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0521416906 - The Election of Israel: The Idea of the Chosen People

David Novak

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Introduction

THE FUNDAMENTAL QUESTION OF JEWISH IDENTITY

From the very beginnings of our history until the present time, we Jews have been involved in a continuing process of self-definition. We have never stopped asking ourselves the most fundamental question of our identity: Who is a Jew? Others too have asked us the same question from time to time, but before they can be given an answer, we always need to answer our own question to ourselves first.¹ The question to ourselves is more urgent inasmuch as others can usually live coherently without definitions about who are those who are other than themselves. But we cannot live coherently as insiders without such a definition. It is *the* question of our own identity.

In our own day, the question “Who is a Jew?” is being asked again with special urgency. In the Diaspora, the question is asked every time a Jew deliberates over the ready modern option of remaining part of the Jewish people or separating from it, and every time a non-Jew deliberates whether to seek admission to the Jewish people or not. In the State of Israel, the question “Who is a Jew?” has been a major political issue, since the “Law of Return” (*hoq ha-shevut*) that guarantees admission and citizenship to any Jew is vaguely formulated. On a number of occasions, the question has been the subject of landmark decisions of the Israeli Supreme Court.² Surely, the answer to

¹ See, e.g., B. Sanhedrin 18a re Zeph. 2:1; *Bemidbar Rabbah* 19.4 re Num. 19:1ff.

² See pp. 197–199 below.

Cambridge University Press

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Excerpt

[More information](#)

this question will largely determine how we understand both what separates us from the rest of the world and what connects us to it.

Even though we have always been both separated from and connected to the rest of the world, new contexts of these relations call for renewed answers to the fundamental question of identity. Obviously, much has changed in both our situation and that of the world itself since the time when the questions of our separation from the world and our connection to it could usually be answered by pointing – both literally and figuratively – to the walls and gates of the Ghetto. For this reason, the answer to the fundamental identity question must be reformulated anew, even though it must also be ultimately the same as the fundamental answer that has always been given from Jewish tradition. For without that historical continuity, any answer to the identity question can only be invented rather than discovered. But since we Jews surely have a history, invention of our identity would hardly strike us – or anyone who knows anything about us – as authentic. So at this point in our history, how do we interpret to ourselves and then to the world the two most dominant facts of modern Jewish existence: the political emancipation of the Jews in the Western democracies, and the establishment of a Jewish state in the land of Israel? How we interpret these facts largely depends on how we answer anew to and for ourselves the perennial question: Who is a Jew?

Now there are three levels on which one can attempt to answer this most basic question of Jewish identity. At the first level, a legal answer can be offered. For almost two thousand years at least, one could correctly say that a Jew is someone who either (1) is born of a Jewish mother, or (2) has been properly converted to Judaism.³ On legal grounds, the former case is rather easy to ascertain, except in rare instances of doubtful parentage.⁴ The latter case is often more difficult to ascertain because the issues of the validity of conversion pro-

³ See B. Yevamot 47b; B. Kiddushin 68b re Deut. 7:4.

⁴ See, e.g., B. Pesahim 3b and Tos., s.v. “v’ana.”

Cambridge University Press

0521416906 - The Election of Israel: The Idea of the Chosen People

David Novak

Excerpt

[More information](#)*The fundamental question of Jewish identity* 3

cedures and the validity of those conducting them can be the subject of dispute more readily.⁵ Nevertheless, in both cases, Jewish law still has the resources for supplying a cogent answer to the “Who is a Jew?” question, that is, when it is asked as a matter of specific practice. Such a question might be: May I as a Jew marry this person or not? Or it might be: May this person be counted as a member of our Jewish congregation or not?

The legal answer to the “Who is a Jew?” question, although necessary, is still not fully sufficient, however. For the question “Who is a Jew?” is more deeply asked on what might be seen as the second level: the essential level. That is, the deeper question is not “Who is *this* person before me now: a Jew or not?” The deeper question is: *Who are the Jews? What is it that makes them what they are and what they are to be?* The category itself must be defined before we can be sure just who is a member of it and why. Without an answer to this most basic question, the insufficiency of the legal answer mentioned above soon becomes evident. Thus if one says: Jewish law has determined that one either born of a Jewish mother or properly converted to Judaism is a Jew, one can still ask two questions: (1) What is it about the Jewish mother that enables her to confer this Jewish identity on her child? (2) And what is it about a Jewish tribunal that enables it to confer Jewish identity on someone who heretofore has not been considered to be a Jew? In both cases, whether of birth or of conversion, one can further ask: Does the law itself simply create this identity by fiat, or does the law recognize and structure a reality that is prior to its own workings?

The latter question is what I would call the essential one. It is deeper and thus more important than the merely legal question. As such, it must be stated in such a way that we can derive a deeper answer than the one that simply posits legal fiat as final. For it would seem that the question of Jewish identity is not simply one that can be attributed to the workings of the law but, rather, one which the law itself recognizes as prior. It is certainly more foundational than any ordinary question of

⁵ See Maimonides, *Mishneh Torah: Isurei Bi'ah*, 13.14ff.

Cambridge University Press

0521416906 - The Election of Israel: The Idea of the Chosen People

David Novak

Excerpt

[More information](#)

law. It does not seem to be a merely legal creation. It seems that in this area, the law recognizes a reality that must be constituted in a prelegal mode before the law itself can deal with it cogently.

Taking this prelegal, essential, question with utmost seriousness, we could say that the Jews comprise a unique community in the world, a fact that is then recognized and structured by our law. However, is that community simply a natural fact or simply a historical fact? Is it to be approached biologically or culturally? Many in the modern world, both inside and outside the Jewish people, have attempted to answer the fundamental question of Jewish identity along these essentialist lines.

The historical approach to this essential question is usually preferred to the biological approach because the latter seems to lead straight into the pseudo-biology that justifies modern racism. Since Jews have been the world's greatest victims of this type of racism, it stands to reason why most of us, and most of the world who are morally sensitive, want to avoid the biological approach to the essential question of Jewish identity. But if our preference is for the historical approach, we must then take into consideration the phenomena of conscious human experience and free human action. That is because history is the temporal realm in which they occur.⁶ Both of these phenomena are essentially social; both involve interpersonal relationships. Here we come to the third and deepest level of the fundamental identity question: the existential level. It cannot be answered by pointing to anything but personal phenomena. But *with whom* does this historical relationship occur? Certainly, it is one with ourselves inasmuch as we are a people. But if it is only an interhuman relationship, then what gives it the total existential claim that serious Jews sense it makes on every Jew? Could any human or group of humans make such a total claim?⁷

At this point, as I shall be contending throughout this book, the most adequate answer is the theological one. It is the only

⁶ See pp. 23–26; 200–207 below.

⁷ Thus it does not explain the requirement of martyrdom if one is given the choice of remaining a Jew or entering any other religious tradition. See p. 195 below.

Cambridge University Press

0521416906 - The Election of Israel: The Idea of the Chosen People

David Novak

Excerpt

[More information](#)*Retrieval of the classical doctrine*

5

complete answer to the existential question: *With whom* do the Jews live their life in the world, and *how* does this coexistence make them *what* they are and are to be? It answers that God elects Israel, that God chooses the Jewish people for a continuing covenantal relationship with himself for which he gave them the Torah. Therefore, the answer to the legal question *Who is a Jew?* depends on the answer to the deeper essential question of *What is a Jew?*, which in turn depends on the ultimate existential question of *With whom are the Jews what they are?*⁸ So the ultimate answer to any question of Jewish identity is theological, the one that points to the factors of election and covenant, the one that points to God's relationship with his people.⁹ More specific answers, legal or otherwise, will have to be consistent with this ultimate answer in order to be truly cogent.

Of course, there are other answers that Jews and non-Jews, especially in modern times, have given to the fundamental question of Jewish identity. During the course of this book, I shall examine a number of them, those offered by some important modern Jewish thinkers. However, I shall simultaneously argue that they are not as adequate to the reality of Jewish life or as coherent for the requirements of Jewish action as is the classical biblical-rabbinic doctrine of the election of Israel: the idea of the chosen people.

THE PHILOSOPHICAL RETRIEVAL OF THE CLASSICAL
DOCTRINE

The question now before us is whether the classical doctrine of the election of Israel is readily at hand, or whether it requires a method of retrieval.¹⁰ Those who see it as being readily at hand

⁸ See pp. 128–136 below.

⁹ "It is impossible to discuss chosenness adequately without first explaining what the Jewish people has been placed on this earth to do. And that task would entail the presentation of coherent conceptions of God, revelation, covenant, etc. What is needed, in other words, is not history or sociology, but theology" (Arnold M. Eisen, *The Chosen People in America* [Bloomington, Ind. and London, 1983], 179).

¹⁰ For the issue of philosophical retrieval, see Paul Ricoeur, *The Symbolism of Evil*, trans. E. Buchanan (New York and Evanston, 1967), 351ff.

Cambridge University Press

0521416906 - The Election of Israel: The Idea of the Chosen People

David Novak

Excerpt

[More information](#)

are most often those who think that the legal answer to the “Who is a Jew?” question is sufficient and final. However, as we just saw, the legal answer itself leads directly into theological discussion of “What are the Jews?” It is not too hard to show the necessity of theological clarification for the operation of the Halakhah itself, especially on this essential point.¹¹ So, if one accepts the necessity of theology to explicate the workings of normative Jewish practice more fully, then one cannot say that the classical doctrine of the election of Israel is readily at hand. It requires theological reflection. Nevertheless, is the reflection of theology all that is needed?

A major assumption of this book is that the retrieval of the classical theological doctrine of the election of Israel requires philosophy, that is, the most cogent retrieval of it must be done philosophically. But what is meant here by “philosophy,” and why is it needed for the retrieval of the classical doctrine?

What is meant here by “philosophy” is the systematic search for the deepest truth the world has to offer. It is the attempt to discover what is most fundamental in the realms of theory and practice, of science and politics, which are the realms in which intelligent people operate in the world in which they find themselves. It is the search for the most fundamental structures available to human reason.

Philosophy must be a religious concern for anyone who accepts the teaching that the same God who gave Israel the Torah created the world, and that creation and revelation are not totally disparate.¹² This is especially evident in classical treatments of the election of Israel. For here it is taught that the creator of the world chooses the Jewish people for a unique relationship. However, no matter how special that relationship is, it is still one that occurs *in the world*, a world which God still governs and for which God still cares.¹³ Philosophy, then, both in its scientific concerns and its political concerns, is also the concern of the theologian. Philosophy becomes his or her

¹¹ See D. Novak, *Law and Theology in Judaism* (2 vols., New York, 1974, 1976), 1:1ff., 2:xiiiif.

¹² See Maimonides, *Guide of the Perplexed*, 1.65.

¹³ See R. Bahya ibn Pakudah, *Hovot Ha-Levavot*: sha'ar ha-behinah.

Retrieval of the classical doctrine

7

concern precisely at the point when the question of the congruity of revelation and creation – Torah and the world – arises. Thus to deny the legitimacy of philosophy, let alone its requirement, is to ignore one of the ways (albeit not the primary way) in which we humans are related to God. Nevertheless, the theologian must understand both the range of philosophy for him or her as well as its limits. This will depend on whether or not the congruity of the Torah and the world is truly a situation where two separate phenomena are congruous *with* each other and not a reduction where one is taken as a subset *of* the other.

When the world is reduced to the level of the Torah alone, there is no room for philosophy at all. All wisdom comes from specific revelation, and philosophy is considered to be an intrusion from a realm that is ultimately an illusion. This elimination of room for philosophy has been most consistently advocated by the kabbalists. Modern research about their origins has shown that they were, to a certain extent, reacting against what they considered to be the worldly excesses of the rationalist theologians of the Middle Ages, those who were influenced by the Greek philosophers and their Arab followers.¹⁴ Their desire for the most complete isolation of the Jewish people from the world has been paralleled by an intellectual effort to remove the worldliness of the world from Jewish religious consideration.

The fact that the Jews have been thrown into the modern world so categorically has made the theology of the kabbalists seem irretrievably fantastic. Despite great scholarly efforts in our own time to prevent their writings and doctrines from suffering total neglect by modern, worldly Jews, what has been retrieved is a cultural legacy, not a normative teaching. That is largely because of the worldliness of the modern Jews, even of those who are still pious and learned. Our problem today is certainly not that the world has been reduced to the Torah, that creation has been reduced to revelation. Our problem is the exact reverse.

¹⁴ See Gershom Scholem, *Major Trends in Jewish Mysticism*, 3rd rev. ed. (New York, 1961), 22ff.

Cambridge University Press

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David Novak

Excerpt

[More information](#)

The retrieval of the classical doctrine of election (and its correlate, the doctrine of revelation) must be philosophical because its most powerful modern denial has been conducted philosophically. Beginning with the archetypal modern philosopher Baruch Spinoza, the denial of the plausibility – let alone the truth – of the classical Jewish doctrine of the election of Israel has appeared far more evident to intelligent people in the world than the doctrine itself, one to which they see only unworldly traditionalists adhering.¹⁵ Therefore, if traditionalists want to counter external charges of myopia, and the internal charge that we are ignoring the relationship we have with God as the creator of the world, then we must expose the roots of the modern denial of the election of Israel. This must be done for the sake of cogently retrieving the classical doctrine in all its power and richness. That exposure, to be adequate – let alone convincing – must be philosophical. One must know what and how to answer its deniers, and that can only be done in the world with the deepest wisdom the world itself has to offer.¹⁶ For its deniers have influenced the way we think in more ways than we are often aware of.

However, despite the large role theology must grant to philosophy and its methods, it must not give philosophy a foundational role. Such a concession would, in effect, be an attempt to reduce the Torah to the world. In one way or another, it would be apologetics. Too much of modern Jewish thought has done just that. And, as we shall see in the first three chapters of the book, this ultimately led these modern Jewish thinkers to pay far more homage to the legacy of Spinoza – the great denier of Judaism and the Jewish people – than they ever wanted to do. In this book, greatly helped by both the theories and example of Franz Rosenzweig, I shall attempt to make use of philosophy and its insights and methods as *ancilla theologiae* –

¹⁵ The most persistent and influential advocate of this position was Mordecai M. Kaplan (d. 1983) throughout his long and active career. See, e.g., *Judaism as a Civilization* (New York, 1934), 257; *The Religion of Ethical Nationhood* (New York, 1970), 154.

¹⁶ See M. Avot 2.14 and R. Israel Lipschütz, *Tiferet Yisra'el* thereon, n. 130.

Cambridge University Press

0521416906 - The Election of Israel: The Idea of the Chosen People

David Novak

Excerpt

[More information](#)*Retrieval of the classical doctrine*

9

the “handmaiden of theology.”¹⁷ For my main purpose here is to clear the ground so that the classical sources, the Bible and the rabbinic writings, may once again speak with their full power and richness to the Jewish people in the world, and even to the world itself. But we must be outspoken in insisting that the Torah can never and, therefore, must never be justified by the world or anything in it. The Torah comes from God, and it is for God’s sake that it is given to us. The world is made by God, and God has given his Torah in the world, but the Torah always teaches us more than the world does.¹⁸

So far, I have indicated the role that philosophy is to play *for* theology; however, it also plays a role *in* theology. Here I see philosophy functioning in theology as phenomenology.

If philosophical analysis is concerned with the explication of the essences of phenomena, namely, that without which the phenomenon could not appear as it does, then philosophical analysis of the doctrine of the election of Israel is certainly appropriate.¹⁹ This doctrine is ubiquitous in traditional Jewish expression, especially in the liturgy, which is that form of Jewish expression Jews are mandated by Halakhah to recite regularly and thereby affirm regularly. Since the phenomenon at hand is verbal (being *theological* expression), its philosophical analysis is, specifically, the employment of metatheological statements that “unpack” as it were the more cryptic theological statements themselves. This is done in order to (1) expose the basic logical relations they contain and which give them their essential structure; (2) draw out the ontological implications that seem to be at work around these statements themselves; (3) develop the wider suggestions these propositions have for the intellectual and political situation of those now reciting them and affirming their truth.

¹⁷ For the origin of this term and concept, see H. A. Wolfson, *Philo* (Cambridge, Mass., 1947), 1:145ff.

¹⁸ See M. Avot 3.7 and comments of R. Obadiah Bertinoro and R. Yom Tov Lippmann Heller, *Tosfot Yom Tov* thereon.

¹⁹ See Edmund Husserl, *Ideas*, secs. 78–79, trans. W. R. B. Gibson (New York, 1962), 200ff.

Cambridge University Press

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Excerpt

[More information](#)

BASIC PROPOSITIONS

Before beginning the daily study of the Torah, and before one is called to the public reading of the Torah in the synagogue service, Halakhah mandates the recitation of a specific blessing (*berakhah*). Like all blessings, it is both a direct second-person statement to God and an indirect third-person statement for whomever happens to hear it. The blessing states: “Blessed are You Lord our God, king of the world, who has chosen us from among all peoples (*asher bahar banu mi-kol ha’amim*) and who has given us his Torah (*ve-natan lanu et torato*).” This statement is an elementary Jewish proposition in the legal sense inasmuch as its recitation has never been disputed in the history of the Halakhah.²⁰ Its recitation has liturgical permanence. Theologically, it is an elementary proposition because, as I shall argue later, it is irreducible to any other theological proposition. Such an elementary proposition, especially in the theological sense, calls for philosophical analysis.²¹

The basic logical relations exposed by philosophical analysis in this theological proposition are as follows: (1) Israel is related to God because of God’s election of her; (2) Israel is related to God because of God’s revelation of the Torah to her; (3) Israel is disjunct from the nations of the world because of God’s election of her.

From this logical breakdown (the original meaning of “analysis”), two key questions emerge: (1) What is the relation of the election of Israel to the giving of the Torah? (2) Is Israel’s disjunction from the nations of the world determined by her election alone, or by her election *and* her being given the Torah? Later on, I shall try to show how these two questions themselves are correlated and that the answer to one necessarily entails the

²⁰ See B. Berakhot 11b and Rashi, s.v. “ve-hi me’ulah”; *ibid.*, 21a re Deut. 32:3; Y. Berakhot 7.1/11a; Nahmanides, *Addenda to Maimonides’ Sefer Ha-Mitsvot*, pos. no. 15. It seems that originally there were separate blessings for the election of Israel and the giving of the Torah. See T. Kippurim 3.18 and my late revered teacher Saul Lieberman, *Tosefta Kifshuta*: Mo’ed (New York, 1962), 80–801.

²¹ Re elementary propositions, see Ludwig Wittgenstein, *Tractatus Logico-Philosophicus* (London, 1961), 4.2–4.23.