Introduction

Is commitment to God compatible with modern citizenship? Are modern philosophical critiques of force and violence driven by the idea of the kingship of God? How can the notion that the embodied human being is the image of God generate a form of reason and rationality that champions the value of each individual? In what ways do classical rabbinic texts anticipate key issues in contemporary ethical and political debates? Is the dominant Western philosophical tradition intrinsically bound up with sacrificing and killing innocent people for political ends?

The present study answers these questions by re-reading four modern Jewish philosophers: Moses Mendelssohn, Hermann Cohen, Franz Rosenzweig, and Walter Benjamin. By comparing their philosophical writings with theological and legal passages from classical rabbinic literature, we will arrive at surprising new understandings of both the modern thinkers and the rabbinic texts. We will find that Mendelssohn, often understood as adapting Judaism to modern Protestant European notions of "religion," instead retains the idea of Judaism as a "nation in exile," in a manner that challenges and undermines modern notions of political force and state-sanctioned punishments. Likewise, while Hermann Cohen is typically viewed as a proponent of the modern *Rechtsstaat* or "constitutional state," we will see that he in fact articulates a prophetic monotheism whose ethical norms demand the destruction not only of the ancient Israelite state but of *all* present coercive political structures. Rather than rejecting politics per se, Mendelssohn and Cohen base their critiques on the affirmation of an alternative political framework grounded in God's kingship and sovereignty. Likewise, we will see that Rosenzweig's condemnation of "philosophy" for negating the value of individual life correlates closely with classical rabbinic conceptions that the living and embodied human individual is the image of God. Similarly, his account of Judaism as rejecting the warlike ways of "the nations of the world," often viewed as a mere inversion of Hegelian thought, will be shown to mirror the classical rabbinic emphasis on the

sharp difference between God's will and human will in decisions concerning war and the taking of human life. Finally, while Benjamin's opposition to notions of *Recht* or Law has commonly been understood in relation to Pauline or Sabbatean forms of antinomianism, we will show that his anti-*Recht* critique in fact corresponds closely to classical rabbinic accounts of the "suspended" status of legal violence in the wake of the destruction of the Temple. Likewise, his argument in which a general strike provides the means to break free of the cycles of political violence displays prominent structural parallels to classical rabbinic accounts of the Sabbath as a form of "general strike" that can bring about messianic redemption. When examined through the lens of classical rabbinic texts, the re-reading of the four modern thinkers thus reveals unexpected political dimensions in their discussions of Judaism and theological-rabbinic dimensions in their discussions of politics.

The study also points to previously underexplored dimensions of the classical rabbinic texts, suggesting that the seemingly unsystematic or unphilosophical texts of classical rabbinic literature may contain a coherent underlying conceptual framework that has direct implications for modern and contemporary attempts at constructing philosophical understandings of the ethical, the political, and the rational. Although expressed in a different idiom from typical philosophical tracts, the earlier rabbinic working-through of concepts such as the image of God (*tzelem elohim*), the kingship or sovereignty of God (*malkhut shamayim*), exile and messianic redemption (*galut* and *ge'ulah)*, and the dynamics of authorized or unauthorized bloodshed (*shefikhut damim*) can be fruitfully engaged as an "emic" framework of philosophical theopolitics.

Moreover, in tracing related themes across a series of different thinkers from the eighteenth century to the twentieth, a pattern of ethical-political-philosophical reasoning emerges that may characterize modern Jewish thought in a broader sense. In this form of reasoning, concepts drawn from rabbinic tradition are employed specifically in the service of a sharp critique of typical approaches to reason in Enlightenment and post-Enlightenment thought. This alternative "Jewish-rabbinic" construction of reason is not "merely philosophical," but has radical practical implications in the spheres of ethics and politics, implying that the dominant tradition of Western philosophical thought is founded on an unjust and "unreasonable" basis of human sacrifice. As such, the cross-temporal approach taken in this study, bringing rabbinic texts from late antiquity into discussions of modern Jewish philosophical writings, helps to lay bare

assumptions that remain unquestioned or unconsciously taken for granted in many scholarly studies of modern thought and philosophy.

Rediscovering Rabbinic Dimensions of Modern Jewish Thought

This book also challenges common assumptions involving the very notion of "modern Jewish thought." Prominent scholarly trends have portrayed the German-Jewish thinkers studied here as more "modern" than "Jewish," and as putting forth constructions of Judaism largely shaped by and adapted to dominant trends in modern Western thought and culture, which has in turn been seen as a context in which Christian and/or secular modes of thought held sway. These modern German-Jewish thinkers are understood as departing from earlier Jewish understandings and as reshaping Judaism so as to fit in with the "non-Jewish" intellectual-cultural context in which they lived. Accordingly, their thought is often seen as downplaying or leaving out prominent elements of pre-modern rabbinic-Jewish conceptuality, particularly in the realm of the political. One formulation of this claim is that these thinkers seek to recast Judaism as a "religion" in an Enlightenment-era Protestant model, and that seeking to fit Judaism to this mold contributed to the removal of dimensions of communal-political particularity that marked previous rabbinic self-conceptions.[1]

In contrast, I argue that the German-Jewish thinkers examined here in fact preserved important elements of previous rabbinic political (or theo-political) conceptuality, in ways that have been passed over or misperceived by much contemporary scholarship.[2] With greater recognition of these elements (through the aid of comparison with classical rabbinic texts), we

[1] Leora Batnitzky helpfully maps out an account, shared in its basic shape by many other scholars, according to which Mendelssohn, Cohen, and Rosenzweig (among others) can be cast as adopting an Enlightenment-Protestant reshaping of Judaism as a "religion." While I argue that such an account overlooks important elements in these thinkers' ideas, it nevertheless represents a useful starting point for further engagement. See Batnitzky, *How Judaism Became a Religion: An Introduction to Modern Jewish Thought* (Princeton, NJ: Princeton University Press, 2011).

[2] While in each chapter I engage with various previous scholarly interpretations of the modern thinkers, I do not focus as much on tracing the history of precisely *how, when, and why* the "settled images" of these thinkers came about in scholarship. That is to say, it would be a worthwhile project to trace the history of how Mendelssohn came to be read in a manner that did not recognize the rabbinic and national-political dimensions of his thought: did this image of Mendelssohn become dominant very quickly after his death, and has it persisted largely on the basis of "received wisdom" without being substantively questioned? Or, were there shifts in the scholarly perception of Mendelssohn in the twentieth century that played a greater role in shaping today's image of him? (Cf. Michael Brenner, "The Construction and Deconstruction of a Jewish Hero: Moses Mendelssohn's Afterlife in Early-Twentieth-Century Germany," in *Mediating*

will be better able to see not only that these thinkers do preserve key elements of previous Jewish conceptuality, but that it is precisely these elements that help them to generate sharp challenges to hegemonic patterns of thought in their critical-philosophical expositions. In other words, while these thinkers are certainly influenced in various ways by engagement with the surrounding dominant culture in their accounts of Judaism, their philosophical stances, insights, and criticisms should also be viewed as shaped in important ways by the thinkers' relation to traditional Jewish-rabbinic conceptuality. While from one perspective the thinkers can be seen as "rationalizing Judaism," they can, from another perspective, be understood as "Judaizing reason." As we shall see, the role of Jewish conceptuality enters into their thought not simply in particular assertions about Judaism per se, but also in fundamental conceptions of human individuality, agency, ethics, politics, and relation to God. Through a radical rejection of sacrificing human life for the sake of political purposes or collective goals, the mode of reason that they construct stands in sharp contrast to a dominant mode of reason that ultimately negates the value of both individual life and the oneness of humanity.

Focus on Classical Rabbinic Texts

When juxtaposing the modern philosophical thinkers with earlier Jewish conceptuality, I focus primarily on classical rabbinic literature (in connection with biblical texts), rather than on medieval Jewish texts and writings. There are a number of reasons for this, including the fact that the thinkers themselves tend to devote more explicit attention to biblical and classical rabbinic texts. Even though the classical texts are further from the modern thinkers in time, they can provide us with more fruitful material for our comparisons.

Scholars have often viewed the modern thinkers as departing from aspects of previous Jewish tradition, but I argue that even (or precisely) where they depart from certain aspects of *medieval* rabbinic conceptuality,

Modernity: Challenges and Trends in the Jewish Encounter with the Modern World, ed. Lauren Strauss and Michael Brenner [Detroit, MI: Wayne State University Press, 2008], 274–289.) Similar questions can be applied to the prevailing scholarly images of Cohen, Rosenzweig, and Benjamin.

Within the confines of this book's project, I focus primarily on demonstrating that close textual and historical analysis of their writings gives rise to a substantially different understanding of these thinkers. If my arguments are convincing, further studies can use these alternative accounts as a critical basis for mapping out the fuller details of the previous history of dominant scholarly readings of them.

their thought often aligns closely with *classical* rabbinic conceptuality, particularly with regard to the theopolitical topics that we will be considering here.[3] As Alon Goshen-Gottstein has remarked in a related context, "The liberation of rabbinic theology from the reins of medieval theology is still underway."[4] That is to say, the distinction between classical rabbinic conceptuality and medieval rabbinic conceptuality is a distinction that has often been underdeveloped or even elided in modern and contemporary scholarship. In many cases, this elision takes the form of assuming that known medieval concepts are in basic continuity with classical rabbinic texts, and then interpreting the classical rabbinic texts in light of the medieval concepts. As a result, the more distinctive aspects of the classical rabbinic concepts and orientations are frequently lost to sight. By contrast, when classical rabbinic sources are examined with closer attention to their own historical contexts and without these medieval lenses, we find elements of discontinuity between classical rabbinic and medieval rabbinic thought. The recognition of this discontinuity can in turn clear the ground for discerning elements of continuity between classical rabbinic and modern Jewish thought.

Historically and sociologically speaking, these elements of conceptual continuity despite temporal distance need not be so surprising. On a cultural level, the modern Jewish thinkers examined here were writing in the wake of dominant trends, in relation to both Renaissance and Protestant developments, of *ad fontes*, back to the sources. Thus, precisely in their context as "modern" thinkers, the modern Jewish thinkers may be shaped by a tendency to place a renewed focus on earlier "classical" sources of Judaism, rather than on the medieval sources that more immediately preceded the modern era.[5] At a minimum, even without an active rejection

[3] On ways in which medieval Jewish theopolitical thought may be regarded as innovative in comparison with the rabbinic conceptuality that historically preceded it, see, e.g., David Novak, *The Jewish Social Contract: An Essay in Political Theology* (Princeton, NJ: Princeton University Press, 2005), 142–145; Menachem Lorberbaum, *Politics and the Limits of Law: Secularizing the Political in Medieval Jewish Thought* (Stanford, CA: Stanford University Press, 2002), 43–69; Yair Lorberbaum, "Maimonides on Imago Dei: Philosophy and Law – The Felony of Murder, the Criminal Procedure and Capital Punishment" [Hebrew], *Tarbiẓ* 68:4 (1999): 533–556.

[4] Alon Goshen-Gottstein, "The Body as Image of God in Rabbinic Literature," *Harvard Theological Review* 87:2 (1994): 171.

[5] Alan T. Levenson has traced the ways in which many modern Jewish thinkers sought to "return" to the Hebrew Bible, often in ways that bypassed rabbinic and medieval interpretations; see Levenson, *The Making of the Modern Jewish Bible: How Scholars in Germany, Israel, and America Transformed an Ancient Text* (Lanham, MD: Rowman & Littlefield, 2011). A parallel dynamic may characterize modern Jewish approaches to classical rabbinic texts (from Mendelssohn, S. R. Hirsch, and Geiger onward) that similarly often bypassed "traditional" medieval understandings.

of medieval traditions on their part, we can expect that they would have manifested a greater openness to reassessing earlier sources anew, with greater independence from those medieval assumptions, and to constructing modern understandings of Judaism on the basis of engagement with and re-reading of those earlier sources. As such, if we discern elements of discontinuity between these modern thinkers and medieval Jewish conceptuality, we need not understand this as an abandonment of "Jewish" concepts for "rational-secular" ones; rather, it can be understood as a sustained engagement with Jewish tradition with a consciously renewed emphasis on a specific *era* of Jewish tradition, as perceived by the modern thinkers. Such projects are most certainly *also* shaped by new orientations of modern thought, but questions of continuity and discontinuity are not straightforward, as greater alignment with "older" classical Jewish sources can arise precisely from new and "modern" impulses.

In addition, the changed social and political conditions of modernity can also account for a greater affinity between modern Jewish thinkers and classical rabbinic conceptuality. A key element of classical rabbinic texts, as emphasized by recent scholarship, is that those texts appear to have been edited and redacted in a context in which the rabbinic community did *not* hold hegemonic authority over "the Jewish community" as a whole. The classical rabbinic texts appear to be the product of a community that was relatively small compared to the wider groupings of "Jews" in late antiquity. Whatever broader "authority" the rabbinic group held vis-à-vis other Jews appears to have been on the level of voluntary adjudication, specifically without the ability to coercively enforce or practically impose their views on other Jews.[6] It was only later, in the Middle Ages, that inheritors of earlier rabbinic texts and traditions gained a more hegemonic position within Jewish communities, and Jewish communities could be more appropriately said to be governed by rabbinic authority. Thus, while the texts of medieval rabbinic Judaism were composed in a context in which rabbinic law functioned in a more coercively political role, the classical rabbinic texts, despite the fact that they contain much *theoretical* discussion of courts, laws, and penalties, were in fact composed in a context in which allegiance to and participation in the rabbinic intellectual

[6] On voluntary adjudication, see Hayim Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100–400 CE* (New York: Oxford University Press, 2012), 113–115. See also Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997), 450–466, 497. While the classical rabbis may have claimed for themselves a type of political authority in one sense, they did not claim that they themselves, in their own time, possessed the authority to carry out institutional forms of coercive legal punishment.

community entailed, in practical terms, a commitment to a form of Jewish life lived in the notable *absence* of rabbinic coercive power.

If the modern European Jewish transition "from strangers to citizens" entailed a dissolution of mechanisms of coercion previously internal to medieval Jewish communal governance,[7] this new situation may have returned Jews to a power situation functionally more similar to that of the rabbinic community in its previous late antique context. If the modern Jewish thinkers were attempting to reflect philosophically on Judaism in this new context, then the orientation displayed in the classical rabbinic texts would have taken on a renewed relevance. On the one hand, the new situation may have spurred increased direct engagement by modern thinkers with classical rabbinic texts and conceptuality as resources newly relevant to their changed circumstances. In this regard, we could expect to find resonances between modern Jewish thinkers and classical rabbinic texts because the modern thinkers now had stronger sociological reasons to draw upon or be drawn to such texts. On the other hand, regardless of the degree of direct textual engagement, the sociological parallels between the late antique rabbinic community and that of the modern Jewish thinkers could have played a role in "independently" generating modern Jewish responses that turned out to be conceptually similar to those of classical rabbinic literature. As such, comparative juxtaposition between the two enables us to fruitfully draw out various specific ideological-philosophical-theological dimensions of this sociologically undergirded elective affinity.

Unity and Diversity in Rabbinic Themes

While the fruits of the comparisons will soon become clear, it might at first appear questionable to speak of "rabbinic theology/conceptuality" in any unified sense, since with regard to many issues, the texts of classical rabbinic literature contain a wide diversity of differing and even contradictory views. In addition, the classical rabbinic corpus as a whole is comprised of collections spanning a wide range of centuries as well as geographical locations. As such, rather than claiming to compare the modern thinkers with "the ideas contained in classical rabbinic literature," a more circumspect description could say that this book compares the modern thinkers with a partial selection from out of the wide range of views contained in classical rabbinic literature.

[7] For a classic scholarly overview of this process, see Jacob Katz, *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770–1870* (Cambridge, MA: Harvard University Press, 1973).

At the same time, many stated disagreements and disputes within classical rabbinic texts are predicated on a prior and shared common base of agreement. Even though there may not be explicitly stated or top-down views that are necessarily held by all classical rabbinic voices, there are nevertheless a number of consistent themes that, upon empirical examination of the range of classical rabbinic texts, appear to be held in a broadly general and largely uniform manner. In my analyses, I aim to draw upon themes that constitute widely dominant views, and do not generally appear to be the subject of dispute and disagreement. Thus, without needing to assert absolute systematicity, my basic claims remain in keeping with the general sweep of classical rabbinic thought as well as with current scholarship on classical rabbinic literature.[8]

In terms of the specific rabbinic themes that I draw upon, some of the most salient are:

(1) The idea of the individual human being as the image of God (*tzelem elohim*). In classical rabbinic literature, this status applies to all individual human beings, whether from Israel or the nations. Furthermore, it is specifically the physically embodied and living human being (and not merely the soul or rational intellect) that is the image of God. As such, causing the physical death of an individual human being constitutes an annulment of the image of God, an act with both social-political and also grave metaphysical implications. In the classical rabbinic conception, bloodshed (*shefikhut damim*) therefore constitutes a transgression whose abhorrent character is outweighed by no other.[9]

(2) Furthermore, each individual human being is treated as the image of God in a manner not subject to utilitarian quantification or calculation. If, in a certain situation, it is forbidden to kill or cause the death a certain human being, then it remains forbidden to cause the death of that individual even for the sake of a "greater good," such as seeking to improve the social order or even to save the lives of other individuals. In this regard, the rabbinic notion

[8] On this methodological point, see also Chaim Milikowsky, "Notions of Exile, Subjugation and Return in Rabbinic Literature," in *Exile: Old Testament, Jewish, and Christian Conceptions*, ed. James M. Scott (Leiden: Brill, 1997), 295–296.

[9] For an extensive recent study on the embodied nature of *tzelem elohim* in classical rabbinic literature, see Yair Lorberbaum, *In God's Image, Myth, Theology, and Law in Classical Judaism* (Cambridge: Cambridge University Press, 2015); see also Goshen-Gottstein, "The Body as Image of God"; Daniel H. Weiss, "Embodied Cognition in Classical Rabbinic Literature," *Zygon: Journal of Religion and Science* 48:3 (2013): 788–807.

(Mishnah Ohalot 7:6) of "one does not set aside one life for the sake of another life" (*ein doḥin nefesh mipnei nefesh*; MS Kaufmann) is highly apposite. That which corresponds to the image of God is not simply human life in an abstract sense, but specifically each living individual.[10]

(3) While classical rabbinic law does contain regulations for acts involving killing – such as capital punishment or warfare – the texts simultaneously portray such actions as legitimate only in a context of direct divine authorization, whether through God's presence in the standing and operating Temple, or through prophecy, or through the priestly oracles of the Urim and Tumim. The activities that involve "legalized killing" are specifically framed as ones for which "merely human" judgment and authority is *not* sufficient for legitimately enacting them. This distinction between actions that can be legitimately engaged in without direct divine authorization and actions that require direct divine authorization in the moment of enactment is crucial for the classical rabbinic conceptual framework.[11] In this regard, the significant element for our analysis is less about ways that "Jewish legalized killing" may or may not have been carried out in historical actuality, and more about the ways in which the rabbinic texts conceptually and theologically *portray* the necessary divine authorization for such actions.

(4) Classical rabbinic texts present the present era as one in which the necessary direct divine authorization is not accessible to Israel: with the Temple destroyed and with prophecy and the Urim and Tumim having ceased, Israel currently lacks the necessary means for legitimately engaging in activities that require God's direct divine presence. While the activities of "legalized killing" remain legitimate in theory, they are treated by classical rabbinic texts as suspended in practice in the present era, along the same lines as the legalized or ritualized killing instantiated in animal sacrifice.[12]

[10] On rabbinic notions of the non-calculability of the value of individual life, see J. David Bleich, "Sacrificing the Few to Save the Many," *Tradition* 43:1 (2010): 78–86; Sol Roth, *Halakhah and Politics: The Jewish Idea of the State* (New York: KTAV, 1988), 109–110.

[11] Daniel H. Weiss, "Direct Divine Sanction, the Prohibition of Bloodshed, and the Individual as Image of God in Classical Rabbinic Literature," *Journal of the Society of Christian Ethics,* 32:2 (2012): 23–38; David S. Shapiro, "The Jewish Attitude towards War and Peace" [1934], in *Studies in Jewish Thought*, vol. 1 (New York: Yeshiva University Press, 1975), 343; Michael S. Berger, *Rabbinic Authority* (New York: Oxford University Press, 1998), 42–45.

[12] Michael S. Berger, "Taming the Beast: Rabbinic Pacification of Second-Century Jewish Nationalism," in *Belief and Bloodshed: Religion and Violence across Time and Tradition*, ed. James K. Wellman Jr. (Lanham, MD: Rowman & Littlefield, 2007), 47–62; Benjamin Sommer, "Did Prophecy Cease? Evaluating a Reevaluation," *Journal of Biblical Literature* 115:1 (1996): 31–47.

(5) The rabbinic conceptual framework, in which the necessary authorization for certain actions is presently in abeyance, is predicated on a distinction between the messianic future and the present era in which the redemption of Israel and the world has not yet taken place. While rabbinic texts spend considerable time discussing elements enactable only in the messianic future, these discussions may play a significant role in shaping their intended audience's theological outlook and practical orientation in the present world, both through a "negative" consciousness (that the world is currently *not* redeemed, and so still stands in need of redemption), and through a "positive" consciousness (since the current situation of non-redemption is not be treated as permanent or as "all that there will be," one should actively orient one's present life toward the coming future).[13]

(6) Given the combination of the declared need for direct divine authorization for certain actions and the normative theological assertion that such authorization is not currently possible, what is the classical rabbinic orientation towards Israel's present-day, pre-messianic communal and individual life? The rabbinic texts emphasize the importance of continued engagement with the various "suspended" elements through the act of daily *Torah study of* those elements and their halakhic and theological dimensions. In the pre-messianic world, one retains a strong connection to those elements, but via study rather than direct enactment. At the same time, the rabbinic texts emphasize that Israel, as a nation in exile, should retain a "patriotic" attitude towards their own suspended institutions, and should not participate in other nations' institutions of state-level violence. Israel is to trust that God will eventually restore Israel's suspended institutions, and Israel should wait faithfully for God to do so, engaging in the meantime in *mitzvot*, repentance, and Torah study.[14]

[13] Cf. Ben Zion Wacholder, *Mishnah and Messianism: Time and Place in the Early Halakhah* (Cincinnati, OH: Hebrew Union College Press, 1979), esp. 7–10, 37–38.

[14] Jacob Neusner, *Vanquished Nation, Broken Spirit: The Virtues of the Heart in Formative Judaism* (Cambridge: Cambridge University Press, 1987); Milikowsky, "Notions of Exile, Subjugation, and Return"; Israel Jacob Yuval, "The Myth of the Jewish Exile from the Land of Israel: A Demonstration of Irenic Scholarship," *Common Knowledge* 12:1 (2006): 16–33; Daniel H. Weiss, "A Nation without Borders?: Modern European Emancipation as Negation of Galut," *Shofar: An Interdisciplinary Journal of Jewish Studies* 34:4 (2016): 71–97.