativistic. The conceptual meaning of the term "toleration" also reflects this assumption, since toleration is not agreement but rather readiness to bear or suffer what is wrong, despite disagreement.[8] John Locke, whose *Letters Concerning Toleration* are among the most significant expressions of the toleration idea, illustrates the link between adherence to a stance and readiness to bear what is perceived as mistaken.[9]

Similarly, speaking of tolerating something we do not care about is pointless. Toleration is predicated on the negative value assigned to the tolerated stance, but not on indifference or obliviousness to it.[10] The right to be called tolerant applies only when the tolerated attitude conveys deviation from something that tolerant individuals consider worthy. Otherwise, they would not need to exercise discretion to refrain from acting against the tolerated attitude, which is meaningless to them and hence unworthy of their concern.

Second, tolerant individuals can adduce good reasons to substantiate their objection to the tolerated position. Their opposition is not the product of a capricious whim. If tolerant individuals lack justified reasons for opposing the tolerated view, in what sense are they tolerant? Their opposition must have a rational basis.[11] In everyday language, the concept of toleration is used in a broader sense to include not only opposition based on rational grounds but also on feelings. We say that X is tolerant of her children's dress code or of their favorite music. We expand the use of the concept of toleration to include everything that is unbearable, regardless of the rational grounds that justify this opposition.[12] This use of the term reflects what could be called "descriptive toleration," which is a psychological portrayal of

the kindness typical of the person called tolerant. From this description, however, we can hardly draw conclusions about the value of toleration and decide whether it deserves praise or contempt. Descriptive toleration often reflects what Newman calls "moral weakness."[13] A father unable to deal with his children allows them to do whatever they want. Toleration would hardly be a moral quality or a praiseworthy ethical stance if objection to the tolerated stance were simply a matter of personal taste without any rational grounds.

Third, the tolerant person has good reasons not only to oppose the tolerated stance but also to act against it. This assumption does not follow directly from the previous one, since the right to act against the tolerated view cannot be derived from the existence of rational grounds for opposing it. To justify this right, tolerant individuals require additional assumptions. For instance, a tolerant person could claim a right to act against deviants in order to help them find truth, or to prevent them from harming other members of the community, and so forth. Without believing in the existence of this right, abstention and self-restraint do not denote toleration, because refraining from action could simply follow from the absence of a right to take steps against the tolerated position in the first place.[14]

Fourth, tolerant individuals have counterarguments to substantiate their self-restraint. Without entering into a detailed analysis of the range of reasons that have been suggested in history for the idea of toleration, reasons for toleration can in principle be classified under two main rubrics: utilitarian and value-based. One instance of a value-based consideration could be respect for the other person's autonomy as a free entity. As for utilitarian considerations, their range is extremely broad and spans, *inter alia*, claims about lack of power to coerce the truth, unsatisfactory results from this coercion, or acknowledgement

of the tolerated view's *instrumental* value, which helps to justify the tolerant person's self-perception as such. Thus, for instance, one argument for tolerating Jews adopted in Christian tradition from Augustine to Thomas Aquinas was that Jews should not be forced to convert since their inferior status attests to the truth of Christianity.[15] The value-based consideration assigns great importance to the dignity of the individual as a person able to choose, who cannot be deprived from this essential characteristic even in the name of truth.

All these grounds for toleration share one common denominator: they rule out the possibility of the tolerated position having any intrinsic value. Tolerant individuals claim that they have the truth but, for various reasons, endorse self-restraint. At times, they do not acknowledge even instrumental value in the tolerated position but refrain from acting against it for utilitarian reasons; at times, they view the tolerated stance as a means to their own ends.

Even when respecting the other and allowing him freedom of thought and action, one need not acknowledge any intrinsic value in his position. One may respect the person's freedom and agree to practice self-restraint without necessarily respecting the tolerated position per se.

Utilitarian and value-based reasons for supporting toleration differ in the level of commitment they command. Utilitarians, for instance, might renounce their commitment to toleration if they believed it useful to oppose the tolerated position.[16] Toleration advocates who rely on the idea of human dignity would find it hard or probably impossible to relinquish their commitment to toleration since no other consideration could possibly override this idea. If we ascribe moral value to toleration and we praise tolerant individuals, we probably intend the kind of toleration that rests on the idea of human freedom. People who are tolerant

for utilitarian reasons would not warrant moral acclaim for displays of self-restraint given that, in other circumstances, they might not refrain from intolerant attitudes.

This analysis enables us to separate a prima facie tolerant stance from one of genuine toleration, a distinction that will prove crucial. Individuals often refrain from opposing the other's stance due to paternalistic considerations. Paternalists ascribe features to the tolerated position that enable them to view it as different from what it actually is. For instance, paternalists may claim that, although the tolerated position is founded on a mistake, the people who support it are not responsible for it — they are coerced and are not epistemically liable. At times, paternalists offer an alternative interpretation of the tolerated stance and claim it actually represents *their* own truth, or at least does not contradict it, even if its supporters are unaware of it. Viewing supporters of the tolerated position in this light enables paternalists to justify their abstention from action. The common denominator of all these paternalistic claims is that they dismiss the "paradox of tolerance" because they do not view the opposite stance as genuine. Paternalists will use analysis to refrain from *punishing* their opponents, but will not be truly ready to bear the tolerated stance as presented by its supporters. Refraining from punishment is not evidence of a tolerant position because this abstention could be motivated, as noted, by the collapse of the "paradox of tolerance."

Once toleration is characterized through these parameters, the question is: what is its object? What exactly is the tolerant person willing to bear? Ostensibly, toleration could relate to three different objects: views, deeds, and people. Since the tolerant person does not ascribe intrinsic value to either the views or the deeds of the tolerated person, however, it might be more correct to claim that people are the true object of toleration. The tolerant person is ready to tolerate specific people, despite their ideas or deeds.

The discussion has so far focused on the necessary conditions for making the concept of toleration meaningful. This analysis, however, does not deal with the degree of toleration: How tolerant am I? What is it that I can or may do and I do not? Types of toleration can be classified according to the type of reaction that tolerant people could implement if they were not tolerant, or according to the type of self-restraint they actually practice. The latter leads to a distinction between various levels of weak or strong toleration.[17] Weak toleration implies that tolerant people do not impose their views on the tolerated person and refrain, for instance, from applying physical force or direct coercion. It could also be broader and include absence of indirect coercion, implying that the tolerant person does not resort to rejection mechanisms that might lead others to change their views. This type of toleration is obviously stronger than lack of physical coercion, since it requires greater restraint. In both these displays of toleration, the tolerant person does not deny the other's freedom of action.

But supporters of this type of toleration have other means of conveying their negation of the other's position while still expressing lesser willingness to tolerate the other. Non-use of these means, which requires great restraint, reflects strong types of toleration. At the first level, tolerant individuals go beyond lack of coercion to argue they are waiving their right to prohibit the social and political expression of the tolerated stance. This type of toleration is evident mainly at the declarative level, in the abstention of proclaiming this prohibition. The three expressions of toleration I have examined so far share a behavioral dimension. The strongest level of toleration, requiring the greatest form of self-restraint, is toleration as a disposition or an attitude of the mind. In this type of toleration, not only does the tolerant individual refrain from banning public displays of the tolerated stance but also avoids deriding it, condemning it, or developing

negative attitudes toward it. Developing this disposition is easier when toleration is value-based rather than utilitarian, relying on considerations of human dignity and liberty and viewing human beings as free agents whose mistakes should not be scorned.

Another classification distinguishes between various types of toleration according to the public means enabling the tolerant position to exist. In this context, the distinction is between negative and positive toleration. Negative toleration does not interfere with the deeds of others, and neither forbids views nor forces its own. This is not an appropriate reflection of the idea of toleration, since non-interference could simply reflect weakness. Powerless to negate the tolerated stance or coerce others to accept their own, tolerant individuals are deterred from action. In practical terms, this consideration is only temporary and could change with changing circumstances. By contrast, positive toleration represents a view stating that non-interference is insufficient, and imposes obligations on the tolerant person to ensure continued protection of the tolerated position by means of legislation or through other ways.[18]

Pluralism — Since toleration assumes that the tolerated stance is wrong and unjustified, it must contend with the paradox of pluralism and answer the question: why not act against it or, at least, develop a negative disposition toward it? Note that, historically, the idea of toleration played an important role in such cultures as Christianity, which assumed total certainty about its own truth and denied any value to tolerated positions. At first, the idea of toleration reflected the position of the majority vis-à-vis the minority and, from the seventeenth century onward, it also came to include deviant individuals.[19]

The idea of pluralism is radically different, both in its historical and sociological contexts, in that it is part of a cultural liberal

framework that affirms free thought and free action without en-
suring the majority view a preferable status. One of the main
historical differences is that a tolerant culture is basically a mono-
polistic religious culture, whereas a pluralistic culture prevails in
a liberal-secular environment where religions may even compete
with one another. "The pluralistic situation" is one of unbridled
competition, without any preferences or advantages.[20] As Berger
describes it: "The pluralistic situation is, above all, a market situa-
tion," in which religion is sold as any of the other goods available
in the market.[21] The transition from a tolerant to a pluralistic cul-
ture is not sharp and all-inclusive. A pluralistic culture may also
include islands of toleration or even of intolerance, indicating it
does not accept the market situation in some areas. A prominent
instance is the change in the attitude to homosexuality in plura-
listic cultures, shifting from intolerance to toleration and from
toleration to indifference. This type of relationship is never found
in a market situation. A conceptual analysis of pluralism will
further understanding of this historical-sociological reality.

Conceptually, pluralism does not reflect a paradox of oppo-
sition and acceptance. Pluralists do not "tolerate" different views
because they are, as it were, ready to tolerate the people expressing
them. Rather, a pluralist considers the other's view valuable and,
therefore, respects the person who represents it. Pluralists have
views and values to which they attach certainty, and pluralism
is not synonymous with an absolute skepticism incapable of
substantiating anything. When no stance can be substantiated,
"anything goes" and shifting positions is a matter of whim rather
than discretion. This state of affairs does not reflect pluralism but
lack of care. No stance is preferable to another and, therefore, all
positions are irrelevant.[22]

In this sense, a distinction is required between descriptive
pluralism, which merely states that people hold different posi-

tions, and normative pluralism, which is part of a wider, usually liberal, value system. Descriptive pluralism neither justifies nor rejects anything. It describes the factual datum of a multicultural society, which enables this multiplicity out of indifference. By contrast, normative pluralism is not a substitute for rational value allegiance to specific attitudes but reflects a certain commitment that is also rationally substantiated and hence affirms or rejects specific positions. Normative pluralists believe in their own attitudes and preferences and think them well substantiated. They do not agree with the views of others because, logically, their views differ.[23]

Pluralists still differ from tolerant people, however, in that they are not committed to refrain from acting against others since pluralists do not assume any grounds justifying such action in the first place. A pluralist does not view the other's stance as deviant, shameful, or evil, and demanding a reaction. Value preferences do not lead a pluralist to negate the other's views. Unlike tolerant people, pluralists assign to other views the same value they assign to their own, as evident in their respect for the views and the deeds of the other[24] rather than only for the other's basic human freedom. In other words, value-based toleration may lead a tolerant person to respect someone upholding the tolerated stance, but never its contents. Pluralists, however, respect also the contents of the contrary views. They engage in a genuine discourse with opposite views, not only because they consent to tolerate people and allow their freedom but because they are truly interested in the other's stand and consider it valuable.

Given that pluralists do have value preferences, however, why do they ascribe intrinsic value to other positions? This is the litmus test for distinguishing between two main versions of pluralism, to which I will refer as "weak" and "strong" pluralism. Weak pluralism does not entirely renounce the assumption of one truth

and the need to find it, but rests on a skeptical position and argues that this truth can only emerge through constant confrontation with contrary views. John Stuart Mill advances this view, as does Karl Popper, who relies on Voltaire. Their shared basic assumption is that human beings are fallible creatures.[25] Hence, the only way of avoiding mistakes is to contend with contrary views. An open market of attitudes and actions is the best course for human beings, whose cognition is so fragile, to reach truth. Both Mill and Popper reject skepticism and relativism. Mill states: "As mankind improve, the number of doctrines which are no longer disputed or doubted will be constantly on the increase."[26] Mill views the development of humanity as a ceaseless process of rejecting mistaken attitudes and as a "gradual narrowing of the bounds of diversity of opinion."[27] Pluralism, then, is temporary by definition. In an infinite time perspective, it will disappear once truth is revealed. Popper's formulation is not as radical, but he too painstakingly emphasizes the distinction between "fallibilism" and relativism. Human fallibility assumes:

> There is such a thing as truth…Fallibilism certainly implies that truth and goodness are often hard to come by, and that we should always be prepared to find that we have made a mistake. On the other hand, fallibilism implies that we can get nearer to the truth or to a good society.[28]

Skepticism, then, is a temporary situation rooted in human reality rather than a metaphysical stance compelling relativism.

This analysis enables us to sharpen the distinction between the weak pluralist and the tolerant person. Tolerant individuals are likely to approach mistaken views as a means for reaching the truth but assume, according to the common definition, that truth has already been found and that they have it, whereas other views are only of instrumental, pedagogical, or epistemic value. By contrast,

pluralists do not assume the absolute preference of their views over those of the other, since their own views could turn out to be mistaken. Tolerant individuals do not accept the idea of fallibility and, therefore, cannot relate to other views as they relate to their own, whereas pluralists, even when they do have a preferred view, do not claim it is absolutely preferable. In Hare's words, "the best that he has so far discovered."[29] In Popper's terms, the preferability of the pluralist's position means it has so far not been refuted. The other's position, however, is important for pluralists precisely because they are conscious of human fallibility.

Contrary to weak pluralism, strong pluralism does not assume the existence of one truth, not even ideally. Whereas weak pluralism views the confrontation between opposite views as a means to approximate truth, strong pluralism does not ascribe any instrumental value to contrary positions and considers every stance in the open market of ideas intrinsically valuable, beyond the temporary.

If Voltaire provided the foundation for weak pluralism, Rousseau adopted the strong version of pluralism. The multiplicity of ideas expresses human difference and the value of individuality.[30] Prominent modern champions of this version are Mill, in Chapter Three of *On Liberty*, Robert Nozick, and Joseph Raz. Whereas in Chapter Two of *On Liberty* Mill emphasizes the instrumental value of contrary views, in Chapter Three he sharply reverses his position. The basis for pluralism is now an acknowledgement of the value of individuality as embodied in human differences: "It is not by wearing down into uniformity all that is individual in themselves…that human beings become a noble and beautiful object of contemplation."[31] Human differences thus create variety and a diversity of lifestyles. Nozick too relies on this justification of pluralism, arguing that we do not know any specific lifestyle equally good for everyone,

and a utopian society is one that enables all human beings to realize themselves as long as they respect the rights of others.[32] The recognition of human variety is a descriptive but also a prescriptive statement, which assumes the value of individuality and claims it can only be preserved in a pluralistic worldview.[33]

Joseph Raz proposes another version of strong pluralism. In his view, pluralism is a necessary condition of human autonomy. Autonomous individuals shape their lives and control their own destiny as far as possible, as evident in their choices. But freedom of choice, claims Raz, is not sufficient for autonomy and individuals must be able to choose between contrary options. Autonomy is an empty notion in the absence of options, but the choice must not be only between good and evil and must also involve choice between various possibilities of the good.[34]

Contrary to toleration, then, the common denominator of all versions of pluralism is their adoption of some form of relativism. Weak pluralism is committed mainly to epistemic and hypothetical pluralism, meaning that the truths assumed by the pluralist may emerge as false. Strong pluralism is committed to a particular form of value relativism, meaning there is no one absolute right for an individual, or even for all human beings. But this relativism is limited, since it acknowledges the existence of various forms of the good but also discerns the existence of various forms of evil. Some things are illegitimate and entirely lacking in value.[35] This conclusion is entirely compatible with the formal characterization of pluralism as a stance within a normative system that distinguishes between forbidden and allowed, worthy and despicable.[36] The difference between the two versions of pluralism is that, at least in principle, weak pluralism ascribes equal value to legitimate views as an expression of epistemic limitations, whereas strong pluralism ascribes intrinsic value to various versions of the good.